

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 adding Section 7.2 as follows:

6 (510 ILCS 70/7.2 new)

7 Sec. 7.2. Persons removing a dog or cat from a locked
8 vehicle exempt from civil liability.

9 (a) In this Section, "harm" means injury or death.

10 (b) Except as provided in subsection (d) of this Section, a
11 person is immune from civil liability for property damage to a
12 locked vehicle when the damage results from forcible entry of
13 the vehicle to remove a dog or cat from the vehicle if the
14 person:

15 (1) determines the vehicle is locked or there is
16 otherwise no reasonable method for the dog or cat to exit
17 the vehicle;

18 (2) has a good faith belief that forcible entry into
19 the vehicle is necessary because the dog or cat is in
20 imminent danger of suffering harm if not immediately
21 removed from the vehicle, and based upon the circumstances
22 known to the person at the time, the belief is a reasonable
23 one;

1 (3) has made a good faith effort to contact a 9-1-1
2 emergency telephone system operator, law enforcement, or
3 the fire department, and if contact is not possible prior
4 to forcibly entering the vehicle, the person makes contact
5 as soon as possible after forcibly entering the vehicle;

6 (4) makes a good a faith effort to place a notice on
7 the vehicle's windshield with the person's contact
8 information, the reason entry was made, the location of the
9 dog or cat, and the fact that authorities have been
10 notified;

11 (5) remains with the dog or cat in a safe location
12 until law enforcement, emergency responders, or an animal
13 control officer arrive and surrenders the dog or cat to the
14 arriving law enforcement, emergency responders, or animal
15 control officer; and

16 (6) uses no more force than necessary to enter the
17 vehicle to remove the dog or cat.

18 (c) A person shall not be immune from civil liability for
19 any damage or deprivation of property resulting from the
20 forcible entry of a vehicle for the purpose of removing a dog
21 or cat from the vehicle if the person's actions constitute
22 recklessness or willful or wanton misconduct with regard to the
23 entry of the vehicle.

24 Section 10. The Criminal Code of 2012 is amended by
25 changing Sections 21-1 and 21-2 as follows:

1 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

2 Sec. 21-1. Criminal damage to property.

3 (a) A person commits criminal damage to property when he or
4 she:

5 (1) knowingly damages any property of another;

6 (2) recklessly by means of fire or explosive damages
7 property of another;

8 (3) knowingly starts a fire on the land of another;

9 (4) knowingly injures a domestic animal of another
10 without his or her consent;

11 (5) knowingly deposits on the land or in the building
12 of another any stink bomb or any offensive smelling
13 compound and thereby intends to interfere with the use by
14 another of the land or building;

15 (6) knowingly damages any property, other than as
16 described in paragraph (2) of subsection (a) of Section
17 20-1, with intent to defraud an insurer;

18 (7) knowingly shoots a firearm at any portion of a
19 railroad train;

20 (8) knowingly, without proper authorization, cuts,
21 injures, damages, defaces, destroys, or tampers with any
22 fire hydrant or any public or private fire fighting
23 equipment, or any apparatus appertaining to fire fighting
24 equipment; or

25 (9) intentionally, without proper authorization, opens

1 any fire hydrant.

2 (b) When the charge of criminal damage to property
3 exceeding a specified value is brought, the extent of the
4 damage is an element of the offense to be resolved by the trier
5 of fact as either exceeding or not exceeding the specified
6 value.

7 (c) It is an affirmative defense to a violation of
8 paragraph (1), (3), or (5) of subsection (a) of this Section
9 that the owner of the property or land damaged consented to the
10 damage.

11 (c-5) It is an affirmative defense to a violation of
12 paragraph (1) of subsection (a) of this Section when the damage
13 to a locked vehicle results from forcible entry to remove a dog
14 or cat from the vehicle if the person:

15 (1) determines the vehicle is locked or there is
16 otherwise no reasonable method for the dog or cat to exit
17 the vehicle;

18 (2) has a good faith belief that forcible entry into
19 the vehicle is necessary because a dog or cat is in
20 imminent danger of suffering harm if not immediately
21 removed from the vehicle, and based upon the circumstances
22 known to the person at the time, the belief is a reasonable
23 one;

24 (3) has made a good faith effort to contact a 9-1-1
25 emergency telephone system operator, law enforcement, or
26 the fire department, and if contact is not possible prior

1 to forcibly entering the vehicle, the person makes contact
2 as soon as possible after forcibly entering the vehicle;

3 (4) makes a good a faith effort to place a notice on
4 the vehicle's windshield with the person's contact
5 information, the reason entry was made, the location of the
6 dog or cat, and the fact that authorities have been
7 notified;

8 (5) remains with the dog or cat in a safe location
9 until law enforcement or emergency responders arrive; and

10 (6) uses no more force than necessary to enter the
11 vehicle to remove the dog or cat.

12 (d) Sentence.

13 (1) A violation of subsection (a) shall have the
14 following penalties:

15 (A) A violation of paragraph (8) or (9) is a Class
16 B misdemeanor.

17 (B) A violation of paragraph (1), (2), (3), (5), or
18 (6) is a Class A misdemeanor when the damage to
19 property does not exceed \$500.

20 (C) A violation of paragraph (1), (2), (3), (5), or
21 (6) is a Class 4 felony when the damage to property
22 does not exceed \$500 and the damage occurs to property
23 of a school or place of worship or to farm equipment or
24 immovable items of agricultural production, including
25 but not limited to grain elevators, grain bins, and
26 barns or property which memorializes or honors an

1 individual or group of police officers, fire fighters,
2 members of the United States Armed Forces, National
3 Guard, or veterans.

4 (D) A violation of paragraph (4) is a Class 4
5 felony when the damage to property does not exceed
6 \$10,000.

7 (E) A violation of paragraph (7) is a Class 4
8 felony.

9 (F) A violation of paragraph (1), (2), (3), (5) or
10 (6) is a Class 4 felony when the damage to property
11 exceeds \$500 but does not exceed \$10,000.

12 (G) A violation of paragraphs (1) through (6) is a
13 Class 3 felony when the damage to property exceeds \$500
14 but does not exceed \$10,000 and the damage occurs to
15 property of a school or place of worship or to farm
16 equipment or immovable items of agricultural
17 production, including but not limited to grain
18 elevators, grain bins, and barns or property which
19 memorializes or honors an individual or group of police
20 officers, fire fighters, members of the United States
21 Armed Forces, National Guard, or veterans.

22 (H) A violation of paragraphs (1) through (6) is a
23 Class 3 felony when the damage to property exceeds
24 \$10,000 but does not exceed \$100,000.

25 (I) A violation of paragraphs (1) through (6) is a
26 Class 2 felony when the damage to property exceeds

1 \$10,000 but does not exceed \$100,000 and the damage
2 occurs to property of a school or place of worship or
3 to farm equipment or immovable items of agricultural
4 production, including but not limited to grain
5 elevators, grain bins, and barns or property which
6 memorializes or honors an individual or group of police
7 officers, fire fighters, members of the United States
8 Armed Forces, National Guard, or veterans.

9 (J) A violation of paragraphs (1) through (6) is a
10 Class 2 felony when the damage to property exceeds
11 \$100,000. A violation of paragraphs (1) through (6) is
12 a Class 1 felony when the damage to property exceeds
13 \$100,000 and the damage occurs to property of a school
14 or place of worship or to farm equipment or immovable
15 items of agricultural production, including but not
16 limited to grain elevators, grain bins, and barns or
17 property which memorializes or honors an individual or
18 group of police officers, fire fighters, members of the
19 United States Armed Forces, National Guard, or
20 veterans.

21 (2) When the damage to property exceeds \$10,000, the
22 court shall impose upon the offender a fine equal to the
23 value of the damages to the property.

24 (3) In addition to any other sentence that may be
25 imposed, a court shall order any person convicted of
26 criminal damage to property to perform community service

1 for not less than 30 and not more than 120 hours, if
2 community service is available in the jurisdiction and is
3 funded and approved by the county board of the county where
4 the offense was committed. In addition, whenever any person
5 is placed on supervision for an alleged offense under this
6 Section, the supervision shall be conditioned upon the
7 performance of the community service.

8 The community service requirement does not apply when
9 the court imposes a sentence of incarceration.

10 (4) In addition to any criminal penalties imposed for a
11 violation of this Section, if a person is convicted of or
12 placed on supervision for knowingly damaging or destroying
13 crops of another, including crops intended for personal,
14 commercial, research, or developmental purposes, the
15 person is liable in a civil action to the owner of any
16 crops damaged or destroyed for money damages up to twice
17 the market value of the crops damaged or destroyed.

18 (5) For the purposes of this subsection (d), "farm
19 equipment" means machinery or other equipment used in
20 farming.

21 (Source: P.A. 98-315, eff. 1-1-14; 99-631, eff. 1-1-17.)

22 (720 ILCS 5/21-2) (from Ch. 38, par. 21-2)

23 Sec. 21-2. Criminal trespass to vehicles.

24 (a) A person commits criminal trespass to vehicles when he
25 or she knowingly and without authority enters any part of or

1 operates any vehicle, aircraft, watercraft, or snowmobile.

2 (a-5) It is an affirmative defense to a violation of this
3 Section when entry to a locked vehicle is for removal of a dog
4 or cat from the vehicle if the person:

5 (1) determines the vehicle is locked or there is
6 otherwise no reasonable method for the dog or cat to exit
7 the vehicle;

8 (2) has a good faith belief that forcible entry into
9 the vehicle is necessary because a dog or cat is in
10 imminent danger of suffering harm if not immediately
11 removed from the vehicle, and based upon the circumstances
12 known to the person at the time, the belief is a reasonable
13 one;

14 (3) has made a good faith effort to contact a 9-1-1
15 emergency telephone system operator, law enforcement, or
16 the fire department, and if contact is not possible prior
17 to forcibly entering the vehicle, the person makes contact
18 as soon as possible after forcibly entering the vehicle;

19 (4) makes a good a faith effort to place a notice on
20 the vehicle's windshield with the person's contact
21 information, the reason entry was made, the location of the
22 dog or cat, and the fact that authorities have been
23 notified;

24 (5) remains with the dog or cat in a safe location
25 until law enforcement or emergency responders arrive; and

26 (6) uses no more force than necessary to enter the

1 vehicle to remove the dog or cat.

2 (b) Sentence. Criminal trespass to vehicles is a Class A
3 misdemeanor.

4 (Source: P.A. 97-1108, eff. 1-1-13.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.