

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 Sections 16 and 26 as follows:

18 (510 ILCS 5/16) (from Ch. 8, par. 366)

19 Sec. 16. Animal attacks or injuries. If a dog or other
20 animal, without provocation, attacks, attempts to attack, or
21 injures any person who is peaceably conducting himself or
22 herself in any place where he or she may lawfully be, the owner
23 of such dog or other animal is liable in civil damages to such
24 person for the full amount of the injury proximately caused
25 thereby sustained.

26 (Source: P.A. 78-795.)

27 (510 ILCS 5/26) (from Ch. 8, par. 376)

28 Sec. 26. (a) Except as otherwise provided in this Act, any
29 ~~Any~~ person violating or aiding in or abetting the violation of

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

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

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

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

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

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

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

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

1 owner shall be guilty of a Class 3 ~~Class 4~~ felony.

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

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

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

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

7 (a) The following factors shall be accorded weight in favor
8 of imposing a term of imprisonment or may be considered by the
9 court as reasons to impose a more severe sentence under Section
10 5-8-1:

11 (1) the defendant's conduct caused or threatened
12 serious harm;

13 (2) the defendant received compensation for committing
14 the offense;

15 (3) the defendant has a history of prior delinquency or
16 criminal activity;

17 (4) the defendant, by the duties of his office or by
18 his position, was obliged to prevent the particular offense
19 committed or to bring the offenders committing it to
20 justice;

21 (5) the defendant held public office at the time of the
22 offense, and the offense related to the conduct of that
23 office;

24 (6) the defendant utilized his professional reputation
25 or position in the community to commit the offense, or to
26 afford him an easier means of committing it;

27 (7) the sentence is necessary to deter others from
28 committing the same crime;

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

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

34 (10) by reason of another individual's actual or

1 perceived race, color, creed, religion, ancestry, gender,
2 sexual orientation, physical or mental disability, or
3 national origin, the defendant committed the offense
4 against (i) the person or property of that individual; (ii)
5 the person or property of a person who has an association
6 with, is married to, or has a friendship with the other
7 individual; or (iii) the person or property of a relative
8 (by blood or marriage) of a person described in clause (i)
9 or (ii). For the purposes of this Section, "sexual
10 orientation" means heterosexuality, homosexuality, or
11 bisexuality;

12 (11) the offense took place in a place of worship or on
13 the grounds of a place of worship, immediately prior to,
14 during or immediately following worship services. For
15 purposes of this subparagraph, "place of worship" shall
16 mean any church, synagogue or other building, structure or
17 place used primarily for religious worship;

18 (12) the defendant was convicted of a felony committed
19 while he was released on bail or his own recognizance
20 pending trial for a prior felony and was convicted of such
21 prior felony, or the defendant was convicted of a felony
22 committed while he was serving a period of probation,
23 conditional discharge, or mandatory supervised release
24 under subsection (d) of Section 5-8-1 for a prior felony;

25 (13) the defendant committed or attempted to commit a
26 felony while he was wearing a bulletproof vest. For the
27 purposes of this paragraph (13), a bulletproof vest is any
28 device which is designed for the purpose of protecting the
29 wearer from bullets, shot or other lethal projectiles;

30 (14) the defendant held a position of trust or
31 supervision such as, but not limited to, family member as
32 defined in Section 12-12 of the Criminal Code of 1961,
33 teacher, scout leader, baby sitter, or day care worker, in
34 relation to a victim under 18 years of age, and the
35 defendant committed an offense in violation of Section
36 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,

1 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
2 against that victim;

3 (15) the defendant committed an offense related to the
4 activities of an organized gang. For the purposes of this
5 factor, "organized gang" has the meaning ascribed to it in
6 Section 10 of the Streetgang Terrorism Omnibus Prevention
7 Act;

8 (16) the defendant committed an offense in violation of
9 one of the following Sections while in a school, regardless
10 of the time of day or time of year; on any conveyance
11 owned, leased, or contracted by a school to transport
12 students to or from school or a school related activity; on
13 the real property of a school; or on a public way within
14 1,000 feet of the real property comprising any school:
15 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
18 33A-2 of the Criminal Code of 1961;

19 (16.5) the defendant committed an offense in violation
20 of one of the following Sections while in a day care
21 center, regardless of the time of day or time of year; on
22 the real property of a day care center, regardless of the
23 time of day or time of year; or on a public way within
24 1,000 feet of the real property comprising any day care
25 center, regardless of the time of day or time of year:
26 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
27 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
28 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
29 33A-2 of the Criminal Code of 1961;

30 (17) the defendant committed the offense by reason of
31 any person's activity as a community policing volunteer or
32 to prevent any person from engaging in activity as a
33 community policing volunteer. For the purpose of this
34 Section, "community policing volunteer" has the meaning
35 ascribed to it in Section 2-3.5 of the Criminal Code of
36 1961;

1 (18) the defendant committed the offense in a nursing
2 home or on the real property comprising a nursing home. For
3 the purposes of this paragraph (18), "nursing home" means a
4 skilled nursing or intermediate long term care facility
5 that is subject to license by the Illinois Department of
6 Public Health under the Nursing Home Care Act;

7 (19) the defendant was a federally licensed firearm
8 dealer and was previously convicted of a violation of
9 subsection (a) of Section 3 of the Firearm Owners
10 Identification Card Act and has now committed either a
11 felony violation of the Firearm Owners Identification Card
12 Act or an act of armed violence while armed with a firearm;

13 ~~or~~

14 (20) the defendant (i) committed the offense of
15 reckless homicide under Section 9-3 of the Criminal Code of
16 1961 or the offense of driving under the influence of
17 alcohol, other drug or drugs, intoxicating compound or
18 compounds or any combination thereof under Section 11-501
19 of the Illinois Vehicle Code or a similar provision of a
20 local ordinance and (ii) was operating a motor vehicle in
21 excess of 20 miles per hour over the posted speed limit as
22 provided in Article VI of Chapter 11 of the Illinois
23 Vehicle Code; or-

24 (21) ~~(20)~~ the defendant (i) committed the offense of
25 reckless driving or aggravated reckless driving under
26 Section 11-503 of the Illinois Vehicle Code and (ii) was
27 operating a motor vehicle in excess of 20 miles per hour
28 over the posted speed limit as provided in Article VI of
29 Chapter 11 of the Illinois Vehicle Code.

30 For the purposes of this Section:

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

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

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

4 (1) When a defendant is convicted of any felony, after
5 having been previously convicted in Illinois or any other
6 jurisdiction of the same or similar class felony or greater
7 class felony, when such conviction has occurred within 10
8 years after the previous conviction, excluding time spent
9 in custody, and such charges are separately brought and
10 tried and arise out of different series of acts; or

11 (2) When a defendant is convicted of any felony and the
12 court finds that the offense was accompanied by
13 exceptionally brutal or heinous behavior indicative of
14 wanton cruelty; or

15 (3) When a defendant is convicted of voluntary
16 manslaughter, second degree murder, involuntary
17 manslaughter or reckless homicide in which the defendant
18 has been convicted of causing the death of more than one
19 individual; or

20 (4) When a defendant is convicted of any felony
21 committed against:

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

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

26 (iii) a person physically handicapped at the time
27 of the offense or such person's property; or

28 (5) In the case of a defendant convicted of aggravated
29 criminal sexual assault or criminal sexual assault, when
30 the court finds that aggravated criminal sexual assault or
31 criminal sexual assault was also committed on the same
32 victim by one or more other individuals, and the defendant
33 voluntarily participated in the crime with the knowledge of
34 the participation of the others in the crime, and the
35 commission of the crime was part of a single course of
36 conduct during which there was no substantial change in the

1 nature of the criminal objective; or

2 (6) When a defendant is convicted of any felony and the
3 offense involved any of the following types of specific
4 misconduct committed as part of a ceremony, rite,
5 initiation, observance, performance, practice or activity
6 of any actual or ostensible religious, fraternal, or social
7 group:

8 (i) the brutalizing or torturing of humans or
9 animals;

10 (ii) the theft of human corpses;

11 (iii) the kidnapping of humans;

12 (iv) the desecration of any cemetery, religious,
13 fraternal, business, governmental, educational, or
14 other building or property; or

15 (v) ritualized abuse of a child; or

16 (7) When a defendant is convicted of first degree
17 murder, after having been previously convicted in Illinois
18 of any offense listed under paragraph (c)(2) of Section
19 5-5-3, when such conviction has occurred within 10 years
20 after the previous conviction, excluding time spent in
21 custody, and such charges are separately brought and tried
22 and arise out of different series of acts; or

23 (8) When a defendant is convicted of a felony other
24 than conspiracy and the court finds that the felony was
25 committed under an agreement with 2 or more other persons
26 to commit that offense and the defendant, with respect to
27 the other individuals, occupied a position of organizer,
28 supervisor, financier, or any other position of management
29 or leadership, and the court further finds that the felony
30 committed was related to or in furtherance of the criminal
31 activities of an organized gang or was motivated by the
32 defendant's leadership in an organized gang; or

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

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

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

13 (12) When a defendant commits an offense involving the
14 illegal manufacture of a controlled substance under
15 Section 401 of the Illinois Controlled Substances Act, the
16 illegal manufacture of methamphetamine under Section 25 of
17 the Methamphetamine Control and Community Protection Act,
18 or the illegal possession of explosives and an emergency
19 response officer in the performance of his or her duties is
20 killed or injured at the scene of the offense while
21 responding to the emergency caused by the commission of the
22 offense. In this paragraph (12), "emergency" means a
23 situation in which a person's life, health, or safety is in
24 jeopardy; and "emergency response officer" means a peace
25 officer, community policing volunteer, fireman, emergency
26 medical technician-ambulance, emergency medical
27 technician-intermediate, emergency medical
28 technician-paramedic, ambulance driver, other medical
29 assistance or first aid personnel, or hospital emergency
30 room personnel; or.

31 (13) When a defendant commits any felony and the
32 defendant used, possessed, exercised control over, or
33 otherwise directed an animal to assault a law enforcement
34 officer engaged in the execution of his or her official
35 duties or in furtherance of the criminal activities of an
36 organized gang in which the defendant is engaged.

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

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

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

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.