



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4711

Introduced 1/12/2006, by Rep. Linda Chapa LaVia - Michelle Chavez - Charles E. Jefferson - Maria Antonia Berrios

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-5

Amends the Criminal Code of 1961 relating to dog fighting. Increases the penalty for attending a dog fight from a Class C to a Class A misdemeanor. Provides that if a person under 13 years of age is present at any dog fight, the parent, legal guardian, or other person who is 18 years of age or older who brings that person under 13 years of age to that dog fight is guilty of a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation. Increases various other penalties by one class for promoting, conducting, or advertising a dog fight or for selling a dog to be used in a dog fight. Provides that it is prima facie evidence of a violation of these provisions that the offender possessed any treadmill wheel, hot walker, or other paraphernalia, together with evidence that the paraphernalia is being used or intended for use in the unlawful training of a dog to fight with another dog, along with the possession of any such dog. Provides that a law enforcement agency shall obtain evidence of a violation of these provisions as the agency deems appropriate through videotape, written police reports, or observation of activities occurring on the property or at the residence of an offender and shall use this evidence to train peace officers in recognizing violations.

LRB094 16593 RLC 53473 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 1961 is amended by changing
5 Section 26-5 as follows:

6 (720 ILCS 5/26-5)

7 Sec. 26-5. Dog fighting. (For other provisions that may
8 apply to dog fighting, see the Humane Care for Animals Act. For
9 provisions similar to this Section that apply to animals other
10 than dogs, see in particular Section 4.01 of the Humane Care
11 for Animals Act.)

12 (a) No person may own, capture, breed, train, or lease any
13 dog which he or she knows is intended for use in any show,
14 exhibition, program, or other activity featuring or otherwise
15 involving a fight between the dog and any other animal or
16 human, or the intentional killing of any dog for the purpose of
17 sport, wagering, or entertainment.

18 (b) No person may promote, conduct, carry on, advertise,
19 collect money for or in any other manner assist or aid in the
20 presentation for purposes of sport, wagering, or entertainment
21 of any show, exhibition, program, or other activity involving a
22 fight between 2 or more dogs or any dog and human, or the
23 intentional killing of any dog.

24 (c) No person may sell or offer for sale, ship, transport,
25 or otherwise move, or deliver or receive any dog which he or
26 she knows has been captured, bred, or trained, or will be used,
27 to fight another dog or human or be intentionally killed for
28 purposes of sport, wagering, or entertainment.

29 (c-5) No person may solicit a minor to violate this
30 Section.

31 (d) No person may manufacture for sale, shipment,
32 transportation, or delivery any device or equipment which he or

1 she knows or should know is intended for use in any show,
2 exhibition, program, or other activity featuring or otherwise
3 involving a fight between 2 or more dogs, or any human and dog,
4 or the intentional killing of any dog for purposes of sport,
5 wagering, or entertainment.

6 (e) No person may own, possess, sell or offer for sale,
7 ship, transport, or otherwise move any equipment or device
8 which he or she knows or should know is intended for use in
9 connection with any show, exhibition, program, or activity
10 featuring or otherwise involving a fight between 2 or more
11 dogs, or any dog and human, or the intentional killing of any
12 dog for purposes of sport, wagering or entertainment.

13 (f) No person may knowingly make available any site,
14 structure, or facility, whether enclosed or not, that he or she
15 knows is intended to be used for the purpose of conducting any
16 show, exhibition, program, or other activity involving a fight
17 between 2 or more dogs, or any dog and human, or the
18 intentional killing of any dog or knowingly manufacture,
19 distribute, or deliver fittings to be used in a fight between 2
20 or more dogs or a dog and human.

21 (g) No person may attend or otherwise patronize any show,
22 exhibition, program, or other activity featuring or otherwise
23 involving a fight between 2 or more dogs, or any dog and human,
24 or the intentional killing of any dog for purposes of sport,
25 wagering, or entertainment.

26 (h) No person may tie or attach or fasten any live animal
27 to any machine or device propelled by any power for the purpose
28 of causing the animal to be pursued by a dog or dogs. This
29 subsection (h) applies only when the dog is intended to be used
30 in a dog fight.

31 (i) Penalties for violations of this Section shall be as
32 follows:

33 (1) Any person convicted of violating subsection (a),
34 (b), or (c) of this Section is guilty of a Class 3 ~~4~~ felony
35 for a first violation and a Class 2 ~~3~~ felony for a second
36 or subsequent violation, and may be fined an amount not to

1 exceed \$50,000.

2 (1.5) A person who knowingly owns a dog for fighting
3 purposes or for producing a fight between 2 or more dogs or
4 a dog and human or who knowingly offers for sale or sells a
5 dog bred for fighting is guilty of a Class 2 ~~3~~ felony and
6 may be fined an amount not to exceed \$50,000, if the dog
7 participates in a dogfight and any of the following factors
8 is present:

9 (i) the dogfight is performed in the presence of a
10 person under 18 years of age;

11 (ii) the dogfight is performed for the purpose of
12 or in the presence of illegal wagering activity; or

13 (iii) the dogfight is performed in furtherance of
14 streetgang related activity as defined in Section 10 of
15 the Illinois Streetgang Terrorism Omnibus Prevention
16 Act.

17 (1.7) A person convicted of violating subsection (c-5)
18 of this Section is guilty of a Class 4 felony ~~A~~
19 ~~misdemeanor~~.

20 (2) Any person convicted of violating subsection (d) or
21 (e) of this Section is guilty of a Class 4 felony ~~Class A~~
22 ~~misdemeanor~~ for a first violation. A second or subsequent
23 violation of subsection (d) or (e) of this Section is a
24 Class 2 ~~3~~ felony.

25 (2.5) Any person convicted of violating subsection (f)
26 of this Section is guilty of a Class 3 ~~4~~ felony.

27 (3) Any person convicted of violating subsection (g) of
28 this Section is guilty of a Class A ~~E~~ misdemeanor for a
29 first violation. A second or subsequent violation of
30 subsection (g) of this Section is a Class 4 felony. If a
31 person under 13 years of age is present at any show,
32 exhibition, program, or other activity prohibited in
33 subsection (g), the parent, legal guardian, or other person
34 who is 18 years of age or older who brings that person
35 under 13 years of age to that show, exhibition, program, or
36 other activity is guilty of a Class 4 felony for a first

1 violation and a Class 3 felony for a second or subsequent
2 violation ~~B misdemeanor.~~

3 (j) Any dog or equipment involved in a violation of this
4 Section shall be immediately seized and impounded under Section
5 12 of the Humane Care for Animals Act when located at any show,
6 exhibition, program, or other activity featuring or otherwise
7 involving a dog fight for the purposes of sport, wagering, or
8 entertainment.

9 (k) Any vehicle or conveyance other than a common carrier
10 that is used in violation of this Section shall be seized,
11 held, and offered for sale at public auction by the sheriff's
12 department of the proper jurisdiction, and the proceeds from
13 the sale shall be remitted to the general fund of the county
14 where the violation took place.

15 (l) Any veterinarian in this State who is presented with a
16 dog for treatment of injuries or wounds resulting from fighting
17 where there is a reasonable possibility that the dog was
18 engaged in or utilized for a fighting event for the purposes of
19 sport, wagering, or entertainment shall file a report with the
20 Department of Agriculture and cooperate by furnishing the
21 owners' names, dates, and descriptions of the dog or dogs
22 involved. Any veterinarian who in good faith complies with the
23 requirements of this subsection has immunity from any
24 liability, civil, criminal, or otherwise, that may result from
25 his or her actions. For the purposes of any proceedings, civil
26 or criminal, the good faith of the veterinarian shall be
27 rebuttably presumed.

28 (m) In addition to any other penalty provided by law, upon
29 conviction for violating this Section, the court may order that
30 the convicted person and persons dwelling in the same household
31 as the convicted person who conspired, aided, or abetted in the
32 unlawful act that was the basis of the conviction, or who knew
33 or should have known of the unlawful act, may not own, harbor,
34 or have custody or control of any dog or other animal for a
35 period of time that the court deems reasonable.

36 (n) It is prima facie evidence of a violation of this

1 Section that the offender possessed any treadmill wheel, hot
2 walker, or other paraphernalia, together with evidence that the
3 paraphernalia is being used or intended for use in the unlawful
4 training of a dog to fight with another dog, along with the
5 possession of any such dog.

6 (o) A law enforcement agency shall obtain evidence of a
7 violation of this Section as the agency deems appropriate
8 through videotape, written police reports, or observation of
9 activities occurring on the property or at the residence of an
10 offender and shall use this evidence to train peace officers in
11 recognizing violations of this Section.

12 (Source: P.A. 92-425, eff. 1-1-02; 92-650, eff. 7-11-02.)