



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1510

Introduced 2/9/2017, 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.

LRB100 06200 SLF 16234 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:

12 (1) results in injury to or death of the animal; or

13 (2) results in hypothermia, hyperthermia, frostbite,
14 or similar condition as diagnosed by a doctor of veterinary
15 medicine.

16 (c-5) Nothing in this Section shall prohibit an animal from
17 being impounded in an emergency situation under subsection (b)
18 of Section 12 of this Act.

19 (d) A person convicted of violating this Section is guilty
20 of a Class A misdemeanor. A second or subsequent conviction for
21 a violation of this Section is a Class 4 felony. In addition to
22 any other penalty provided by law, a person who is convicted of
23 violating subsection (a) upon a companion animal in the
24 presence of a child, as defined in Section 12-0.1 of the
25 Criminal Code of 2012, shall be subject to a fine of \$250 and

1 ordered to perform community service for not less than 100
2 hours. In addition to any other penalty provided by law, upon
3 conviction for violating this Section, the court may order the
4 convicted person to undergo a psychological or psychiatric
5 evaluation and to undergo any treatment at the convicted
6 person's expense that the court determines to be appropriate
7 after due consideration of the evidence. If the convicted
8 person is a juvenile or a companion animal hoarder, the court
9 must order the convicted person to undergo a psychological or
10 psychiatric evaluation and to undergo treatment that the court
11 determines to be appropriate after due consideration of the
12 evaluation. A person who commits a violation of this Section
13 against more than one animal may be charged with a separate
14 offense for each animal that was treated in a manner violating
15 this Section.

16 (Source: P.A. 99-311, eff. 1-1-16; 99-357, eff. 1-1-16; 99-642,
17 eff. 7-28-16; 99-782, eff. 8-12-16.)

18 (510 ILCS 70/3.02)

19 Sec. 3.02. Aggravated cruelty.

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

25 (b) No individual, except a licensed veterinarian as

1 exempted under Section 3.09, may knowingly or intentionally
2 euthanize or authorize the euthanasia of a companion animal by
3 use of carbon monoxide.

4 (c) A person convicted of violating Section 3.02 is guilty
5 of a Class 4 felony. A second or subsequent violation is a
6 Class 3 felony. In addition to any other penalty provided by
7 law, upon conviction for violating this Section, the court may
8 order the convicted person to undergo a psychological or
9 psychiatric evaluation and to undergo any treatment at the
10 convicted person's expense that the court determines to be
11 appropriate after due consideration of the evaluation. If the
12 convicted person is a juvenile or a companion animal hoarder,
13 the court must order the convicted person to undergo a
14 psychological or psychiatric evaluation and to undergo
15 treatment that the court determines to be appropriate after due
16 consideration of the evaluation. A person who commits a
17 violation of this Section against more than one animal may be
18 charged with a separate offense for each animal that was
19 treated in a manner violating this Section.

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

21 (510 ILCS 70/3.03)

22 Sec. 3.03. Animal torture.

23 (a) A person commits animal torture when that person
24 without legal justification knowingly or intentionally
25 tortures an animal. For purposes of this Section, and subject

1 to subsection (b), "torture" means infliction of or subjection
2 to extreme physical pain, motivated by an intent to increase or
3 prolong the pain, suffering, or agony of the animal.

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

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

10 (2) any alteration or destruction of any animal done by
11 any person or unit of government pursuant to statute,
12 ordinance, court order, or the direction of a licensed
13 veterinarian;

14 (3) any alteration or destruction of any animal by any
15 person for any legitimate purpose, including, but not
16 limited to: castration, culling, declawing, defanging, ear
17 cropping, euthanasia, gelding, grooming, neutering,
18 polling, shearing, shoeing, slaughtering, spaying, tail
19 docking, and vivisection; and

20 (4) any other activity that may be lawfully done to an
21 animal.

22 (c) A person convicted of violating this Section is guilty
23 of a Class 3 felony. As a condition of the sentence imposed
24 under this Section, the court shall order the offender to
25 undergo a psychological or psychiatric evaluation and to
26 undergo treatment that the court determines to be appropriate

1 after due consideration of the evaluation. A person who commits
2 a violation of this Section against more than one animal may be
3 charged with a separate offense for each animal that was
4 treated in a manner violating this Section.

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

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

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

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

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

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

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

6 (510 ILCS 70/7) (from Ch. 8, par. 707)

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

20 Any person who intentionally or negligently without
21 jurisdiction of law detains a shipment of livestock long enough
22 to endanger the health or safety of the livestock is liable to
23 the owner for any diminution in the value or death of the
24 livestock.

25 Authorities detaining a livestock shipment shall give

1 priority to the health and safety of the animals and shall
2 expeditiously handle any legal violation so that the intact
3 shipment may safely reach its designated destination.

4 A person convicted of violating this Section or any rule,
5 regulation, or order of the Department pursuant thereto, is
6 guilty of a Class B misdemeanor. A second or subsequent
7 violation is a Class 4 felony, with every day that a violation
8 continues constituting a separate offense. A person who commits
9 a violation of this Section against more than one animal may be
10 charged with a separate offense for each animal that was
11 treated in a manner violating this Section.

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

13 (510 ILCS 70/7.1) (from Ch. 8, par. 707.1)

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

1 A person convicted of violating this Section is guilty of a
2 Class C misdemeanor. A second or subsequent violation is a
3 Class B misdemeanor. A person who commits a violation of this
4 Section against more than one animal may be charged with a
5 separate offense for each animal that was treated in a manner
6 violating this Section.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.