



Sen. Linda Holmes

Filed: 5/24/2018

10000HB5477sam001

LRB100 20183 SLF 40683 a

1 AMENDMENT TO HOUSE BILL 5477

2 AMENDMENT NO. _____. Amend House Bill 5477 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 (c) 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,
10 animal control, or the fire department, and if contact is
11 not possible prior to forcibly entering the vehicle, the
12 person makes contact as soon as possible after forcibly
13 entering the vehicle;

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

19 (5) remains with the dog or cat in a safe location
20 until the owner arrives, at which time the owner shall take
21 immediate custody of the dog or cat. If the owner does not
22 arrive before a law enforcement officer, emergency
23 responder, or animal control officer, the person shall
24 surrender the dog or cat to the law enforcement officer,
25 emergency responder, or animal control officer who shall
26 seek veterinary care if he or she deems necessary. If

1 veterinary care is not deemed necessary, the law
2 enforcement officer, emergency responder, or animal
3 control officer shall attempt to locate the owner and if
4 located, shall surrender the dog or cat to the owner. If
5 the law enforcement officer, emergency responder, or
6 animal control officer cannot locate the owner, animal
7 control shall take custody of the dog or cat under Section
8 9 of the Animal Control Act and notice shall be placed on
9 the vehicle's windshield with information of where the dog
10 or cat is located;

11 (6) uses no more force than necessary to enter the
12 vehicle to remove the dog or cat; and

13 (7) provides the person's name, address, telephone
14 number, and any other pertinent contact information to the
15 law enforcement officer, emergency responder, or animal
16 control officer.

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

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

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

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

3 (a) A person commits criminal damage to property when he or
4 she:

5 (1) knowingly damages any property of another;

6 (2) recklessly by means of fire or explosive damages
7 property of another;

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

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

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

15 (6) knowingly damages any property, other than as
16 described in paragraph (2) of subsection (a) of Section
17 20-1, with intent to defraud an insurer;

18 (7) knowingly shoots a firearm at any portion of a
19 railroad train;

20 (8) knowingly, without proper authorization, cuts,
21 injures, damages, defaces, destroys, or tampers with any
22 fire hydrant or any public or private fire fighting
23 equipment, or any apparatus appertaining to fire fighting
24 equipment; or

25 (9) intentionally, without proper authorization, opens
26 any fire hydrant.

1 (b) When the charge of criminal damage to property
2 exceeding a specified value is brought, the extent of the
3 damage is an element of the offense to be resolved by the trier
4 of fact as either exceeding or not exceeding the specified
5 value.

6 (c) It is an affirmative defense to a violation of
7 paragraph (1), (3), or (5) of subsection (a) of this Section
8 that the owner of the property or land damaged consented to the
9 damage.

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

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

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

23 (3) has made a good faith effort to contact a 9-1-1
24 emergency telephone system operator, law enforcement,
25 animal control, or the fire department, and if contact is
26 not possible prior to forcibly entering the vehicle, the

1 person makes contact as soon as possible after forcibly
2 entering the vehicle;

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

8 (5) remains with the dog or cat in a safe location
9 until the owner arrives, at which time the owner shall take
10 immediate custody of the dog or cat. If the owner does not
11 arrive before a law enforcement officer, emergency
12 responder, or animal control officer, the person shall
13 surrender the dog or cat to the law enforcement officer,
14 emergency responder, or animal control officer who shall
15 seek veterinary care if he or she deems necessary. If
16 veterinary care is not deemed necessary, the law
17 enforcement officer, emergency responder, or animal
18 control officer shall attempt to locate the owner and if
19 located, shall surrender the dog or cat to the owner. If
20 the law enforcement officer, emergency responder, or
21 animal control officer cannot locate the owner, animal
22 control shall take custody of the dog or cat under Section
23 9 of the Animal Control Act and notice shall be placed on
24 the vehicle's windshield with information of where the dog
25 or cat is located;

26 (6) uses no more force than necessary to enter the

1 vehicle to remove the dog or cat; and

2 (7) provides the person's name, address, telephone
3 number, and any other pertinent contact information to the
4 law enforcement officer, emergency responder, or animal
5 control officer.

6 (d) Sentence.

7 (1) A violation of subsection (a) shall have the
8 following penalties:

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

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

14 (C) A violation of paragraph (1), (2), (3), (5), or
15 (6) is a Class 4 felony when the damage to property
16 does not exceed \$500 and the damage occurs to property
17 of a school or place of worship or to farm equipment or
18 immovable items of agricultural production, including
19 but not limited to grain elevators, grain bins, and
20 barns or property which memorializes or honors an
21 individual or group of police officers, fire fighters,
22 members of the United States Armed Forces, National
23 Guard, or veterans.

24 (D) A violation of paragraph (4) is a Class 4
25 felony when the damage to property does not exceed
26 \$10,000.

1 (E) A violation of paragraph (7) is a Class 4
2 felony.

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

6 (G) A violation of paragraphs (1) through (6) is a
7 Class 3 felony when the damage to property exceeds \$500
8 but does not exceed \$10,000 and the damage occurs to
9 property of a school or place of worship or to farm
10 equipment or immovable items of agricultural
11 production, including but not limited to grain
12 elevators, grain bins, and barns or property which
13 memorializes or honors an individual or group of police
14 officers, fire fighters, members of the United States
15 Armed Forces, National Guard, or veterans.

16 (H) A violation of paragraphs (1) through (6) is a
17 Class 3 felony when the damage to property exceeds
18 \$10,000 but does not exceed \$100,000.

19 (I) A violation of paragraphs (1) through (6) is a
20 Class 2 felony when the damage to property exceeds
21 \$10,000 but does not exceed \$100,000 and the damage
22 occurs to property of a school or place of worship or
23 to farm equipment or immovable items of agricultural
24 production, including but not limited to grain
25 elevators, grain bins, and barns or property which
26 memorializes or honors an individual or group of police

1 officers, fire fighters, members of the United States
2 Armed Forces, National Guard, or veterans.

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

15 (2) When the damage to property exceeds \$10,000, the
16 court shall impose upon the offender a fine equal to the
17 value of the damages to the property.

18 (3) In addition to any other sentence that may be
19 imposed, a court shall order any person convicted of
20 criminal damage to property to perform community service
21 for not less than 30 and not more than 120 hours, if
22 community service is available in the jurisdiction and is
23 funded and approved by the county board of the county where
24 the offense was committed. In addition, whenever any person
25 is placed on supervision for an alleged offense under this
26 Section, the supervision shall be conditioned upon the

1 performance of the community service.

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

4 (4) In addition to any criminal penalties imposed for a
5 violation of this Section, if a person is convicted of or
6 placed on supervision for knowingly damaging or destroying
7 crops of another, including crops intended for personal,
8 commercial, research, or developmental purposes, the
9 person is liable in a civil action to the owner of any
10 crops damaged or destroyed for money damages up to twice
11 the market value of the crops damaged or destroyed.

12 (5) For the purposes of this subsection (d), "farm
13 equipment" means machinery or other equipment used in
14 farming.

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

16 (720 ILCS 5/21-2) (from Ch. 38, par. 21-2)

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

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

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

24 (1) determines the vehicle is locked or there is
25 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 a 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,
10 animal control, or the fire department, and if contact is
11 not possible prior to forcibly entering the vehicle, the
12 person makes contact as soon as possible after forcibly
13 entering the vehicle;

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

19 (5) remains with the dog or cat in a safe location
20 until the owner arrives, at which time the owner shall take
21 immediate custody of the dog or cat. If the owner does not
22 arrive before a law enforcement officer, emergency
23 responder, or animal control officer, the person shall
24 surrender the dog or cat to the law enforcement officer,
25 emergency responder, or animal control officer who shall
26 seek veterinary care if he or she deems necessary. If

1 veterinary care is not deemed necessary, the law
2 enforcement officer, emergency responder, or animal
3 control officer shall attempt to locate the owner and if
4 located, shall surrender the dog or cat to the owner. If
5 the law enforcement officer, emergency responder, or
6 animal control officer cannot locate the owner, animal
7 control shall take custody of the dog or cat under Section
8 9 of the Animal Control Act and notice shall be placed on
9 the vehicle's windshield with information of where the dog
10 or cat is located;

11 (6) uses no more force than necessary to enter the
12 vehicle to remove the dog or cat; and

13 (7) provides the person's name, address, telephone
14 number, and any other pertinent contact information to the
15 law enforcement officer, emergency responder, or animal
16 control officer.

17 (b) Sentence. Criminal trespass to vehicles is a Class A
18 misdemeanor.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."