



Rep. Michael J. Zalewski

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LRB098 19171 RLC 57292 a

1 AMENDMENT TO HOUSE BILL 5940

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5940 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 48-10 as follows:

6 (720 ILCS 5/48-10)

7 Sec. 48-10. Dangerous animals.

8 (a) Definitions. As used in this Section, unless the  
9 context otherwise requires:

10 "Animal refuge" means a not for profit entity that:

11 (1) operates a place of sanctuary where abused,  
12 neglected, unwanted, impounded, abandoned, orphaned, or  
13 displaced animals are provided care for the lifetime of the  
14 animal;

15 (2) does not conduct any commercial activity with  
16 respect to dangerous animals, including, but not limited

1       to, (i) sale, trade, auction, lease, or loan of dangerous  
2       animals or parts of these animals, or (ii) use of dangerous  
3       animals in any manner in a for-profit business or  
4       operation;

5           (3) does not use dangerous animals for entertainment  
6       purposes or in a traveling exhibit;

7           (4) does not breed any dangerous animals; and

8           (5) does not allow members of the public the  
9       opportunity to come into direct contact with dangerous  
10       animals.

11        "Dangerous animal" means a lion, tiger, leopard,  
12        ocelot, jaguar, cheetah, margay, mountain lion, lynx,  
13        bobcat, jaguarundi, bear, hyena, wolf or coyote, or any  
14        poisonous or life-threatening reptile.

15        "Owner" means any person who (1) has a right of  
16        property in a dangerous animal or primate, (2) keeps or  
17        harbors a dangerous animal or primate, (3) has a dangerous  
18        animal or primate in his or her care, or (4) acts as  
19        custodian of a dangerous animal or primate.

20        "Person" means any individual, firm, association,  
21        partnership, corporation, or other legal entity, any  
22        public or private institution, the State, or any municipal  
23        corporation or political subdivision of the State.

24        "Primate" means a nonhuman member of the order primate,  
25        including but not limited to chimpanzee, gorilla,  
26        orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,

1 and tarsier.

2 (b) Dangerous animal or primate offense. No person shall  
3 have a right of property in, keep, harbor, care for, act as  
4 custodian of or maintain in his or her possession any dangerous  
5 animal or primate ~~except at a properly maintained zoological~~  
6 ~~park, federally licensed exhibit, circus, college or~~  
7 ~~university, scientific institution, research laboratory,~~  
8 ~~veterinary hospital, hound running area, or animal refuge in an~~  
9 ~~escape proof enclosure.~~

10 (c) Exemptions.

11 (1) This Section does not prohibit a person who had  
12 lawful possession of a primate before January 1, 2011, from  
13 continuing to possess that primate if the person registers  
14 the animal by providing written notification to the local  
15 animal control administrator on or before April 1, 2011.  
16 The notification shall include:

17 (A) the person's name, address, and telephone  
18 number; and

19 (B) the type of primate, the age, a photograph, a  
20 description of any tattoo, microchip, or other  
21 identifying information, and a list of current  
22 inoculations.

23 (2) This Section does not prohibit a person who is  
24 permanently disabled with a severe mobility impairment  
25 from possessing a single capuchin monkey to assist the  
26 person in performing daily tasks if:

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

7 (B) the person complies with the notification  
8 requirements as described in paragraph (1) of this  
9 subsection (c).

10 (3) This Section does not apply to a properly  
11 maintained zoological park accredited by the Association  
12 of Zoos and Aquariums (AZA), circus, college or university,  
13 scientific institution, research laboratory, veterinary  
14 hospital, hound running area, or animal refuge, if the  
15 dangerous animal or primate is kept in an escape-proof  
16 enclosure.

17 (4) This Section does not apply to a properly  
18 maintained zoological park operated by a municipality,  
19 county, forest preserve district, or this State, if the  
20 dangerous animal or primate is kept in an escape-proof  
21 enclosure.

22 (5) This Section does not prohibit a person who  
23 possesses a Class C exhibitor license from the U.S.  
24 Department of Agriculture from possessing a dangerous  
25 animal or primate; however, after June 1, 2014 the person  
26 may not breed or otherwise acquire a dangerous animal other

1 than an ocelot, margay, lynx, bobcat, jaguarundi, hyena,  
2 wolf or coyote, or any poisonous or life-threatening  
3 reptile.

4 (6) This Section does not prohibit any motion picture  
5 or television production company from employing or  
6 contracting with a dealer or exhibitor licensed under  
7 Section 2133 of the federal Animal Welfare Act (7 U.S.C.  
8 2133) or with a carrier, intermediate handler, or  
9 unlicensed exhibitor registered under Section 2136 of that  
10 Act (7 U.S.C. 2136) for the transportation, purchase,  
11 exhibition, or use of dangerous animals in its motion  
12 picture or television production.

13 (d) A person who registers a primate shall notify the local  
14 animal control administrator within 30 days of a change of  
15 address. If the person moves to another locality within the  
16 State, the person shall register the primate with the new local  
17 animal control administrator within 30 days of moving by  
18 providing written notification as provided in paragraph (1) of  
19 subsection (c) and shall include proof of the prior  
20 registration.

21 (e) A person who registers a primate shall notify the local  
22 animal control administrator immediately if the primate dies,  
23 escapes, or bites, scratches, or injures a person.

24 (f) It is no defense to a violation of subsection (b) that  
25 the person violating subsection (b) has attempted to  
26 domesticate the dangerous animal. If there appears to be

1 imminent danger to the public, any dangerous animal found not  
2 in compliance with the provisions of this Section shall be  
3 subject to seizure and may immediately be placed in an approved  
4 facility. Upon the conviction of a person for a violation of  
5 subsection (b), the animal with regard to which the conviction  
6 was obtained shall be confiscated and placed in an approved  
7 facility, with the owner responsible for all costs connected  
8 with the seizure and confiscation of the animal. Approved  
9 facilities include, but are not limited to, a zoological park,  
10 federally licensed exhibit, humane society, veterinary  
11 hospital or animal refuge.

12 (g) Sentence. Any person violating this Section is guilty  
13 of a Class C misdemeanor. Any corporation or partnership, any  
14 officer, director, manager or managerial agent of the  
15 partnership or corporation who violates this Section or causes  
16 the partnership or corporation to violate this Section is  
17 guilty of a Class C misdemeanor. Each day of violation  
18 constitutes a separate offense.

19 (Source: P.A. 97-1108, eff. 1-1-13.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."