

1 AN ACT in relation to criminal law.

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
5 by changing Sections 4.01, 4.02, and 16 as follows:

6 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

7 Sec. 4.01. (a) No person may own, capture, breed, train,
8 or lease any animal which he or she knows ~~or-should-knew~~ is
9 intended for use in any show, exhibition, program, or other
10 activity featuring or otherwise involving a fight between
11 such animal and any other animal or human, or the intentional
12 killing of any animal for the purpose of sport, wagering, or
13 entertainment.

14 (b) No person shall promote, conduct, carry on,
15 advertise, collect money for or in any other manner assist
16 or aid in the presentation for purposes of sport, wagering,
17 or entertainment, any show, exhibition, program, or other
18 activity involving a fight between 2 or more animals or any
19 animal and human, or the intentional killing of any animal.

20 (c) No person shall sell or offer for sale, ship,
21 transport, or otherwise move, or deliver or receive any
22 animal which he or she knows ~~or--should--knew~~ has been
23 captured, bred, or trained, or will be used, to fight another
24 animal or human or be intentionally killed, for the purpose
25 of sport, wagering, or entertainment.

26 (d) No person shall manufacture for sale, shipment,
27 transportation or delivery any device or equipment which that
28 person knows or should know is intended for use in any show,
29 exhibition, program, or other activity featuring or otherwise
30 involving a fight between 2 or more animals, or any human and
31 animal, or the intentional killing of any animal for purposes

1 of sport, wagering or entertainment.

2 (e) No person shall own, possess, sell or offer for
3 sale, ship, transport, or otherwise move any equipment or
4 device which such person knows or should know is intended for
5 use in connection with any show, exhibition, program, or
6 activity featuring or otherwise involving a fight between 2
7 or more animals, or any animal and human, or the intentional
8 killing of any animal for purposes of sport, wagering or
9 entertainment.

10 (f) No person shall make available any site, structure,
11 or facility, whether enclosed or not, which he or she knows
12 ~~or should know~~ is intended to be used for the purpose of
13 conducting any show, exhibition, program, or other activity
14 involving a fight between 2 or more animals, or any animal
15 and human, or the intentional killing of any animal or
16 knowingly manufacture, distribute, or deliver fittings to be
17 used in a fight between 2 or more dogs or a dog and a human.

18 (g) No person shall attend or otherwise patronize any
19 show, exhibition, program, or other activity featuring or
20 otherwise involving a fight between 2 or more animals, or any
21 animal and human, or the intentional killing of any animal
22 for the purposes of sport, wagering or entertainment.

23 (h) No person shall tie or attach or fasten any live
24 animal to any machine or device propelled by any power for
25 the purpose of causing such animal to be pursued by a dog or
26 dogs. This subsection (h) shall apply only when such dog is
27 intended to be used in a dog fight.

28 (Source: P.A. 87-819.)

29 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

30 Sec. 4.02. (a) Any law enforcement officer making an
31 arrest for an offense involving one or more animals ~~dogs~~
32 under Section 4.01 of this Act shall lawfully take possession
33 of all animals ~~dogs~~ and all paraphernalia, implements, or

1 other property or things used or employed, or about to be
2 employed in the violation of any of the provisions of Section
3 4.01 of this Act. Such officer, after taking possession of
4 such animals dogs, paraphernalia, implements or other
5 property or things, shall file with the court before whom the
6 complaint is made against any person so arrested an affidavit
7 stating therein the name of the person charged in such
8 complaint, a description of the property so taken and the
9 time and place of the taking thereof together with the name
10 of the person from whom the same was taken and name of the
11 person who claims to own such property, if known, and that
12 the affiant has reason to believe and does believe, stating
13 the ground of such belief, that the property so taken was
14 used or employed, or was about to be used or employed, in
15 such violation of Section 4.01 of this Act. He shall
16 thereupon deliver the property so taken to the court, which
17 shall, by order, place the same in custody of an officer or
18 other proper person named and designated in such order, to be
19 kept by him until the conviction or final discharge of such
20 person complained against, and shall send a copy of such
21 order without delay to the State's attorney of the county and
22 the Department. The officer or person so named and
23 designated in such order shall immediately thereupon assume
24 the custody of such property and shall retain the same,
25 subject to the order of the court before which such person so
26 complained against may be required to appear for trial. Upon
27 the conviction of the person so charged, all property so
28 seized shall be adjudged by the court to be forfeited and
29 shall thereupon be destroyed or otherwise disposed of as the
30 court may order. In the event of the acquittal or final
31 discharge without conviction of the person so charged such
32 court shall, on demand, direct the delivery of such property
33 so held in custody to the owner thereof.

34 (b) Any veterinarian in this State who is presented with

1 an animal for treatment of injuries or wounds resulting from
2 fighting where there is a reasonable possibility that the
3 animal was engaged in or utilized for a fighting event shall
4 file a report with the Department and cooperate by furnishing
5 the owners' names, dates and descriptions of the animal or
6 animals involved. Any veterinarian who in good faith makes a
7 report, as required by this subsection (b), shall have
8 immunity from any liability, civil, criminal or that
9 otherwise might result by reason of such actions. For the
10 purposes of any proceedings, civil or criminal, the good
11 faith of any such veterinarian shall be presumed.

12 (Source: P.A. 84-723.)

13 (510 ILCS 70/16) (from Ch. 8, par. 716)

14 Sec. 16. Violations; punishment; injunctions.

15 (a) Any person convicted of violating Sections 5, 5.01,
16 or 6 of this Act or any rule, regulation, or order of the
17 Department pursuant thereto, is guilty of a Class C
18 misdemeanor.

19 (b)(1) This subsection (b) does not apply where the
20 only animals involved in the violation are dogs.

21 (2) Any person convicted of violating subsection
22 (a), (b), (c) or (h) of Section 4.01 of this Act or any
23 rule, regulation, or order of the Department pursuant
24 thereto, is guilty of a Class A misdemeanor.

25 (3) A second or subsequent offense involving the
26 violation of subsection (a), (b) or (c) of Section 4.01
27 of this Act or any rule, regulation, or order of the
28 Department pursuant thereto is a Class 4 felony.

29 (4) Any person convicted of violating subsection
30 (d), (e) or (f) of Section 4.01 of this Act or any rule,
31 regulation, or order of the Department pursuant thereto,
32 is guilty of a Class B misdemeanor.

33 (5) Any person convicted of violating subsection

1 (g) of Section 4.01 of this Act or any rule, regulation,
2 or order of the Department pursuant thereto is guilty of
3 a Class C misdemeanor.

4 (c)(1) This subsection (c) applies exclusively
5 where the only animals involved in the violation are
6 dogs.

7 (2) Any person convicted of violating subsection
8 (a), (b) or (c) of Section 4.01 of this Act or any rule,
9 regulation or order of the Department pursuant thereto is
10 guilty of a Class 4 felony and may be fined an amount not
11 to exceed \$50,000. A person who knowingly owns a dog for
12 fighting purposes or for producing a fight between 2 or
13 more dogs or a dog and human or who knowingly offers for
14 sale or sells a dog bred for fighting is guilty of a
15 Class 3 felony if any of the following factors is
16 present:

17 (i) the dogfight is performed in the presence of a
18 person under 18 years of age;

19 (ii) the dogfight is performed for the purpose of
20 or in the presence of illegal wagering activity; or

21 (iii) the dogfight is performed in furtherance of
22 streetgang related activity as defined in Section 10 of
23 the Illinois Streetgang Terrorism Omnibus Prevention Act.

24 (3) Any person convicted of violating subsection
25 (d), or (e) ~~or (f)~~ of Section 4.01 of this Act or any
26 rule, regulation or order of the Department pursuant
27 thereto is guilty of Class A misdemeanor, if such person
28 knew or should have known that the device or equipment
29 under subsection (d) or (e) of that Section ~~or the site,~~
30 ~~structure or facility under subsection (f) of that~~
31 ~~Section~~ was to be used to carry out a violation where the
32 only animals involved were dogs. Where such person did
33 not know or should not reasonably have been expected to
34 know that the only animals involved in the violation were

1 dogs, the penalty shall be same as that provided for in
2 paragraph (4) of subsection (b).

3 (3.5) Any person convicted of violating subsection
4 (f) of Section 4.01 is guilty of a Class 4 felony.

5 (4) Any person convicted of violating subsection
6 (g) of Section 4.01 of this Act or any rule, regulation
7 or order of the Department pursuant thereto is guilty of
8 a Class C misdemeanor.

9 (5) A second or subsequent violation of subsection
10 (a), (b) or (c) of Section 4.01 of this Act or any rule,
11 regulation or order of the Department pursuant thereto is
12 a Class 3 felony. A second or subsequent violation of
13 subsection (d), or (e) ~~or (f)~~ of Section 4.01 of this Act
14 or any rule, regulation or order of the Department
15 adopted pursuant thereto is a Class 3 felony, if in each
16 violation the person knew or should have known that the
17 device or equipment under subsection (d) or (e) of that
18 Section ~~or the site, structure or facility under~~
19 ~~subsection (f) of that Section~~ was to be used to carry
20 out a violation where the only animals involved were
21 dogs. Where such person did not know or should not
22 reasonably have been expected to know that the only
23 animals involved in the violation were dogs, a second or
24 subsequent violation of subsection (d), or (e) ~~or (f)~~ of
25 Section 4.01 of this Act or any rule, regulation or order
26 of the Department adopted pursuant thereto is a Class A
27 misdemeanor. A second or subsequent violation of
28 subsection (g) is a Class B misdemeanor.

29 (6) Any person convicted of violating Section 3.01
30 of this Act is guilty of a Class C misdemeanor. A second
31 conviction for a violation of Section 3.01 is a Class B
32 misdemeanor. A third or subsequent conviction for a
33 violation of Section 3.01 is a Class A misdemeanor.

34 (7) Any person convicted of violating Section 4.03

1 is guilty of a Class B misdemeanor.

2 (8) Any person convicted of violating Section 4.04
3 is guilty of a Class A misdemeanor where the animal is
4 not killed or totally disabled, but if the animal is
5 killed or totally disabled such person shall be guilty of
6 a Class 4 felony.

7 (8.5) A person convicted of violating subsection
8 (a) of Section 7.15 is guilty of a Class B misdemeanor.
9 A person convicted of violating subsection (b) or (c) of
10 Section 7.15 is (i) guilty of a Class A misdemeanor if
11 the dog is not killed or totally disabled and (ii) if the
12 dog is killed or totally disabled, guilty of a Class 4
13 felony and may be ordered by the court to make
14 restitution to the disabled person having custody or
15 ownership of the dog for veterinary bills and replacement
16 costs of the dog.

17 (9) Any person convicted of violating any other
18 provision of this Act, or any rule, regulation, or order
19 of the Department pursuant thereto, is guilty of a Class
20 C misdemeanor with every day that a violation continues
21 constituting a separate offense.

22 (d) Any person convicted of violating Section 7.1 is
23 guilty of a petty offense. A second or subsequent conviction
24 for a violation of Section 7.1 is a Class C misdemeanor.

25 (e) Any person convicted of violating Section 3.02 is
26 guilty of a Class A misdemeanor. A second or subsequent
27 violation is a Class 4 felony.

28 (f) The Department may enjoin a person from a continuing
29 violation of this Act.

30 (g) Any person convicted of violating Section 3.03 is
31 guilty of a Class 4 felony. A second or subsequent offense
32 is a Class 3 felony. As a condition of the sentence imposed
33 under this Section, the court shall order the offender to
34 undergo a psychological or psychiatric evaluation and to

1 undergo treatment that the court determines to be appropriate
2 after due consideration of the evaluation.

3 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;
4 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
5 7-29-99; revised 8-30-99.)

6 Section 10. The Criminal Code of 1961 is amended by
7 adding Section 26-5 as follows:

8 (720 ILCS 5/26-5 new)

9 Sec. 26-5. Dog fighting.

10 (a) No person may own, capture, breed, train, or lease
11 any dog which he or she knows is intended for use in any
12 show, exhibition, program, or other activity featuring or
13 otherwise involving a fight between the dog and any other
14 animal or human, or the intentional killing of any dog for
15 the purpose of sport, wagering, or entertainment.

16 (b) No person may promote, conduct, carry on, advertise,
17 collect money for or in any other manner assist or aid in the
18 presentation for purposes of sport, wagering, or
19 entertainment of any show, exhibition, program, or other
20 activity involving a fight between 2 or more dogs or any dog
21 and human, or the intentional killing of any dog.

22 (c) No person may sell or offer for sale, ship,
23 transport, or otherwise move, or deliver or receive any dog
24 which he or she knows has been captured, bred, or trained, or
25 will be used, to fight another dog or human or be
26 intentionally killed for purposes of sport, wagering, or
27 entertainment.

28 (d) No person may manufacture for sale, shipment,
29 transportation, or delivery any device or equipment which he
30 or she knows or should know is intended for use in any show,
31 exhibition, program, or other activity featuring or otherwise
32 involving a fight between 2 or more dogs, or any human and

1 dog, or the intentional killing of any dog for purposes of
2 sport, wagering, or entertainment.

3 (e) No person may own, possess, sell or offer for sale,
4 ship, transport, or otherwise move any equipment or device
5 which he or she knows or should know is intended for use in
6 connection with any show, exhibition, program, or activity
7 featuring or otherwise involving a fight between 2 or more
8 dogs, or any dog and human, or the intentional killing of any
9 dog for purposes of sport, wagering or entertainment.

10 (f) No person may knowingly make available any site,
11 structure, or facility, whether enclosed or not, that he or
12 she knows is intended to be used for the purpose of
13 conducting any show, exhibition, program, or other activity
14 involving a fight between 2 or more dogs, or any dog and
15 human, or the intentional killing of any dog or knowingly
16 manufacture, distribute, or deliver fittings to be used in a
17 fight between 2 or more dogs or a dog and human.

18 (g) No person may attend or otherwise patronize any
19 show, exhibition, program, or other activity featuring or
20 otherwise involving a fight between 2 or more dogs, or any
21 dog and human, or the intentional killing of any dog for
22 purposes of sport, wagering, or entertainment.

23 (h) No person may tie or attach or fasten any live
24 animal to any machine or device propelled by any power for
25 the purpose of causing the animal to be pursued by a dog or
26 dogs. This subsection (h) applies only when the dog is
27 intended to be used in a dog fight.

28 (i)(1) Any person convicted of violating subsection (a),
29 (b) or (c) of this Section is guilty of a Class 4 felony and
30 may be fined an amount not to exceed \$50,000. A person who
31 knowingly owns a dog for fighting purposes or for producing a
32 fight between 2 or more dogs or a dog and human or who
33 knowingly offers for sale or sells a dog bred for fighting is
34 guilty of a Class 3 felony if any of the following factors is

1 present:

2 (i) the dogfight is performed in the presence of a
3 person under 18 years of age;

4 (ii) the dogfight is performed for the purpose of
5 or in the presence of illegal wagering activity; or

6 (iii) the dogfight is performed in furtherance of
7 streetgang related activity as defined in Section 10 of
8 the Illinois Streetgang Terrorism Omnibus Prevention Act.

9 (2) Any person convicted of violating subsection (d) or
10 (e) of this Section is guilty of Class A misdemeanor if he or
11 she knew or should have known that the device or equipment
12 under subsection (d) or (e) of this Section was to be used to
13 carry out a violation where the only animals involved were
14 dogs. If the person did not know or should not reasonably
15 have been expected to know that the only animals involved in
16 the violation were dogs, the penalty is a Class B
17 misdemeanor.

18 (2.5) Any person convicted of violating subsection (f)
19 of this Section is guilty of a Class 4 felony.

20 (3) Any person convicted of violating subsection (g) of
21 this Section is guilty of a Class C misdemeanor.

22 (4) A second or subsequent violation of subsection (a),
23 (b), or (c) of this Section is a Class 3 felony. A second or
24 subsequent violation of subsection (d) or (e) of this Section
25 is a Class 3 felony, if in each violation the person knew or
26 should have known that the device or equipment under
27 subsection (d) or (e) of this Section was to be used to carry
28 out a violation where the only animals involved were dogs.
29 If the person did not know or should not reasonably have been
30 expected to know that the only animals involved in the
31 violation were dogs, a second or subsequent violation of
32 subsection (d) or (e) of this Section is a Class A
33 misdemeanor. A second or subsequent violation of subsection
34 (g) of this Section is a Class B misdemeanor.