



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3264

Introduced 2/1/2012, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 585/Act rep.

Creates the Dangerous Animals Act of 2012. Identifies a class of animals that qualify as dangerous animals. Provides that a person must hold a Dangerous Animal Permit or a Limited Entry Permit to possess a dangerous animal in the State. Sets forth requirements that must be met before the Department of Natural Resources may issue a Dangerous Animal Permit or a Limited Entry Permit. Provides for the suspension of permit privileges and the revocation of permits. Requires certain records to be kept by the possessors of a dangerous animal. Sets forth additional prohibitions related to the keeping and transport of dangerous animals. Sets forth penalties for violations of this Act. Sets forth provisions related to civil liability and immunity. Provides for the seizure and forfeiture of dangerous animals and equipment under certain circumstances. Creates the Dangerous Animal Advisory Committee to review periodically the list of dangerous animals. Exempts certain individuals and institutions from the requirements of the Act. Repeals the Illinois Dangerous Animal Act.

LRB097 16730 CEL 61904 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 1. Short title. This Act may be cited as the
5 Dangerous Animals Act of 2012.

6 Section 5. Definitions. As used in this Act, unless the
7 context clearly requires otherwise:

8 "Authorized law enforcement officer" means all sworn
9 members of the Law Enforcement Division of the Department and
10 those persons specifically granted law enforcement
11 authorization by the Director.

12 "Dangerous animal" means any of the following live animals
13 or hybrids of the following live animals, whether bred in the
14 wild or in captivity:

15 (1) Members of the Felidae family, including, but not
16 limited to, lions, tigers, cougars, leopards, bobcats,
17 lynx, cheetahs, margays, ocelots, and servals, but not
18 including cats or cats recognized as a domestic breed,
19 registered as a domestic breed, or shown as a domestic
20 breed by a national or international cat registry
21 association.

22 (2) Members of the Canidae family, including, but not
23 limited to, wolves, coyotes (except as provided in the

1 Wildlife Code), jackals, dingos, maned wolves (*Chrysocyon*
2 *brachyurus*), raccoon dogs (*Nyctereutes procyonoides*),
3 African hunting dogs (*Lycaon pictus*), wolf-dog hybrids,
4 South American bush dogs (*Speothos venaticus*), pariah-type
5 feral dogs, Indian wild dogs, and dhole (*Cuon alpinus*), but
6 not including dogs or dogs recognized as a domestic breed,
7 registered as a domestic breed, or shown as a domestic
8 breed by a national or international dog registry
9 association.

10 (3) All members of the Ursidae family, including, but
11 not limited to, black and grizzly bears.

12 (4) All members of the Hyaenidae family, including, but
13 not limited to, all species of hyenas and aardwolves.

14 (5) All members of the Elephantidae family, including
15 all species of elephants.

16 (6) All members of the Rhinocerotidae family,
17 including all species of rhinoceros.

18 (7) All members of the Hippopotamidae family, includes
19 all species of hippopotamus.

20 (8) All members of the Viverridae family, including,
21 but not limited to, all species of civets, genets,
22 linsangs, mongooses, and meerkats.

23 (9) All members of the Macropodidae family, including,
24 but not limited to, all species of kangaroos and wallabies.

25 (10) Coatimundi of the genera *Nasua* or *Nasuella* as well
26 as other certain members of the Procyonidae family and any

1 others that the Department designates, by administrative
2 rule, as outlined or deemed medically significant.

3 (11) Non-human primates, including, but not limited
4 to, all members of the Pongidae family, such as gibbons,
5 orangutans, chimpanzees, siamangs, and gorillas; members
6 of the Cercopithecidae family, such as macaques,
7 mandrills, and baboons; members of the Cebidae family, such
8 as capuchin monkeys, spider monkeys, marmosets, and howler
9 monkeys; members of the Colobinae family, such as langurs
10 and colobus monkeys; and members of the Lemuridae family,
11 including all lemurs.

12 (12) All members of the Order Chiroptera, including all
13 species of bats.

14 (13) Rats and mice of the genus *Praomys*, including
15 multimammate rats from the subgenus *Mastomys*, such as
16 Gambian pouched rats; porcupines; and prairie dogs.

17 (14) Venomous reptiles, regardless of whether they
18 have been surgically altered, including, but not limited
19 to, venomous species of the following families or genera of
20 the order Squamata: Helodermatidae, such as gila monsters
21 and beaded lizards; Elapidae, such as cobras and coral
22 snakes; Hydrophiidae, such as sea snakes; Viperidae and
23 Crotalinae, such as vipers and pit vipers;
24 Atractaspididae, such as burrowing asps; as well as
25 colubrids such as the: *Alsophis*, such as the West Indian
26 racers; *Boiga*, such as boigas and mangrove snakes; *Conopsis*

1 such as road guarders; Dispholidus, such as Boomslang;
2 Hydrodynastes, such as false water cobras; Hemirhagerrhis,
3 such as bark snakes; Macropisthodon, such as varied or
4 hooded keelbacks; Madagascarophis, such as Madagascar
5 common snakes; Malpolon, such as Montpellier snakes;
6 Mimophis, such as Mahafaly sand snakes; Phalotris, such as
7 collared snakes; Philodryas, such as palm snakes or green
8 racers; Psammophis, such as sand snakes or racers;
9 Psammophylax, such as skaapstekers; Rhabdophis, such as
10 keelbacks; Rhamphiophis, such as beaked snakes;
11 Tachymenis, such as slender snakes or false vipers;
12 Thelotornis, such as Twig snakes; Thrasops, such as black
13 tree snakes; Tomodon, such as Pampas snakes; Waglerophis,
14 such as Wagler's snakes; Xenodon, such as false
15 fer-de-lances; Boiga irregularis, including specimens or
16 eggs of the brown tree snake; and any others that the
17 Department designates, by administrative rule, as outlined
18 or deemed medically significant.

19 (15) All members of the Boidae family, such as boas,
20 pythons, and anacondas as provided by the Department by
21 administrative rule.

22 (16) All members of the order Crocodylia, such as
23 crocodiles, alligators, caimans, and gavials; members of
24 the Varanidae family, such as Nile, water, and crocodile
25 monitors as well as Komodo dragons.

26 (17) Medically significant poisonous amphibians

1 capable of causing bodily harm to humans or animals,
2 including, but not limited to, *Bufo marinus*, such as cane
3 or marine toads, and *Bufo alvarius*, such as Colorado River
4 toads.

5 (18) Dangerously venomous arachnids and insects
6 including, but not limited to, all scorpions of the family
7 Buthidae; the genus *Nebo*; and any others that the
8 Department, by administrative rule, designates; spiders,
9 including, but not limited to, the genera *Atrax*, such as
10 funnel-web spiders; *Chiracanthium*, such as sac spiders;
11 *Gorgyrella*, such as African trapdoor spiders; *Hadronyche*,
12 such as funnel-web spiders; *Latrodectus*, such as widow
13 spiders; *Loxosceles*, such as recluse spiders; *Macrothele*,
14 such as funnel-web spiders; *Missulena*, such as mouse
15 spiders; *Phoneutria*, such as Brazilian wandering or
16 huntsman spiders; *Sicarius*, such as six-eyed crab spiders;
17 *Steatoda*, such as false black widows; centipedes,
18 including, but not limited to, the genera *Scolopendra* and
19 *Strigamia*; and any others that the Department, by
20 administrative rule, designates or deems medically
21 significant.

22 (19) Other animals that the Director, after consulting
23 with the Dangerous Animal Advisory Council, designates, by
24 administrative rule, as dangerous animals.

25 (20) Any individual animal identified by an authorized
26 law enforcement officer, which is not specifically listed

1 but deemed dangerous by the Circuit Court based on the
2 actions of the animal and that poses a threat to human
3 safety.

4 "Department" means the Illinois Department of Natural
5 Resources.

6 "Director" means the Director of the Illinois Department of
7 Natural Resources.

8 "Person" means any individual, partnership, corporation,
9 organization, trade or professional association, firm, limited
10 liability company, joint venture, or group.

11 "Possessor" means any person who owns, possesses, keeps,
12 harbors, brings into the State, cares for, acts as a custodian
13 for, has in his or her custody or control, or holds a property
14 right to a dangerous animal.

15 "Medically significant" means a venomous or poisonous
16 species whose venom or toxin can cause illness in humans and
17 requires medical attention; Usually such species are
18 categorized as being "medically significant" or "medically
19 important".

20 "Wildlife sanctuary" means any non-profit organization
21 that:

22 (1) is exempt from taxation under the Internal Revenue
23 Code;

24 (2) is accredited by the Association of Sanctuaries
25 (TAOS);

26 (3) operates a place of refuge where exotic animals are

1 provided care for their lifetime or released back to their
2 natural habitat;

3 (4) does not conduct activities on animals in its
4 possession that are not inherent to the animal's nature,

5 (5) does not use animals in its possession for
6 entertainment;

7 (6) does not sell, trade, or barter animals in its
8 possession or parts of those animals; and

9 (7) does not breed animals in its possession.

10 Section 10. Permit requirements.

11 (a) Prior to any person obtaining a Dangerous Animal
12 Permit, the following criteria must be met:

13 (1) the person was in legal possession and is the legal
14 possessor of the dangerous animal prior to the effective
15 date of this Act;

16 (2) the person applies for and is granted a personal
17 possession permit for each dangerous animal in the person's
18 possession within 30 days after the enactment of this Act;
19 and

20 (3) prior to acquiring a dangerous animal, the person
21 must provide the name, address, date of birth, permit
22 number, telephone number of the possessor, type or species
23 and the date the animal is to be acquired.

24 (b) The applicant must comply with all requirements of this
25 Act and the rules adopted by the Department to obtain a permit.

1 Prior to the issuance of the permit, the applicant must provide
2 proof of liability insurance in the amount of \$100,000 for each
3 dangerous animal up to a maximum of \$1,000,000 and the
4 insurance is to be maintained during the term of the permit.

5 (c) An applicant for a Dangerous Animal Permit must file an
6 application with the Department on a form provided by the
7 Department. The application must include all information and
8 requirements as set forth by administrative rule.

9 (d) The annual fee for a residential Dangerous Animal
10 Permit shall be \$250. All fees shall be deposited into the Fish
11 and Wildlife Fund.

12 (e) The Department may issue a Limited Entry Permit to an
13 applicant who: (i) is not a resident of the State; (ii)
14 complies with the requirements of this Act and all rules
15 adopted by the Department under the authority of this Act;
16 (iii) provides proof to the Department that he or she will,
17 during the entirety of the permit term, maintain sufficient
18 liability insurance coverage; (iv) pays to the Department along
19 with each application for a Limited Entry Permit a \$100 fee,
20 which the Department shall deposit into the Fish and Wildlife
21 Fund; and (v) uses the animal for an activity authorized in the
22 Limited Entry Permit.

23 A Limited Entry Permit shall be valid for not more than 30
24 consecutive days unless extended by the Department, however, no
25 extension shall be longer than 15 days.

26 (f) Each Dangerous Animal Permit is valid for one year

1 after the day on which it is issued by the Department. The
2 Department shall adopt, by administrative rule, procedures for
3 the renewal of Dangerous Animal Permits.

4 Section 15. Suspension and revocation of permits.

5 (a) A person who does not hold a Dangerous Animal Permit or
6 Limited Entry Permit and who violates a provision of this Act
7 or an administrative rule authorized under this Act shall have
8 his or her permit revoked and privileges under this Act
9 suspended for 5 years from the date that he or she is convicted
10 of an initial offense, for 10 years from the date that he or
11 she is convicted of a second offense, and for life for a third
12 offense.

13 (b) A person who holds a Dangerous Animal Permit or Limited
14 Entry Permit and who violates the provisions of this Act shall
15 have his or her permit revoked and permit privileges under this
16 Act suspended for a period of 2 years from the date that he or
17 she is convicted of an initial offense, for 10 years from the
18 date that he or she is convicted of a second offense, and for
19 life for a third offense.

20 (c) All fines and penalties with the exception of any
21 special assessments shall be deposited into the Fish and
22 Wildlife Fund. Special assessments shall be deposited and
23 distributed according to the Circuit Court.

24 (h) A person whose privileges to possess a dangerous animal
25 have been suspended or revoked may appeal that decision in

1 accordance with the provisions for appealing suspensions and
2 revocations under Section 20-105 of Fish and Aquatic Life Code
3 and Section 3.36 of the Wildlife Code.

4 Section 20. Record keeping requirements. A person who
5 possesses a dangerous animal must maintain records pertaining
6 to the acquisition, possession, and disposition of the animal
7 as provided by administrative rule. These records shall be
8 maintained for a minimum of 2 years after the date the animal
9 is no longer in possession of the permit holder. All records
10 are subject to inspection by authorized law enforcement
11 officers.

12 In addition to maintaining records, all dangerous animals
13 must be either pit-tagged or micro-chipped to individually
14 identify them and the pit-tag or microchip numbers are also to
15 be maintained as other pertinent records.

16 Section 25. Injury to a member of the public by a dangerous
17 animal. A person who possesses a dangerous animal without
18 complying with the requirements of this Act and the rules
19 adopted under the authority of this Act and whose dangerous
20 animal physically attacks a person when the possessor knew or
21 should have known that the animal had a propensity, when
22 provoked or unprovoked, to attack, cause injury to, or
23 otherwise substantially endanger a member of the public is
24 guilty of a Class A misdemeanor. A person who fails to comply

1 with the provisions of this Act and the rules adopted under the
2 authority of this Act and who intentionally or knowingly allows
3 a dangerous animal to cause great bodily harm to, or the death
4 of, a human is guilty of a Class 4 felony.

5 Section 30. Prohibited acts.

6 (a) Except as otherwise provided in this Act, a person
7 shall not own, possess, keep, import, transfer, sell, purchase,
8 harbor, bring into the State, breed, or have in his or her
9 custody or control a dangerous animal.

10 (b) A person shall not release a dangerous animal into the
11 wild at any time unless authorized by the Director.

12 (c) The possessor of a dangerous animal must immediately
13 contact the animal control authority or law enforcement agency
14 of the city or county where the possessor resides if a
15 dangerous animal escapes or is released either intentionally or
16 unintentionally.

17 (d) The possessor of a dangerous animal shall not keep,
18 harbor, care for, transport, act as the custodian of, or
19 maintain in his or her possession a dangerous animal in
20 anything other than an escape-proof enclosure.

21 (e) The possessor of a dangerous animal shall not transport
22 the animal to or possess the animal at a public venue,
23 commercial establishment, retail establishment, or educational
24 institution unless specifically authorized by permit or
25 required to render veterinary care to the animal.

1 (f) The possessor of a dangerous animal, at all reasonable
2 times, shall not deny the Department or its designated agents
3 and officers access to premises where the possessor keeps a
4 dangerous animal to ensure compliance with this Act.

5 (g) A person shall not buy, sell, or barter, or offer to
6 buy, sell, or barter a dangerous animal.

7 A violation of this subsection is subject to the penalties
8 outlined in Sections 5-25 or 15-50 of the Fish and Aquatic Life
9 Code or Section 2.36 of the Wildlife Code. For the purposes of
10 the value of a species, no dangerous animal shall be valued at
11 less than \$250 or fair market value, whichever is greater.

12 Section 35. Penalties.

13 (a) A person who violates subsection (a), (b), (c), (d),
14 (e), or (f) of Section 30 of this Act is guilty of a Class A
15 misdemeanor for a first offense and a Class 4 felony for a
16 second or subsequent offense occurring within one year after
17 conviction of a first offense.

18 (b) A person who violates Section 20 is guilty of a Class B
19 misdemeanor.

20 (c) Each day of a violation constitutes a separate offense.

21 (d) All fines and penalties shall be deposited into the
22 Fish and Wildlife Fund.

23 Section 40. Civil liability and immunity.

24 (a) If a dangerous animal escapes or is released, the owner

1 or possessor of the animal is liable for all costs incurred in
2 apprehending and confining the animal.

3 (b) An animal control officer, law enforcement officer, or
4 Department employee acting in his or her official capacity is
5 not liable to any party in connection with the escape or
6 release of a dangerous animal, including liability for any
7 damage, injury, or death caused by or to the animal during or
8 after the animal's escape or release or as a result of the
9 apprehension or confinement of the animal after its escape or
10 release.

11 (c) A licensed veterinarian who may have cause to treat an
12 animal that is in violation of this Act shall not be held
13 liable under this Act provided that the veterinarian (i)
14 promptly reports violations of this Act of which he or she has
15 knowledge to a law enforcement agency within 24 hours after
16 becoming aware of the incident; (ii) provides the name,
17 address, and phone number of the person possessing the animal
18 at time of incident or treatment; (iii) provides the name and
19 address of the owner of the animal if known; (iv) identifies
20 the kind and number of animals being treated; and (v) describes
21 the reason for the treatment of the animal.

22 Section 45. Seizure and forfeiture.

23 (a) If any person is found to possess a dangerous animal
24 that is not in compliance with the provisions of this Act,
25 including any administrative rules, then the dangerous animal

1 and any equipment or items used contrary to this Act shall be
2 subject to seizure and forfeiture by the Department. Any
3 dangerous animal seized in violation of this Act may
4 immediately be placed in a facility approved by the Department.

5 (b) If a person's dangerous animal has been seized by the
6 Department, then the possessor of the dangerous animal is
7 liable for the reasonable costs associated with the seizure,
8 placement, testing, and care for the dangerous animal from the
9 time of confiscation until the time the animal is relocated to
10 an approved facility or person holding a valid Dangerous Animal
11 Permit or is otherwise disposed of by the Department.

12 (c) Any dangerous animal and related items found abandoned
13 shall become the property of the Department and disposed of
14 according to Department rule.

15 (d) The Circuit Court, in addition to any other penalty,
16 may award any seized or confiscated dangerous animals or items
17 to the Department as provided for in Section 1-215 of the Fish
18 and Aquatic Life Code and Section 1.25 of the Wildlife Code.
19 Further, the Court, in addition to any other penalty, may
20 assess a fee upon anyone who pleads guilty to the provisions of
21 this Act equal to the amount established or determined to
22 maintain the dangerous animal until it is permanently placed in
23 a facility approved by the Department or otherwise disposed of.

24 (e) All fines and penalties, except court assessments,
25 collected under the authority of this Section shall be
26 deposited into the Fish and Wildlife Fund. Court assessments

1 shall be deposited and distributed by order of the Circuit
2 Court.

3 Section 50. Dangerous Animal Advisory Council. The
4 Dangerous Animal Advisory Council is hereby created to assist
5 the Director in reviewing the Department's list of dangerous
6 animals and in making additions to that list. The Dangerous
7 Animal Advisory Council shall be composed of the following
8 members:

9 (1) the Director or his or her designee;

10 (2) one member from the Office of Law Enforcement,
11 appointed by the Director;

12 (3) one member from the Division of Natural Heritage,
13 appointed by the Director;

14 (4) one member from the Division of Wildlife Resources,
15 appointed by the Director;

16 (5) one member from the Division of Fisheries,
17 appointed by the Director;

18 (6) one member from the Department of Agriculture,
19 appointed by the Director of Agriculture; and

20 (7) one member from the Department of Public Health,
21 appointed by the Director of Public Health.

22 The purpose and function of the Council shall be set forth
23 by administrative rule.

24 Section 60. Exemptions.

1 (a) When acting in their official capacity, the following
2 entities and their agents are exempt from the requirements of
3 this Act:

4 (1) public zoos or aquaria accredited by the American
5 Zoo and Aquarium Association;

6 (2) licensed veterinary hospitals and clinics;

7 (3) wildlife sanctuaries;

8 (4) accredited research or medical institutions;

9 (5) licensed or accredited educational institutions;

10 (6) circuses licensed and in compliance with the Animal
11 Welfare Act and all rules adopted by the Department of
12 Agriculture;

13 (7) federal, State, and local law enforcement
14 officers, including animal control officers acting under
15 the authority of this Act;

16 (8) members of federal, State, or local agencies
17 approved by the Department; and

18 (9) any bonafide wildlife rehabilitation facility
19 licensed or otherwise authorized by the Department.

20 (b) This Act does not prohibit a person who is permanently
21 disabled with a severe mobility impairment from possessing a
22 single capuchin monkey to assist the person in performing daily
23 tasks if:

24 (1) the capuchin monkey was obtained from and trained
25 at a licensed nonprofit organization described in Section
26 501(c)(3) of the Internal Revenue Code of 1986, the

1 nonprofit tax status of which was obtained on the basis of
2 a mission to improve the quality of life of severely
3 mobility-impaired individuals; and

4 (2) the Department is notified once the capuchin monkey
5 is placed with a permanently disabled person.

6 (720 ILCS 585/Act rep.)

7 Section 90. The Illinois Dangerous Animals Act is repealed.