



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5541

Introduced 1/27/2006, by Rep. Mark H. Beaubien, Jr.

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1071	from Ch. 34, par. 5-1071
510 ILCS 5/2.01a new	
510 ILCS 5/2.19a-5 new	
510 ILCS 5/3	from Ch. 8, par. 353
510 ILCS 5/9.1 new	
510 ILCS 5/15	from Ch. 8, par. 365
510 ILCS 5/15.4 new	
510 ILCS 5/15.5 new	
730 ILCS 5/5-5-3.2	from Ch. 38, par. 1005-5-3.2

Amends the Counties Code to eliminate a limitation on fines or penalties in excess of \$50 for dogs running at large. Amends the Animal Control Act. Provides that a county board may appoint an Administrative Law Judge to conduct an administrative hearing to determine that a dog is vicious under the Act. Sets forth certain requirements for being an Administrative Law Judge. Authorizes an animal control officer or law enforcement officer who determines, upon investigation, that probable cause exists to believe a dog poses an immediate threat to public safety to seize and impound the dog. Sets forth certain provisions relating to a vicious dog determination by an Administrative Law Judge. Provides that in a court determination that a dog is vicious, the judge has the discretion to order that the vicious dog be euthanized. Sets forth that an owner of a dog that is impounded or found to be vicious has 35 days before that dog may be euthanized (now, 15 days). Requires the Department to establish and maintain an Internet website containing information on dogs declared vicious or dangerous. Authorizes the State's Attorney for the county in which the dog exists to file a complaint in the circuit court asking that the court declare a dog to be an uncontrollable vicious dog. Provides that a dog found to be an uncontrollable vicious dog by the circuit court shall be euthanized. Amends the Unified Code of Corrections. In a Section setting forth reasons to impose an extended term sentence, authorizes such an extension when a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged. Effective immediately.

LRB094 19395 RSP 55069 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Counties Code is amended by changing Section
5 5-1071 as follows:

6 (55 ILCS 5/5-1071) (from Ch. 34, par. 5-1071)

7 Sec. 5-1071. Dogs running at large. The county board of
8 each county may regulate and prohibit the running at large of
9 dogs in unincorporated areas of the county which have been
10 subdivided for residence purposes. The county board may impose
11 such fines or penalties as are deemed proper to effectuate any
12 such regulation or prohibition of dogs running at large, except
13 when a fine or penalty is already allowed by law. ~~No fine or~~
14 ~~penalty may exceed \$50 for any one offense.~~

15 (Source: P.A. 86-962.)

16 Section 10. The Animal Control Act is amended by changing
17 Sections 3 and 15 and by adding Sections 2.01a, 2.19a-5, 9.1,
18 15.4, and 15.5 as follows:

19 (510 ILCS 5/2.01a new)

20 Sec. 2.01a. "Administrative law judge" means an individual
21 appointed based on merit by the County Board to hear cases
22 involving vicious dogs.

23 (510 ILCS 5/2.19a-5 new)

24 Sec. 2.19a-5. "Uncontrollable vicious dog" means a dog that
25 without justification in an unpredictable manner attacks
26 humans and causes serious physical injury or death to multiple
27 victims.

28 (510 ILCS 5/3) (from Ch. 8, par. 353)

1 Sec. 3. The County Board Chairman with the consent of the
2 County Board shall appoint an Administrator. Appointments
3 shall be made as necessary to keep this position filled at all
4 times. The Administrator may appoint as many Deputy
5 Administrators and Animal Control Wardens to aid him or her as
6 authorized by the Board. The compensation for the
7 Administrator, Deputy Administrators, and Animal Control
8 Wardens shall be fixed by the Board. The Administrator may be
9 removed from office by the County Board Chairman, with the
10 consent of the County Board.

11 The Board shall provide necessary personnel, training,
12 equipment, supplies, and facilities, and shall operate pounds
13 or contract for their operation as necessary to effectuate the
14 program. The Board may enter into contracts or agreements with
15 persons to assist in the operation of the program and may
16 establish a county animal population control program.

17 The Board may appoint an Administrative Law Judge to
18 conduct vicious dog hearings for a specified term, not on a
19 case by case basis. The Administrative Law Judge shall have 30
20 or more Continuing Legal Education hours of formal and
21 accredited judicial or Administrative Law Judge training. The
22 proceeding shall be a formal evidentiary hearing. There shall
23 be no ex parte communications with either party regarding
24 pending cases or policy.

25 The Board shall be empowered to utilize monies from their
26 General Corporate Fund to effectuate the intent of this Act.

27 The Board is authorized by ordinance to require the
28 registration and may require microchipping of dogs and cats.
29 The Board shall impose an individual dog or cat registration
30 fee with a minimum differential of \$10 for intact dogs or cats.
31 Ten dollars of the differential shall be placed either in a
32 county animal population control fund or in the State's Pet
33 Population Control Fund. If the money is placed in the county
34 animal population control fund it shall be used to (i) spay,
35 neuter, or sterilize adopted dogs or cats or (ii) spay or
36 neuter dogs or cats owned by low income county residents who

1 are eligible for the Food Stamp Program. All persons selling
2 dogs or cats or keeping registries of dogs or cats shall
3 cooperate and provide information to the Administrator as
4 required by Board ordinance, including sales, number of
5 litters, and ownership of dogs and cats. If microchips are
6 required, the microchip number may serve as the county animal
7 control registration number.

8 In obtaining information required to implement this Act,
9 the Department shall have power to subpoena and bring before it
10 any person in this State and to take testimony either orally or
11 by deposition, or both, with the same fees and mileage and in
12 the same manner as prescribed by law for civil cases in courts
13 of this State.

14 The Director shall have power to administer oaths to
15 witnesses at any hearing which the Department is authorized by
16 law to conduct, and any other oaths required or authorized in
17 any Act administered by the Department.

18 This Section does not apply to feral cats.
19 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

20 (510 ILCS 5/9.1 new)

21 Sec. 9.1. Authority to seize and impound an animal posing
22 an immediate threat to public safety. If upon investigation it
23 is determined by the animal control officer or law enforcement
24 officer that probable cause exists to believe that a dog in
25 question poses an immediate threat to public safety, then the
26 animal control officer or law enforcement officer may seize and
27 impound the dog pending a dangerous or vicious dog hearing to
28 be held pursuant to this Act.

29 (510 ILCS 5/15) (from Ch. 8, par. 365)

30 Sec. 15. (a) In order to have a dog deemed "vicious", the
31 Administrator, Deputy Administrator, or law enforcement
32 officer must give notice of the infraction that is the basis of
33 the investigation to the owner, conduct a thorough
34 investigation, interview any witnesses, including the owner,

1 gather any existing medical records, veterinary medical
2 records or behavioral evidence, and make a detailed report
3 recommending a finding that the dog is a vicious dog and give
4 the report to ~~the States Attorney's Office~~ and the owner. The
5 county clerk shall schedule an administrative hearing pursuant
6 to the filing and notice requirements of the Illinois
7 Administrative Procedure Act before an Administrative Law
8 Judge as defined in this Act or give the report to the State's
9 Attorneys Office. The Administrator, State's Attorney,
10 Director or any citizen of the county in which the dog exists
11 may file a complaint in the circuit court in the name of the
12 People of the State of Illinois to deem a dog to be a vicious
13 dog. Testimony of a certified applied behaviorist, a board
14 certified veterinary behaviorist, or another recognized expert
15 may be relevant to the court's or the Administrative Law
16 Judge's determination of whether the dog's behavior was
17 justified. The petitioner must prove the dog is a vicious dog
18 by clear and convincing evidence. The Administrator shall
19 determine where the animal shall be confined during the
20 pendency of the case.

21 A dog may not be declared vicious if the court or the
22 Administrative Law Judge determines the conduct of the dog was
23 justified because:

24 (1) the threat, injury, or death was sustained by a
25 person who at the time was committing a crime or offense
26 upon the owner or custodian of the dog, or was committing a
27 willful trespass or other tort upon the premises or
28 property owned or occupied by the owner of the animal;

29 (2) the injured, threatened, or killed person was
30 abusing, assaulting, or physically threatening the dog or
31 its offspring, or has in the past abused, assaulted, or
32 physically threatened the dog or its offspring; or

33 (3) the dog was responding to pain or injury, or was
34 protecting itself, its owner, custodian, or member of its
35 household, kennel, or offspring.

36 No dog shall be deemed "vicious" if it is a professionally

1 trained dog for law enforcement or guard duties. Vicious dogs
2 shall not be classified in a manner that is specific as to
3 breed.

4 If the burden of proof has been met, the court or the
5 Administrative Law Judge shall deem the dog to be a vicious
6 dog.

7 If a dog is found to be a vicious dog, the owner shall pay a
8 \$100 public safety fine to be deposited into the Pet Population
9 Control Fund, the dog shall be spayed or neutered within 10
10 days of the finding at the expense of its owner and
11 microchipped, if not already, and the dog is subject to
12 enclosure. If an owner fails to comply with these requirements,
13 the animal control agency shall impound the dog and the owner
14 shall pay a \$500 fine plus impoundment fees to the animal
15 control agency impounding the dog. In a court determination
16 that a dog is a vicious dog, the ~~The~~ judge has the discretion
17 to order a vicious dog be euthanized. A dog found to be a
18 vicious dog shall not be released to the owner until the
19 Administrator, an Animal Control Warden, or the Director
20 approves the enclosure. No owner or keeper of a vicious dog
21 shall sell or give away the dog without approval from the
22 Administrator or court. Whenever an owner of a vicious dog
23 relocates, he or she shall notify both the Administrator of
24 County Animal Control where he or she has relocated and the
25 Administrator of County Animal Control where he or she formerly
26 resided.

27 The owner of a dog found to be vicious pursuant to this Act
28 by administrative proceeding may file a complaint against the
29 county in the circuit court within 35 days of receipt of
30 notification of the administrative determination for a de novo
31 hearing on the determination. The proceeding shall be conducted
32 as a civil hearing pursuant to the Illinois rules of evidence
33 and the rules of civil procedure including the discovery
34 provisions. Upon hearing both parties' evidence, the court may
35 make a determination that a dog is a vicious dog if the county
36 meets its burden of proof of clear and convincing evidence. The

1 final order of the circuit court may be appealed pursuant to
2 the civil appeals provisions of the Illinois Supreme Court.

3 (b) It shall be unlawful for any person to keep or maintain
4 any dog which has been found to be a vicious dog unless the dog
5 is kept in an enclosure. The only times that a vicious dog may
6 be allowed out of the enclosure are (1) if it is necessary for
7 the owner or keeper to obtain veterinary care for the dog, (2)
8 in the case of an emergency or natural disaster where the dog's
9 life is threatened, or (3) to comply with the order of a court
10 of competent jurisdiction, provided that the dog is securely
11 muzzled and restrained with a leash not exceeding 6 feet in
12 length, and shall be under the direct control and supervision
13 of the owner or keeper of the dog or muzzled in its residence.

14 Any dog which has been found to be a vicious dog and which
15 is not confined to an enclosure shall be impounded by the
16 Administrator, an Animal Control Warden, or the law enforcement
17 authority having jurisdiction in such area.

18 If the owner of the dog has not appealed the order of
19 euthanasia or impoundment order to the circuit court in the
20 county in which the animal was impounded within 35 ~~45~~ working
21 days, the dog may be euthanized.

22 Upon filing a notice of appeal, the order of euthanasia
23 shall be automatically stayed pending the outcome of the
24 appeal. ~~The owner shall bear the burden of timely notification~~
25 ~~to animal control in writing.~~

26 Guide dogs for the blind or hearing impaired, support dogs
27 for the physically handicapped, and sentry, guard, or
28 police-owned dogs are exempt from this Section; provided, an
29 attack or injury to a person occurs while the dog is performing
30 duties as expected. To qualify for exemption under this
31 Section, each such dog shall be currently inoculated against
32 rabies in accordance with Section 8 of this Act. It shall be
33 the duty of the owner of such exempted dog to notify the
34 Administrator of changes of address. In the case of a sentry or
35 guard dog, the owner shall keep the Administrator advised of
36 the location where such dog will be stationed. The

1 Administrator shall provide police and fire departments with a
2 categorized list of such exempted dogs, and shall promptly
3 notify such departments of any address changes reported to him.

4 (c) If the animal control agency has custody of the dog,
5 the agency may file a petition with the court requesting that
6 the owner be ordered to post security. The security must be in
7 an amount sufficient to secure payment of all reasonable
8 expenses expected to be incurred by the animal control agency
9 or animal shelter in caring for and providing for the dog
10 pending the determination. Reasonable expenses include, but
11 are not limited to, estimated medical care and boarding of the
12 animal for 30 days. If security has been posted in accordance
13 with this Section, the animal control agency may draw from the
14 security the actual costs incurred by the agency in caring for
15 the dog.

16 (d) Upon receipt of a petition, the court must set a
17 hearing on the petition, to be conducted within 5 business days
18 after the petition is filed. The petitioner must serve a true
19 copy of the petition upon the defendant.

20 (e) If the court orders the posting of security, the
21 security must be posted with the clerk of the court within 5
22 business days after the hearing. If the person ordered to post
23 security does not do so, the dog is forfeited by operation of
24 law and the animal control agency must dispose of the animal
25 through adoption or humane euthanization.

26 (f) If an animal is found to be a vicious dog, all costs of
27 impoundment, disposition, boarding, and medical or other costs
28 related to the determination that the dog is vicious shall be
29 borne by the owner.

30 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

31 (510 ILCS 5/15.4 new)

32 Sec. 15.4. Dangerous dog website. Beginning 60 days after
33 the effective date of this amendatory Act, the Department shall
34 establish and maintain an Internet website containing
35 information on dogs declared vicious or dangerous under this

1 Act. The information posted shall include the dog's current
2 location, a description of the dog, the microchip number of the
3 dog, a photograph of the dog, the date declared dangerous or
4 vicious, and the registration number of the dog. The Department
5 shall establish, by administrative rule, fees to be assessed
6 against the owner of a vicious or dangerous dog to cover the
7 reasonable and necessary costs of the creation and maintenance
8 of this website.

9 (510 ILCS 5/15.5 new)

10 Sec. 15.5. Uncontrollable vicious dog. The State's
11 Attorney for the county in which the dog exists may file a
12 complaint in the circuit court in the name of the people of the
13 State of Illinois asking that a dog be declared to be an
14 uncontrollable vicious dog. A dog may not be declared to be an
15 uncontrollable vicious dog if the court determines that the
16 conduct of the dog was justified because:

17 (1) the threat, injury, or death was sustained by a
18 person who at the time was committing a crime or offense
19 upon the owner or custodian of the dog, or was committing a
20 willful trespass or other tort upon the premises or
21 property owned or occupied by the owner of the animal;

22 (2) the injured, threatened, or killed person was
23 abusing, assaulting, or physically threatening the dog or
24 its offspring, or has in the past abused, assaulted, or
25 physically threatened the dog or its offspring; or

26 (3) the dog was responding to pain or injury, or was
27 protecting itself, its owner, custodian, or member of its
28 household, kennel, or offspring.

29 Testimony of a certified applied behaviorist, a board certified
30 veterinary behaviorist, or another recognized expert may be
31 relevant as to whether the dog's behavior was justified. The
32 petitioner must prove that the dog is an uncontrollable vicious
33 dog by clear and convincing evidence. A dog found to be an
34 uncontrollable vicious dog by the circuit court shall be
35 euthanized. The final order of the circuit court may be

1 appealed pursuant to the civil appeals provisions of the
2 Illinois Supreme Court.

3 Section 15. The Unified Code of Corrections is amended by
4 changing Section 5-5-3.2 as follows:

5 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

6 Sec. 5-5-3.2. Factors in Aggravation.

7 (a) The following factors shall be accorded weight in favor
8 of imposing a term of imprisonment or may be considered by the
9 court as reasons to impose a more severe sentence under Section
10 5-8-1:

11 (1) the defendant's conduct caused or threatened
12 serious harm;

13 (2) the defendant received compensation for committing
14 the offense;

15 (3) the defendant has a history of prior delinquency or
16 criminal activity;

17 (4) the defendant, by the duties of his office or by
18 his position, was obliged to prevent the particular offense
19 committed or to bring the offenders committing it to
20 justice;

21 (5) the defendant held public office at the time of the
22 offense, and the offense related to the conduct of that
23 office;

24 (6) the defendant utilized his professional reputation
25 or position in the community to commit the offense, or to
26 afford him an easier means of committing it;

27 (7) the sentence is necessary to deter others from
28 committing the same crime;

29 (8) the defendant committed the offense against a
30 person 60 years of age or older or such person's property;

31 (9) the defendant committed the offense against a
32 person who is physically handicapped or such person's
33 property;

34 (10) by reason of another individual's actual or

1 perceived race, color, creed, religion, ancestry, gender,
2 sexual orientation, physical or mental disability, or
3 national origin, the defendant committed the offense
4 against (i) the person or property of that individual; (ii)
5 the person or property of a person who has an association
6 with, is married to, or has a friendship with the other
7 individual; or (iii) the person or property of a relative
8 (by blood or marriage) of a person described in clause (i)
9 or (ii). For the purposes of this Section, "sexual
10 orientation" means heterosexuality, homosexuality, or
11 bisexuality;

12 (11) the offense took place in a place of worship or on
13 the grounds of a place of worship, immediately prior to,
14 during or immediately following worship services. For
15 purposes of this subparagraph, "place of worship" shall
16 mean any church, synagogue or other building, structure or
17 place used primarily for religious worship;

18 (12) the defendant was convicted of a felony committed
19 while he was released on bail or his own recognizance
20 pending trial for a prior felony and was convicted of such
21 prior felony, or the defendant was convicted of a felony
22 committed while he was serving a period of probation,
23 conditional discharge, or mandatory supervised release
24 under subsection (d) of Section 5-8-1 for a prior felony;

25 (13) the defendant committed or attempted to commit a
26 felony while he was wearing a bulletproof vest. For the
27 purposes of this paragraph (13), a bulletproof vest is any
28 device which is designed for the purpose of protecting the
29 wearer from bullets, shot or other lethal projectiles;

30 (14) the defendant held a position of trust or
31 supervision such as, but not limited to, family member as
32 defined in Section 12-12 of the Criminal Code of 1961,
33 teacher, scout leader, baby sitter, or day care worker, in
34 relation to a victim under 18 years of age, and the
35 defendant committed an offense in violation of Section
36 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,

1 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
2 against that victim;

3 (15) the defendant committed an offense related to the
4 activities of an organized gang. For the purposes of this
5 factor, "organized gang" has the meaning ascribed to it in
6 Section 10 of the Streetgang Terrorism Omnibus Prevention
7 Act;

8 (16) the defendant committed an offense in violation of
9 one of the following Sections while in a school, regardless
10 of the time of day or time of year; on any conveyance
11 owned, leased, or contracted by a school to transport
12 students to or from school or a school related activity; on
13 the real property of a school; or on a public way within
14 1,000 feet of the real property comprising any school:
15 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
18 33A-2 of the Criminal Code of 1961;

19 (16.5) the defendant committed an offense in violation
20 of one of the following Sections while in a day care
21 center, regardless of the time of day or time of year; on
22 the real property of a day care center, regardless of the
23 time of day or time of year; or on a public way within
24 1,000 feet of the real property comprising any day care
25 center, regardless of the time of day or time of year:
26 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
27 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
28 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
29 33A-2 of the Criminal Code of 1961;

30 (17) the defendant committed the offense by reason of
31 any person's activity as a community policing volunteer or
32 to prevent any person from engaging in activity as a
33 community policing volunteer. For the purpose of this
34 Section, "community policing volunteer" has the meaning
35 ascribed to it in Section 2-3.5 of the Criminal Code of
36 1961;

1 (18) the defendant committed the offense in a nursing
2 home or on the real property comprising a nursing home. For
3 the purposes of this paragraph (18), "nursing home" means a
4 skilled nursing or intermediate long term care facility
5 that is subject to license by the Illinois Department of
6 Public Health under the Nursing Home Care Act;

7 (19) the defendant was a federally licensed firearm
8 dealer and was previously convicted of a violation of
9 subsection (a) of Section 3 of the Firearm Owners
10 Identification Card Act and has now committed either a
11 felony violation of the Firearm Owners Identification Card
12 Act or an act of armed violence while armed with a firearm;

13 ~~or~~

14 (20) the defendant (i) committed the offense of
15 reckless homicide under Section 9-3 of the Criminal Code of
16 1961 or the offense of driving under the influence of
17 alcohol, other drug or drugs, intoxicating compound or
18 compounds or any combination thereof under Section 11-501
19 of the Illinois Vehicle Code or a similar provision of a
20 local ordinance and (ii) was operating a motor vehicle in
21 excess of 20 miles per hour over the posted speed limit as
22 provided in Article VI of Chapter 11 of the Illinois
23 Vehicle Code; or-

24 (21) ~~(20)~~ the defendant (i) committed the offense of
25 reckless driving or aggravated reckless driving under
26 Section 11-503 of the Illinois Vehicle Code and (ii) was
27 operating a motor vehicle in excess of 20 miles per hour
28 over the posted speed limit as provided in Article VI of
29 Chapter 11 of the Illinois Vehicle Code.

30 For the purposes of this Section:

31 "School" is defined as a public or private elementary or
32 secondary school, community college, college, or university.

33 "Day care center" means a public or private State certified
34 and licensed day care center as defined in Section 2.09 of the
35 Child Care Act of 1969 that displays a sign in plain view
36 stating that the property is a day care center.

1 (b) The following factors may be considered by the court as
2 reasons to impose an extended term sentence under Section 5-8-2
3 upon any offender:

4 (1) When a defendant is convicted of any felony, after
5 having been previously convicted in Illinois or any other
6 jurisdiction of the same or similar class felony or greater
7 class felony, when such conviction has occurred within 10
8 years after the previous conviction, excluding time spent
9 in custody, and such charges are separately brought and
10 tried and arise out of different series of acts; or

11 (2) When a defendant is convicted of any felony and the
12 court finds that the offense was accompanied by
13 exceptionally brutal or heinous behavior indicative of
14 wanton cruelty; or

15 (3) When a defendant is convicted of voluntary
16 manslaughter, second degree murder, involuntary
17 manslaughter or reckless homicide in which the defendant
18 has been convicted of causing the death of more than one
19 individual; or

20 (4) When a defendant is convicted of any felony
21 committed against:

22 (i) a person under 12 years of age at the time of
23 the offense or such person's property;

24 (ii) a person 60 years of age or older at the time
25 of the offense or such person's property; or

26 (iii) a person physically handicapped at the time
27 of the offense or such person's property; or

28 (5) In the case of a defendant convicted of aggravated
29 criminal sexual assault or criminal sexual assault, when
30 the court finds that aggravated criminal sexual assault or
31 criminal sexual assault was also committed on the same
32 victim by one or more other individuals, and the defendant
33 voluntarily participated in the crime with the knowledge of
34 the participation of the others in the crime, and the
35 commission of the crime was part of a single course of
36 conduct during which there was no substantial change in the

1 nature of the criminal objective; or

2 (6) When a defendant is convicted of any felony and the
3 offense involved any of the following types of specific
4 misconduct committed as part of a ceremony, rite,
5 initiation, observance, performance, practice or activity
6 of any actual or ostensible religious, fraternal, or social
7 group:

8 (i) the brutalizing or torturing of humans or
9 animals;

10 (ii) the theft of human corpses;

11 (iii) the kidnapping of humans;

12 (iv) the desecration of any cemetery, religious,
13 fraternal, business, governmental, educational, or
14 other building or property; or

15 (v) ritualized abuse of a child; or

16 (7) When a defendant is convicted of first degree
17 murder, after having been previously convicted in Illinois
18 of any offense listed under paragraph (c)(2) of Section
19 5-5-3, when such conviction has occurred within 10 years
20 after the previous conviction, excluding time spent in
21 custody, and such charges are separately brought and tried
22 and arise out of different series of acts; or

23 (8) When a defendant is convicted of a felony other
24 than conspiracy and the court finds that the felony was
25 committed under an agreement with 2 or more other persons
26 to commit that offense and the defendant, with respect to
27 the other individuals, occupied a position of organizer,
28 supervisor, financier, or any other position of management
29 or leadership, and the court further finds that the felony
30 committed was related to or in furtherance of the criminal
31 activities of an organized gang or was motivated by the
32 defendant's leadership in an organized gang; or

33 (9) When a defendant is convicted of a felony violation
34 of Section 24-1 of the Criminal Code of 1961 and the court
35 finds that the defendant is a member of an organized gang;
36 or

1 (10) When a defendant committed the offense using a
2 firearm with a laser sight attached to it. For purposes of
3 this paragraph (10), "laser sight" has the meaning ascribed
4 to it in Section 24.6-5 of the Criminal Code of 1961; or

5 (11) When a defendant who was at least 17 years of age
6 at the time of the commission of the offense is convicted
7 of a felony and has been previously adjudicated a
8 delinquent minor under the Juvenile Court Act of 1987 for
9 an act that if committed by an adult would be a Class X or
10 Class 1 felony when the conviction has occurred within 10
11 years after the previous adjudication, excluding time
12 spent in custody; or

13 (12) When a defendant commits an offense involving the
14 illegal manufacture of a controlled substance under
15 Section 401 of the Illinois Controlled Substances Act, the
16 illegal manufacture of methamphetamine under Section 25 of
17 the Methamphetamine Control and Community Protection Act,
18 or the illegal possession of explosives and an emergency
19 response officer in the performance of his or her duties is
20 killed or injured at the scene of the offense while
21 responding to the emergency caused by the commission of the
22 offense. In this paragraph (12), "emergency" means a
23 situation in which a person's life, health, or safety is in
24 jeopardy; and "emergency response officer" means a peace
25 officer, community policing volunteer, fireman, emergency
26 medical technician-ambulance, emergency medical
27 technician-intermediate, emergency medical
28 technician-paramedic, ambulance driver, other medical
29 assistance or first aid personnel, or hospital emergency
30 room personnel; or -

31 (13) When a defendant commits any felony and the
32 defendant used, possessed, exercised control over, or
33 otherwise directed an animal to assault a law enforcement
34 officer engaged in the execution of his or her official
35 duties or in furtherance of the criminal activities of an
36 organized gang in which the defendant is engaged.

1 (b-1) For the purposes of this Section, "organized gang"
2 has the meaning ascribed to it in Section 10 of the Illinois
3 Streetgang Terrorism Omnibus Prevention Act.

4 (c) The court may impose an extended term sentence under
5 Section 5-8-2 upon any offender who was convicted of aggravated
6 criminal sexual assault or predatory criminal sexual assault of
7 a child under subsection (a)(1) of Section 12-14.1 of the
8 Criminal Code of 1961 where the victim was under 18 years of
9 age at the time of the commission of the offense.

10 (d) The court may impose an extended term sentence under
11 Section 5-8-2 upon any offender who was convicted of unlawful
12 use of weapons under Section 24-1 of the Criminal Code of 1961
13 for possessing a weapon that is not readily distinguishable as
14 one of the weapons enumerated in Section 24-1 of the Criminal
15 Code of 1961.

16 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
17 eff. 9-11-05; revised 8-19-05.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.