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92ND GENERAL ASSEMBLY  
FIRST CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 629

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To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 629, recommend the following:

(1) that the House recede from House Amendment No. 1; and

(2) that Senate bill 629 be amended by replacing everything after the enacting clause with the following:

"Section 5. The Humane Care for Animals Act is amended by changing Sections 2.01a, 2.07, 4.01, 4.02, 4.03, 4.04, 10, 12, and 16 and by adding Sections 2.01b, 2.01c, 2.01d, 2.01e, 2.01f, 2.01g, 2.01h, 2.09, 2.10, 3.04, 3.05, 3.06, 3.07, 16.1, 16.2, 16.3, and 16.4 as follows:

(510 ILCS 70/2.01a)

Sec. 2.01a. Companion animal. "Companion animal" means an animal that is commonly considered to be, or is considered by the owner to be ~~to-be-used-as~~, a pet. "Companion animal" includes, but is not limited to, canines, felines, and equines.

(Source: P.A. 88-600, eff. 9-1-94.)

(510 ILCS 70/2.01b new)

Sec. 2.01b. Exigent circumstances. "Exigent circumstances" means a licensed veterinarian cannot be secured without undue delay and, in the opinion of the animal control warden, animal control administrator, Department of

1 Agriculture investigator, approved humane investigator, or  
2 animal shelter employee, the animal is so severely injured,  
3 diseased, or suffering that it is unfit for any useful  
4 purpose and to delay humane euthanasia would continue to  
5 cause the animal extreme suffering.

6 (510 ILCS 70/2.01c new)

7 Sec. 2.01c. Service animal. "Service animal" means an  
8 animal trained in obedience and task skills to meet the needs  
9 of a disabled person.

10 (510 ILCS 70/2.01d new)

11 Sec. 2.01d. Search and rescue dog. "Search and rescue  
12 dog" means any dog that is trained or is certified to locate  
13 persons lost on land or in water.

14 (510 ILS 70/2.01e new)

15 Sec. 2.01e. Animal Control Administrator. "Animal  
16 Control Administrator" means a veterinarian licensed by the  
17 State of Illinois and appointed pursuant to the Animal  
18 Control Act, or his duly authorized representative.

19 (510 ILCS 70/2.01f new)

20 Sec. 2.01f. Animal control facility. "Animal control  
21 facility" means any facility operated by or under contract  
22 for the State, county, or any municipal corporation or  
23 political subdivision of the State for the purpose of  
24 impounding or harboring seized, stray, homeless, abandoned or  
25 unwanted dogs, cats, and other animals.

26 (510 ILS 70/2.01g new)

27 Sec. 2.01g. Animal Control Warden. "Animal Control  
28 Warden" means any person appointed by the Administrator and  
29 approved by the Board to perform duties as assigned by the  
30 Administrator to effectuate the Animal Control Act.

1 (510 ILCS 70/2.01h new)

2 Sec. 2.01h. Animal shelter. "Animal shelter" means a  
3 facility operated, owned, or maintained by a duly  
4 incorporated humane society, animal welfare society, or other  
5 non-profit organization for the purpose of providing for and  
6 promoting the welfare, protection, and humane treatment of  
7 animals. "Animal shelter" also means any veterinary hospital  
8 or clinic operated by a veterinarian or veterinarians  
9 licensed under the Veterinary Medicine and Surgery Practice  
10 Act of 1994 which operates for the above mentioned purpose in  
11 addition to its customary purposes.

12 (510 ILCS 70/2.07) (from Ch. 8, par. 702.07)

13 Sec. 2.07. Person. "Person" means any individual,  
14 minor, firm, corporation, partnership, other business unit,  
15 society, association, or other legal entity, any public or  
16 private institution, the State of Illinois, or any municipal  
17 corporation or political subdivision of the State.

18 (Source: P.A. 78-905.)

19 (510 ILCS 70/2.09 new)

20 Sec. 2.09. Humanely euthanized. "Humanely euthanized"  
21 means the painless administration of a lethal dose of an  
22 agent or method of euthanasia as prescribed in the Report of  
23 the American Veterinary Medical Association Panel on  
24 Euthanasia published in the Journal of the American  
25 Veterinary Medical Association, March 1, 2001 (or any  
26 successor version of that Report), that causes the painless  
27 death of an animal. Animals must be handled prior to  
28 administration of the agent or method of euthanasia in a  
29 manner to avoid undue apprehension by the animal.

30 (510 ILCS 70/2.10 new)

31 Sec. 2.10. Companion animal hoarder. "Companion animal  
32 hoarder" means a person who (i) possesses a large number of

1 companion animals; (ii) fails to or is unable to provide what  
2 he or she is required to provide under Section 3 of this Act;  
3 (iii) keeps the companion animals in a severely overcrowded  
4 environment; and (iv) displays an inability to recognize or  
5 understand the nature of or has a reckless disregard for the  
6 conditions under which the companion animals are living and  
7 the deleterious impact they have on the companion animals'  
8 and owner's health and well-being.

9 (510 ILCS 70/3.04 new)

10 Sec. 3.04. Arrests and seizures.

11 (a) Any law enforcement officer making an arrest for an  
12 offense involving one or more companion animals under Section  
13 3.01, 3.02, or 3.03 of this Act may lawfully take possession  
14 of some or all of the companion animals in the possession of  
15 the person arrested. The officer, after taking possession of  
16 the companion animals, must file with the court before whom  
17 the complaint is made against any person so arrested an  
18 affidavit stating the name of the person charged in the  
19 complaint, a description of the condition of the companion  
20 animal or companion animals taken, and the time and place the  
21 companion animal or companion animals were taken, together  
22 with the name of the person from whom the companion animal or  
23 companion animals were taken and name of the person who  
24 claims to own the companion animal or companion animal if  
25 different from the person from whom the companion animal or  
26 companion animals were seized. He or she must at the same  
27 time deliver an inventory of the companion animal or  
28 companion animals taken to the court of competent  
29 jurisdiction. The officer must place the companion animal or  
30 companion animals in the custody of an animal control or  
31 animal shelter and the agency must retain custody of the  
32 companion animal or companion animals subject to an order of  
33 the court adjudicating the charges on the merits and before  
34 which the person complained against is required to appear for

1 trial. The State's Attorney may, within 14 days after the  
2 seizure, file a "petition for forfeiture prior to trial"  
3 before the court having criminal jurisdiction over the  
4 alleged charges, asking for permanent forfeiture of the  
5 companion animals seized. The petition shall be filed with  
6 the court, with copies served on the impounding agency, the  
7 owner, and anyone claiming an interest in the animals. In a  
8 "petition for forfeiture prior to trial", the burden is on  
9 the prosecution to prove by a preponderance of the evidence  
10 that the person arrested violated Section 3.01, 3.02, 3.03,  
11 or 4.01.

12 (b) An owner whose companion animal or companion animals  
13 are removed by a law enforcement officer under this Section  
14 must be given written notice of the circumstances of the  
15 removal and of any legal remedies available to him or her.  
16 The notice must be posted at the place of seizure, or  
17 delivered to a person residing at the place of seizure or, if  
18 the address of the owner is different from the address of the  
19 person from whom the companion animal or companion animals  
20 were seized, delivered by registered mail to his or her last  
21 known address.

22 (510 ILCS 70/3.05 new)

23 Sec. 3.05. Security for companion animals and animals  
24 used for fighting purposes.

25 (a) In the case of companion animals as defined in  
26 Section 2.01a or animals used for fighting purposes pursuant  
27 to Section 4.01, the animal control or animal shelter having  
28 custody of the animal or animals may file a petition with the  
29 court requesting that the person from whom the animal or  
30 animals are seized, or the owner of the animal or animals, be  
31 ordered to post security. The security must be in an amount  
32 sufficient to secure payment of all reasonable expenses  
33 expected to be incurred by the animal control or animal  
34 shelter in caring for and providing for the animal or animals

1 pending the disposition of the charges. Reasonable expenses  
2 include, but are not limited to, estimated medical care and  
3 boarding of the animal or animals for 30 days. The amount of  
4 the security shall be determined by the court after taking  
5 into consideration all of the facts and circumstances of the  
6 case, including, but not limited to, the recommendation of  
7 the impounding organization having custody and care of the  
8 seized animal or animals and the cost of caring for the  
9 animal or animals. If security has been posted in accordance  
10 with this Section, the animal control or animal shelter may  
11 draw from the security the actual costs incurred by the  
12 agency in caring for the seized animal or animals.

13 (b) Upon receipt of a petition, the court must set a  
14 hearing on the petition, to be conducted within 5 business  
15 days after the petition is filed. The petitioner must serve  
16 a true copy of the petition upon the defendant and the  
17 State's Attorney for the county in which the animal or  
18 animals were seized. The petitioner must also serve a true  
19 copy of the petition on any interested person. For the  
20 purposes of this subsection, "interested person" means an  
21 individual, partnership, firm, joint stock company,  
22 corporation, association, trust, estate, or other legal  
23 entity that the court determines may have a pecuniary  
24 interest in the animal or animals that are the subject of the  
25 petition. The court must set a hearing date to determine any  
26 interested parties. The court may waive for good cause shown  
27 the posting of security.

28 (c) If the court orders the posting of security, the  
29 security must be posted with the clerk of the court within 5  
30 business days after the hearing. If the person ordered to  
31 post security does not do so, the animal or animals are  
32 forfeited by operation of law and the animal control or  
33 animal shelter having control of the animal or animals must  
34 dispose of the animal or animals through adoption or must  
35 humanely euthanize the animal. In no event may the defendant

1 or any person residing in the defendant's household adopt the  
2 animal or animals.

3 (d) The impounding organization may file a petition with  
4 the court upon the expiration of the 30-day period requesting  
5 the posting of additional security. The court may order the  
6 person from whom the animal or animals were seized, or the  
7 owner of the animal or animals, to post additional security  
8 with the clerk of the court to secure payment of reasonable  
9 expenses for an additional period of time pending a  
10 determination by the court of the charges against the person  
11 from whom the animal or animals were seized.

12 (e) In no event may the security prevent the impounding  
13 organization having custody and care of the animal or animals  
14 from disposing of the animal or animals before the expiration  
15 of the 30-day period covered by the security if the court  
16 makes a final determination of the charges against the person  
17 from whom the animal or animals were seized. Upon the  
18 adjudication of the charges, the person who posted the  
19 security is entitled to a refund of the security, in whole or  
20 in part, for any expenses not incurred by the impounding  
21 organization.

22 (f) Notwithstanding any other provision of this Section  
23 to the contrary, the court may order a person charged with  
24 any violation of this Act to provide necessary food, water,  
25 shelter, and care for any animal or animals that are the  
26 basis of the charge without the removal of the animal or  
27 animals from their existing location and until the charges  
28 against the person are adjudicated. Until a final  
29 determination of the charges is made, any law enforcement  
30 officer, animal control officer, Department investigator, or  
31 an approved humane investigator may be authorized by an order  
32 of the court to make regular visits to the place where the  
33 animal or animals are being kept to ascertain if the animal  
34 or animals are receiving necessary food, water, shelter, and  
35 care. Nothing in this Section prevents any law enforcement

1 officer, Department investigator, or approved humane  
2 investigator from applying for a warrant under this Section  
3 to seize any animal or animals being held by the person  
4 charged pending the adjudication of the charges if it is  
5 determined that the animal or animals are not receiving the  
6 necessary food, water, shelter, or care.

7 (g) Nothing in this Act shall be construed to prevent  
8 the voluntary, permanent relinquishment of any animal by its  
9 owner to an animal control or animal shelter in lieu of  
10 posting security or proceeding to a forfeiture hearing.  
11 Voluntary relinquishment shall have no effect on the criminal  
12 charges that may be pursued by the appropriate authorities.

13 (h) If an owner of a companion animal is acquitted by  
14 the court of charges made pursuant to this Act, the court  
15 shall further order that any security that has been posted  
16 for the animal shall be returned to the owner by the  
17 impounding organization.

18 (i) The provisions of this Section only pertain to  
19 companion animals and animals used for fighting purposes.

20 (510 ILCS 70/3.06 new)

21 Sec. 3.06. Disposition of seized companion animals and  
22 animals used for fighting purposes.

23 (a) Upon the conviction of the person charged, all  
24 animals seized, if not previously ordered forfeited or  
25 previously forfeited by operation of law, are forfeited to  
26 the facility impounding the animals and must be humanely  
27  euthanized or adopted. Any outstanding costs incurred by the  
28 impounding facility for boarding and treating the animals  
29 pending the disposition of the case and any costs incurred in  
30 disposing of the animals must be borne by the person  
31 convicted.

32 (b) Any person authorized by this Section to care for an  
33 animal or animals, to treat an animal or animals, or to  
34 attempt to restore an animal or animals to good health and



1 who is acting in good faith is immune from any civil or  
2 criminal liability that may result from his or her actions.

3 (c) The provisions of this Section only pertain to  
4 companion animals and animals used for fighting purposes.

5 (510 ILCS 70/3.07 new)

6 Sec. 3.07. Veterinarian reports; humane euthanasia. Any  
7 veterinarian in this State who observes or is presented with  
8 an animal or animals for the treatment of aggravated cruelty  
9 under Section 3.02 or torture under Section 3.03 of this Act  
10 must file a report with the Department and cooperate with the  
11 Department by furnishing the owner's name, the date of  
12 receipt of the animal or animals and any treatment  
13 administered, and a description of the animal or animals  
14 involved, including a microchip number if applicable. Any  
15 veterinarian who in good faith makes a report, as required by  
16 this Section, has immunity from any liability, civil,  
17 criminal, or otherwise, that may result from his or her  
18 actions. For the purposes of any proceedings, civil or  
19 criminal, the good faith of the veterinarian shall be  
20 presumed.

21 An animal control warden, animal control administrator,  
22 approved humane investigator, or animal shelter employee may  
23 humanely euthanize severely injured, diseased, or suffering  
24 animals in exigent circumstances.

25 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

26 Sec. 4.01. Prohibitions.

27 (a) No person may own, capture, breed, train, or lease  
28 any animal which he or she knows or should know is intended  
29 for use in any show, exhibition, program, or other activity  
30 featuring or otherwise involving a fight between such animal  
31 and any other animal or human, or the intentional killing of  
32 any animal for the purpose of sport, wagering, or  
33 entertainment.

1 (b) No person shall promote, conduct, carry on,  
2 advertise, collect money for or in any other manner assist  
3 or aid in the presentation for purposes of sport, wagering,  
4 or entertainment, any show, exhibition, program, or other  
5 activity involving a fight between 2 or more animals or any  
6 animal and human, or the intentional killing of any animal.

7 (c) No person shall sell or offer for sale, ship,  
8 transport, or otherwise move, or deliver or receive any  
9 animal which he or she knows or should know has been  
10 captured, bred, or trained, or will be used, to fight another  
11 animal or human or be intentionally killed, for the purpose  
12 of sport, wagering, or entertainment.

13 (d) No person shall manufacture for sale, shipment,  
14 transportation or delivery any device or equipment which that  
15 person knows or should know is intended for use in any show,  
16 exhibition, program, or other activity featuring or otherwise  
17 involving a fight between 2 or more animals, or any human and  
18 animal, or the intentional killing of any animal for purposes  
19 of sport, wagering or entertainment.

20 (e) No person shall own, possess, sell or offer for  
21 sale, ship, transport, or otherwise move any equipment or  
22 device which such person knows or should know is intended for  
23 use in connection with any show, exhibition, program, or  
24 activity featuring or otherwise involving a fight between 2  
25 or more animals, or any animal and human, or the intentional  
26 killing of any animal for purposes of sport, wagering or  
27 entertainment.

28 (f) No person shall make available any site, structure,  
29 or facility, whether enclosed or not, which he or she knows  
30 or should know is intended to be used for the purpose of  
31 conducting any show, exhibition, program, or other activity  
32 involving a fight between 2 or more animals, or any animal  
33 and human, or the intentional killing of any animal.

34 (g) No person shall attend or otherwise patronize any  
35 show, exhibition, program, or other activity featuring or

1 otherwise involving a fight between 2 or more animals, or any  
2 animal and human, or the intentional killing of any animal  
3 for the purposes of sport, wagering or entertainment.

4 (h) No person shall tie or attach or fasten any live  
5 animal to any machine or device propelled by any power for  
6 the purpose of causing such animal to be pursued by a dog or  
7 dogs. This subsection (h) shall apply only when such dog is  
8 intended to be used in a dog fight.

9 (i) Any animals or equipment involved in a violation of  
10 this Section shall be immediately seized and impounded under  
11 Section 12 by the Department when located at any show,  
12 exhibition, program, or other activity featuring or otherwise  
13 involving an animal fight for the purposes of sport,  
14 wagering, or entertainment.

15 (j) Any vehicle or conveyance other than a common  
16 carrier that is used in violation of this Section shall be  
17 seized, held, and offered for sale at public auction by the  
18 sheriff's department of the proper jurisdiction, and the  
19 proceeds from the sale shall be remitted to the general fund  
20 of the county where the violation took place.

21 (k) Any veterinarian in this State who is presented with  
22 an animal for treatment of injuries or wounds resulting from  
23 fighting where there is a reasonable possibility that the  
24 animal was engaged in or utilized for a fighting event for  
25 the purposes of sport, wagering, or entertainment shall file  
26 a report with the Department and cooperate by furnishing the  
27 owners' names, dates, and descriptions of the animal or  
28 animals involved. Any veterinarian who in good faith complies  
29 with the requirements of this subsection has immunity from  
30 any liability, civil, criminal, or otherwise, that may result  
31 from his or her actions. For the purposes of any  
32 proceedings, civil or criminal, the good faith of the  
33 veterinarian shall be rebuttably presumed.

34 (l) No person shall conspire or solicit a minor to  
35 violate this Section.

1 (Source: P.A. 87-819.)

2 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

3 Sec. 4.02. Arrests; reports.

4 (a) Any law enforcement officer making an arrest for an  
5 offense involving one or more dogs under Section 4.01 of this  
6 Act shall lawfully take possession of all dogs and all  
7 paraphernalia, implements, or other property or things used  
8 or employed, or about to be employed, in the violation of any  
9 of the provisions of Section 4.01 of this Act. When a law  
10 enforcement officer has taken such officer, after taking  
11 possession of such dogs, paraphernalia, implements or other  
12 property or things, he or she shall file with the court  
13 before whom the complaint is made against any person so  
14 arrested an affidavit stating therein the name of the person  
15 charged in the such complaint, a description of the property  
16 so taken and the time and place of the taking thereof  
17 together with the name of the person from whom the same was  
18 taken and name of the person who claims to own such property,  
19 if different from the person from whom the dogs were seized  
20 and if known, and that the affiant has reason to believe and  
21 does believe, stating the ground of the such belief, that the  
22 dogs and property so taken were was used or employed, or were  
23 was about to be used or employed, in a such violation of  
24 Section 4.01 of this Act. He or she shall thereupon deliver  
25 an inventory of the property so taken to the court of  
26 competent jurisdiction. A law enforcement officer may  
27 humanely euthanize dogs that are severely injured.

28 An owner whose dogs are removed for a violation of  
29 Section 4.01 of this Act must be given written notice of the  
30 circumstances of the removal and of any legal remedies  
31 available to him or her. The notice must be posted at the  
32 place of seizure or delivered to a person residing at the  
33 place of seizure or, if the address of the owner is different  
34 from the address of the person from whom the dogs were

1 seized, delivered by registered mail to his or her last known  
2 address.

3 The animal control or animal shelter having custody of  
4 the dogs may file a petition with the court requesting that  
5 the person from whom the dogs were seized or the owner of the  
6 dogs be ordered to post security pursuant to Section 3.05 of  
7 this Act, which shall, by order, place the same in custody of  
8 an officer or other proper person named and designated in  
9 such order, to be kept by him until the conviction or final  
10 discharge of such person complained against, and shall send a  
11 copy of such order without delay to the State's attorney of  
12 the county and the Department. The officer or person so  
13 named and designated in such order shall immediately  
14 thereupon assume the custody of such property and shall  
15 retain the same, subject to the order of the court before  
16 which such person so complained against may be required to  
17 appear for trial.

18 Upon the conviction of the person so charged, all dogs  
19 shall be adopted or humanely euthanized and property so  
20 seized shall be adjudged by the court to be forfeited. Any  
21 outstanding costs incurred by the impounding facility in  
22 boarding and treating the dogs pending the disposition of the  
23 case and disposing of the dogs upon a conviction must be  
24 borne by the person convicted and shall thereupon be  
25 destroyed or otherwise disposed of as the court may order.  
26 In no event may the dogs be adopted by the defendant or  
27 anyone residing in his or her household. If the court finds  
28 that the State either failed to prove the criminal  
29 allegations or that the dogs were used in fighting, the court  
30 must direct the delivery of the dogs and the other property  
31 not previously forfeited to the owner of the dogs and  
32 property.

33 Any person authorized by this Section to care for a dog,  
34 to treat a dog, or to attempt to restore a dog to good health  
35 and who is acting in good faith is immune from any civil or

1 criminal liability that may result from his or her actions.

2 An animal control warden, animal control administrator,  
3 animal shelter employee, or approved humane investigator may  
4 humanely euthanize severely injured, diseased, or suffering  
5 dog in exigent circumstances ~~In-the-event-of-the-acquittal-or~~  
6 ~~final-discharge-without-conviction-of-the-person--so--charged~~  
7 ~~such--court--shall--;--on-demand,--direct-the-delivery-of-such~~  
8 ~~property-so-held-in-custody-to-the-owner-thereof.~~

9 (b) Any veterinarian in this State who is presented with  
10 an animal for treatment of injuries or wounds resulting from  
11 fighting where there is a reasonable possibility that the  
12 animal was engaged in or utilized for a fighting event shall  
13 file a report with the Department and cooperate by furnishing  
14 the owners' names, date of receipt of the animal or animals  
15 and treatment administered, dates and descriptions of the  
16 animal or animals involved. Any veterinarian who in good  
17 faith makes a report, as required by this subsection (b), is  
18 immune ~~shall--have--immunity~~ from any liability, civil,  
19 criminal, or that otherwise, resulting from his or her might  
20 ~~result--by--reason--of-such~~ actions. For the purposes of any  
21 proceedings, civil or criminal, the good faith of any such  
22 veterinarian shall be presumed.

23 (Source: P.A. 84-723.)

24 (510 ILCS 70/4.03) (from Ch. 8, par. 704.03)

25 Sec. 4.03. Teasing, striking or tampering with police  
26 animals, service animals, or search and rescue dogs  
27 prohibited. It shall be unlawful for any person to willfully  
28 and maliciously taunt, torment, tease, beat, strike, or  
29 administer or subject any desensitizing drugs, chemicals or  
30 substance to (i) any animal used by a law enforcement officer  
31 in the performance of his or her functions or duties, or when  
32 placed in confinement off duty, (ii) any service animal,  
33 (iii) any search and rescue dog, or (iv) any police, service,  
34 or search and rescue animal in training. It is unlawful for

1 any person to~~interfere~~ interfere or meddle with (i) any such  
 2 animal used by a law enforcement department or agency or any  
 3 handler thereof in the performance of the functions or duties  
 4 of the department or agency, (ii) any service animal, (iii)  
 5 any search and rescue dog, or (iv) any law enforcement,  
 6 service, or search and rescue animal in training.

7 (Source: P.A. 90-80, eff. 7-10-97.)

8 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

9 Sec. 4.04. Injuring or killing police animals, service  
 10 animals, or search and rescue dogs prohibited. It shall be  
 11 unlawful for any person to willfully or maliciously torture,  
 12 mutilate, injure, disable, poison, or kill (i) any animal  
 13 used by a law enforcement department or agency in the  
 14 performance of the functions or duties of the department or  
 15 agency or when placed in confinement off duty, (ii) any  
 16 service animal, (iii) any search and rescue dog, or (iv) any  
 17 law enforcement, service, or search and rescue animal in  
 18 training. However, a police officer or veterinarian may  
 19 perform euthanasia in emergency situations when delay would  
 20 cause the animal undue suffering and pain.

21 (Source: P.A. 90-80, eff. 7-10-97; 91-357, eff. 7-29-99.)

22 (510 ILCS 70/10) (from Ch. 8, par. 710)

23 Sec. 10. Investigation of complaints.

24 (a) Upon receiving a complaint of a suspected violation  
 25 of this Act, a Department investigator, any law enforcement  
 26 official, or an approved humane investigator may, for the  
 27 purpose of investigating the allegations of the complaint,  
 28 enter during normal business hours upon any premises where  
 29 the animal or animals described in the complaint are housed  
 30 or kept, provided such entry shall not be made into any  
 31 building which is a person's residence, except by search  
 32 warrant or court order. Institutions operating under federal  
 33 license to conduct laboratory experimentation utilizing

1 animals for research or medical purposes are, however, exempt  
 2 from the provisions of this Section. State's Attorneys and  
 3 law enforcement officials shall provide such assistance as  
 4 may be required in the conduct of such investigations. Any  
 5 such investigation requiring legal procedures shall be  
 6 immediately reported to the Department. No employee or  
 7 representative of the Department shall enter a livestock  
 8 management facility unless sanitized footwear is used, or  
 9 unless the owner or operator of the facility waives this  
 10 requirement. The employee or representative must also use  
 11 any other reasonable disease prevention procedures or  
 12 equipment provided by the owner or operator of the facility.  
 13 The animal control administrator and animal control wardens  
 14 appointed under the Animal Control Act shall be authorized to  
 15 make investigations complying with this Section for alleged  
 16 violations of Sections 3, and 3.01, 3.02, and 3.03 pertaining  
 17 to small companion animals. ~~If impoundments are made by~~  
 18 ~~wardens, public pounds operated by a political entity shall~~  
 19 ~~be utilized.~~ The animals impounded shall remain under the  
 20 jurisdiction of the animal control administrator and be held  
 21 in an animal shelter pound licensed under the Animal Welfare  
 22 Act. ~~All litigation, appeal, and disposition of the animals~~  
 23 ~~so held will remain with the governmental agency operating~~  
 24 ~~the facility.~~

25 (b) Any veterinarian acting in good faith is immune from  
 26 any civil or criminal liability resulting from his or her  
 27 actions under this Section. The good faith on the part of the  
 28 veterinarian is presumed.

29 (Source: P.A. 87-157.)

30 (510 ILCS 70/12) (from Ch. 8, par. 712)

31 Sec. 12. Impounding animals; notice of impoundment.

32 (a) When an approved humane investigator, a Department  
 33 investigator or a veterinarian finds that a violation of this  
 34 Act has rendered an animal in such a condition that no remedy



1 or corrective action by the owner is possible ~~er-the-violator~~  
 2 ~~fails--or--refuses--to--take--correective-action-necessary-for~~  
 3 ~~compliance-pursuant-to-Section-11-of-this-Act,~~ the Department  
 4 must may impound or order the impoundment of the animal. If  
 5 the violator fails or refuses to take corrective action  
 6 necessary for compliance with Section 11 of this Act, the  
 7 Department may impound the animal. If the animal is ordered  
 8 impounded, it shall be impounded in a facility or at another  
 9 location where ~~which-will-provide~~ the elements of good care  
 10 as set forth in Section 3 of this Act can be provided, and  
 11 where such animals shall be examined and treated by a  
 12 licensed veterinarian or, if the animal is severely injured,  
 13 diseased, or suffering, humanely euthanized. Any expense  
 14 incurred in the impoundment shall become a lien on the  
 15 animals.

16 (b) Emergency impoundment may be exercised in a  
 17 life-threatening situation and the subject animals shall be  
 18 conveyed directly to a licensed veterinarian for medical  
 19 services necessary to sustain life or to be humanely  
 20 euthanized as determined by the veterinarian. If such  
 21 emergency procedure is taken by an animal control officer,  
 22 the Department shall be notified.

23 (c) (b) A notice of impoundment shall be given by the  
 24 investigator to the violator, if known, in person or sent by  
 25 certified or registered mail. If the investigator is not  
 26 able to serve the violator in person or by registered or  
 27 certified mail, the notice may be given by publication in a  
 28 newspaper of general circulation in the county in which the  
 29 violator's last known address is located. A copy of the  
 30 notice shall be retained by the investigator and a copy  
 31 forwarded immediately to the Department. The notice of  
 32 impoundment shall include the following:

- 33 (1) A number assigned by the Department which will
- 34 also be given to the impounding facility accepting the
- 35 responsibility of the animal or animals.

1 (2) Listing of deficiencies noted.

2 (3) An accurate description of the animal or  
3 animals involved.

4 (4) Date on which the animal or animals were  
5 impounded.

6 (5) Signature of the investigator.

7 (6) A statement that: "The violator may request a  
8 hearing to appeal the impoundment. A person desiring a  
9 hearing shall contact the Department of Agriculture  
10 within 7 days from the date of impoundment" and the  
11 Department must ~~will~~ hold an administrative hearing  
12 within 7 business days after receiving a request to  
13 appeal the impoundment. If the hearing cannot be held  
14 prior to the expiration of the 7-day impoundment period,  
15 the Department shall notify the impounding facility that  
16 it cannot sell, offer for adoption, or dispose of the  
17 animal or animals until a final decision is rendered and  
18 all of the appeal processes have expired.

19 If a hearing is requested by any owner of impounded  
20 animals, the Hearing Officer shall, ~~have-the-authority~~ after  
21 hearing the testimony of all interested affected parties, to  
22 render a decision within 5 business days regarding ~~as-to~~ the  
23 disposition of the impounded animals. This decision by the  
24 Hearing Officer shall have no effect on the criminal charges  
25 that may be filed with the appropriate authorities.

26 If an owner of a companion animal or animal used for  
27 fighting purposes requests a hearing, the animal control or  
28 animal shelter having control of the animal or animals may  
29 file a petition with the court in the county where the  
30 impoundment took place requesting that the person from whom  
31 the animal or animals were seized or the owner of the animal  
32 or animals be ordered to post security pursuant to  
33 subsections (a) and (b) of Section 3.05 of this Act.

34 If the court orders the posting of security, the security  
35 must be posted with the clerk of the court within 5 business

1 days after the hearing. If the person ordered to post  
 2 security does not do so, the court must order the Department  
 3 of Agriculture to hold a hearing on the impoundment within 5  
 4 business days. If, upon final administrative or judicial  
 5 determination, it is found that it is not in the best  
 6 interest of the animal or animals to be returned to the  
 7 person from whom it was seized, the animal or animals are  
 8 forfeited to the animal control or animal shelter having  
 9 control of the animal or animals. If no petition for the  
 10 posting of security is filed or a petition was filed and  
 11 granted but the person failed to post security, any expense  
 12 incurred in the impoundment shall remain outstanding until  
 13 satisfied by the owner or the person from whom the animal or  
 14 animals were impounded.

15 ~~Any--expense--incurred--in--such--impoundment--becomes--a--lien~~  
 16 ~~on--the--animal--impounded--and--must--be--discharged--before--the~~  
 17 ~~animal--is--released--from--the--facility.~~ When the impoundment is  
 18 not appealed, the animal or animals are forfeited and the  
 19 animal control or animal shelter in charge of the animal or  
 20 animals may lawfully and without liability provide for  
 21 adoption of the animal or animals by a person other than the  
 22 person who forfeited the animal or animals, or any person or  
 23 persons dwelling in the same household as the person who  
 24 forfeited the animals or animals, or it may humanely  
 25  euthanize the animal or animals. ~~the--animal--is--not--claimed--by~~  
 26 ~~its--owner--and--all--impoundment--costs--satisfied--within--7--days,~~  
 27 ~~it--may--be--sold--at--public--or--private--sale---for---fair~~  
 28 ~~consideration---to---a---person--capable--of--providing--care~~  
 29 ~~consistent--with--this--Act,~~ ~~with--the--proceeds--of--that--sale~~  
 30 ~~applied--first--to--discharge--the--lien--and--any--balance--to--be~~  
 31 ~~paid--over--to--the--owner.~~ ~~If--no--purchaser--is--found,~~ ~~the--animal~~  
 32 ~~may--be--offered--for--adoption--or--disposed--of--in--a--manner--not~~  
 33 ~~inconsistent--with--this--or--any--other--Act.~~

34 (Source: P.A. 88-600, eff. 9-1-94.)

1 (510 ILCS 70/16) (from Ch. 8, par. 716)

2 Sec. 16. Violations; punishment; injunctions.

3 (a) Any person convicted of violating subsection (1) of  
4 Section 4.01 or Sections 5, 5.01, or 6 of this Act or any  
5 rule, regulation, or order of the Department pursuant  
6 thereto, is guilty of a Class A misdemeanor. A second or  
7 subsequent violation of Section 5, 5.01, or 6 is a Class 4  
8 felony.

9 (b)(1) This subsection (b) does not apply where the  
10 only animals involved in the violation are dogs.

11 (2) Any person convicted of violating subsection  
12 (a), (b), (c) or (h) of Section 4.01 of this Act or any  
13 rule, regulation, or order of the Department pursuant  
14 thereto, is guilty of a Class A misdemeanor.

15 (3) A second or subsequent offense involving the  
16 violation of subsection (a), (b) or (c) of Section 4.01  
17 of this Act or any rule, regulation, or order of the  
18 Department pursuant thereto is a Class 4 felony.

19 (4) Any person convicted of violating subsection  
20 (d), (e) or (f) of Section 4.01 of this Act or any rule,  
21 regulation, or order of the Department pursuant thereto,  
22 is guilty of a Class A B misdemeanor. A second or  
23 subsequent violation is a Class 4 felony.

24 (5) Any person convicted of violating subsection  
25 (g) of Section 4.01 of this Act or any rule, regulation,  
26 or order of the Department pursuant thereto is guilty of  
27 a Class C misdemeanor.

28 (c)(1) This subsection (c) applies exclusively  
29 where the only animals involved in the violation are  
30 dogs.

31 (2) Any person convicted of violating subsection  
32 (a), (b) or (c) of Section 4.01 of this Act or any rule,  
33 regulation or order of the Department pursuant thereto is  
34 guilty of a Class 4 felony and may be fined an amount not  
35 to exceed \$50,000.

1           (3) Any person convicted of violating subsection  
2 (d), (e) or (f) of Section 4.01 of this Act or any rule,  
3 regulation or order of the Department pursuant thereto is  
4 guilty of Class A misdemeanor, ~~if such person knew or~~  
5 ~~should have known that the device or equipment under~~  
6 ~~subsection (d) or (e) of that Section or the site,~~  
7 ~~structure or facility under subsection (f) of that~~  
8 ~~Section was to be used to carry out a violation where the~~  
9 ~~only animals involved were dogs. Where such person did~~  
10 ~~not know or should not reasonably have been expected to~~  
11 ~~know that the only animals involved in the violation were~~  
12 ~~dogs, the penalty shall be same as that provided for in~~  
13 ~~paragraph (4) of subsection (b).~~

14           (4) Any person convicted of violating subsection  
15 (g) of Section 4.01 of this Act or any rule, regulation  
16 or order of the Department pursuant thereto is guilty of  
17 a Class C misdemeanor.

18           (5) A second or subsequent violation of subsection  
19 (a), (b) or (c) of Section 4.01 of this Act or any rule,  
20 regulation or order of the Department pursuant thereto is  
21 a Class 3 felony. A second or subsequent violation of  
22 subsection (d), (e) or (f) of Section 4.01 of this Act or  
23 any rule, regulation or order of the Department adopted  
24 pursuant thereto is a Class 3 felony, if in each  
25 violation the person knew or should have known that the  
26 device or equipment under subsection (d) or (e) of that  
27 Section or the site, structure or facility under  
28 subsection (f) of that Section was to be used to carry  
29 out a violation where the only animals involved were  
30 dogs. Where such person did not know or should not  
31 reasonably have been expected to know that the only  
32 animals involved in the violation were dogs, a second or  
33 subsequent violation of subsection (d), (e) or (f) of  
34 Section 4.01 of this Act or any rule, regulation or order  
35 of the Department adopted pursuant thereto is a Class A

1 misdemeanor. A second or subsequent violation of  
2 subsection (g) is a Class B misdemeanor.

3 (6) Any person convicted of violating Section 3.01  
4 of this Act is guilty of a Class A E misdemeanor. A  
5 second or subsequent conviction for a violation of  
6 Section 3.01 is a Class 4 felony B-misdemeanor.--A-third  
7 ~~er-subsequent-conviction-for-a-violation-of-Section--3.01~~  
8 ~~is-a-Class-A-misdemeanor.~~

9 (7) Any person convicted of violating Section 4.03  
10 is guilty of a Class A B misdemeanor. A second or  
11 subsequent violation is a Class 4 felony.

12 (8) Any person convicted of violating Section 4.04  
13 is guilty of a Class A misdemeanor where the animal is  
14 not killed or totally disabled, but if the animal is  
15 killed or totally disabled such person shall be guilty of  
16 a Class 4 felony.

17 (8.5) A person convicted of violating subsection  
18 (a) of Section 7.15 is guilty of a Class A B misdemeanor.  
19 A person convicted of violating subsection (b) or (c) of  
20 Section 7.15 is (i) guilty of a Class A misdemeanor if  
21 the dog is not killed or totally disabled and (ii) if the  
22 dog is killed or totally disabled, guilty of a Class 4  
23 felony and may be ordered by the court to make  
24 restitution to the disabled person having custody or  
25 ownership of the dog for veterinary bills and replacement  
26 costs of the dog. A second or subsequent violation is a  
27 Class 4 felony.

28 (9) Any person convicted of any other act of abuse  
29 or neglect or of violating any other provision of this  
30 Act, or any rule, regulation, or order of the Department  
31 pursuant thereto, is guilty of a Class B E misdemeanor.  
32 A second or subsequent violation is a Class 4 felony with  
33 every day that a violation continues constituting a  
34 separate offense.

35 (d) Any person convicted of violating Section 7.1 is

1 guilty of a Class C misdemeanor ~~petty-offense~~. A second or  
2 subsequent conviction for a violation of Section 7.1 is a  
3 Class B ~~C~~ misdemeanor.

4 (e) Any person convicted of violating Section 3.02 is  
5 guilty of a Class 4 ~~felony~~ ~~A--misdemeanor~~. A second or  
6 subsequent violation is a Class 3 ~~4~~ felony.

7 (f) The Department may enjoin a person from a continuing  
8 violation of this Act.

9 (g) Any person convicted of violating Section 3.03 is  
10 guilty of a Class 3 ~~4~~ felony. ~~A-second-or-subsequent-offense~~  
11 ~~is-a-Class-3-felony~~. As a condition of the sentence imposed  
12 under this Section, the court shall order the offender to  
13 undergo a psychological or psychiatric evaluation and to  
14 undergo treatment that the court determines to be appropriate  
15 after due consideration of the evaluation.

16 (h) In addition to any other penalty provided by law,  
17 upon a conviction for violating Sections 3, 3.01, 3.02, or  
18 3.03 the court may order the convicted person to undergo a  
19 psychological or psychiatric evaluation and to undergo any  
20 treatment at the convicted person's expense that the court  
21 determines to be appropriate after due consideration of the  
22 evaluation. If the convicted person is a juvenile or a  
23 companion animal hoarder, the court must order the convicted  
24 person to undergo a psychological or psychiatric evaluation  
25 and to undergo treatment that the court determines to be  
26 appropriate after due consideration of the evaluation.

27 (i) In addition to any other penalty provided by law,  
28 upon conviction for violating Sections 3, 3.01, 3.02, or 3.03  
29 the court may order the convicted person to forfeit to an  
30 animal control or animal shelter the animal or animals that  
31 are the basis of the conviction. Upon an order of  
32 forfeiture, the convicted person is deemed to have  
33 permanently relinquished all rights to the animal or animals  
34 that are the basis of the conviction. The forfeited animal  
35 or animals shall be adopted or humanely euthanized. In no

1 event may the convicted person or anyone residing in his or  
2 her household be permitted to adopt the forfeited animal or  
3 animals. The court, additionally, may order that the  
4 convicted person and persons dwelling in the same household  
5 as the convicted person who conspired, aided, or abetted in  
6 the unlawful act that was the basis of the conviction, or who  
7 knew or should have known of the unlawful act, may not own,  
8 harbor, or have custody or control of any other animals for a  
9 period of time that the court deems reasonable.

10 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;  
11 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.  
12 7-29-99; revised 8-30-99.)

13 (510 ILCS 70/16.1 new)

14 Sec. 16.1. Defenses. It is not a defense to violations  
15 of this Act for the person committing the violation to assert  
16 that he or she had rights of ownership in the animal that was  
17 the victim of the violation.

18 (510 ILCS 70/16.2 new)

19 Sec. 16.2. Corporations. Corporations may be charged  
20 with violations of this Act for the acts of their employees  
21 or agents who violate this Act in the course of their  
22 employment or agency.

23 (510 ILCS 70/16.3 new)

24 Sec. 16.3. Civil actions. Any person who has a right of  
25 ownership in an animal that is subjected to an act of  
26 aggravated cruelty under Section 3.02 or torture under  
27 Section 3.03 in violation of this Act or in an animal that is  
28 injured or killed as a result of actions taken by a person  
29 who acts in bad faith under subsection (b) of Section 3.06 or  
30 under Section 12 of this Act may bring a civil action to  
31 recover the damages sustained by that owner. Damages may  
32 include, but are not limited to, the monetary value of the



1 animal, veterinary expenses incurred on behalf of the animal,  
 2 any other expenses incurred by the owner in rectifying the  
 3 effects of the cruelty, pain, and suffering of the animal,  
 4 and emotional distress suffered by the owner. In addition to  
 5 damages that may be proven, the owner is also entitled to  
 6 punitive or exemplary damages of not less than \$500 but not  
 7 more than \$25,000 for each act of abuse or neglect to which  
 8 the animal was subjected. In addition, the court must award  
 9 reasonable attorney's fees and costs actually incurred by the  
 10 owner in the prosecution of any action under this Section.

11 The remedies provided in this Section are in addition to  
 12 any other remedies allowed by law.

13 In an action under this Section, the court may enter any  
 14 injunctive orders reasonably necessary to protect animals  
 15 from any further acts of abuse, neglect, or harassment by a  
 16 defendant.

17 The statute of limitations for cruelty to animals is 2  
 18 years.

19 (510 ILCS 70/16.4 new)

20 Sec. 16.4. Illinois Animal Abuse Fund. The Illinois  
 21 Animal Abuse Fund is created as a special fund in the State  
 22 treasury. Moneys in the Fund may be used, subject to  
 23 appropriation, by the Department of Agriculture to  
 24 investigate animal abuse and neglect under this Act.

25 Section 10. The Clerks of Courts Act is amended by  
 26 changing Sections 27.5 and 27.6 as follows:

27 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

28 Sec. 27.5. (a) All fees, fines, costs, additional  
 29 penalties, bail balances assessed or forfeited, and any other  
 30 amount paid by a person to the circuit clerk that equals an  
 31 amount less than \$55, except restitution under Section 5-5-6  
 32 of the Unified Code of Corrections, reimbursement for the

1 costs of an emergency response as provided under Section  
2 5-5-3 of the Unified Code of Corrections, any fees collected  
3 for attending a traffic safety program under paragraph (c) of  
4 Supreme Court Rule 529, any fee collected on behalf of a  
5 State's Attorney under Section 4-2002 of the Counties Code or  
6 a sheriff under Section 4-5001 of the Counties Code, or any  
7 cost imposed under Section 124A-5 of the Code of Criminal  
8 Procedure of 1963, for convictions, orders of supervision, or  
9 any other disposition for a violation of Chapters 3, 4, 6,  
10 11, and 12 of the Illinois Vehicle Code, or a similar  
11 provision of a local ordinance, and any violation of the  
12 Child Passenger Protection Act, or a similar provision of a  
13 local ordinance, and except as provided in subsection (b)  
14 shall be disbursed within 60 days after receipt by the  
15 circuit clerk as follows: 47% shall be disbursed to the  
16 entity authorized by law to receive the fine imposed in the  
17 case; 12% shall be disbursed to the State Treasurer; and 41%  
18 shall be disbursed to the county's general corporate fund. Of  
19 the 12% disbursed to the State Treasurer, 1/6 shall be  
20 deposited by the State Treasurer into the Violent Crime  
21 Victims Assistance Fund, 1/2 shall be deposited into the  
22 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall  
23 be deposited into the Drivers Education Fund. For fiscal  
24 years 1992 and 1993, amounts deposited into the Violent Crime  
25 Victims Assistance Fund, the Traffic and Criminal Conviction  
26 Surcharge Fund, or the Drivers Education Fund shall not  
27 exceed 110% of the amounts deposited into those funds in  
28 fiscal year 1991. Any amount that exceeds the 110% limit  
29 shall be distributed as follows: 50% shall be disbursed to  
30 the county's general corporate fund and 50% shall be  
31 disbursed to the entity authorized by law to receive the fine  
32 imposed in the case. Not later than March 1 of each year the  
33 circuit clerk shall submit a report of the amount of funds  
34 remitted to the State Treasurer under this Section during the  
35 preceding year based upon independent verification of fines

1 and fees. All counties shall be subject to this Section,  
2 except that counties with a population under 2,000,000 may,  
3 by ordinance, elect not to be subject to this Section. For  
4 offenses subject to this Section, judges shall impose one  
5 total sum of money payable for violations. The circuit clerk  
6 may add on no additional amounts except for amounts that are  
7 required by Sections 27.3a and 27.3c of this Act, unless  
8 those amounts are specifically waived by the judge. With  
9 respect to money collected by the circuit clerk as a result  
10 of forfeiture of bail, ex parte judgment or guilty plea  
11 pursuant to Supreme Court Rule 529, the circuit clerk shall  
12 first deduct and pay amounts required by Sections 27.3a and  
13 27.3c of this Act. This Section is a denial and limitation of  
14 home rule powers and functions under subsection (h) of  
15 Section 6 of Article VII of the Illinois Constitution.

16 (b) The following amounts must be remitted to the State  
17 Treasurer for deposit into the Illinois Animal Abuse Fund:

18 (1) 50% of amounts collected for Class 4 felonies  
19 under subsection (a), paragraph (4) of subsection (b),  
20 and paragraphs (6), (7), (8.5), and (9) of subsection (c)  
21 of Section 16 of the Humane Care for Animals Act and  
22 Class 3 felonies under paragraph (5) of subsection (c) of  
23 Section 16 of that Act.

24 (2) 20% of amounts collected for Class A  
25 misdemeanors under subsection (a), paragraph (4) of  
26 subsection (b), and paragraphs (6) and (7) of subsection  
27 (c) of Section 16 of the Humane Care for Animals Act and  
28 Class B misdemeanors under paragraph (9) of subsection  
29 (c) of Section 16 of that Act.

30 (3) 20% of amounts collected for Class B  
31 misdemeanors under subsection (d) of Section 16 of the  
32 Humane Care for Animals Act.

33 (4) 50% of amounts collected for Class C  
34 misdemeanors under subsection (d) of Section 16 of the  
35 Humane Care for Animals Act.

1 (Source: P.A. 89-234, eff. 1-1-96.)

2 (705 ILCS 105/27.6)

3 Sec. 27.6. (a) All fees, fines, costs, additional  
4 penalties, bail balances assessed or forfeited, and any other  
5 amount paid by a person to the circuit clerk equalling an  
6 amount of \$55 or more, except the additional fee required by  
7 subsections (b) and (c), restitution under Section 5-5-6 of  
8 the Unified Code of Corrections, reimbursement for the costs  
9 of an emergency response as provided under Section 5-5-3 of  
10 the Unified Code of Corrections, any fees collected for  
11 attending a traffic safety program under paragraph (c) of  
12 Supreme Court Rule 529, any fee collected on behalf of a  
13 State's Attorney under Section 4-2002 of the Counties Code or  
14 a sheriff under Section 4-5001 of the Counties Code, or any  
15 cost imposed under Section 124A-5 of the Code of Criminal  
16 Procedure of 1963, for convictions, orders of supervision, or  
17 any other disposition for a violation of Chapters 3, 4, 6,  
18 11, and 12 of the Illinois Vehicle Code, or a similar  
19 provision of a local ordinance, and any violation of the  
20 Child Passenger Protection Act, or a similar provision of a  
21 local ordinance, and except as provided in subsection (d)  
22 shall be disbursed within 60 days after receipt by the  
23 circuit clerk as follows: 44.5% shall be disbursed to the  
24 entity authorized by law to receive the fine imposed in the  
25 case; 16.825% shall be disbursed to the State Treasurer; and  
26 38.675% shall be disbursed to the county's general corporate  
27 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
28 shall be deposited by the State Treasurer into the Violent  
29 Crime Victims Assistance Fund, 5.052/17 shall be deposited  
30 into the Traffic and Criminal Conviction Surcharge Fund, 3/17  
31 shall be deposited into the Drivers Education Fund, and  
32 6.948/17 shall be deposited into the Trauma Center Fund. Of  
33 the 6.948/17 deposited into the Trauma Center Fund from the  
34 16.825% disbursed to the State Treasurer, 50% shall be

1 disbursed to the Department of Public Health and 50% shall be  
2 disbursed to the Department of Public Aid. For fiscal year  
3 1993, amounts deposited into the Violent Crime Victims  
4 Assistance Fund, the Traffic and Criminal Conviction  
5 Surcharge Fund, or the Drivers Education Fund shall not  
6 exceed 110% of the amounts deposited into those funds in  
7 fiscal year 1991. Any amount that exceeds the 110% limit  
8 shall be distributed as follows: 50% shall be disbursed to  
9 the county's general corporate fund and 50% shall be  
10 disbursed to the entity authorized by law to receive the fine  
11 imposed in the case. Not later than March 1 of each year the  
12 circuit clerk shall submit a report of the amount of funds  
13 remitted to the State Treasurer under this Section during the  
14 preceding year based upon independent verification of fines  
15 and fees. All counties shall be subject to this Section,  
16 except that counties with a population under 2,000,000 may,  
17 by ordinance, elect not to be subject to this Section. For  
18 offenses subject to this Section, judges shall impose one  
19 total sum of money payable for violations. The circuit clerk  
20 may add on no additional amounts except for amounts that are  
21 required by Sections 27.3a and 27.3c of this Act, unless  
22 those amounts are specifically waived by the judge. With  
23 respect to money collected by the circuit clerk as a result  
24 of forfeiture of bail, ex parte judgment or guilty plea  
25 pursuant to Supreme Court Rule 529, the circuit clerk shall  
26 first deduct and pay amounts required by Sections 27.3a and  
27 27.3c of this Act. This Section is a denial and limitation of  
28 home rule powers and functions under subsection (h) of  
29 Section 6 of Article VII of the Illinois Constitution.

30 (b) In addition to any other fines and court costs  
31 assessed by the courts, any person convicted or receiving an  
32 order of supervision for driving under the influence of  
33 alcohol or drugs shall pay an additional fee of \$25 to the  
34 clerk of the circuit court. This amount, less 2 1/2% that  
35 shall be used to defray administrative costs incurred by the

1 clerk, shall be remitted by the clerk to the Treasurer within  
 2 60 days after receipt for deposit into the Trauma Center  
 3 Fund. This additional fee of \$25 shall not be considered a  
 4 part of the fine for purposes of any reduction in the fine  
 5 for time served either before or after sentencing. Not later  
 6 than March 1 of each year the Circuit Clerk shall submit a  
 7 report of the amount of funds remitted to the State Treasurer  
 8 under this subsection during the preceding calendar year.

9 (c) In addition to any other fines and court costs  
 10 assessed by the courts, any person convicted for a violation  
 11 of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of  
 12 1961 or a person sentenced for a violation of the Cannabis  
 13 Control Act or the Controlled Substance Act shall pay an  
 14 additional fee of \$100 to the clerk of the circuit court.  
 15 This amount, less 2 1/2% that shall be used to defray  
 16 administrative costs incurred by the clerk, shall be remitted  
 17 by the clerk to the Treasurer within 60 days after receipt  
 18 for deposit into the Trauma Center Fund. This additional fee  
 19 of \$100 shall not be considered a part of the fine for  
 20 purposes of any reduction in the fine for time served either  
 21 before or after sentencing. Not later than March 1 of each  
 22 year the Circuit Clerk shall submit a report of the amount of  
 23 funds remitted to the State Treasurer under this subsection  
 24 during the preceding calendar year.

25 (d) The following amounts must be remitted to the State  
 26 Treasurer for deposit into the Illinois Animal Abuse Fund:

27 (1) 50% of amounts collected for Class 4 felonies  
 28 under subsection (a), paragraph (4) of subsection (b),  
 29 and paragraphs (6), (7), (8.5), and (9) of subsection (c)  
 30 of Section 16 of the Humane Care for Animals Act and  
 31 Class 3 felonies under paragraph (5) of subsection (c) of  
 32 Section 16 of that Act.

33 (2) 20% of amounts collected for Class A  
 34 misdemeanors under subsection (a), paragraph (4) of  
 35 subsection (b), and paragraphs (6) and (7) of subsection

1 (c) of Section (16) of the Humane Care for Animals Act  
2 and Class B misdemeanors under paragraph (9) of  
3 subsection (c) of Section 16 of that Act.

4 (3) 20% of amounts collected for Class B  
5 misdemeanors under subsection (d) of Section 16 of the  
6 Humane Care for Animals Act.

7 (4) 50% of amounts collected for Class C  
8 misdemeanors under subsection (d) of Section 16 of the  
9 Humane Care for Animals Act.

10 (Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96;  
11 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

12 Section 15. The Juvenile Court Act of 1987 is amended by  
13 changing Sections 5-615, 5-710, and 5-715 as follows:

14 (705 ILCS 405/5-615)

15 Sec. 5-615. Continuance under supervision.

16 (1) The court may enter an order of continuance under  
17 supervision for an offense other than first degree murder, a  
18 Class X felony or a forcible felony (a) upon an admission or  
19 stipulation by the appropriate respondent or minor respondent  
20 of the facts supporting the petition and before proceeding to  
21 adjudication, or after hearing the evidence at the trial, and  
22 (b) in the absence of objection made in open court by the  
23 minor, his or her parent, guardian, or legal custodian, the  
24 minor's attorney or the State's Attorney.

25 (2) If the minor, his or her parent, guardian, or legal  
26 custodian, the minor's attorney or State's Attorney objects  
27 in open court to any continuance and insists upon proceeding  
28 to findings and adjudication, the court shall so proceed.

29 (3) Nothing in this Section limits the power of the  
30 court to order a continuance of the hearing for the  
31 production of additional evidence or for any other proper  
32 reason.

33 (4) When a hearing where a minor is alleged to be a

1 delinquent is continued pursuant to this Section, the period  
2 of continuance under supervision may not exceed 24 months.  
3 The court may terminate a continuance under supervision at  
4 any time if warranted by the conduct of the minor and the  
5 ends of justice.

6 (5) When a hearing where a minor is alleged to be  
7 delinquent is continued pursuant to this Section, the court  
8 may, as conditions of the continuance under supervision,  
9 require the minor to do any of the following:

10 (a) not violate any criminal statute of any  
11 jurisdiction;

12 (b) make a report to and appear in person before  
13 any person or agency as directed by the court;

14 (c) work or pursue a course of study or vocational  
15 training;

16 (d) undergo medical or psychotherapeutic treatment  
17 rendered by a therapist licensed under the provisions of  
18 the Medical Practice Act of 1987, the Clinical  
19 Psychologist Licensing Act, or the Clinical Social Work  
20 and Social Work Practice Act, or an entity licensed by  
21 the Department of Human Services as a successor to the  
22 Department of Alcoholism and Substance Abuse, for the  
23 provision of drug addiction and alcoholism treatment;

24 (e) attend or reside in a facility established for  
25 the instruction or residence of persons on probation;

26 (f) support his or her dependents, if any;

27 (g) pay costs;

28 (h) refrain from possessing a firearm or other  
29 dangerous weapon, or an automobile;

30 (i) permit the probation officer to visit him or  
31 her at his or her home or elsewhere;

32 (j) reside with his or her parents or in a foster  
33 home;

34 (k) attend school;

35 (l) attend a non-residential program for youth;



1           (m) contribute to his or her own support at home or  
2           in a foster home;

3           (n) perform some reasonable public or community  
4           service;

5           (o) make restitution to the victim, in the same  
6           manner and under the same conditions as provided in  
7           subsection (4) of Section 5-710, except that the  
8           "sentencing hearing" referred to in that Section shall be  
9           the adjudicatory hearing for purposes of this Section;

10          (p) comply with curfew requirements as designated  
11          by the court;

12          (q) refrain from entering into a designated  
13          geographic area except upon terms as the court finds  
14          appropriate. The terms may include consideration of the  
15          purpose of the entry, the time of day, other persons  
16          accompanying the minor, and advance approval by a  
17          probation officer;

18          (r) refrain from having any contact, directly or  
19          indirectly, with certain specified persons or particular  
20          types of persons, including but not limited to members of  
21          street gangs and drug users or dealers;

22          (r-5) undergo a medical or other procedure to have  
23          a tattoo symbolizing allegiance to a street gang removed  
24          from his or her body;

25          (s) refrain from having in his or her body the  
26          presence of any illicit drug prohibited by the Cannabis  
27          Control Act or the Illinois Controlled Substances Act,  
28          unless prescribed by a physician, and submit samples of  
29          his or her blood or urine or both for tests to determine  
30          the presence of any illicit drug; or

31          (t) comply with any other conditions as may be  
32          ordered by the court.

33          (6) A minor whose case is continued under supervision  
34          under subsection (5) shall be given a certificate setting  
35          forth the conditions imposed by the court. Those conditions

1 may be reduced, enlarged, or modified by the court on motion  
2 of the probation officer or on its own motion, or that of the  
3 State's Attorney, or, at the request of the minor after  
4 notice and hearing.

5 (7) If a petition is filed charging a violation of a  
6 condition of the continuance under supervision, the court  
7 shall conduct a hearing. If the court finds that a condition  
8 of supervision has not been fulfilled, the court may proceed  
9 to findings and adjudication and disposition. The filing of  
10 a petition for violation of a condition of the continuance  
11 under supervision shall toll the period of continuance under  
12 supervision until the final determination of the charge, and  
13 the term of the continuance under supervision shall not run  
14 until the hearing and disposition of the petition for  
15 violation; provided where the petition alleges conduct that  
16 does not constitute a criminal offense, the hearing must be  
17 held within 30 days of the filing of the petition unless a  
18 delay shall continue the tolling of the period of continuance  
19 under supervision for the period of the delay.

20 (8) When a hearing in which a minor is alleged to be a  
21 delinquent for reasons that include a violation of Section  
22 21-1.3 of the Criminal Code of 1961 is continued under this  
23 Section, the court shall, as a condition of the continuance  
24 under supervision, require the minor to perform community  
25 service for not less than 30 and not more than 120 hours, if  
26 community service is available in the jurisdiction. The  
27 community service shall include, but need not be limited to,  
28 the cleanup and repair of the damage that was caused by the  
29 alleged violation or similar damage to property located in  
30 the municipality or county in which the alleged violation  
31 occurred. The condition may be in addition to any other  
32 condition.

33 (8.5) When a hearing in which a minor is alleged to be a  
34 delinquent for reasons that include a violation of Section  
35 3.02 or Section 3.03 of the Humane Care for Animals Act or

1 paragraph (d) of subsection (1) of Section 21-1 of the  
2 Criminal Code of 1961 is continued under this Section, the  
3 court shall, as a condition of the continuance under  
4 supervision, require the minor to undergo medical or  
5 psychiatric treatment rendered by a psychiatrist or  
6 psychological treatment rendered by a clinical psychologist.  
7 The condition may be in addition to any other condition.

8 (9) When a hearing in which a minor is alleged to be a  
9 delinquent is continued under this Section, the court, before  
10 continuing the case, shall make a finding whether the offense  
11 alleged to have been committed either: (i) was related to or  
12 in furtherance of the activities of an organized gang or was  
13 motivated by the minor's membership in or allegiance to an  
14 organized gang, or (ii) is a violation of paragraph (13) of  
15 subsection (a) of Section 12-2 of the Criminal Code of 1961,  
16 a violation of any Section of Article 24 of the Criminal Code  
17 of 1961, or a violation of any statute that involved the  
18 unlawful use of a firearm. If the court determines the  
19 question in the affirmative the court shall, as a condition  
20 of the continuance under supervision and as part of or in  
21 addition to any other condition of the supervision, require  
22 the minor to perform community service for not less than 30  
23 hours, provided that community service is available in the  
24 jurisdiction and is funded and approved by the county board  
25 of the county where the offense was committed. The community  
26 service shall include, but need not be limited to, the  
27 cleanup and repair of any damage caused by an alleged  
28 violation of Section 21-1.3 of the Criminal Code of 1961 and  
29 similar damage to property located in the municipality or  
30 county in which the alleged violation occurred. When  
31 possible and reasonable, the community service shall be  
32 performed in the minor's neighborhood. For the purposes of  
33 this Section, "organized gang" has the meaning ascribed to it  
34 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
35 Prevention Act.

1           (10) The court shall impose upon a minor placed on  
2 supervision, as a condition of the supervision, a fee of \$25  
3 for each month of supervision ordered by the court, unless  
4 after determining the inability of the minor placed on  
5 supervision to pay the fee, the court assesses a lesser  
6 amount. The court may not impose the fee on a minor who is  
7 made a ward of the State under this Act while the minor is in  
8 placement. The fee shall be imposed only upon a minor who is  
9 actively supervised by the probation and court services  
10 department. A court may order the parent, guardian, or legal  
11 custodian of the minor to pay some or all of the fee on the  
12 minor's behalf.

13           (Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00;  
14 91-332, eff. 7-29-99; revised 10-7-99.)

15           (705 ILCS 405/5-710)

16           Sec. 5-710. Kinds of sentencing orders.

17           (1) The following kinds of sentencing orders may be made  
18 in respect of wards of the court:

19                   (a) Except as provided in Sections 5-805, 5-810,  
20 5-815, a minor who is found guilty under Section 5-620  
21 may be:

22                           (i) put on probation or conditional discharge  
23 and released to his or her parents, guardian or  
24 legal custodian, provided, however, that any such  
25 minor who is not committed to the Department of  
26 Corrections, Juvenile Division under this subsection  
27 and who is found to be a delinquent for an offense  
28 which is first degree murder, a Class X felony, or a  
29 forcible felony shall be placed on probation;

30                           (ii) placed in accordance with Section 5-740,  
31 with or without also being put on probation or  
32 conditional discharge;

33                           (iii) required to undergo a substance abuse  
34 assessment conducted by a licensed provider and

1 participate in the indicated clinical level of care;

2 (iv) placed in the guardianship of the  
3 Department of Children and Family Services, but only  
4 if the delinquent minor is under 13 years of age;

5 (v) placed in detention for a period not to  
6 exceed 30 days, either as the exclusive order of  
7 disposition or, where appropriate, in conjunction  
8 with any other order of disposition issued under  
9 this paragraph, provided that any such detention  
10 shall be in a juvenile detention home and the minor  
11 so detained shall be 10 years of age or older.  
12 However, the 30-day limitation may be extended by  
13 further order of the court for a minor under age 13  
14 committed to the Department of Children and Family  
15 Services if the court finds that the minor is a  
16 danger to himself or others. The minor shall be  
17 given credit on the sentencing order of detention  
18 for time spent in detention under Sections 5-501,  
19 5-601, 5-710, or 5-720 of this Article as a result  
20 of the offense for which the sentencing order was  
21 imposed. The court may grant credit on a sentencing  
22 order of detention entered under a violation of  
23 probation or violation of conditional discharge  
24 under Section 5-720 of this Article for time spent  
25 in detention before the filing of the petition  
26 alleging the violation. A minor shall not be  
27 deprived of credit for time spent in detention  
28 before the filing of a violation of probation or  
29 conditional discharge alleging the same or related  
30 act or acts;

31 (vi) ordered partially or completely  
32 emancipated in accordance with the provisions of the  
33 Emancipation of Mature Minors Act;

34 (vii) subject to having his or her driver's  
35 license or driving privileges suspended for such

1 time as determined by the court but only until he or  
2 she attains 18 years of age;

3 (viii) put on probation or conditional  
4 discharge and placed in detention under Section  
5 3-6039 of the Counties Code for a period not to  
6 exceed the period of incarceration permitted by law  
7 for adults found guilty of the same offense or  
8 offenses for which the minor was adjudicated  
9 delinquent, and in any event no longer than upon  
10 attainment of age 21; this subdivision (viii)  
11 notwithstanding any contrary provision of the law;  
12 or

13 (ix) ordered to undergo a medical or other  
14 procedure to have a tattoo symbolizing allegiance to  
15 a street gang removed from his or her body.

16 (b) A minor found to be guilty may be committed to  
17 the Department of Corrections, Juvenile Division, under  
18 Section 5-750 if the minor is 13 years of age or older,  
19 provided that the commitment to the Department of  
20 Corrections, Juvenile Division, shall be made only if a  
21 term of incarceration is permitted by law for adults  
22 found guilty of the offense for which the minor was  
23 adjudicated delinquent. The time during which a minor is  
24 in custody before being released upon the request of a  
25 parent, guardian or legal custodian shall be considered  
26 as time spent in detention.

27 (c) When a minor is found to be guilty for an  
28 offense which is a violation of the Illinois Controlled  
29 Substances Act or the Cannabis Control Act and made a  
30 ward of the court, the court may enter a disposition  
31 order requiring the minor to undergo assessment,  
32 counseling or treatment in a substance abuse program  
33 approved by the Department of Human Services.

34 (2) Any sentencing order other than commitment to the  
35 Department of Corrections, Juvenile Division, may provide for

1 protective supervision under Section 5-725 and may include an  
2 order of protection under Section 5-730.

3 (3) Unless the sentencing order expressly so provides,  
4 it does not operate to close proceedings on the pending  
5 petition, but is subject to modification until final closing  
6 and discharge of the proceedings under Section 5-750.

7 (4) In addition to any other sentence, the court may  
8 order any minor found to be delinquent to make restitution,  
9 in monetary or non-monetary form, under the terms and  
10 conditions of Section 5-5-6 of the Unified Code of  
11 Corrections, except that the "presentencing hearing" referred  
12 to in that Section shall be the sentencing hearing for  
13 purposes of this Section. The parent, guardian or legal  
14 custodian of the minor may be ordered by the court to pay  
15 some or all of the restitution on the minor's behalf,  
16 pursuant to the Parental Responsibility Law. The State's  
17 Attorney is authorized to act on behalf of any victim in  
18 seeking restitution in proceedings under this Section, up to  
19 the maximum amount allowed in Section 5 of the Parental  
20 Responsibility Law.

21 (5) Any sentencing order where the minor is committed or  
22 placed in accordance with Section 5-740 shall provide for the  
23 parents or guardian of the estate of the minor to pay to the  
24 legal custodian or guardian of the person of the minor such  
25 sums as are determined by the custodian or guardian of the  
26 person of the minor as necessary for the minor's needs. The  
27 payments may not exceed the maximum amounts provided for by  
28 Section 9.1 of the Children and Family Services Act.

29 (6) Whenever the sentencing order requires the minor to  
30 attend school or participate in a program of training, the  
31 truant officer or designated school official shall regularly  
32 report to the court if the minor is a chronic or habitual  
33 truant under Section 26-2a of the School Code.

34 (7) In no event shall a guilty minor be committed to the  
35 Department of Corrections, Juvenile Division for a period of

1 time in excess of that period for which an adult could be  
2 committed for the same act.

3 (8) A minor found to be guilty for reasons that include  
4 a violation of Section 21-1.3 of the Criminal Code of 1961  
5 shall be ordered to perform community service for not less  
6 than 30 and not more than 120 hours, if community service is  
7 available in the jurisdiction. The community service shall  
8 include, but need not be limited to, the cleanup and repair  
9 of the damage that was caused by the violation or similar  
10 damage to property located in the municipality or county in  
11 which the violation occurred. The order may be in addition  
12 to any other order authorized by this Section.

13 (8.5) A minor found to be guilty for reasons that  
14 include a violation of Section 3.02 or Section 3.03 of the  
15 Humane Care for Animals Act or paragraph (d) of subsection  
16 (1) of Section 21-1 of the Criminal Code of 1961 shall be  
17 ordered to undergo medical or psychiatric treatment rendered  
18 by a psychiatrist or psychological treatment rendered by a  
19 clinical psychologist. The order may be in addition to any  
20 other order authorized by this Section.

21 (9) In addition to any other sentencing order, the court  
22 shall order any minor found to be guilty for an act which  
23 would constitute, predatory criminal sexual assault of a  
24 child, aggravated criminal sexual assault, criminal sexual  
25 assault, aggravated criminal sexual abuse, or criminal sexual  
26 abuse if committed by an adult to undergo medical testing to  
27 determine whether the defendant has any sexually  
28 transmissible disease including a test for infection with  
29 human immunodeficiency virus (HIV) or any other identified  
30 causative agency of acquired immunodeficiency syndrome  
31 (AIDS). Any medical test shall be performed only by  
32 appropriately licensed medical practitioners and may include  
33 an analysis of any bodily fluids as well as an examination of  
34 the minor's person. Except as otherwise provided by law, the  
35 results of the test shall be kept strictly confidential by



1 all medical personnel involved in the testing and must be  
2 personally delivered in a sealed envelope to the judge of the  
3 court in which the sentencing order was entered for the  
4 judge's inspection in camera. Acting in accordance with the  
5 best interests of the victim and the public, the judge shall  
6 have the discretion to determine to whom the results of the  
7 testing may be revealed. The court shall notify the minor of  
8 the results of the test for infection with the human  
9 immunodeficiency virus (HIV). The court shall also notify  
10 the victim if requested by the victim, and if the victim is  
11 under the age of 15 and if requested by the victim's parents  
12 or legal guardian, the court shall notify the victim's  
13 parents or the legal guardian, of the results of the test for  
14 infection with the human immunodeficiency virus (HIV). The  
15 court shall provide information on the availability of HIV  
16 testing and counseling at the Department of Public Health  
17 facilities to all parties to whom the results of the testing  
18 are revealed. The court shall order that the cost of any  
19 test shall be paid by the county and may be taxed as costs  
20 against the minor.

21 (10) When a court finds a minor to be guilty the court  
22 shall, before entering a sentencing order under this Section,  
23 make a finding whether the offense committed either: (a) was  
24 related to or in furtherance of the criminal activities of an  
25 organized gang or was motivated by the minor's membership in  
26 or allegiance to an organized gang, or (b) involved a  
27 violation of subsection (a) of Section 12-7.1 of the Criminal  
28 Code of 1961, a violation of any Section of Article 24 of the  
29 Criminal Code of 1961, or a violation of any statute that  
30 involved the wrongful use of a firearm. If the court  
31 determines the question in the affirmative, and the court  
32 does not commit the minor to the Department of Corrections,  
33 Juvenile Division, the court shall order the minor to perform  
34 community service for not less than 30 hours nor more than  
35 120 hours, provided that community service is available in

1 the jurisdiction and is funded and approved by the county  
2 board of the county where the offense was committed. The  
3 community service shall include, but need not be limited to,  
4 the cleanup and repair of any damage caused by a violation of  
5 Section 21-1.3 of the Criminal Code of 1961 and similar  
6 damage to property located in the municipality or county in  
7 which the violation occurred. When possible and reasonable,  
8 the community service shall be performed in the minor's  
9 neighborhood. This order shall be in addition to any other  
10 order authorized by this Section except for an order to place  
11 the minor in the custody of the Department of Corrections,  
12 Juvenile Division. For the purposes of this Section,  
13 "organized gang" has the meaning ascribed to it in Section 10  
14 of the Illinois Streetgang Terrorism Omnibus Prevention Act.  
15 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

16 (705 ILCS 405/5-715)

17 Sec. 5-715. Probation.

18 (1) The period of probation or conditional discharge  
19 shall not exceed 5 years or until the minor has attained the  
20 age of 21 years, whichever is less, except as provided in  
21 this Section for a minor who is found to be guilty for an  
22 offense which is first degree murder, a Class X felony or a  
23 forcible felony. The juvenile court may terminate probation  
24 or conditional discharge and discharge the minor at any time  
25 if warranted by the conduct of the minor and the ends of  
26 justice; provided, however, that the period of probation for  
27 a minor who is found to be guilty for an offense which is  
28 first degree murder, a Class X felony, or a forcible felony  
29 shall be at least 5 years.

30 (2) The court may as a condition of probation or of  
31 conditional discharge require that the minor:

32 (a) not violate any criminal statute of any  
33 jurisdiction;

34 (b) make a report to and appear in person before

1 any person or agency as directed by the court;

2 (c) work or pursue a course of study or vocational  
3 training;

4 (d) undergo medical or psychiatric treatment,  
5 rendered by a psychiatrist or psychological treatment  
6 rendered by a clinical psychologist or social work  
7 services rendered by a clinical social worker, or  
8 treatment for drug addiction or alcoholism;

9 (e) attend or reside in a facility established for  
10 the instruction or residence of persons on probation;

11 (f) support his or her dependents, if any;

12 (g) refrain from possessing a firearm or other  
13 dangerous weapon, or an automobile;

14 (h) permit the probation officer to visit him or  
15 her at his or her home or elsewhere;

16 (i) reside with his or her parents or in a foster  
17 home;

18 (j) attend school;

19 (k) attend a non-residential program for youth;

20 (l) make restitution under the terms of subsection  
21 (4) of Section 5-710;

22 (m) contribute to his or her own support at home or  
23 in a foster home;

24 (n) perform some reasonable public or community  
25 service;

26 (o) participate with community corrections programs  
27 including unified delinquency intervention services  
28 administered by the Department of Human Services subject  
29 to Section 5 of the Children and Family Services Act;

30 (p) pay costs;

31 (q) serve a term of home confinement. In addition  
32 to any other applicable condition of probation or  
33 conditional discharge, the conditions of home confinement  
34 shall be that the minor:

35 (i) remain within the interior premises of the

1 place designated for his or her confinement during  
2 the hours designated by the court;

3 (ii) admit any person or agent designated by  
4 the court into the minor's place of confinement at  
5 any time for purposes of verifying the minor's  
6 compliance with the conditions of his or her  
7 confinement; and

8 (iii) use an approved electronic monitoring  
9 device if ordered by the court subject to Article 8A  
10 of Chapter V of the Unified Code of Corrections;

11 (r) refrain from entering into a designated  
12 geographic area except upon terms as the court finds  
13 appropriate. The terms may include consideration of the  
14 purpose of the entry, the time of day, other persons  
15 accompanying the minor, and advance approval by a  
16 probation officer, if the minor has been placed on  
17 probation, or advance approval by the court, if the minor  
18 has been placed on conditional discharge;

19 (s) refrain from having any contact, directly or  
20 indirectly, with certain specified persons or particular  
21 types of persons, including but not limited to members of  
22 street gangs and drug users or dealers;

23 (s-5) undergo a medical or other procedure to have  
24 a tattoo symbolizing allegiance to a street gang removed  
25 from his or her body;

26 (t) refrain from having in his or her body the  
27 presence of any illicit drug prohibited by the Cannabis  
28 Control Act or the Illinois Controlled Substances Act,  
29 unless prescribed by a physician, and shall submit  
30 samples of his or her blood or urine or both for tests to  
31 determine the presence of any illicit drug; or

32 (u) comply with other conditions as may be ordered  
33 by the court.

34 (3) The court may as a condition of probation or of  
35 conditional discharge require that a minor found guilty on

1 any alcohol, cannabis, or controlled substance violation,  
2 refrain from acquiring a driver's license during the period  
3 of probation or conditional discharge. If the minor is in  
4 possession of a permit or license, the court may require that  
5 the minor refrain from driving or operating any motor vehicle  
6 during the period of probation or conditional discharge,  
7 except as may be necessary in the course of the minor's  
8 lawful employment.

9 (3.5) The court shall, as a condition of probation or of  
10 conditional discharge, require that a minor found to be  
11 guilty and placed on probation for reasons that include a  
12 violation of Section 3.02 or Section 3.03 of the Humane Care  
13 for Animals Act or paragraph (d) of subsection (1) of Section  
14 21-1 of the Criminal Code of 1961 undergo medical or  
15 psychiatric treatment rendered by a psychiatrist or  
16 psychological treatment rendered by a clinical psychologist.  
17 The condition may be in addition to any other condition.

18 (4) A minor on probation or conditional discharge shall  
19 be given a certificate setting forth the conditions upon  
20 which he or she is being released.

21 (5) The court shall impose upon a minor placed on  
22 probation or conditional discharge, as a condition of the  
23 probation or conditional discharge, a fee of \$25 for each  
24 month of probation or conditional discharge supervision  
25 ordered by the court, unless after determining the inability  
26 of the minor placed on probation or conditional discharge to  
27 pay the fee, the court assesses a lesser amount. The court  
28 may not impose the fee on a minor who is made a ward of the  
29 State under this Act while the minor is in placement. The  
30 fee shall be imposed only upon a minor who is actively  
31 supervised by the probation and court services department.  
32 The court may order the parent, guardian, or legal custodian  
33 of the minor to pay some or all of the fee on the minor's  
34 behalf.

35 (6) The General Assembly finds that in order to protect

1 the public, the juvenile justice system must compel  
2 compliance with the conditions of probation by responding to  
3 violations with swift, certain, and fair punishments and  
4 intermediate sanctions. The Chief Judge of each circuit  
5 shall adopt a system of structured, intermediate sanctions  
6 for violations of the terms and conditions of a sentence of  
7 supervision, probation or conditional discharge, under this  
8 Act.

9 The court shall provide as a condition of a disposition  
10 of probation, conditional discharge, or supervision, that the  
11 probation agency may invoke any sanction from the list of  
12 intermediate sanctions adopted by the chief judge of the  
13 circuit court for violations of the terms and conditions of  
14 the sentence of probation, conditional discharge, or  
15 supervision, subject to the provisions of Section 5-720 of  
16 this Act.

17 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

18 Section 20. The Criminal Code of 1961 is amended by  
19 changing Section 21-1 as follows:

20 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

21 Sec. 21-1. Criminal damage to property.

22 (1) A person commits an illegal act when he:

23 (a) knowingly damages any property of another  
24 without his consent; or

25 (b) recklessly by means of fire or explosive  
26 damages property of another; or

27 (c) knowingly starts a fire on the land of another  
28 without his consent; or

29 (d) knowingly injures a domestic animal of another  
30 without his consent; or

31 (e) knowingly deposits on the land or in the  
32 building of another, without his consent, any stink bomb  
33 or any offensive smelling compound and thereby intends to

1 interfere with the use by another of the land or  
2 building; or

3 (f) damages any property, other than as described  
4 in subsection (b) of Section 20-1, with intent to defraud  
5 an insurer; or

6 (g) knowingly shoots a firearm at any portion of a  
7 railroad train.

8 When the charge of criminal damage to property exceeding  
9 a specified value is brought, the extent of the damage is an  
10 element of the offense to be resolved by the trier of fact as  
11 either exceeding or not exceeding the specified value.

12 (2) The acts described in items (a), (b), (c), (e), and  
13 through (f) are Class A misdemeanors if the damage to  
14 property does not exceed \$300. The acts described in items  
15 (a), (b), (c), (e), and through (f) are Class 4 felonies if  
16 the damage to property does not exceed \$300 if the damage  
17 occurs to property of a school or place of worship. The act  
18 described in item (d) is a Class 4 felony if the damage to  
19 property does not exceed \$10,000. The act described in item  
20 (g) is a Class 4 felony. The acts described in items (a),  
21 (b), (c), (e), and through (f) are Class 4 felonies if the  
22 damage to property exceeds \$300 but does not exceed \$10,000.  
23 The acts described in items (a) through (f) are Class 3  
24 felonies if the damage to property exceeds \$300 but does not  
25 exceed \$10,000 if the damage occurs to property of a school  
26 or place of worship. The acts described in items (a) through  
27 (f) are Class 3 felonies if the damage to property exceeds  
28 \$10,000 but does not exceed \$100,000. The acts described in  
29 items (a) through (f) are Class 2 felonies if the damage to  
30 property exceeds \$10,000 but does not exceed \$100,000 if the  
31 damage occurs to property of a school or place of worship.  
32 The acts described in items (a) through (f) are Class 2  
33 felonies if the damage to property exceeds \$100,000. The  
34 acts described in items (a) through (f) are Class 1 felonies  
35 if the damage to property exceeds \$100,000 and the damage

1 occurs to property of a school or place of worship. If the  
2 damage to property exceeds \$10,000, the court shall impose  
3 upon the offender a fine equal to the value of the damages to  
4 the property.

5 (3) In addition to any other sentence that may be  
6 imposed, a court shall order any person convicted of criminal  
7 damage to property to perform community service for not less  
8 than 30 and not more than 120 hours, if community service is  
9 available in the jurisdiction and is funded and approved by  
10 the county board of the county where the offense was  
11 committed. In addition, whenever any person is placed on  
12 supervision for an alleged offense under this Section, the  
13 supervision shall be conditioned upon the performance of the  
14 community service.

15 This subsection does not apply when the court imposes a  
16 sentence of incarceration.

17 (Source: P.A. 91-360, eff. 7-29-99.)

18 Section 25. The State Finance Act is amended by adding  
19 Section 5.545 as follows:

20 (30 ILCS 105/5.545 new)

21 Sec. 5.545. The Illinois Animal Abuse Fund.

22 Section 30. Severability. The provisions of this Act  
23 are severable under Section 1.31 of the Statute on Statutes.

24 Section 99. Effective date. This Act takes effect on  
25 January 1, 2002."

26 Submitted on May 31, 2001.

27 s/Sen. Larry Bomke

s/Rep. Thomas Dart

28 s/Sen. Todd Sieben

s/Rep. Mary Kay O'Brien

29 s/Sen. Frank Watson

Rep. Barbara Flynn Currie

30 s/Sen. William L. O'Daniel

Rep. Art Tenhouse



1 s/Sen. Robert Molaro

Rep. Dan Rutherford

2 Committee for the Senate

Committee for the House