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09400HB4711ham001

LRB094 16593 RLC 55161 a

1 AMENDMENT TO HOUSE BILL 4711

2 AMENDMENT NO. _____. Amend House Bill 4711 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing 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,

1 or otherwise move, or deliver or receive any dog which he or
2 she knows has been captured, bred, or trained, or will be used,
3 to fight another dog or human or be intentionally killed for
4 purposes of sport, wagering, or entertainment.

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

7 (d) No person may manufacture for sale, shipment,
8 transportation, or delivery any device or equipment which he or
9 she knows or should know is intended for use in any show,
10 exhibition, program, or other activity featuring or otherwise
11 involving a fight between 2 or more dogs, or any human and dog,
12 or the intentional killing of any dog for purposes of sport,
13 wagering, or entertainment.

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

21 (f) No person may knowingly make available any site,
22 structure, or facility, whether enclosed or not, that he or she
23 knows is intended to be used for the purpose of conducting any
24 show, exhibition, program, or other activity involving a fight
25 between 2 or more dogs, or any dog and human, or the
26 intentional killing of any dog or knowingly manufacture,
27 distribute, or deliver fittings to be used in a fight between 2
28 or more dogs or a dog and human.

29 (g) No person may attend or otherwise patronize any show,
30 exhibition, program, or other activity featuring or otherwise
31 involving a fight between 2 or more dogs, or any dog and human,
32 or the intentional killing of any dog for purposes of sport,
33 wagering, or entertainment.

34 (h) No person may tie or attach or fasten any live animal

1 to any machine or device propelled by any power for the purpose
2 of causing the animal to be pursued by a dog or dogs. This
3 subsection (h) applies only when the dog is intended to be used
4 in a dog fight.

5 (i) Penalties for violations of this Section shall be as
6 follows:

7 (1) Any person convicted of violating subsection (a),
8 (b), or (c) of this Section is guilty of a Class 4 felony
9 for a first violation and a Class 3 felony for a second or
10 subsequent violation, and may be fined an amount not to
11 exceed \$50,000.

12 (1.5) A person who knowingly owns a dog for fighting
13 purposes or for producing a fight between 2 or more dogs or
14 a dog and human or who knowingly offers for sale or sells a
15 dog bred for fighting is guilty of a Class 3 felony and may
16 be fined an amount not to exceed \$50,000, if the dog
17 participates in a dogfight and any of the following factors
18 is present:

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

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

23 (iii) the dogfight is performed in furtherance of
24 streetgang related activity as defined in Section 10 of
25 the Illinois Streetgang Terrorism Omnibus Prevention
26 Act.

27 (1.7) A person convicted of violating subsection (c-5)
28 of this Section is guilty of a Class 4 felony ~~A~~
29 ~~misdemeanor~~.

30 (2) Any person convicted of violating subsection (d) or
31 (e) of this Section is guilty of a Class A misdemeanor for
32 a first violation. A second or subsequent violation of
33 subsection (d) or (e) of this Section is a Class 3 felony.

34 (2.5) Any person convicted of violating subsection (f)

1 of this Section is guilty of a Class 4 felony.

2 (3) Any person convicted of violating subsection (g) of
3 this Section is guilty of a Class A ~~E~~ misdemeanor for a
4 first violation. A second or subsequent violation of
5 subsection (g) of this Section is a Class 4 felony. If a
6 person under 13 years of age is present at any show,
7 exhibition, program, or other activity prohibited in
8 subsection (g), the parent, legal guardian, or other person
9 who is 18 years of age or older who brings that person
10 under 13 years of age to that show, exhibition, program, or
11 other activity is guilty of a Class 4 felony for a first
12 violation and a Class 3 felony for a second or subsequent
13 violation ~~B misdemeanor~~.

14 (j) Any dog or equipment involved in a violation of this
15 Section shall be immediately seized and impounded under Section
16 12 of the Humane Care for Animals Act when located at any show,
17 exhibition, program, or other activity featuring or otherwise
18 involving a dog fight for the purposes of sport, wagering, or
19 entertainment.

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

26 (l) Any veterinarian in this State who is presented with a
27 dog for treatment of injuries or wounds resulting from fighting
28 where there is a reasonable possibility that the dog was
29 engaged in or utilized for a fighting event for the purposes of
30 sport, wagering, or entertainment shall file a report with the
31 Department of Agriculture and cooperate by furnishing the
32 owners' names, dates, and descriptions of the dog or dogs
33 involved. Any veterinarian who in good faith complies with the
34 requirements of this subsection has immunity from any

1 liability, civil, criminal, or otherwise, that may result from
2 his or her actions. For the purposes of any proceedings, civil
3 or criminal, the good faith of the veterinarian shall be
4 rebuttably presumed.

5 (m) In addition to any other penalty provided by law, upon
6 conviction for violating this Section, the court may order that
7 the convicted person and persons dwelling in the same household
8 as the convicted person who conspired, aided, or abetted in the
9 unlawful act that was the basis of the conviction, or who knew
10 or should have known of the unlawful act, may not own, harbor,
11 or have custody or control of any dog or other animal for a
12 period of time that the court deems reasonable.

13 (n) A fact finder may infer a violation of this Section
14 from evidence that the offender possessed any treadmill wheel,
15 hot walker, or other paraphernalia, together with evidence that
16 the paraphernalia is being used or intended for use in the
17 unlawful training of a dog to fight with another dog, along
18 with the possession of any such dog.

19 (o) A law enforcement agency shall obtain evidence of a
20 violation of this Section as the agency deems appropriate
21 through videotape, written police reports, or observation of
22 activities occurring on the property or at the residence of an
23 offender and shall use this evidence to train peace officers in
24 recognizing violations of this Section.

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