

HB1656



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1656

by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

720 ILCS 5/48-10

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning dangerous animals.

LRB098 05807 RLC 35846 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 48-10 as follows:

6 (720 ILCS 5/48-10)

7 Sec. 48-10. Dangerous animals.

8 (a) Definitions. As used in this ~~this~~ Section, unless the
9 context otherwise requires:

10 "Dangerous animal" means a lion, tiger, leopard,
11 ocelot, jaguar, cheetah, margay, mountain lion, lynx,
12 bobcat, jaguarundi, bear, hyena, wolf or coyote, or any
13 poisonous or life-threatening reptile.

14 "Owner" means any person who (1) has a right of
15 property in a dangerous animal or primate, (2) keeps or
16 harbors a dangerous animal or primate, (3) has a dangerous
17 animal or primate in his or her care, or (4) acts as
18 custodian of a dangerous animal or primate.

19 "Person" means any individual, firm, association,
20 partnership, corporation, or other legal entity, any
21 public or private institution, the State, or any municipal
22 corporation or political subdivision of the State.

23 "Primate" means a nonhuman member of the order primate,

1 including but not limited to chimpanzee, gorilla,
2 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,
3 and tarsier.

4 (b) Dangerous animal or primate offense. No person shall
5 have a right of property in, keep, harbor, care for, act as
6 custodian of or maintain in his or her possession any dangerous
7 animal or primate except at a properly maintained zoological
8 park, federally licensed exhibit, circus, college or
9 university, scientific institution, research laboratory,
10 veterinary hospital, hound running area, or animal refuge in an
11 escape-proof enclosure.

12 (c) Exemptions.

13 (1) This Section does not prohibit a person who had
14 lawful possession of a primate before January 1, 2011, from
15 continuing to possess that primate if the person registers
16 the animal by providing written notification to the local
17 animal control administrator on or before April 1, 2011.
18 The notification shall include:

19 (A) the person's name, address, and telephone
20 number; and

21 (B) the type of primate, the age, a photograph, a
22 description of any tattoo, microchip, or other
23 identifying information, and a list of current
24 inoculations.

25 (2) This Section does not prohibit a person who is
26 permanently disabled with a severe mobility impairment

1 from possessing a single capuchin monkey to assist the
2 person in performing daily tasks if:

3 (A) the capuchin monkey was obtained from and
4 trained at a licensed nonprofit organization described
5 in Section 501(c)(3) of the Internal Revenue Code of
6 1986, the nonprofit tax status of which was obtained on
7 the basis of a mission to improve the quality of life
8 of severely mobility-impaired individuals; and

9 (B) the person complies with the notification
10 requirements as described in paragraph (1) of this
11 subsection (c).

12 (d) A person who registers a primate shall notify the local
13 animal control administrator within 30 days of a change of
14 address. If the person moves to another locality within the
15 State, the person shall register the primate with the new local
16 animal control administrator within 30 days of moving by
17 providing written notification as provided in paragraph (1) of
18 subsection (c) and shall include proof of the prior
19 registration.

20 (e) A person who registers a primate shall notify the local
21 animal control administrator immediately if the primate dies,
22 escapes, or bites, scratches, or injures a person.

23 (f) It is no defense to a violation of subsection (b) that
24 the person violating subsection (b) has attempted to
25 domesticate the dangerous animal. If there appears to be
26 imminent danger to the public, any dangerous animal found not

1 in compliance with the provisions of this Section shall be
2 subject to seizure and may immediately be placed in an approved
3 facility. Upon the conviction of a person for a violation of
4 subsection (b), the animal with regard to which the conviction
5 was obtained shall be confiscated and placed in an approved
6 facility, with the owner responsible for all costs connected
7 with the seizure and confiscation of the animal. Approved
8 facilities include, but are not limited to, a zoological park,
9 federally licensed exhibit, humane society, veterinary
10 hospital or animal refuge.

11 (g) Sentence. Any person violating this Section is guilty
12 of a Class C misdemeanor. Any corporation or partnership, any
13 officer, director, manager or managerial agent of the
14 partnership or corporation who violates this Section or causes
15 the partnership or corporation to violate this Section is
16 guilty of a Class C misdemeanor. Each day of violation
17 constitutes a separate offense.

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