

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 Counties Code is amended by changing Section
5 5-1071 as follows:

6 (55 ILCS 5/5-1071) (from Ch. 34, par. 5-1071)

7 Sec. 5-1071. Dogs running at large. The county board of
8 each county may regulate and prohibit the running at large of
9 dogs in unincorporated areas of the county which have been
10 subdivided for residence purposes. The county board may impose
11 such fines or penalties as are deemed proper to effectuate any
12 such regulation or prohibition of dogs running at large, except
13 when a fine or penalty is already allowed by law. ~~No fine or~~
14 ~~penalty may exceed \$50 for any one offense.~~

15 (Source: P.A. 86-962.)

16 Section 10. The Animal Control Act is amended by changing
17 Section 26 and by adding Section 9.5 as follows:

18 (510 ILCS 5/9.5 new)

19 Sec. 9.5. Dogs hunting; in dog parks. A dog that is
20 actively engaged in a legal hunting activity, including
21 training, is not considered to be running at large if the dog
22 is monitored or supervised by a person and the dog is on land
23 that is open to hunting or on land with respect to which the
24 person has obtained written permission to hunt or train a dog.
25 A dog that is in a dog-friendly area of a park or in a dog park
26 is not considered to be running at large if the dog is
27 monitored or supervised by a person.

28 (510 ILCS 5/26) (from Ch. 8, par. 376)

29 Sec. 26. (a) Except as otherwise provided in this Act, any

1 ~~Any~~ person violating or aiding in or abetting the violation of
2 any provision of this Act, or counterfeiting or forging any
3 certificate, permit, or tag, or making any misrepresentation in
4 regard to any matter prescribed by this Act, or resisting,
5 obstructing, or impeding the Administrator or any authorized
6 officer in enforcing this Act, or refusing to produce for
7 inoculation any dog in his possession, or who removes a tag
8 from a dog for purposes of destroying or concealing its
9 identity, is guilty of a Class C misdemeanor for a first
10 offense and for a subsequent offense, is guilty of a Class B
11 misdemeanor.

12 Each day a person fails to comply constitutes a separate
13 offense. Each State's Attorney to whom the Administrator
14 reports any violation of this Act shall cause appropriate
15 proceedings to be instituted in the proper courts without delay
16 and to be prosecuted in the manner provided by law.

17 (b) If the owner of a vicious dog subject to enclosure:

18 (1) fails to maintain or keep the dog in an enclosure
19 or fails to spay or neuter the dog within the time period
20 prescribed; and

21 (2) the dog inflicts serious physical injury upon any
22 other person or causes the death of another person; and

23 (3) the attack is unprovoked in a place where such
24 person is peaceably conducting himself or herself and where
25 such person may lawfully be;

26 the owner shall be guilty of a Class 3 ~~Class 4~~ felony, unless
27 the owner knowingly allowed the dog to run at large or failed
28 to take steps to keep the dog in an enclosure then the owner
29 shall be guilty of a Class 2 ~~Class 3~~ felony. The penalty
30 provided in this paragraph shall be in addition to any other
31 criminal or civil sanction provided by law.

32 (c) If the owner of a dangerous dog knowingly fails to
33 comply with any order regarding the dog and the dog inflicts
34 serious physical injury on a person or a companion animal, the
35 owner shall be guilty of a Class 4 felony ~~Class A misdemeanor~~.
36 If the owner of a dangerous dog knowingly fails to comply with

1 any order regarding the dog and the dog kills a person the
2 owner shall be guilty of a Class 3 ~~Class 4~~ felony.

3 (d) If the owner of a dog knowingly allows it to run at
4 large in violation of this Act as specified in Section 9 and
5 the dog inflicts serious physical injury, as defined in this
6 Act, or death to a person, the owner is guilty of a Class A
7 misdemeanor. This subsection does not apply to a police dog
8 that inflicts physical or serious physical injury to a person
9 in the course of its duties. A good faith effort to retrieve
10 the dog in a timely fashion is an affirmative defense to this
11 subsection (d).

12 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

13 Section 15. The Unified Code of Corrections is amended by
14 changing Section 5-5-3.2 as follows:

15 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

16 Sec. 5-5-3.2. Factors in Aggravation.

17 (a) The following factors shall be accorded weight in favor
18 of imposing a term of imprisonment or may be considered by the
19 court as reasons to impose a more severe sentence under Section
20 5-8-1:

21 (1) the defendant's conduct caused or threatened
22 serious harm;

23 (2) the defendant received compensation for committing
24 the offense;

25 (3) the defendant has a history of prior delinquency or
26 criminal activity;

27 (4) the defendant, by the duties of his office or by
28 his position, was obliged to prevent the particular offense
29 committed or to bring the offenders committing it to
30 justice;

31 (5) the defendant held public office at the time of the
32 offense, and the offense related to the conduct of that
33 office;

34 (6) the defendant utilized his professional reputation

1 or position in the community to commit the offense, or to
2 afford him an easier means of committing it;

3 (7) the sentence is necessary to deter others from
4 committing the same crime;

5 (8) the defendant committed the offense against a
6 person 60 years of age or older or such person's property;

7 (9) the defendant committed the offense against a
8 person who is physically handicapped or such person's
9 property;

10 (10) by reason of another individual's actual or
11 perceived race, color, creed, religion, ancestry, gender,
12 sexual orientation, physical or mental disability, or
13 national origin, the defendant committed the offense
14 against (i) the person or property of that individual; (ii)
15 the person or property of a person who has an association
16 with, is married to, or has a friendship with the other
17 individual; or (iii) the person or property of a relative
18 (by blood or marriage) of a person described in clause (i)
19 or (ii). For the purposes of this Section, "sexual
20 orientation" means heterosexuality, homosexuality, or
21 bisexuality;

22 (11) the offense took place in a place of worship or on
23 the grounds of a place of worship, immediately prior to,
24 during or immediately following worship services. For
25 purposes of this subparagraph, "place of worship" shall
26 mean any church, synagogue or other building, structure or
27 place used primarily for religious worship;

28 (12) the defendant was convicted of a felony committed
29 while he was released on bail or his own recognizance
30 pending trial for a prior felony and was convicted of such
31 prior felony, or the defendant was convicted of a felony
32 committed while he was serving a period of probation,
33 conditional discharge, or mandatory supervised release
34 under subsection (d) of Section 5-8-1 for a prior felony;

35 (13) the defendant committed or attempted to commit a
36 felony while he was wearing a bulletproof vest. For the

1 purposes of this paragraph (13), a bulletproof vest is any
2 device which is designed for the purpose of protecting the
3 wearer from bullets, shot or other lethal projectiles;

4 (14) the defendant held a position of trust or
5 supervision such as, but not limited to, family member as
6 defined in Section 12-12 of the Criminal Code of 1961,
7 teacher, scout leader, baby sitter, or day care worker, in
8 relation to a victim under 18 years of age, and the
9 defendant committed an offense in violation of Section
10 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
11 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
12 against that victim;

13 (15) the defendant committed an offense related to the
14 activities of an organized gang. For the purposes of this
15 factor, "organized gang" has the meaning ascribed to it in
16 Section 10 of the Streetgang Terrorism Omnibus Prevention
17 Act;

18 (16) the defendant committed an offense in violation of
19 one of the following Sections while in a school, regardless
20 of the time of day or time of year; on any conveyance
21 owned, leased, or contracted by a school to transport
22 students to or from school or a school related activity; on
23 the real property of a school; or on a public way within
24 1,000 feet of the real property comprising any school:
25 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
26 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
27 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
28 33A-2 of the Criminal Code of 1961;

29 (16.5) the defendant committed an offense in violation
30 of one of the following Sections while in a day care
31 center, regardless of the time of day or time of year; on
32 the real property of a day care center, regardless of the
33 time of day or time of year; or on a public way within
34 1,000 feet of the real property comprising any day care
35 center, regardless of the time of day or time of year:
36 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,

1 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
2 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
3 33A-2 of the Criminal Code of 1961;

4 (17) the defendant committed the offense by reason of
5 any person's activity as a community policing volunteer or
6 to prevent any person from engaging in activity as a
7 community policing volunteer. For the purpose of this
8 Section, "community policing volunteer" has the meaning
9 ascribed to it in Section 2-3.5 of the Criminal Code of
10 1961;

11 (18) the defendant committed the offense in a nursing
12 home or on the real property comprising a nursing home. For
13 the purposes of this paragraph (18), "nursing home" means a
14 skilled nursing or intermediate long term care facility
15 that is subject to license by the Illinois Department of
16 Public Health under the Nursing Home Care Act;

17 (19) the defendant was a federally licensed firearm
18 dealer and was previously convicted of a violation of
19 subsection (a) of Section 3 of the Firearm Owners
20 Identification Card Act and has now committed either a
21 felony violation of the Firearm Owners Identification Card
22 Act or an act of armed violence while armed with a firearm;

23 ~~or~~

24 (20) the defendant (i) committed the offense of
25 reckless homicide under Section 9-3 of the Criminal Code of
26 1961 or the offense of driving under the influence of
27 alcohol, other drug or drugs, intoxicating compound or
28 compounds or any combination thereof under Section 11-501
29 of the Illinois Vehicle Code or a similar provision of a
30 local ordinance and (ii) was operating a motor vehicle in
31 excess of 20 miles per hour over the posted speed limit as
32 provided in Article VI of Chapter 11 of the Illinois
33 Vehicle Code; or-

34 (21) ~~(20)~~ the defendant (i) committed the offense of
35 reckless driving or aggravated reckless driving under
36 Section 11-503 of the Illinois Vehicle Code and (ii) was

1 operating a motor vehicle in excess of 20 miles per hour
2 over the posted speed limit as provided in Article VI of
3 Chapter 11 of the Illinois Vehicle Code.

4 For the purposes of this Section:

5 "School" is defined as a public or private elementary or
6 secondary school, community college, college, or university.

7 "Day care center" means a public or private State certified
8 and licensed day care center as defined in Section 2.09 of the
9 Child Care Act of 1969 that displays a sign in plain view
10 stating that the property is a day care center.

11 (b) The following factors may be considered by the court as
12 reasons to impose an extended term sentence under Section 5-8-2
13 upon any offender:

14 (1) When a defendant is convicted of any felony, after
15 having been previously convicted in Illinois or any other
16 jurisdiction of the same or similar class felony or greater
17 class felony, when such conviction has occurred within 10
18 years after the previous conviction, excluding time spent
19 in custody, and such charges are separately brought and
20 tried and arise out of different series of acts; or

21 (2) When a defendant is convicted of any felony and the
22 court finds that the offense was accompanied by
23 exceptionally brutal or heinous behavior indicative of
24 wanton cruelty; or

25 (3) When a defendant is convicted of voluntary
26 manslaughter, second degree murder, involuntary
27 manslaughter or reckless homicide in which the defendant
28 has been convicted of causing the death of more than one
29 individual; or

30 (4) When a defendant is convicted of any felony
31 committed against:

32 (i) a person under 12 years of age at the time of
33 the offense or such person's property;

34 (ii) a person 60 years of age or older at the time
35 of the offense or such person's property; or

36 (iii) a person physically handicapped at the time

1 of the offense or such person's property; or

2 (5) In the case of a defendant convicted of aggravated
3 criminal sexual assault or criminal sexual assault, when
4 the court finds that aggravated criminal sexual assault or
5 criminal sexual assault was also committed on the same
6 victim by one or more other individuals, and the defendant
7 voluntarily participated in the crime with the knowledge of
8 the participation of the others in the crime, and the
9 commission of the crime was part of a single course of
10 conduct during which there was no substantial change in the
11 nature of the criminal objective; or

12 (6) When a defendant is convicted of any felony and the
13 offense involved any of the following types of specific
14 misconduct committed as part of a ceremony, rite,
15 initiation, observance, performance, practice or activity
16 of any actual or ostensible religious, fraternal, or social
17 group:

18 (i) the brutalizing or torturing of humans or
19 animals;

20 (ii) the theft of human corpses;

21 (iii) the kidnapping of humans;

22 (iv) the desecration of any cemetery, religious,
23 fraternal, business, governmental, educational, or
24 other building or property; or

25 (v) ritualized abuse of a child; or

26 (7) When a defendant is convicted of first degree
27 murder, after having been previously convicted in Illinois
28 of any offense listed under paragraph (c)(2) of Section
29 5-5-3, when such conviction has occurred within 10 years
30 after the previous conviction, excluding time spent in
31 custody, and such charges are separately brought and tried
32 and arise out of different series of acts; or

33 (8) When a defendant is convicted of a felony other
34 than conspiracy and the court finds that the felony was
35 committed under an agreement with 2 or more other persons
36 to commit that offense and the defendant, with respect to

1 the other individuals, occupied a position of organizer,
2 supervisor, financier, or any other position of management
3 or leadership, and the court further finds that the felony
4 committed was related to or in furtherance of the criminal
5 activities of an organized gang or was motivated by the
6 defendant's leadership in an organized gang; or

7 (9) When a defendant is convicted of a felony violation
8 of Section 24-1 of the Criminal Code of 1961 and the court
9 finds that the defendant is a member of an organized gang;
10 or

11 (10) When a defendant committed the offense using a
12 firearm with a laser sight attached to it. For purposes of
13 this paragraph (10), "laser sight" has the meaning ascribed
14 to it in Section 24.6-5 of the Criminal Code of 1961; or

15 (11) When a defendant who was at least 17 years of age
16 at the time of the commission of the offense is convicted
17 of a felony and has been previously adjudicated a
18 delinquent minor under the Juvenile Court Act of 1987 for
19 an act that if committed by an adult would be a Class X or
20 Class 1 felony when the conviction has occurred within 10
21 years after the previous adjudication, excluding time
22 spent in custody; or

23 (12) When a defendant commits an offense involving the
24 illegal manufacture of a controlled substance under
25 Section 401 of the Illinois Controlled Substances Act, the
26 illegal manufacture of methamphetamine under Section 25 of
27 the Methamphetamine Control and Community Protection Act,
28 or the illegal possession of explosives and an emergency
29 response officer in the performance of his or her duties is
30 killed or injured at the scene of the offense while
31 responding to the emergency caused by the commission of the
32 offense. In this paragraph (12), "emergency" means a
33 situation in which a person's life, health, or safety is in
34 jeopardy; and "emergency response officer" means a peace
35 officer, community policing volunteer, fireman, emergency
36 medical technician-ambulance, emergency medical

1 technician-intermediate, emergency medical
2 technician-paramedic, ambulance driver, other medical
3 assistance or first aid personnel, or hospital emergency
4 room personnel; or

5 (13) When a defendant commits any felony and the
6 defendant used, possessed, exercised control over, or
7 otherwise directed an animal to assault a law enforcement
8 officer engaged in the execution of his or her official
9 duties or in furtherance of the criminal activities of an
10 organized gang in which the defendant is engaged.

11 (b-1) For the purposes of this Section, "organized gang"
12 has the meaning ascribed to it in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (c) The court may impose an extended term sentence under
15 Section 5-8-2 upon any offender who was convicted of aggravated
16 criminal sexual assault or predatory criminal sexual assault of
17 a child under subsection (a)(1) of Section 12-14.1 of the
18 Criminal Code of 1961 where the victim was under 18 years of
19 age at the time of the commission of the offense.

20 (d) The court may impose an extended term sentence under
21 Section 5-8-2 upon any offender who was convicted of unlawful
22 use of weapons under Section 24-1 of the Criminal Code of 1961
23 for possessing a weapon that is not readily distinguishable as
24 one of the weapons enumerated in Section 24-1 of the Criminal
25 Code of 1961.

26 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
27 eff. 9-11-05; revised 8-19-05.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.