



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB3681

Introduced 2/22/2021, by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

|                   |                              |
|-------------------|------------------------------|
| 510 ILCS 70/3.01  | from Ch. 8, par. 703.01      |
| 510 ILCS 70/4.04  | from Ch. 8, par. 704.04      |
| 625 ILCS 5/11-501 | from Ch. 95 1/2, par. 11-501 |
| 625 ILCS 5/11-907 | from Ch. 95 1/2, par. 11-907 |

Amends the Humane Care for Animals Act. Provides that no person or owner may knowingly or recklessly beat, cruelly treat, torment, starve, overwork, or otherwise abuse any animal. Provides that it shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison, act in a reckless manner as to cause a severe injury or death, or kill any animal used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when placed in confinement off duty. Amends the Illinois Vehicle Code. Provides that a person who commits a traffic violation concerning an emergency vehicle and the violation results in the injury or death of another person or a severe injury or death of a police animal, service animal, accelerant detection dog, or search and rescue dog commits a Class 4 felony. Provides that a person commits aggravated driving under the influence if the person was involved in a motor vehicle accident that resulted in a severe injury or death of a police animal, service animal, accelerant detection dog, or search and rescue dog.

LRB102 12165 KMF 17502 b

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 3.01 and 4.04 as follows:

6 (510 ILCS 70/3.01) (from Ch. 8, par. 703.01)

7 Sec. 3.01. Cruel treatment.

8 (a) No person or owner may knowingly or recklessly beat,  
9 cruelly treat, torment, starve, overwork or otherwise abuse  
10 any animal.

11 (b) No owner may abandon any animal where it may become a  
12 public charge or may suffer injury, hunger or exposure.

13 (c) No owner of a dog or cat that is a companion animal may  
14 expose the dog or cat in a manner that places the dog or cat in  
15 a life-threatening situation for a prolonged period of time in  
16 extreme heat or cold conditions that:

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

18 (2) results in hypothermia, hyperthermia, frostbite,  
19 or similar condition as diagnosed by a doctor of  
20 veterinary medicine.

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

1 (c-10) Nothing in this Section shall prohibit a law  
2 enforcement officer from taking temporary custody of a dog or  
3 cat that is a companion animal that is exposed in a manner that  
4 places the dog or cat in a life-threatening situation for a  
5 prolonged period of time in extreme heat or cold conditions  
6 that may result in injury or death of the dog or cat or may  
7 result in hypothermia, hyperthermia, frostbite, or similar  
8 condition. Upon taking temporary custody of the dog or cat  
9 under this subsection (c-10), the law enforcement officer  
10 shall attempt to contact the owner of the dog or cat and shall  
11 seek emergency veterinary care for the animal as soon as  
12 available. The law enforcement officer shall leave information  
13 of the location of the dog or cat if the owner cannot be  
14 reached. The owner of the dog or cat is responsible for any  
15 costs of providing care to the dog or cat.

16 (d) A person convicted of violating this Section is guilty  
17 of a Class A misdemeanor. A second or subsequent conviction  
18 for a violation of this Section is a Class 4 felony. In  
19 addition to any other penalty provided by law, a person who is  
20 convicted of violating subsection (a) upon a companion animal  
21 in the presence of a child, as defined in Section 12-0.1 of the  
22 Criminal Code of 2012, shall be subject to a fine of \$250 and  
23 ordered to perform community service for not less than 100  
24 hours. In addition to any other penalty provided by law, upon  
25 conviction for violating this Section, the court may order the  
26 convicted person to undergo a psychological or psychiatric

1 evaluation and to undergo any treatment at the convicted  
2 person's expense that the court determines to be appropriate  
3 after due consideration of the evidence. If the convicted  
4 person is a juvenile or a companion animal hoarder, the court  
5 must order the convicted person to undergo a psychological or  
6 psychiatric evaluation and to undergo treatment that the court  
7 determines to be appropriate after due consideration of the  
8 evaluation.

9 (Source: P.A. 99-311, eff. 1-1-16; 99-357, eff. 1-1-16;  
10 99-642, eff. 7-28-16; 99-782, eff. 8-12-16; 100-740, eff.  
11 1-1-19.)

12 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

13 Sec. 4.04. Injuring or killing police animals, service  
14 animals, accelerant detection dogs, or search and rescue dogs  
15 prohibited. It shall be unlawful for any person to willfully  
16 or maliciously torture, mutilate, injure, disable, poison, act  
17 in a reckless manner as to cause a severe injury or death, or  
18 kill (i) any animal used by a law enforcement department or  
19 agency in the performance of the functions or duties of the  
20 department or agency or when placed in confinement off duty,  
21 (ii) any service animal, (iii) any search and rescue dog, (iv)  
22 any law enforcement, service, or search and rescue animal in  
23 training, or (v) any accelerant detection canine used by a  
24 fire officer for arson investigations in the performance of  
25 his or her functions or while off duty. However, a police

1 officer or veterinarian may perform euthanasia in emergency  
2 situations when delay would cause the animal undue suffering  
3 and pain.

4 A person convicted of violating this Section is guilty of  
5 a Class 4 felony if the animal is not killed or totally  
6 disabled; if the animal is killed or totally disabled, the  
7 person is guilty of a Class 3 felony.

8 (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07;  
9 96-1171, eff. 7-22-10.)

10 Section 10. The Illinois Vehicle Code is amended by  
11 changing Sections 11-501 and 11-907 as follows:

12 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

13 Sec. 11-501. Driving while under the influence of alcohol,  
14 other drug or drugs, intoxicating compound or compounds or any  
15 combination thereof.

16 (a) A person shall not drive or be in actual physical  
17 control of any vehicle within this State while:

18 (1) the alcohol concentration in the person's blood,  
19 other bodily substance, or breath is 0.08 or more based on  
20 the definition of blood and breath units in Section  
21 11-501.2;

22 (2) under the influence of alcohol;

23 (3) under the influence of any intoxicating compound  
24 or combination of intoxicating compounds to a degree that

1 renders the person incapable of driving safely;

2 (4) under the influence of any other drug or  
3 combination of drugs to a degree that renders the person  
4 incapable of safely driving;

5 (5) under the combined influence of alcohol, other  
6 drug or drugs, or intoxicating compound or compounds to a  
7 degree that renders the person incapable of safely  
8 driving;

9 (6) there is any amount of a drug, substance, or  
10 compound in the person's breath, blood, other bodily  
11 substance, or urine resulting from the unlawful use or  
12 consumption of a controlled substance listed in the  
13 Illinois Controlled Substances Act, an intoxicating  
14 compound listed in the Use of Intoxicating Compounds Act,  
15 or methamphetamine as listed in the Methamphetamine  
16 Control and Community Protection Act; or

17 (7) the person has, within 2 hours of driving or being  
18 in actual physical control of a vehicle, a  
19 tetrahydrocannabinol concentration in the person's whole  
20 blood or other bodily substance as defined in paragraph 6  
21 of subsection (a) of Section 11-501.2 of this Code.  
22 Subject to all other requirements and provisions under  
23 this Section, this paragraph (7) does not apply to the  
24 lawful consumption of cannabis by a qualifying patient  
25 licensed under the Compassionate Use of Medical Cannabis  
26 Program Act who is in possession of a valid registry card

1 issued under that Act, unless that person is impaired by  
2 the use of cannabis.

3 (b) The fact that any person charged with violating this  
4 Section is or has been legally entitled to use alcohol,  
5 cannabis under the Compassionate Use of Medical Cannabis  
6 Program Act, other drug or drugs, or intoxicating compound or  
7 compounds, or any combination thereof, shall not constitute a  
8 defense against any charge of violating this Section.

9 (c) Penalties.

10 (1) Except as otherwise provided in this Section, any  
11 person convicted of violating subsection (a) of this  
12 Section is guilty of a Class A misdemeanor.

13 (2) A person who violates subsection (a) or a similar  
14 provision a second time shall be sentenced to a mandatory  
15 minimum term of either 5 days of imprisonment or 240 hours  
16 of community service in addition to any other criminal or  
17 administrative sanction.

18 (3) A person who violates subsection (a) is subject to  
19 6 months of imprisonment, an additional mandatory minimum  
20 fine of \$1,000, and 25 days of community service in a  
21 program benefiting children if the person was transporting  
22 a person under the age of 16 at the time of the violation.

23 (4) A person who violates subsection (a) a first time,  
24 if the alcohol concentration in his or her blood, breath,  
25 other bodily substance, or urine was 0.16 or more based on  
26 the definition of blood, breath, other bodily substance,

1 or urine units in Section 11-501.2, shall be subject, in  
2 addition to any other penalty that may be imposed, to a  
3 mandatory minimum of 100 hours of community service and a  
4 mandatory minimum fine of \$500.

5 (5) A person who violates subsection (a) a second  
6 time, if at the time of the second violation the alcohol  
7 concentration in his or her blood, breath, other bodily  
8 substance, or urine was 0.16 or more based on the  
9 definition of blood, breath, other bodily substance, or  
10 urine units in Section 11-501.2, shall be subject, in  
11 addition to any other penalty that may be imposed, to a  
12 mandatory minimum of 2 days of imprisonment and a  
13 mandatory minimum fine of \$1,250.

14 (d) Aggravated driving under the influence of alcohol,  
15 other drug or drugs, or intoxicating compound or compounds, or  
16 any combination thereof.

17 (1) Every person convicted of committing a violation  
18 of this Section shall be guilty of aggravated driving  
19 under the influence of alcohol, other drug or drugs, or  
20 intoxicating compound or compounds, or any combination  
21 thereof if:

22 (A) the person committed a violation of subsection  
23 (a) or a similar provision for the third or subsequent  
24 time;

25 (B) the person committed a violation of subsection  
26 (a) while driving a school bus with one or more



1 passengers on board;

2 (C) the person in committing a violation of  
3 subsection (a) was involved in a motor vehicle  
4 accident that resulted in great bodily harm or  
5 permanent disability or disfigurement to another, when  
6 the violation was a proximate cause of the injuries;

7 (D) the person committed a violation of subsection  
8 (a) and has been previously convicted of violating  
9 Section 9-3 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012 or a similar provision of a law  
11 of another state relating to reckless homicide in  
12 which the person was determined to have been under the  
13 influence of alcohol, other drug or drugs, or  
14 intoxicating compound or compounds as an element of  
15 the offense or the person has previously been  
16 convicted under subparagraph (C) or subparagraph (F)  
17 of this paragraph (1);

18 (E) the person, in committing a violation of  
19 subsection (a) while driving at any speed in a school  
20 speed zone at a time when a speed limit of 20 miles per  
21 hour was in effect under subsection (a) of Section  
22 11-605 of this Code, was involved in a motor vehicle  
23 accident that resulted in bodily harm, other than  
24 great bodily harm or permanent disability or  
25 disfigurement, to another person, when the violation  
26 of subsection (a) was a proximate cause of the bodily

1 harm;

2 (F) the person, in committing a violation of  
3 subsection (a), was involved in a motor vehicle,  
4 snowmobile, all-terrain vehicle, or watercraft  
5 accident that resulted in the death of another person,  
6 when the violation of subsection (a) was a proximate  
7 cause of the death;

8 (G) the person committed a violation of subsection  
9 (a) during a period in which the defendant's driving  
10 privileges are revoked or suspended, where the  
11 revocation or suspension was for a violation of  
12 subsection (a) or a similar provision, Section  
13 11-501.1, paragraph (b) of Section 11-401, or for  
14 reckless homicide as defined in Section 9-3 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012;

16 (H) the person committed the violation while he or  
17 she did not possess a driver's license or permit or a  
18 restricted driving permit or a judicial driving permit  
19 or a monitoring device driving permit;

20 (I) the person committed the violation while he or  
21 she knew or should have known that the vehicle he or  
22 she was driving was not covered by a liability  
23 insurance policy;

24 (J) the person in committing a violation of  
25 subsection (a) was involved in a motor vehicle  
26 accident that resulted in bodily harm, but not great

1           bodily harm, to the child under the age of 16 being  
2           transported by the person, if the violation was the  
3           proximate cause of the injury;

4           (K) the person in committing a second violation of  
5           subsection (a) or a similar provision was transporting  
6           a person under the age of 16; ~~or~~

7           (L) the person committed a violation of subsection  
8           (a) of this Section while transporting one or more  
9           passengers in a vehicle for-hire; or ~~-~~

10           (M) the person in committing a violation of  
11           subsection (a) of this Section was involved in a motor  
12           vehicle accident that resulted in a severe injury or  
13           death of a police animal, service animal, accelerant  
14           detection dog, or search and rescue dog.

15           (2) (A) Except as provided otherwise, a person  
16           convicted of aggravated driving under the influence of  
17           alcohol, other drug or drugs, or intoxicating compound or  
18           compounds, or any combination thereof is guilty of a Class  
19           4 felony.

20           (B) A third violation of this Section or a similar  
21           provision is a Class 2 felony. If at the time of the third  
22           violation the alcohol concentration in his or her blood,  
23           breath, other bodily substance, or urine was 0.16 or more  
24           based on the definition of blood, breath, other bodily  
25           substance, or urine units in Section 11-501.2, a mandatory  
26           minimum of 90 days of imprisonment and a mandatory minimum

1 fine of \$2,500 shall be imposed in addition to any other  
2 criminal or administrative sanction. If at the time of the  
3 third violation, the defendant was transporting a person  
4 under the age of 16, a mandatory fine of \$25,000 and 25  
5 days of community service in a program benefiting children  
6 shall be imposed in addition to any other criminal or  
7 administrative sanction.

8 (C) A fourth violation of this Section or a similar  
9 provision is a Class 2 felony, for which a sentence of  
10 probation or conditional discharge may not be imposed. If  
11 at the time of the violation, the alcohol concentration in  
12 the defendant's blood, breath, other bodily substance, or  
13 urine was 0.16 or more based on the definition of blood,  
14 breath, other bodily substance, or urine units in Section  
15 11-501.2, a mandatory minimum fine of \$5,000 shall be  
16 imposed in addition to any other criminal or  
17 administrative sanction. If at the time of the fourth  
18 violation, the defendant was transporting a person under  
19 the age of 16 a mandatory fine of \$25,000 and 25 days of  
20 community service in a program benefiting children shall  
21 be imposed in addition to any other criminal or  
22 administrative sanction.

23 (D) A fifth violation of this Section or a similar  
24 provision is a Class 1 felony, for which a sentence of  
25 probation or conditional discharge may not be imposed. If  
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, other bodily substance, or  
2 urine was 0.16 or more based on the definition of blood,  
3 breath, other bodily substance, or urine units in Section  
4 11-501.2, a mandatory minimum fine of \$5,000 shall be  
5 imposed in addition to any other criminal or  
6 administrative sanction. If at the time of the fifth  
7 violation, the defendant was transporting a person under  
8 the age of 16, a mandatory fine of \$25,000, and 25 days of  
9 community service in a program benefiting children shall  
10 be imposed in addition to any other criminal or  
11 administrative sanction.

12 (E) A sixth or subsequent violation of this Section or  
13 similar provision is a Class X felony. If at the time of  
14 the violation, the alcohol concentration in the  
15 defendant's blood, breath, other bodily substance, or  
16 urine was 0.16 or more based on the definition of blood,  
17 breath, other bodily substance, or urine units in Section  
18 11-501.2, a mandatory minimum fine of \$5,000 shall be  
19 imposed in addition to any other criminal or  
20 administrative sanction. If at the time of the violation,  
21 the defendant was transporting a person under the age of  
22 16, a mandatory fine of \$25,000 and 25 days of community  
23 service in a program benefiting children shall be imposed  
24 in addition to any other criminal or administrative  
25 sanction.

26 (F) For a violation of subparagraph (C) of paragraph

1 (1) of this subsection (d), the defendant, if sentenced to  
2 a term of imprisonment, shall be sentenced to not less  
3 than one year nor more than 12 years.

4 (G) A violation of subparagraph (F) of paragraph (1)  
5 of this subsection (d) is a Class 2 felony, for which the  
6 defendant, unless the court determines that extraordinary  
7 circumstances exist and require probation, shall be  
8 sentenced to: (i) a term of imprisonment of not less than 3  
9 years and not more than 14 years if the violation resulted  
10 in the death of one person; or (ii) a term of imprisonment  
11 of not less than 6 years and not more than 28 years if the  
12 violation resulted in the deaths of 2 or more persons.

13 (H) For a violation of subparagraph (J) of paragraph  
14 (1) of this subsection (d), a mandatory fine of \$2,500,  
15 and 25 days of community service in a program benefiting  
16 children shall be imposed in addition to any other  
17 criminal or administrative sanction.

18 (I) A violation of subparagraph (K) of paragraph (1)  
19 of this subsection (d), is a Class 2 felony and a mandatory  
20 fine of \$2,500, and 25 days of community service in a  
21 program benefiting children shall be imposed in addition  
22 to any other criminal or administrative sanction. If the  
23 child being transported suffered bodily harm, but not  
24 great bodily harm, in a motor vehicle accident, and the  
25 violation was the proximate cause of that injury, a  
26 mandatory fine of \$5,000 and 25 days of community service

1 in a program benefiting children shall be imposed in  
2 addition to any other criminal or administrative sanction.

3 (J) A violation of subparagraph (D) of paragraph (1)  
4 of this subsection (d) is a Class 3 felony, for which a  
5 sentence of probation or conditional discharge may not be  
6 imposed.

7 (3) Any person sentenced under this subsection (d) who  
8 receives a term of probation or conditional discharge must  
9 serve a minimum term of either 480 hours of community  
10 service or 10 days of imprisonment as a condition of the  
11 probation or conditional discharge in addition to any  
12 other criminal or administrative sanction.

13 (e) Any reference to a prior violation of subsection (a)  
14 or a similar provision includes any violation of a provision  
15 of a local ordinance or a provision of a law of another state  
16 or an offense committed on a military installation that is  
17 similar to a violation of subsection (a) of this Section.

18 (f) The imposition of a mandatory term of imprisonment or  
19 assignment of community service for a violation of this  
20 Section shall not be suspended or reduced by the court.

21 (g) Any penalty imposed for driving with a license that  
22 has been revoked for a previous violation of subsection (a) of  
23 this Section shall be in addition to the penalty imposed for  
24 any subsequent violation of subsection (a).

25 (h) For any prosecution under this Section, a certified  
26 copy of the driving abstract of the defendant shall be

1 admitted as proof of any prior conviction.

2 (Source: P.A. 101-363, eff. 8-9-19.)

3 (625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

4 Sec. 11-907. Operation of vehicles and streetcars on  
5 approach of authorized emergency vehicles.

6 (a) Upon the immediate approach of an authorized emergency  
7 vehicle making use of audible and visual signals meeting the  
8 requirements of this Code or a police vehicle properly and  
9 lawfully making use of an audible or visual signal:

10 (1) the driver of every other vehicle shall yield the  
11 right-of-way and shall immediately drive to a position  
12 parallel to, and as close as possible to, the right-hand  
13 edge or curb of the highway clear of any intersection and  
14 shall, if necessary to permit the safe passage of the  
15 emergency vehicle, stop and remain in such position until  
16 the authorized emergency vehicle has passed, unless  
17 otherwise directed by a police officer; and

18 (2) the operator of every streetcar shall immediately  
19 stop such car clear of any intersection and keep it in such  
20 position until the authorized emergency vehicle has  
21 passed, unless otherwise directed by a police officer.

22 (b) This Section shall not operate to relieve the driver  
23 of an authorized emergency vehicle from the duty to drive with  
24 due regard for the safety of all persons using the highway.

25 (c) Upon approaching a stationary authorized emergency



1 vehicle, when the authorized emergency vehicle is giving a  
2 signal by displaying alternately flashing red, red and white,  
3 blue, or red and blue lights or amber or yellow warning lights,  
4 a person who drives an approaching vehicle shall:

5 (1) proceeding with due caution, yield the  
6 right-of-way by making a lane change into a lane not  
7 adjacent to that of the authorized emergency vehicle, if  
8 possible with due regard to safety and traffic conditions,  
9 if on a highway having at least 4 lanes with not less than  
10 2 lanes proceeding in the same direction as the  
11 approaching vehicle; or

12 (2) if changing lanes would be impossible or unsafe,  
13 proceeding with due caution, reduce the speed of the  
14 vehicle, maintaining a safe speed for road conditions and  
15 leaving a safe distance until safely past the stationary  
16 vehicles.

17 As used in this subsection (c), "authorized emergency  
18 vehicle" includes any vehicle authorized by law to be equipped  
19 with oscillating, rotating, or flashing lights under Section  
20 12-215 of this Code, while the owner or operator of the vehicle  
21 is engaged in his or her official duties.

22 (d) A person who violates subsection (c) of this Section  
23 commits a business offense punishable by a fine of not less  
24 than \$250 or more than \$10,000 for a first violation, and a  
25 fine of not less than \$750 or more than \$10,000 for a second or  
26 subsequent violation. It is a factor in aggravation if the

1 person committed the offense while in violation of Section  
2 11-501 of this Code. Imposition of the penalties authorized by  
3 this subsection (d) for a violation of subsection (c) of this  
4 Section that results in the death of another person does not  
5 preclude imposition of appropriate additional civil or  
6 criminal penalties. A person who violates subsection (c) and  
7 the violation results in damage to another vehicle commits a  
8 Class A misdemeanor. A person who violates subsection (c) and  
9 the violation results in the injury or death of another person  
10 or a severe injury or death of a police animal, service animal,  
11 accelerant detection dog, or search and rescue dog commits a  
12 Class 4 felony.

13 (e) If a violation of subsection (c) of this Section  
14 results in damage to the property of another person, in  
15 addition to any other penalty imposed, the person's driving  
16 privileges shall be suspended for a fixed period of not less  
17 than 90 days and not more than one year.

18 (f) If a violation of subsection (c) of this Section  
19 results in injury to another person, in addition to any other  
20 penalty imposed, the person's driving privileges shall be  
21 suspended for a fixed period of not less than 180 days and not  
22 more than 2 years.

23 (g) If a violation of subsection (c) of this Section  
24 results in the death of another person, in addition to any  
25 other penalty imposed, the person's driving privileges shall  
26 be suspended for 2 years.

1           (h) The Secretary of State shall, upon receiving a record  
2 of a judgment entered against a person under subsection (c) of  
3 this Section:

4           (1) suspend the person's driving privileges for the  
5 mandatory period; or

6           (2) extend the period of an existing suspension by the  
7 appropriate mandatory period.

8           (i) The Scott's Law Fund shall be a special fund in the  
9 State treasury. Subject to appropriation by the General  
10 Assembly and approval by the Director, the Director of the  
11 State Police shall use all moneys in the Scott's Law Fund in  
12 the Department's discretion to fund the production of  
13 materials to educate drivers on approaching stationary  
14 authorized emergency vehicles, to hire off-duty Department of  
15 State Police for enforcement of this Section, and for other  
16 law enforcement purposes the Director deems necessary in these  
17 efforts.

18           (j) For violations of this Section issued by a county or  
19 municipal police officer, the assessment shall be deposited  
20 into the county's or municipality's Transportation Safety  
21 Highway Hire-back Fund. The county shall use the moneys in its  
22 Transportation Safety Highway Hire-back Fund to hire off-duty  
23 county police officers to monitor construction or maintenance  
24 zones in that county on highways other than interstate  
25 highways. The county, in its discretion, may also use a  
26 portion of the moneys in its Transportation Safety Highway

1 Hire-back Fund to purchase equipment for county law  
2 enforcement and fund the production of materials to educate  
3 drivers on construction zone safe driving habits and  
4 approaching stationary authorized emergency vehicles.

5 (Source: P.A. 100-201, eff. 8-18-17; 101-173, eff. 1-1-20.)