

SB2601



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2601

Introduced 2/7/2018, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

510 ILCS 70/10

from Ch. 8, par. 710

Amends the Humane Care for Animals Act. Provides that any act of commission or omission by an approved humane investigator shall not impose civil liability upon the approved humane investigator when conducting an inspection or otherwise enforcing the provisions under this Act, unless the commission or omission is a result of willful or wanton misconduct. Provides that this immunity does not extend to the operation of a motor vehicle.

LRB100 16505 SLF 31637 b

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 Section 10 as follows:

6 (510 ILCS 70/10) (from Ch. 8, par. 710)

7 Sec. 10. Investigation of complaints.

8 (a) Upon receiving a complaint of a suspected violation of
9 this Act, a Department investigator, any law enforcement
10 official, or an approved humane investigator may, for the
11 purpose of investigating the allegations of the complaint,
12 enter during normal business hours upon any premises where the
13 animal or animals described in the complaint are housed or
14 kept, provided such entry shall not be made into any building
15 which is a person's residence, except by search warrant or
16 court order. Institutions operating under federal license to
17 conduct laboratory experimentation utilizing animals for
18 research or medical purposes are, however, exempt from the
19 provisions of this Section. State's Attorneys and law
20 enforcement officials shall provide such assistance as may be
21 required in the conduct of such investigations. Any such
22 investigation requiring legal procedures shall be immediately
23 reported to the Department. No employee or representative of

1 the Department shall enter a livestock management facility
2 unless sanitized footwear is used, or unless the owner or
3 operator of the facility waives this requirement. The employee
4 or representative must also use any other reasonable disease
5 prevention procedures or equipment provided by the owner or
6 operator of the facility. The animal control administrator and
7 animal control wardens appointed under the Animal Control Act
8 shall be authorized to make investigations complying with this
9 Section for alleged violations of Sections 3, 3.01, 3.02, and
10 3.03 pertaining to companion animals. The animals impounded
11 shall remain under the jurisdiction of the animal control
12 administrator and be held in an animal shelter licensed under
13 the Animal Welfare Act.

14 (b) Any veterinarian acting in good faith is immune from
15 any civil or criminal liability resulting from his or her
16 actions under this Section. The good faith on the part of the
17 veterinarian is presumed.

18 (c) Any act of commission or omission by an approved humane
19 investigator shall not impose civil liability upon the approved
20 humane investigator when conducting an inspection or otherwise
21 enforcing the provisions under this Act, unless the commission
22 or omission is a result of willful or wanton misconduct. The
23 immunity provided under this subsection (c) does not extend to
24 the operation of a motor vehicle.

25 (Source: P.A. 92-454, eff. 1-1-02.)