



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2234

Introduced 1/13/2016, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

| | |
|------------------|-------------------------|
| 510 ILCS 70/3 | from Ch. 8, par. 703 |
| 510 ILCS 70/3.01 | from Ch. 8, par. 703.01 |
| 510 ILCS 70/3.02 | |
| 510 ILCS 70/3.03 | |
| 510 ILCS 70/6 | from Ch. 8, par. 706 |
| 510 ILCS 70/7 | from Ch. 8, par. 707 |
| 510 ILCS 70/7.1 | from Ch. 8, par. 707.1 |

Amends the Humane Care for Animals Act. Provides that a person who commits specified offenses against more than one animal may be charged with a separate offense for each animal that was treated in a manner violating the Act. Effective immediately.

LRB099 15794 MGM 40103 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 5. The Humane Care for Animals Act is amended by
5 changing Sections 3, 3.01, 3.02, 3.03, 6, 7, and 7.1 as
6 follows:

7 (510 ILCS 70/3) (from Ch. 8, par. 703)

8 Sec. 3. Owner's duties.

9 (a) Each owner shall provide for each of his or her
10 animals:

11 (1) a sufficient quantity of good quality, wholesome
12 food and water;

13 (2) adequate shelter and protection from the weather;

14 (3) veterinary care when needed to prevent suffering;

15 and

16 (4) humane care and treatment.

17 (b) To lawfully tether a dog outdoors, an owner must ensure
18 that the dog:

19 (1) does not suffer from a condition that is known, by
20 that person, to be exacerbated by tethering;

21 (2) is tethered in a manner that will prevent it from
22 becoming entangled with other tethered dogs;

23 (3) is not tethered with a lead that (i) exceeds

1 one-eighth of the dog's body weight or (ii) is a tow chain
2 or a log chain;

3 (4) is tethered with a lead that measures, when rounded
4 to the nearest whole foot, at least 10 feet in length;

5 (5) is tethered with a properly fitting harness or
6 collar other than the lead or a pinch, prong, or choke-type
7 collar; and

8 (6) is not tethered in a manner that will allow it to
9 reach within the property of another person, a public
10 walkway, or a road.

11 (c) Subsection (b) of this Section shall not be construed
12 to prohibit:

13 (1) a person from walking a dog with a hand-held leash;

14 (2) conduct that is directly related to the cultivating
15 of agricultural products, including shepherding or herding
16 cattle or livestock, if the restraint is reasonably
17 necessary for the safety of the dog;

18 (3) the tethering of a dog while at an organized and
19 lawful animal function, such as hunting, obedience
20 training, performance and conformance events, or law
21 enforcement training, or while in the pursuit of working or
22 competing in those endeavors; or

23 (4) a dog restrained in compliance with the
24 requirements of a camping or recreational area as defined
25 by a federal, State, or local authority or jurisdiction.

26 (d) A person convicted of violating subsection (a) of this

1 Section is guilty of a Class B misdemeanor. A second or
2 subsequent violation of subsection (a) of this Section is a
3 Class 4 felony with every day that a violation continues
4 constituting a separate offense. In addition to any other
5 penalty provided by law, upon conviction for violating
6 subsection (a) of this Section, the court may order the
7 convicted person to undergo a psychological or psychiatric
8 evaluation and to undergo any treatment at the convicted
9 person's expense that the court determines to be appropriate
10 after due consideration of the evaluation. If the convicted
11 person is a juvenile or a companion animal hoarder, the court
12 must order the convicted person to undergo a psychological or
13 psychiatric evaluation and to undergo treatment that the court
14 determines to be appropriate after due consideration of the
15 evaluation.

16 (e) A person convicted of violating subsection (b) of this
17 Section is guilty of a Class B misdemeanor. A person who
18 commits a violation of this Section against more than one
19 animal may be charged with a separate offense for each animal
20 that was treated in a manner violating this Section.

21 (f) As used in this Section, "tether" means to restrain by
22 tying to an object or structure, including, without limitation,
23 a house, tree, fence, post, garage, shed, or clothes line at a
24 person's residence or business, by any means, including,
25 without limitation, a chain, rope, cord, leash, or running
26 line.

1 (Source: P.A. 98-101, eff. 1-1-14.)

2 (510 ILCS 70/3.01) (from Ch. 8, par. 703.01)

3 Sec. 3.01. Cruel treatment.

4 (a) No person or owner may beat, cruelly treat, torment,
5 starve, overwork or otherwise abuse any animal.

6 (b) No owner may abandon any animal where it may become a
7 public charge or may suffer injury, hunger or exposure.

8 (c) No owner of a dog or cat that is a companion animal may
9 expose the dog or cat in a manner that places the dog or cat in
10 a life-threatening situation for a prolonged period of time in
11 extreme heat or cold conditions that results in injury to or
12 death of the animal.

13 (d) ~~(e)~~ A person convicted of violating this Section is
14 guilty of a Class A misdemeanor. A second or subsequent
15 conviction for a violation of this Section is a Class 4 felony.
16 In addition to any other penalty provided by law, a person who
17 is convicted of violating subsection (a) upon a companion
18 animal in the presence of a child, as defined in Section 12-0.1
19 of the Criminal Code of 2012, shall be subject to a fine of
20 \$250 and ordered to perform community service for not less than
21 100 hours. In addition to any other penalty provided by law,
22 upon conviction for violating this Section, the court may order
23 the convicted person to undergo a psychological or psychiatric
24 evaluation and to undergo any treatment at the convicted
25 person's expense that the court determines to be appropriate

1 after due consideration of the evidence. If the convicted
2 person is a juvenile or a companion animal hoarder, the court
3 must order the convicted person to undergo a psychological or
4 psychiatric evaluation and to undergo treatment that the court
5 determines to be appropriate after due consideration of the
6 evaluation. A person who commits a violation of this Section
7 against more than one animal may be charged with a separate
8 offense for each animal that was treated in a manner violating
9 this Section.

10 (Source: P.A. 99-311, eff. 1-1-16; 99-357, eff. 1-1-16; revised
11 10-20-15.)

12 (510 ILCS 70/3.02)

13 Sec. 3.02. Aggravated cruelty.

14 (a) No person may intentionally commit an act that causes a
15 companion animal to suffer serious injury or death. Aggravated
16 cruelty does not include euthanasia of a companion animal
17 through recognized methods approved by the Department of
18 Agriculture unless prohibited under subsection (b).

19 (b) No individual, except a licensed veterinarian as
20 exempted under Section 3.09, may knowingly or intentionally
21 euthanize or authorize the euthanasia of a companion animal by
22 use of carbon monoxide.

23 (c) A person convicted of violating Section 3.02 is guilty
24 of a Class 4 felony. A second or subsequent violation is a
25 Class 3 felony. In addition to any other penalty provided by

1 law, upon conviction for violating this Section, the court may
2 order the convicted person to undergo a psychological or
3 psychiatric evaluation and to undergo any treatment at the
4 convicted person's expense that the court determines to be
5 appropriate after due consideration of the evaluation. If the
6 convicted person is a juvenile or a companion animal hoarder,
7 the court must order the convicted person to undergo a
8 psychological or psychiatric evaluation and to undergo
9 treatment that the court determines to be appropriate after due
10 consideration of the evaluation. A person who commits a
11 violation of this Section against more than one animal may be
12 charged with a separate offense for each animal that was
13 treated in a manner violating this Section.

14 (Source: P.A. 96-780, eff. 8-28-09.)

15 (510 ILCS 70/3.03)

16 Sec. 3.03. Animal torture.

17 (a) A person commits animal torture when that person
18 without legal justification knowingly or intentionally
19 tortures an animal. For purposes of this Section, and subject
20 to subsection (b), "torture" means infliction of or subjection
21 to extreme physical pain, motivated by an intent to increase or
22 prolong the pain, suffering, or agony of the animal.

23 (b) For the purposes of this Section, "animal torture" does
24 not include any death, harm, or injury caused to any animal by
25 any of the following activities:

1 (1) any hunting, fishing, trapping, or other activity
2 allowed under the Wildlife Code, the Wildlife Habitat
3 Management Areas Act, or the Fish and Aquatic Life Code;

4 (2) any alteration or destruction of any animal done by
5 any person or unit of government pursuant to statute,
6 ordinance, court order, or the direction of a licensed
7 veterinarian;

8 (3) any alteration or destruction of any animal by any
9 person for any legitimate purpose, including, but not
10 limited to: castration, culling, declawing, defanging, ear
11 cropping, euthanasia, gelding, grooming, neutering,
12 polling, shearing, shoeing, slaughtering, spaying, tail
13 docking, and vivisection; and

14 (4) any other activity that may be lawfully done to an
15 animal.

16 (c) A person convicted of violating this Section is guilty
17 of a Class 3 felony. As a condition of the sentence imposed
18 under this Section, the court shall order the offender to
19 undergo a psychological or psychiatric evaluation and to
20 undergo treatment that the court determines to be appropriate
21 after due consideration of the evaluation. A person who commits
22 a violation of this Section against more than one animal may be
23 charged with a separate offense for each animal that was
24 treated in a manner violating this Section.

25 (Source: P.A. 91-351, eff. 7-29-99; 92-650, eff. 7-11-02.)

1 (510 ILCS 70/6) (from Ch. 8, par. 706)

2 Sec. 6. Poisoning prohibited. No person may knowingly
3 poison or cause to be poisoned any dog or other domestic
4 animal. The only exception will be by written permit from the
5 Department for the purpose of controlling diseases
6 transmissible to humans or other animals and only when all
7 other methods and means have been exhausted. Such a written
8 permit shall name the person or persons conducting the
9 poisoning, specify the products to be used, give the boundaries
10 of the area involved, and specify the precautionary measures to
11 be employed to insure the safety of humans and other animals.

12 This Section does not prohibit the use of a euthanasia drug
13 by a euthanasia agency for the purpose of animal euthanasia,
14 provided that the euthanasia drug is used by or under the
15 direction of a licensed veterinarian or certified euthanasia
16 technician, all as defined in and subject to the Humane
17 Euthanasia in Animal Shelters Act.

18 A person convicted of violating this Section or any rule,
19 regulation, or order of the Department pursuant thereto is
20 guilty of a Class A misdemeanor. A second or subsequent
21 violation is a Class 4 felony. A person who commits a violation
22 of this Section against more than one animal may be charged
23 with a separate offense for each animal that was treated in a
24 manner violating this Section.

25 (Source: P.A. 92-650, eff. 7-11-02.)

1 (510 ILCS 70/7) (from Ch. 8, par. 707)

2 Sec. 7. Confinement or detention during transportation. No
3 owner, railroad or other common carrier may, when transporting
4 any animal, allow that animal to be confined in any type of
5 conveyance more than 28 consecutive hours without being
6 exercised as necessary for that particular type of animal and
7 without being properly rested, fed and watered; except that a
8 reasonable extension of this time limit shall be granted when a
9 storm or accident causes a delay. In the case of default of the
10 owner or consignee, the company transporting the animal shall
11 exercise the animal, when necessary for the particular type of
12 animal and for the proper resting, feeding, watering and
13 sheltering of such animal, and shall have a lien upon the
14 animal until all expenses resulting therefrom have been paid.

15 Any person who intentionally or negligently without
16 jurisdiction of law detains a shipment of livestock long enough
17 to endanger the health or safety of the livestock is liable to
18 the owner for any diminution in the value or death of the
19 livestock.

20 Authorities detaining a livestock shipment shall give
21 priority to the health and safety of the animals and shall
22 expeditiously handle any legal violation so that the intact
23 shipment may safely reach its designated destination.

24 A person convicted of violating this Section or any rule,
25 regulation, or order of the Department pursuant thereto, is
26 guilty of a Class B misdemeanor. A second or subsequent

1 violation is a Class 4 felony, with every day that a violation
2 continues constituting a separate offense. A person who commits
3 a violation of this Section against more than one animal may be
4 charged with a separate offense for each animal that was
5 treated in a manner violating this Section.

6 (Source: P.A. 92-650, eff. 7-11-02.)

7 (510 ILCS 70/7.1) (from Ch. 8, par. 707.1)

8 Sec. 7.1. Confinement in motor vehicle. No owner or person
9 shall confine any animal in a motor vehicle in such a manner
10 that places it in a life or health threatening situation by
11 exposure to a prolonged period of extreme heat or cold, without
12 proper ventilation or other protection from such heat or cold.
13 In order to protect the health and safety of an animal, an
14 animal control officer, law enforcement officer, or Department
15 investigator who has probable cause to believe that this
16 Section is being violated shall have authority to enter such
17 motor vehicle by any reasonable means under the circumstances
18 after making a reasonable effort to locate the owner or other
19 person responsible.

20 A person convicted of violating this Section is guilty of a
21 Class C misdemeanor. A second or subsequent violation is a
22 Class B misdemeanor. A person who commits a violation of this
23 Section against more than one animal may be charged with a
24 separate offense for each animal that was treated in a manner
25 violating this Section.

1 (Source: P.A. 92-650, eff. 7-11-02.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.