



Rep. David S. Olsen

Filed: 3/2/2018

10000HB4191ham002

LRB100 16222 SLF 36988 a

1 AMENDMENT TO HOUSE BILL 4191

2 AMENDMENT NO. _____. Amend House Bill 4191 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Humane Care for Animals Act is amended by
5 adding Section 7.2 as follows:

6 (510 ILCS 70/7.2 new)

7 Sec. 7.2. Persons removing a dog or cat from a locked
8 vehicle exempt from civil liability.

9 (a) In this Section, "harm" means injury or death.

10 (b) Except as provided in subsection (d) of this Section, a
11 person is immune from civil liability for property damage to a
12 locked vehicle when the damage results from forcible entry of
13 the vehicle to remove a dog or cat from the vehicle if the
14 person:

15 (1) determines the vehicle is locked or there is
16 otherwise no reasonable method for the dog or cat to exit

1 the vehicle;

2 (2) has a good faith belief that forcible entry into
3 the vehicle is necessary because the dog or cat is in
4 imminent danger of suffering harm if not immediately
5 removed from the vehicle, and based upon the circumstances
6 known to the person at the time, the belief is a reasonable
7 one;

8 (3) has made a good faith effort to contact a 9-1-1
9 emergency telephone system operator, law enforcement, or
10 the fire department, and if contact is not possible prior
11 to forcibly entering the vehicle, the person makes contact
12 as soon as possible after forcibly entering the vehicle;

13 (4) makes a good a faith effort to place a notice on
14 the vehicle's windshield with the person's contact
15 information, the reason entry was made, the location of the
16 dog or cat, and the fact that authorities have been
17 notified;

18 (5) remains with the dog or cat in a safe location
19 until law enforcement or emergency responders arrive; and

20 (6) uses no more force than necessary to enter the
21 vehicle to remove the dog or cat.

22 (c) A person shall not be immune from civil liability for
23 any damage or deprivation of property resulting from the
24 forcible entry of a vehicle for the purpose of removing a dog
25 or cat from the vehicle if the person's actions constitute
26 recklessness or willful or wanton misconduct with regard to the

1 entry of the vehicle.

2 Section 10. The Criminal Code of 2012 is amended by
3 changing Sections 21-1 and 21-2 as follows:

4 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

5 Sec. 21-1. Criminal damage to property.

6 (a) A person commits criminal damage to property when he or
7 she:

8 (1) knowingly damages any property of another;

9 (2) recklessly by means of fire or explosive damages
10 property of another;

11 (3) knowingly starts a fire on the land of another;

12 (4) knowingly injures a domestic animal of another
13 without his or her consent;

14 (5) knowingly deposits on the land or in the building
15 of another any stink bomb or any offensive smelling
16 compound and thereby intends to interfere with the use by
17 another of the land or building;

18 (6) knowingly damages any property, other than as
19 described in paragraph (2) of subsection (a) of Section
20 20-1, with intent to defraud an insurer;

21 (7) knowingly shoots a firearm at any portion of a
22 railroad train;

23 (8) knowingly, without proper authorization, cuts,
24 injures, damages, defaces, destroys, or tampers with any

1 fire hydrant or any public or private fire fighting
2 equipment, or any apparatus appertaining to fire fighting
3 equipment; or

4 (9) intentionally, without proper authorization, opens
5 any fire hydrant.

6 (b) When the charge of criminal damage to property
7 exceeding a specified value is brought, the extent of the
8 damage is an element of the offense to be resolved by the trier
9 of fact as either exceeding or not exceeding the specified
10 value.

11 (c) It is an affirmative defense to a violation of
12 paragraph (1), (3), or (5) of subsection (a) of this Section
13 that the owner of the property or land damaged consented to the
14 damage.

15 (c-5) It is an affirmative defense to a violation of
16 paragraph (1) of subsection (a) of this Section when the damage
17 to a locked vehicle results from forcible entry to remove a dog
18 or cat from the vehicle if the person:

19 (1) determines the vehicle is locked or there is
20 otherwise no reasonable method for the dog or cat to exit
21 the vehicle;

22 (2) has a good faith belief that forcible entry into
23 the vehicle is necessary because a dog or cat is in
24 imminent danger of suffering harm if not immediately
25 removed from the vehicle, and based upon the circumstances
26 known to the person at the time, the belief is a reasonable

1 one;

2 (3) has made a good faith effort to contact a 9-1-1
3 emergency telephone system operator, law enforcement, or
4 the fire department, and if contact is not possible prior
5 to forcibly entering the vehicle, the person makes contact
6 as soon as possible after forcibly entering the vehicle;

7 (4) makes a good a faith effort to place a notice on
8 the vehicle's windshield with the person's contact
9 information, the reason entry was made, the location of the
10 dog or cat, and the fact that authorities have been
11 notified;

12 (5) remains with the dog or cat in a safe location
13 until law enforcement or emergency responders arrive; and

14 (6) uses no more force than necessary to enter the
15 vehicle to remove the dog or cat.

16 (d) Sentence.

17 (1) A violation of subsection (a) shall have the
18 following penalties:

19 (A) A violation of paragraph (8) or (9) is a Class
20 B misdemeanor.

21 (B) A violation of paragraph (1), (2), (3), (5), or
22 (6) is a Class A misdemeanor when the damage to
23 property does not exceed \$500.

24 (C) A violation of paragraph (1), (2), (3), (5), or
25 (6) is a Class 4 felony when the damage to property
26 does not exceed \$500 and the damage occurs to property

1 of a school or place of worship or to farm equipment or
2 immovable items of agricultural production, including
3 but not limited to grain elevators, grain bins, and
4 barns or property which memorializes or honors an
5 individual or group of police officers, fire fighters,
6 members of the United States Armed Forces, National
7 Guard, or veterans.

8 (D) A violation of paragraph (4) is a Class 4
9 felony when the damage to property does not exceed
10 \$10,000.

11 (E) A violation of paragraph (7) is a Class 4
12 felony.

13 (F) A violation of paragraph (1), (2), (3), (5) or
14 (6) is a Class 4 felony when the damage to property
15 exceeds \$500 but does not exceed \$10,000.

16 (G) A violation of paragraphs (1) through (6) is a
17 Class 3 felony when the damage to property exceeds \$500
18 but does not exceed \$10,000 and the damage occurs to
19 property of a school or place of worship or to farm
20 equipment or immovable items of agricultural
21 production, including but not limited to grain
22 elevators, grain bins, and barns or property which
23 memorializes or honors an individual or group of police
24 officers, fire fighters, members of the United States
25 Armed Forces, National Guard, or veterans.

26 (H) A violation of paragraphs (1) through (6) is a

1 Class 3 felony when the damage to property exceeds
2 \$10,000 but does not exceed \$100,000.

3 (I) A violation of paragraphs (1) through (6) is a
4 Class 2 felony when the damage to property exceeds
5 \$10,000 but does not exceed \$100,000 and the damage
6 occurs to property of a school or place of worship or
7 to farm equipment or immovable items of agricultural
8 production, including but not limited to grain
9 elevators, grain bins, and barns or property which
10 memorializes or honors an individual or group of police
11 officers, fire fighters, members of the United States
12 Armed Forces, National Guard, or veterans.

13 (J) A violation of paragraphs (1) through (6) is a
14 Class 2 felony when the damage to property exceeds
15 \$100,000. A violation of paragraphs (1) through (6) is
16 a Class 1 felony when the damage to property exceeds
17 \$100,000 and the damage occurs to property of a school
18 or place of worship or to farm equipment or immovable
19 items of agricultural production, including but not
20 limited to grain elevators, grain bins, and barns or
21 property which memorializes or honors an individual or
22 group of police officers, fire fighters, members of the
23 United States Armed Forces, National Guard, or
24 veterans.

25 (2) When the damage to property exceeds \$10,000, the
26 court shall impose upon the offender a fine equal to the

1 value of the damages to the property.

2 (3) In addition to any other sentence that may be
3 imposed, a court shall order any person convicted of
4 criminal damage to property to perform community service
5 for not less than 30 and not more than 120 hours, if
6 community service is available in the jurisdiction and is
7 funded and approved by the county board of the county where
8 the offense was committed. In addition, whenever any person
9 is placed on supervision for an alleged offense under this
10 Section, the supervision shall be conditioned upon the
11 performance of the community service.

12 The community service requirement does not apply when
13 the court imposes a sentence of incarceration.

14 (4) In addition to any criminal penalties imposed for a
15 violation of this Section, if a person is convicted of or
16 placed on supervision for knowingly damaging or destroying
17 crops of another, including crops intended for personal,
18 commercial, research, or developmental purposes, the
19 person is liable in a civil action to the owner of any
20 crops damaged or destroyed for money damages up to twice
21 the market value of the crops damaged or destroyed.

22 (5) For the purposes of this subsection (d), "farm
23 equipment" means machinery or other equipment used in
24 farming.

25 (Source: P.A. 98-315, eff. 1-1-14; 99-631, eff. 1-1-17.)

1 (720 ILCS 5/21-2) (from Ch. 38, par. 21-2)

2 Sec. 21-2. Criminal trespass to vehicles.

3 (a) A person commits criminal trespass to vehicles when he
4 or she knowingly and without authority enters any part of or
5 operates any vehicle, aircraft, watercraft, or snowmobile.

6 (a-5) It is an affirmative defense to a violation of this
7 Section when entry to a locked vehicle is for removal of a dog
8 or cat from the vehicle if the person:

9 (1) determines the vehicle is locked or there is
10 otherwise no reasonable method for the dog or cat to exit
11 the vehicle;

12 (2) has a good faith belief that forcible entry into
13 the vehicle is necessary because a dog or cat is in
14 imminent danger of suffering harm if not immediately
15 removed from the vehicle, and based upon the circumstances
16 known to the person at the time, the belief is a reasonable
17 one;

18 (3) has made a good faith effort to contact a 9-1-1
19 emergency telephone system operator, law enforcement, or
20 the fire department, and if contact is not possible prior
21 to forcibly entering the vehicle, the person makes contact
22 as soon as possible after forcibly entering the vehicle;

23 (4) makes a good a faith effort to place a notice on
24 the vehicle's windshield with the person's contact
25 information, the reason entry was made, the location of the
26 dog or cat, and the fact that authorities have been

1 notified;

2 (5) remains with the dog or cat in a safe location
3 until law enforcement or emergency responders arrive; and

4 (6) uses no more force than necessary to enter the
5 vehicle to remove the dog or cat.

6 (b) Sentence. Criminal trespass to vehicles is a Class A
7 misdemeanor.

8 (Source: P.A. 97-1108, eff. 1-1-13.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."