



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 3264

2 AMENDMENT NO. _____. Amend Senate Bill 3264 by replacing
3 everything after the enacting clause with the following:

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,

1 lynx, cheetahs, margays, ocelots, and servals, but not
2 including cats or cats recognized as a domestic breed,
3 registered as a domestic breed, or shown as a domestic
4 breed by a national or international cat registry
5 association.

6 (2) Members of the Canidae family, including, but not
7 limited to, wolves, coyotes (except as provided in the
8 Wildlife Code), jackals, dingos, maned wolves (*Chrysocyon*
9 *brachyurus*), raccoon dogs (*Nyctereutes procyonoides*),
10 African hunting dogs (*Lycaon pictus*), wolf-dog hybrids,
11 South American bush dogs (*Speothos venaticus*), pariah-type
12 feral dogs, Indian wild dogs, and dhole (*Cuon alpinus*), but
13 not including dogs or dogs recognized as a domestic breed,
14 registered as a domestic breed, or shown as a domestic
15 breed by a national or international dog registry
16 association.

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

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

21 (5) All members of the Elephantidae family, including
22 all species of elephants.

23 (6) All members of the Rhinocerotidae family,
24 including all species of rhinoceros.

25 (7) All members of the Hippopotamidae family,
26 including all species of hippopotamus.

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

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

6 (10) Coatimundi of the genera Nasua or Nasuella as well
7 as other certain members of the Procyonidae family and any
8 others that the Department designates, by administrative
9 rule, as outlined or deemed medically significant.

10 (11) Non-human primates, including, but not limited
11 to, all members of the Pongidae family, such as gibbons,
12 orangutans, chimpanzees, siamangs, and gorillas; members
13 of the Cercopithecidae family, such as macaques,
14 mandrills, and baboons; members of the Cebidae family, such
15 as capuchin monkeys, spider monkeys, marmosets, and howler
16 monkeys; members of the Colobinae family, such as langurs
17 and colobus monkeys; and members of the Lemuridae family,
18 including all lemurs.

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

21 (13) Specified members of the order Rodentia, such as
22 Gambian pouched rats and porcupines.

23 (14) Venomous reptiles, regardless of whether they
24 have been surgically altered, including, but not limited
25 to, venomous species of the following families or genera of
26 the order Squamata: Helodermatidae, such as gila monsters

1 and beaded lizards; Elapidae, such as cobras and coral
2 snakes; Hydrophiidae, such as sea snakes; Viperidae and
3 Crotalinae, such as vipers and pit vipers;
4 Atractaspididae, such as burrowing asps; specified
5 colubrids addressed by administrative rule, including such
6 genera as: West Indian racers (Alsophis); boigas and
7 mangrove snakes (Boiga); Boomslang (Dispholidus); false
8 water cobras (Hydrodynastes); varied or hooded keelbacks
9 (Macropisthodon); Montpellier snakes (Malpolon); collared
10 snakes (Phalotris); palm snakes or green racers
11 (Philodryas); sand snakes or racers (Psammophis);
12 keelbacks (Rhabdophis); beaked snakes (Rhamphiophis); Twig
13 snakes (Thelotornis); black tree snakes (Thrasops); Pampas
14 snakes (Tomodon); Wagler's snakes (Waglerophis); false
15 fer-de-lances (Xenodon); specimens or eggs of the brown
16 tree snake (Boiga irregularis); and any others that the
17 Department designates, by administrative rule, as outlined
18 or deemed medically significant.

19 (15) Nothing in this Act shall prohibit lawful
20 possession of any of the Boidae family, such as boas,
21 pythons, and anacondas, provided captive maintenance
22 requirements from the Department by administrative rule
23 are met.

24 (16) All members of the order Crocodylia, such as
25 crocodiles, alligators, caimans, and gavials; specified
26 members of the Varanidae family, such as crocodile monitors

1 as well as Komodo dragons.

2 (17) Medically significant poisonous amphibians
3 capable of causing bodily harm to humans or animals,
4 including, but not limited to, Bufo marinus, such as cane
5 or marine toads, and Bufo alvarius, such as Colorado River
6 toads.

7 (18) Dangerously venomous arachnids and insects
8 including, but not limited to, all scorpions of the family
9 Buthidae; the genus Nebo; and any others that the
10 Department, by administrative rule, designates; spiders,
11 including, but not limited to, funnel-web spiders (Atrax,
12 Hadronyche, and Macrothcle); widow spiders (Latrodectus);
13 recluse spiders (Loxosceles); mouse spiders (Missulena);
14 Brazilian wandering or huntsman spiders (Phoneutria);
15 six-eyed crab spiders (Sicarius); and any others that the
16 Department, by administrative rule, designates or deems
17 medically significant.

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

21 (20) Any individual animal identified by an authorized
22 law enforcement officer, which is not specifically listed
23 but deemed dangerous by the Circuit Court based on the
24 actions of the animal and that poses a threat to human
25 safety.

26 "Department" means the Illinois Department of Natural

1 Resources.

2 "Director" means the Director of the Illinois Department of
3 Natural Resources.

4 "Person" means any individual, partnership, corporation,
5 organization, trade or professional association, firm, limited
6 liability company, joint venture, or group.

7 "Possessor" means any person who possesses, keeps,
8 harbors, brings into the State, cares for, acts as a custodian
9 for, has in his or her custody or control, or holds a property
10 right to a dangerous animal.

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

16 "Owner" means an individual who has a legal right to the
17 possession of a dangerous animal.

18 "Wildlife sanctuary" means any non-profit organization
19 that:

20 (1) is exempt from taxation under the Internal Revenue
21 Code;

22 (2) is accredited by the Association of Sanctuaries
23 (TAOS);

24 (3) operates a place of refuge where wild animals are
25 provided care for their lifetime or released back to their
26 natural range;

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

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

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

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

8 Section 10. Permit requirements.

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

11 (1) the person is the owner and is in possession of the
12 dangerous animal prior to the effective date of this Act;

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

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

21 (b) The applicant must comply with all requirements of this
22 Act and the rules adopted by the Department to obtain a permit.
23 Prior to the issuance of the permit, the applicant must provide
24 proof of liability insurance or surety bond in the amount of
25 \$100,000 for each dangerous animal up to a maximum of

1 \$1,000,000 and the insurance or surety bond is to be maintained
2 during the term of the permit.

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

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

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

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

24 (f) Each Dangerous Animal Permit is valid for one year
25 after the day on which it is issued by the Department. The
26 Department shall adopt, by administrative rule, procedures for

1 the renewal of Dangerous Animal Permits.

2 Section 15. Suspension of privileges and revocation of
3 permits.

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

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

19 (c) A person whose privileges to possess a dangerous animal
20 have been suspended or permits revoked may appeal that decision
21 in accordance with the provisions for appealing suspensions and
22 revocations under Section 20-105 of Fish and Aquatic Life Code
23 and Section 3.36 of the Wildlife Code.

24 Section 20. Record keeping requirements. A person who

1 possesses a dangerous animal must maintain records pertaining
2 to the acquisition, possession, and disposition of the animal
3 as provided by administrative rule. These records shall be
4 maintained for a minimum of 2 years after the date the animal
5 is no longer in possession of the permit holder. All records
6 are subject to inspection by authorized law enforcement
7 officers.

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

12 Section 25. Injury to a member of the public by a dangerous
13 animal. A person who possesses a dangerous animal without
14 complying with the requirements of this Act and the rules
15 adopted under the authority of this Act and whose dangerous
16 animal physically attacks a person when the possessor knew or
17 should have known that the animal had a propensity, when
18 provoked or unprovoked, to attack, cause injury to, or
19 otherwise substantially endanger a member of the public is
20 guilty of a Class A misdemeanor. A person who fails to comply
21 with the provisions of this Act and the rules adopted under the
22 authority of this Act and who intentionally or knowingly allows
23 a dangerous animal to cause great bodily harm to, or the death
24 of, a human is guilty of a Class 4 felony.

1 Section 30. Prohibited acts.

2 (a) Except as otherwise provided in this Act or by
3 administrative rule, a person shall not own, possess, keep,
4 import, transfer, harbor, bring into the State, breed, or have
5 in his or her custody or control a dangerous animal.

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

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

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

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

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

26 (g) Except as otherwise provided in this Act or by

1 administrative rule, a person shall not buy, sell, or barter,
2 or offer to buy, sell, or barter a dangerous animal.

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

8 Section 35. Penalties.

9 (a) A person who violates subsection (a), (b), (c), (d),
10 (e), or (f) of Section 30 of this Act is guilty of a Class A
11 misdemeanor for a first offense and a Class 4 felony for a
12 second or subsequent offense occurring within one year after a
13 finding of guilt on a first offense.

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

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

17 (d) All fines and penalties collected under the authority
18 of this Act or its administrative rules shall be deposited into
19 the Fish and Wildlife Fund.

20 Section 40. Civil liability and immunity.

21 (a) If a dangerous animal escapes or is released, the owner
22 and possessor of the animal are liable for all costs incurred
23 in apprehending and confining the animal; including any
24 injuries incurred to humans or damage to property, both real

1 and personal, including pets and livestock.

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

9 (c) A licensed veterinarian who may have cause to treat an
10 animal that is in violation of paragraphs (1) through (7),
11 (11), (14), (16), or (17) of Section 5 shall not be held liable
12 under this Act provided that the veterinarian (i) promptly
13 reports violations of this Act of which he or she has knowledge
14 to a law enforcement agency within 24 hours after becoming
15 aware of the incident; (ii) provides the name, address, and
16 phone number of the person possessing the animal at time of
17 incident or treatment; (iii) provides the name and address of
18 the owner of the animal if known; (iv) identifies the kind and
19 number of animals being treated; and (v) describes the reason
20 for the treatment of the animal.

21 Section 45. Seizure and forfeiture.

22 (a) If any person is found to possess a dangerous animal
23 that is not in compliance with the provisions of this Act,
24 including any administrative rules, then the dangerous animal
25 and any equipment or items used contrary to this Act shall be

1 subject to seizure and forfeiture by the Department. Any
2 dangerous animal seized in violation of this Act may
3 immediately be placed in a facility approved by the Department.

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

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

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

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

1 Court.

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

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

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

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

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

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

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

19 (7) one member from the Department of Public Health,
20 appointed by the Director of Public Health; and

21 (8) one member from an accredited member of the
22 Association of Zoos and Aquariums.

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

1 Section 60. Exemptions.

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

5 (1) public zoos or aquaria accredited by the
6 Association of Zoos and Aquariums;

7 (2) licensed veterinarians or anyone operating under
8 the authority of a licensed veterinarian;

9 (3) wildlife sanctuaries;

10 (4) accredited research or medical institutions;

11 (5) licensed or accredited educational institutions;

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

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

18 (8) members of federal, State, or local agencies
19 approved by the Department;

20 (9) any bonafide wildlife rehabilitation facility
21 licensed or otherwise authorized by the Department; and

22 (10) any motion picture or television production
23 company that uses licensed dealers, exhibitors, and
24 transporters under the federal Animal Welfare Act, 7 U.S.C.
25 2132, as amended.

26 (b) This Act does not prohibit a person who is permanently

1 disabled with a severe mobility impairment from possessing a
2 single capuchin monkey to assist the person in performing daily
3 tasks if:

4 (1) the capuchin monkey was obtained from and trained
5 at a licensed nonprofit organization described in Section
6 501(c)(3) of the Internal Revenue Code of 1986, the
7 nonprofit tax status of which was obtained on the basis of
8 a mission to improve the quality of life of severely
9 mobility-impaired individuals; and

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

12 (c) This Act does not apply to livestock, including, but
13 not limited to, cattle, sheep, swine, horses, mules, donkeys,
14 goats, and any other animal used in production agriculture as
15 defined in Section 3-35 of the Use Tax Act.

16 (720 ILCS 585/Act rep.)

17 Section 90. The Illinois Dangerous Animals Act is
18 repealed."