

SB1883



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1883

Introduced 2/9/2023, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

720 ILCS 5/48-12 new

Amends the Criminal Code of 2012. Provides that, notwithstanding any other provision of law, it is unlawful for any person to allow any member of the public to come into direct contact with a bear or nonhuman primate. Provides exemptions. Provides that a violation is a Class B misdemeanor. Provides that any law enforcement officer or peace officer employed by the State or by any county or municipality within the State may enforce these provisions. Provides that the Attorney General or a State's Attorney of the county in which a violation of these provisions occurred, may bring an action in the name of the People of the State of Illinois to enforce these provisions, and may bring an action for an injunction to restrain any actual or threatened violation. Contains a severability provision.

LRB103 28576 RLC 54957 b

A BILL FOR

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 Criminal Code of 2012 is amended by adding
5 Section 48-12 as follows:

6 (720 ILCS 5/48-12 new)

7 Sec. 48-12. Wild animal public safety.

8 (a) Definitions. In this Section:

9 "Covered animal" means any of the following, or any hybrid
10 of any of the following:

11 (1) Bear.

12 (2) Nonhuman primate.

13 "Direct contact" means physical contact or proximity where
14 physical contact is possible, including, but not limited to,
15 any proximity without a permanent physical barrier or
16 sufficient vertical height designed to prevent physical
17 contact between the public and a covered animal.

18 "Professional production crew" means a cast or crew member
19 of a production team and includes a professional photographer,
20 videographer, or cinematographer.

21 (b) Prohibition. Notwithstanding any other provision of
22 law, it is unlawful for any person to allow any member of the
23 public to come into direct contact with a covered animal.

1 (c) Nonapplication of this Section. This Section does not
2 apply to direct contact between a covered animal and any of the
3 following:

4 (1) the owner of the covered animal;

5 (2) the owner of the facility in which the specified
6 animal is kept;

7 (3) a trained professional employee or contractor of
8 the owner of the covered animal or facility or an
9 accompanying employee receiving professional training,
10 while acting in the course and scope of his or her official
11 duties;

12 (4) a licensed veterinarian, a veterinary student
13 accompanying such a veterinarian, or a registered
14 veterinary technician under the direct or indirect
15 supervision of a licensed veterinarian;

16 (5) a law enforcement officer or animal control
17 authority acting in the course and scope of his or her
18 official duties; or

19 (6) a board member, trainee, service provider, or
20 professional production crew who:

21 (A) is accompanied by the facility's owner or
22 trained employee;

23 (B) is performing work with the specified animal
24 away from public view; and

25 (C) is under a contract or other engagement with
26 the facility's owner.

1 (d) Sentence. Any person who violates this Section is
2 guilty of a Class B misdemeanor.

3 (e) Enforcement. Any law enforcement officer or peace
4 officer employed by this State or by any county or
5 municipality within this State may enforce the provisions of
6 this Section. The Attorney General or a State's Attorney in
7 the county in which a violation of this Section occurred, may
8 bring an action in the name of the People of the State of
9 Illinois to enforce the provisions of this Section, and may
10 bring an action for an injunction to restrain any actual or
11 threatened violation.

12 Section 97. Severability. The provisions of this Act are
13 severable under Section 1.31 of the Statute on Statutes.