

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 4 felony
35 for a first violation and a Class 3 felony for a second or
36 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 3 felony and may
6 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 A misdemeanor for
22 a first violation. A second or subsequent violation of
23 subsection (d) or (e) of this Section is a Class 3 felony.

24 (2.5) Any person convicted of violating subsection (f)
25 of this Section is guilty of a Class 4 felony.

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

1 violation B-misdemeanor.

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

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

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

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

35 (n) A violation of subsection (a) of this Section may be
36 inferred from evidence that the accused possessed any device or

1 equipment described in subsection (d), (e), or (h) of this
2 Section, and also possessed any dog.

3 (o) When no longer required for investigations or court
4 proceedings relating to the events described or depicted
5 therein, evidence relating to convictions for violations of
6 this Section shall be retained and made available for use in
7 training peace officers in detecting and identifying
8 violations of this Section. Such evidence shall be made
9 available upon request to other law enforcement agencies and to
10 schools certified under the Illinois Police Training Act.

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