

HB3438



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3438

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

510 ILCS 70/3.01
510 ILCS 70/3.02

from Ch. 8, par. 703.01

Amends the Humane Care for Animals Act. Provides that in certain offenses involving injury to companion animals, except for a State licensed veterinary hospital, humane society, animal shelter, or kennel, the convicted individual shall pay the owner of the companion animal 3 times the value of the immediate, completed, or ongoing veterinary treatment related to the injury of the companion animal.

LRB100 09717 SLF 19886 b

A BILL FOR

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Humane Care for Animals Act is amended by
5 changing Sections 3.01 and 3.02 as follows:

6 (510 ILCS 70/3.01) (from Ch. 8, par. 703.01)

7 Sec. 3.01. Cruel treatment.

8 (a) No person or owner may beat, cruelly treat, torment,
9 starve, overwork or otherwise abuse any animal.

10 (b) No owner may abandon any animal where it may become a
11 public charge or may suffer injury, hunger or exposure.

12 (c) No owner of a dog or cat that is a companion animal may
13 expose the dog or cat in a manner that places the dog or cat in
14 a life-threatening situation for a prolonged period of time in
15 extreme heat or cold conditions that:

16 (1) results in injury to or death of the animal; or

17 (2) results in hypothermia, hyperthermia, frostbite,
18 or similar condition as diagnosed by a doctor of veterinary
19 medicine.

20 (c-5) Nothing in this Section shall prohibit an animal from
21 being impounded in an emergency situation under subsection (b)
22 of Section 12 of this Act.

23 (d) A person convicted of violating this Section is guilty

1 of a Class A misdemeanor. A second or subsequent conviction for
2 a violation of this Section is a Class 4 felony. In addition to
3 any other penalty provided by law, a person who is convicted of
4 violating subsection (a) upon a companion animal in the
5 presence of a child, as defined in Section 12-0.1 of the
6 Criminal Code of 2012, shall be subject to a fine of \$250 and
7 ordered to perform community service for not less than 100
8 hours. In addition to any other penalty provided by law, upon
9 conviction for violating this Section, the court may order the
10 convicted person to undergo a psychological or psychiatric
11 evaluation and to undergo any treatment at the convicted
12 person's expense that the court determines to be appropriate
13 after due consideration of the evidence. If the convicted
14 person is a juvenile or a companion animal hoarder, the court
15 must order the convicted person to undergo a psychological or
16 psychiatric evaluation and to undergo treatment that the court
17 determines to be appropriate after due consideration of the
18 evaluation. A person convicted of subsection (c), except for a
19 State licensed veterinary hospital, humane society, animal
20 shelter, or kennel, shall pay the owner of the companion animal
21 3 times the value of the immediate, completed, or ongoing
22 veterinary treatment related to the inquiry of the companion
23 animal.

24 (Source: P.A. 99-311, eff. 1-1-16; 99-357, eff. 1-1-16; 99-642,
25 eff. 7-28-16; 99-782, eff. 8-12-16.)

1 (510 ILCS 70/3.02)

2 Sec. 3.02. Aggravated cruelty.

3 (a) No person may intentionally commit an act that causes a
4 companion animal to suffer serious injury or death. Aggravated
5 cruelty does not include euthanasia of a companion animal
6 through recognized methods approved by the Department of
7 Agriculture unless prohibited under subsection (b).

8 (b) No individual, except a licensed veterinarian as
9 exempted under Section 3.09, may knowingly or intentionally
10 euthanize or authorize the euthanasia of a companion animal by
11 use of carbon monoxide.

12 (c) A person convicted of violating Section 3.02 is guilty
13 of a Class 4 felony. A second or subsequent violation is a
14 Class 3 felony. In addition to any other penalty provided by
15 law, upon conviction for violating this Section, the court may
16 order the convicted person to undergo a psychological or
17 psychiatric evaluation and to undergo any treatment at the
18 convicted person's expense that the court determines to be
19 appropriate after due consideration of the evaluation. If the
20 convicted person is a juvenile or a companion animal hoarder,
21 the court must order the convicted person to undergo a
22 psychological or psychiatric evaluation and to undergo
23 treatment that the court determines to be appropriate after due
24 consideration of the evaluation. A person convicted of this
25 Section, except for a State licensed veterinary hospital,
26 humane society, animal shelter, or kennel, shall pay the owner

1 of the companion animal 3 times the value of the immediate,
2 completed, or ongoing veterinary treatment related to the
3 inquiry of the companion animal.

4 (Source: P.A. 96-780, eff. 8-28-09.)