



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4603

by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

See Index

Amends the Humane Care for Animals Act. Provides that a person who willfully or maliciously tortures, mutilates, injures, disables, poisons, or kills any animal used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when placed in confinement off duty, any service animal, any search and rescue dog, any law enforcement, service, or search and rescue animal in training, or any accelerant detection canine used by a fire officer for arson investigations in the performance of his or her functions or while off duty is guilty of a Class 3 felony (rather than a Class 4 felony) if the animal is killed or totally disabled and a person is guilty of a Class 2 felony (rather than a Class 3 felony) if the animal is killed or totally disabled. Provides that a person who kills or severely injures any animal used by a law enforcement department or agency in the performance of the functions or duties of the department or agency of when placed off duty, any service animal, any search and rescue dog, any law enforcement, service, or search and rescue animal in training, or any accelerant detection canine used by a fire officer for arson investigations in the performance of his or her functions or while off duty, while he or she is in the commission of a felony, is guilty of a Class 2 felony. Provides that a person may not recklessly permit a dog that is owned, harbored, or controlled by the person and off its owner's property or at large to cause injury to or the death of a guide, hearing, or support dog. Makes other changes.

LRB100 18531 SLF 33749 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 1. This Act may be referred to as Draco's Law.

5 Section 5. The Humane Care for Animals Act is amended by
6 changing Sections 4.04 and 7.15 as follows:

7 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

8 Sec. 4.04. Injuring or killing police animals, service
9 animals, accelerant detection dogs, or search and rescue dogs
10 prohibited.

11 (a) It shall be unlawful for any person to willfully or
12 maliciously torture, mutilate, injure, disable, poison, or
13 kill (i) any animal used by a law enforcement department or
14 agency in the performance of the functions or duties of the
15 department or agency or when placed in confinement off duty,
16 (ii) any service animal, (iii) any search and rescue dog, (iv)
17 any law enforcement, service, or search and rescue animal in
18 training, or (v) any accelerant detection canine used by a fire
19 officer for arson investigations in the performance of his or
20 her functions or while off duty. However, a police officer or
21 veterinarian may perform euthanasia in emergency situations
22 when delay would cause the animal undue suffering and pain.

1 A person convicted of violating this subsection ~~Section~~ is
2 guilty of a Class 3 ~~4~~ felony if the animal is not killed or
3 totally disabled; if the animal is killed or totally disabled,
4 the person is guilty of a Class 2 ~~3~~ felony.

5 (b) A person who kills or severely injures (i) any animal
6 used by a law enforcement department or agency in the
7 performance of the functions or duties of the department or
8 agency when placed off duty, (ii) any service animal, (iii) any
9 search and rescue dog, (iv) any law enforcement, service, or
10 search and rescue animal in training, or (v) any accelerant
11 detection canine used by a fire officer for arson
12 investigations in the performance of his or her functions or
13 while off duty, while he or she is in the commission of a
14 felony, is guilty of a Class 2 felony.

15 (c) If the offender is found to be guilty under this
16 Section, the offender shall be responsible for any veterinarian
17 bills for an animal that was injured, and training costs for
18 another animal, if the animal injured or killed is no longer
19 able to be in service.

20 (d) A person is not in violation of this Section if the
21 animal used by a law enforcement department or agency was used
22 against the person in violation of the law enforcement
23 department or agency's use of force continuum or policy.

24 (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07;
25 96-1171, eff. 7-22-10.)

1 (510 ILCS 70/7.15)

2 Sec. 7.15. Guide, hearing, and support dogs.

3 (a) A person may not willfully and maliciously annoy,
4 taunt, tease, harass, torment, beat, or strike a guide,
5 hearing, or support dog or otherwise engage in any conduct
6 directed toward a guide, hearing, or support dog that is likely
7 to impede or interfere with the dog's performance of its duties
8 or that places the blind, hearing impaired, or person with a
9 physical disability being served or assisted by the dog in
10 danger of injury.

11 (b) A person may not willfully and maliciously torture,
12 injure, or kill a guide, hearing, or support dog.

13 (c) A person may not willfully and maliciously permit a dog
14 that is owned, harbored, or controlled by the person to cause
15 injury to or the death of a guide, hearing, or support dog
16 ~~while the guide, hearing, or support dog is in discharge of its~~
17 ~~duties.~~

18 (c-5) A person may not recklessly permit a dog that is
19 owned, harbored, or controlled by the person and off its
20 owner's property or at large to cause injury to or the death of
21 a guide, hearing, or support dog.

22 (d) A person convicted of violating this Section is guilty
23 of a Class A misdemeanor. A second or subsequent violation is a
24 Class 4 felony. A person convicted of violating subsection (b)
25 or (c) of this Section is guilty of a Class 4 felony if the dog
26 is killed or totally disabled, and may be ordered by the court

1 to make restitution to the person with a disability having
2 custody or ownership of the dog for veterinary bills and
3 replacement costs of the dog. A person convicted of violating
4 subsection (c-5) of this Section is guilty of a petty offense
5 if the dog is not killed or totally disabled. A person
6 convicted of violating subsection (c-5) of this Section is
7 guilty of a Class C misdemeanor if the dog is killed or totally
8 disabled, and may be ordered by the court to make restitution
9 to the person with a disability having custody or ownership of
10 the dog for veterinary bills and replacement costs of the dog.
11 A person convicted of a second or subsequent violation of
12 subsection (c-5) of this Section is guilty of a Class 4 felony
13 if the dog is killed or totally disabled, and may be ordered by
14 the court to make restitution to the person with a disability
15 having custody or ownership of the dog for veterinary bill and
16 replacement costs of the dog. The remedies provided in this
17 Section are in addition to any other remedies provided by law.

18 (Source: P.A. 99-143, eff. 7-27-15.)

1 INDEX

2 Statutes amended in order of appearance

3 510 ILCS 70/4.04 from Ch. 8, par. 704.04

4 510 ILCS 70/7.15