



Rep. Michael J. Zalewski

Filed: 5/25/2015

09900SB1824ham005

LRB099 09089 RLC 36113 a

1 AMENDMENT TO SENATE BILL 1824

2 AMENDMENT NO. _____. Amend Senate Bill 1824 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. Dangerous
14 animal does not mean any herptiles included in the
15 Herptiles-Herps Act.

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

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

25 "Primate" means a nonhuman member of the order primate,
26 including but not limited to chimpanzee, gorilla,

1 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,
2 and tarsier.

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

11 (c) Exemptions.

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

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

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

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

1 person in performing daily tasks if:

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

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

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

16 (4) This Section does not apply to a properly
17 maintained zoological park operated by a municipality,
18 county, park district, conservation district, forest
19 preserve district, or this State.

20 (5) This Section does not prohibit a person who
21 possesses a Class C exhibitor license from the U.S.
22 Department of Agriculture from possessing a dangerous
23 animal or primate; however, after the effective date of
24 this amendatory Act of the 99th General Assembly, the
25 person may not breed or otherwise acquire a dangerous
26 animal other than an ocelot, margay, lynx, bobcat,

1 jaguarundi, hyena, wolf, or coyote.

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

11 (7) This Section does not apply to an organization that
12 meets each of the following criteria:

13 (A) is exempt from taxation under Section
14 501(c)(3) of the federal Internal Revenue Code;

15 (B) possesses a Class C exhibitor license from the
16 United States Department of Agriculture;

17 (C) was formerly operated by a State agency; and

18 (D) does not house non-native dangerous animals.

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

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

4 (f) It is no defense to a violation of subsection (b) that
5 the person violating subsection (b) has attempted to
6 domesticate the dangerous animal. If there appears to be
7 imminent danger to the public, any dangerous animal found not
8 in compliance with the provisions of this Section shall be
9 subject to seizure and may immediately be placed in an approved
10 facility. Upon the conviction of a person for a violation of
11 subsection (b), the animal with regard to which the conviction
12 was obtained shall be confiscated and placed in an approved
13 facility, with the owner responsible for all costs connected
14 with the seizure and confiscation of the animal. Approved
15 facilities include, but are not limited to, a zoological park,
16 federally licensed exhibit, humane society, veterinary
17 hospital or animal refuge.

18 (g) Sentence. Any person violating this Section is guilty
19 of a Class C misdemeanor. Any corporation or partnership, any
20 officer, director, manager or managerial agent of the
21 partnership or corporation who violates this Section or causes
22 the partnership or corporation to violate this Section is
23 guilty of a Class C misdemeanor. Each day of violation
24 constitutes a separate offense.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".