

HB0168



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0168

Introduced 1/22/2021, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

510 ILCS 70/3.04

Amends the Humane Care for Animals Act. Provides that in addition to any other penalty, the court may order that a person and persons dwelling in the same household may not own, harbor, or have custody or control of any other animal if the person has been convicted of 2 or more of the following offenses: (1) a violation of aggravated cruelty; (2) a violation of animals for entertainment; or (3) a violation of dog fighting.

LRB102 02655 CMG 12658 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 3.04 as follows:

6 (510 ILCS 70/3.04)

7 Sec. 3.04. Arrests and seizures; penalties.

8 (a) Any law enforcement officer making an arrest for an
9 offense involving one or more companion animals under Section
10 3.01, 3.02, 3.03, 4.01, or 7.1 of this Act may lawfully take
11 possession of some or all of the companion animals in the
12 possession of the person arrested. The officer, after taking
13 possession of the companion animals, must file with the court
14 before whom the complaint is made against any person so
15 arrested an affidavit stating the name of the person charged
16 in the complaint, a description of the condition of the
17 companion animal or companion animals taken, and the time and
18 place the companion animal or companion animals were taken,
19 together with the name of the person from whom the companion
20 animal or companion animals were taken and name of the person
21 who claims to own the companion animal or companion animals if
22 different from the person from whom the companion animal or
23 companion animals were seized. He or she must at the same time

1 deliver an inventory of the companion animal or companion
2 animals taken to the court of competent jurisdiction. The
3 officer must place the companion animal or companion animals
4 in the custody of an animal control or animal shelter and the
5 agency must retain custody of the companion animal or
6 companion animals subject to an order of the court
7 adjudicating the charges on the merits and before which the
8 person complained against is required to appear for trial. If
9 the animal control or animal shelter owns no facility capable
10 of housing the companion animals, has no space to house the
11 companion animals, or is otherwise unable to house the
12 companion animals or the health or condition of the animals
13 prevents their removal, the animals shall be impounded at the
14 site of the violation pursuant to a court order authorizing
15 the impoundment, provided that the person charged is an owner
16 of the property. Employees or agents of the animal control or
17 animal shelter or law enforcement shall have the authority to
18 access the on-site impoundment property for the limited
19 purpose of providing care and veterinary treatment for the
20 impounded animals and ensuring their well-being and safety.
21 Upon impoundment, a petition for posting of security may be
22 filed under Section 3.05 of this Act. Disposition of the
23 animals shall be controlled by Section 3.06 of this Act. The
24 State's Attorney may, within 14 days after the seizure, file a
25 "petition for forfeiture prior to trial" before the court
26 having criminal jurisdiction over the alleged charges, asking

1 for permanent forfeiture of the companion animals seized. The
2 petition shall be filed with the court, with copies served on
3 the impounding agency, the owner, and anyone claiming an
4 interest in the animals. In a "petition for forfeiture prior
5 to trial", the burden is on the prosecution to prove by a
6 preponderance of the evidence that the person arrested
7 violated Section 3.01, 3.02, 3.03, 4.01, or 7.1 of this Act or
8 Section 26-5 or 48-1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012.

10 (b) An owner whose companion animal or companion animals
11 are removed by a law enforcement officer under this Section
12 must be given written notice of the circumstances of the
13 removal and of any legal remedies available to him or her. The
14 notice must be delivered in person, posted at the place of
15 seizure, or delivered to a person residing at the place of
16 seizure or, if the address of the owner is different from the
17 address of the person from whom the companion animal or
18 companion animals were seized, delivered by registered mail to
19 his or her last known address.

20 (c) In addition to any other penalty provided by law, upon
21 conviction for violating Sections 3, 3.01, 3.02, 3.03, 4.01,
22 or 7.1 of this Act or Section 26-5 or 48-1 of the Criminal Code
23 of 1961 or the Criminal Code of 2012, the court may order the
24 convicted person to forfeit to an animal control or animal
25 shelter the animal or animals that are the basis of the
26 conviction. Upon an order of forfeiture, the convicted person

1 is deemed to have permanently relinquished all rights to the
2 animal or animals that are the basis of the conviction, if not
3 already. The forfeited animal or animals shall be adopted or
4 humanely euthanized. In no event may the convicted person or
5 anyone residing in his or her household be permitted to adopt
6 or otherwise possess the forfeited animal or animals. The
7 court, additionally, may order that the convicted person and
8 persons dwelling in the same household as the convicted person
9 who conspired, aided, or abetted in the unlawful act that was
10 the basis of the conviction, or who knew or should have known
11 of the unlawful act, may not own, harbor, or have custody or
12 control of any other animals for a period of time that the
13 court deems reasonable.

14 (d) In addition to any other penalty, the court may order
15 that a person and persons dwelling in the same household may
16 not own, harbor, or have custody or control of any other animal
17 if the person has been convicted of 2 or more of the following
18 offenses:

19 (1) a violation of Section 3.02 of this Act;

20 (2) a violation of Section 4.01 of this Act; or

21 (3) a violation of Section 48-1 of the Criminal Code

22 of 2012.

23 (Source: P.A. 99-321, eff. 1-1-16; 100-504, eff. 6-1-18.)