

1 AN ACT in relation to 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 1961 is amended by
5 adding Section 12-35 as follows:

6 (720 ILCS 5/12-35 new)

7 Sec. 12-35. Sexual conduct or sexual contact with an
8 animal.

9 (a) A person may not knowingly engage in any sexual
10 conduct or sexual contact with an animal.

11 (b) A person may not knowingly cause, aid, or abet
12 another person to engage in any sexual conduct or sexual
13 contact with an animal.

14 (c) A person may not knowingly permit any sexual conduct
15 or sexual contact with an animal to be conducted on any
16 premises under his or her charge or control.

17 (d) A person may not knowingly engage in, promote, aid,
18 or abet any activity involving any sexual conduct or sexual
19 contact with an animal for a commercial or recreational
20 purpose.

21 (e) Sentence. A person who violates this Section is
22 guilty of a Class 4 felony. A person who violates this
23 Section in the presence of a person under 18 years of age or
24 causes the animal serious physical injury or death is guilty
25 of a Class 3 felony.

26 (f) In addition to the penalty imposed in subsection
27 (e), the court must order that the defendant do each of the
28 following:

29 (1) Not harbor animals or reside in any household
30 where animals are present for a reasonable period of time
31 or permanently, if necessary.

1 (2) Relinquish and permanently forfeit all animals
2 residing in the household to a recognized or duly
3 organized animal shelter or humane society.

4 (3) Undergo a psychological evaluation and
5 counseling at defendant's expense.

6 (4) Reimburse the animal shelter or humane society
7 for any reasonable costs incurred for the care and
8 maintenance of the animal involved in the sexual conduct
9 or sexual contact in addition to any animals relinquished
10 to the animal shelter or humane society.

11 (g) Nothing in this Section shall be construed to
12 prohibit accepted animal husbandry practices or accepted
13 veterinary medical practices by a licensed veterinarian or
14 certified veterinary technician.

15 (h) A peace officer who has reasonable grounds to
16 believe that a violation of this Section has occurred must
17 seize all animals involved in the alleged violation. The
18 person charged with violating this Section must be provided a
19 hearing by the court on the disposition of any animals seized
20 under this Section.

21 (i) In this Section:

22 "Animal" means every creature, either alive or dead,
23 other than a human being.

24 "Sexual conduct" means any touching or fondling by a
25 person, either directly or through clothing, of the sex
26 organs or anus of an animal or any transfer or transmission
27 of semen by the person upon any part of the animal, for the
28 purpose of sexual gratification or arousal of the person.

29 "Sexual contact" means any contact, however slight,
30 between the sex organ or anus of a person and the sex organ,
31 mouth, or anus of an animal, or any intrusion, however
32 slight, of any part of the body of the person into the sex
33 organ or anus of an animal. Evidence of emission of semen is
34 not required to prove sexual contact.