



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1312

Introduced 2/7/2019, by Sen. Jason Plummer

#### SYNOPSIS AS INTRODUCED:

510 ILCS 70/7.2 new

720 ILCS 5/21-1

720 ILCS 5/21-2

from Ch. 38, par. 21-1

from Ch. 38, par. 21-2

Amends the Humane Care for Animals Act. Provides that a person is immune from civil liability for property damage to a locked vehicle when the damage results from forcible entry of the vehicle to remove a dog or cat from the vehicle if certain circumstances occur. Amends the Criminal Code of 2012. Provides that it is an affirmative defense from criminal damage to property or criminal trespass to vehicles if the entry or damage to the locked vehicle results from removing a dog or cat from the vehicle if certain circumstances occur. Effective immediately.

LRB101 09356 SLF 54452 b

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 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 this Section, a person is immune  
11 from civil liability for property damage to a locked vehicle  
12 when the damage results from forcible entry of the vehicle to  
13 remove a dog 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 the 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

1 emergency telephone system operator, law enforcement, or  
2 the fire department, and if contact is not possible prior  
3 to forcibly entering the vehicle, the person makes contact  
4 as soon as possible after forcibly entering the vehicle;

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

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

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

14 (c) Nothing in this Section effects the person's civil  
15 liability if the person attempts to render aid to the animal in  
16 addition to what is authorized under this Section.

17 (d) 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) when the damage to a locked  
12 vehicle results from forcible entry to remove a dog or cat from  
13 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, or  
25 the fire department, and if contact is not possible prior  
26 to forcibly entering the vehicle, the person makes contact

1 as soon as possible after forcibly entering the vehicle;

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

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

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

11 Nothing in this Section effects the person's criminal  
12 liability if the person attempts to render aid to the animal in  
13 addition to what is authorized under this Section.

14 (d) Sentence.

15 (1) A violation of subsection (a) shall have the  
16 following penalties:

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

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

22 (C) A violation of paragraph (1), (2), (3), (5), or  
23 (6) is a Class 4 felony when the damage to property  
24 does not exceed \$500 and the damage occurs to property  
25 of a school or place of worship or to farm equipment or  
26 immovable items of agricultural production, including

1 but not limited to grain elevators, grain bins, and  
2 barns or property which memorializes or honors an  
3 individual or group of police officers, fire fighters,  
4 members of the United States Armed Forces, National  
5 Guard, or veterans.

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

9 (E) A violation of paragraph (7) is a Class 4  
10 felony.

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

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

24 (H) A violation of paragraphs (1) through (6) is a  
25 Class 3 felony when the damage to property exceeds  
26 \$10,000 but does not exceed \$100,000.

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

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

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

26 (3) In addition to any other sentence that may be



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

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

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

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

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

24 (720 ILCS 5/21-2) (from Ch. 38, par. 21-2)  
25 Sec. 21-2. Criminal trespass to vehicles.

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

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

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

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

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

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

26 (5) remains with the dog or cat in a safe location

1       until law enforcement or emergency responders arrive; and  
2           (6) uses no more force than necessary to enter the  
3       vehicle to remove the dog or cat.

4       Nothing in this Section effects the person's criminal  
5       liability if the person attempts to render aid to the animal in  
6       addition to what is authorized under this Section.

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

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

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