



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1824

Introduced 2/20/2015, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

720 ILCS 5/48-10

Amends the Criminal Code of 2012 concerning dangerous animals. Adds a definition of "animal refuge" to the statute on dangerous animals. Provides that the prohibition on possessing dangerous animals does not apply to a properly maintained zoological park accredited by the Association of Zoos and Aquariums (AZA), circus, college or university, scientific institution, research laboratory, veterinary hospital, hound running area, or animal refuge. Provides that the prohibition on possessing dangerous animals does not prohibit a person who possesses a Class C exhibitor license from the U.S. Department of Agriculture from possessing a dangerous animal or primate; however, after the effective date of the amendatory Act the person may not breed or otherwise acquire a dangerous animal other than an ocelot, margay, lynx, bobcat, jaguarundi, hyena, wolf or coyote, or any poisonous or life-threatening reptile. Provides that the prohibition on possessing dangerous animals does not apply to any motion picture or television production company employing or contracting with a dealer or exhibitor licensed under the federal Animal Welfare Act or with a carrier, intermediate handler, or unlicensed exhibitor registered under that Act for the transportation, purchase, exhibition, or use of dangerous animals in its motion picture or television production. Effective immediately.

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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 2012 is amended by changing
5 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
17 to, (i) sale, trade, auction, lease, or loan of dangerous
18 animals or parts of these animals, or (ii) use of dangerous
19 animals in any manner in a for-profit business or
20 operation;

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

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

1 (5) does not allow members of the public the
2 opportunity to come into direct contact with dangerous
3 animals.

4 "Dangerous animal" means a lion, tiger, leopard,
5 ocelot, jaguar, cheetah, margay, mountain lion, lynx,
6 bobcat, jaguarundi, bear, hyena, wolf or coyote. Dangerous
7 animal does not mean any herptiles included in the
8 Herptiles-Herps Act.

9 "Owner" means any person who (1) has a right of
10 property in a dangerous animal or primate, (2) keeps or
11 harbors a dangerous animal or primate, (3) has a dangerous
12 animal or primate in his or her care, or (4) acts as
13 custodian of a dangerous animal or primate.

14 "Person" means any individual, firm, association,
15 partnership, corporation, or other legal entity, any
16 public or private institution, the State, or any municipal
17 corporation or political subdivision of the State.

18 "Primate" means a nonhuman member of the order primate,
19 including but not limited to chimpanzee, gorilla,
20 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,
21 and tarsier.

22 (b) Dangerous animal or primate offense. No person shall
23 have a right of property in, keep, harbor, care for, act as
24 custodian of or maintain in his or her possession any dangerous
25 animal or primate ~~except at a properly maintained zoological~~
26 ~~park, federally licensed exhibit, circus, college or~~

1 ~~university, scientific institution, research laboratory,~~
2 ~~veterinary hospital, hound running area, or animal refuge in an~~
3 ~~escape proof enclosure.~~

4 (c) Exemptions.

5 (1) This Section does not prohibit a person who had
6 lawful possession of a primate before January 1, 2011, from
7 continuing to possess that primate if the person registers
8 the animal by providing written notification to the local
9 animal control administrator on or before April 1, 2011.
10 The notification shall include:

11 (A) the person's name, address, and telephone
12 number; and

13 (B) the type of primate, the age, a photograph, a
14 description of any tattoo, microchip, or other
15 identifying information, and a list of current
16 inoculations.

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

21 (A) the capuchin monkey was obtained from and
22 trained at a licensed nonprofit organization described
23 in Section 501(c)(3) of the Internal Revenue Code of
24 1986, the nonprofit tax status of which was obtained on
25 the basis of a mission to improve the quality of life
26 of severely mobility-impaired individuals; and

1 (B) the person complies with the notification
2 requirements as described in paragraph (1) of this
3 subsection (c).

4 (3) This Section does not apply to a properly
5 maintained zoological park accredited by the Association
6 of Zoos and Aquariums (AZA), circus, college or university,
7 scientific institution, research laboratory, veterinary
8 hospital, hound running area, or animal refuge.

9 (4) This Section does not apply to a properly
10 maintained zoological park operated by a municipality,
11 county, forest preserve district, or this State.

12 (5) This Section does not prohibit a person who
13 possesses a Class C exhibitor license from the U.S.
14 Department of Agriculture from possessing a dangerous
15 animal or primate; however, after the effective date of
16 this amendatory Act of the 99th General Assembly the person
17 may not breed or otherwise acquire a dangerous animal other
18 than an ocelot, margay, lynx, bobcat, jaguarundi, hyena,
19 wolf or coyote, or any poisonous or life-threatening
20 reptile.

21 (6) This Section does not prohibit any motion picture
22 or television production company from employing or
23 contracting with a dealer or exhibitor licensed under
24 Section 2133 of the federal Animal Welfare Act (7 U.S.C.
25 2133) or with a carrier, intermediate handler, or
26 unlicensed exhibitor registered under Section 2136 of that

1 Act (7 U.S.C. 2136) for the transportation, purchase,
2 exhibition, or use of dangerous animals in its motion
3 picture or television production.

4 (d) A person who registers a primate shall notify the local
5 animal control administrator within 30 days of a change of
6 address. If the person moves to another locality within the
7 State, the person shall register the primate with the new local
8 animal control administrator within 30 days of moving by
9 providing written notification as provided in paragraph (1) of
10 subsection (c) and shall include proof of the prior
11 registration.

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

15 (f) It is no defense to a violation of subsection (b) that
16 the person violating subsection (b) has attempted to
17 domesticate the dangerous animal. If there appears to be
18 imminent danger to the public, any dangerous animal found not
19 in compliance with the provisions of this Section shall be
20 subject to seizure and may immediately be placed in an approved
21 facility. Upon the conviction of a person for a violation of
22 subsection (b), the animal with regard to which the conviction
23 was obtained shall be confiscated and placed in an approved
24 facility, with the owner responsible for all costs connected
25 with the seizure and confiscation of the animal. Approved
26 facilities include, but are not limited to, a zoological park,

1 federally licensed exhibit, humane society, veterinary
2 hospital or animal refuge.

3 (g) Sentence. Any person violating this Section is guilty
4 of a Class C misdemeanor. Any corporation or partnership, any
5 officer, director, manager or managerial agent of the
6 partnership or corporation who violates this Section or causes
7 the partnership or corporation to violate this Section is
8 guilty of a Class C misdemeanor. Each day of violation
9 constitutes a separate offense.

10 (Source: P.A. 97-1108, eff. 1-1-13; 98-752, eff. 1-1-15.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.