



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0708

Introduced 1/25/2017, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

725 ILCS 5/107-17 new

Amends the Code of Criminal Procedure of 1963. Requires a peace officer to arrest without a warrant or issue a notice to appear to any person who violates the cruel treatment, aggravated cruelty, animal torture, or animal fighting offenses under the Humane Care for Animals Act, or the sexual conduct or sexual contact with an animal or dogfighting offenses under the Criminal Code of 2012. If the person arrested is not the owner of the animal, the peace officer must use reasonable diligence to notify the owner and provide care for the animal until turned over to the owner or owner's agent. Provides for the recovery of cost of care and limited liability for actions taken under the arrest and care provisions. Effective immediately.

LRB100 07010 SLF 17064 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Code of Criminal Procedure of 1963 is
5 amended by adding Section 107-17 as follows:

6 (725 ILCS 5/107-17 new)

7 Sec. 107-17. Animal cruelty mandatory arrest or notice to
8 appear; immunity.

9 (a) A peace officer shall arrest without a warrant or issue
10 a notice to appear to any person who violates Section 3.01
11 (cruel treatment), 3.02 (aggravated cruelty), 3.03 (animal
12 torture), or 4.01 (animals in entertainment) of the Humane Care
13 for Animals Act, or Section 12-35 (sexual conduct or sexual
14 contact with an animal) or 48-1 (dogfighting) of the Criminal
15 Code of 2012.

16 (b) Except as otherwise provided by law, if the person
17 arrested under subsection (a) of this Section is not the owner
18 of the animal involved and the animal is not otherwise subject
19 to seizure and forfeiture, the officer shall use reasonable
20 diligence to notify the owner of the animal and shall properly
21 care and provide for the animal until the owner or the owner's
22 agent claims or takes charge of the animal; provided, the owner
23 or owner's agent claims or takes charge of the animal within 60

1 days of the notice under this subsection. The law enforcement
2 agency which employs the peace officer giving notice under this
3 subsection may recover the cost of care or provision for the
4 animal from the owner or person arrested.

5 (c) Any peace officer and any person into whose care an
6 animal is delivered by a peace officer acting under this
7 Section, who cares or provides for an animal under this
8 Section, shall be immune from civil liability based upon an
9 allegation that the care was negligently provided, unless the
10 act is the result of willful or wanton misconduct.

11 (d) Any act of omission or commission by any peace officer
12 acting in good faith in enforcing this Act shall not impose
13 civil liability upon the peace officer or his or her supervisor
14 or employer, unless the act is a result of willful or wanton
15 misconduct.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.