

1 AMENDMENT TO SENATE BILL 629

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 629, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Humane Care for Animals Act is amended  
6 by changing Sections 2.01a, 2.07, 4.01, 4.02, 4.03, 4.04, 10,  
7 12, and 16 and by adding Sections 2.01b, 2.01c, 2.01d, 2.09,  
8 2.10, 3.04, 3.05, 3.06, 16.1, 16.2, 16.3, and 16.4 as  
9 follows:

10 (510 ILCS 70/2.01a)

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

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

17 (510 ILCS 70/2.01b new)

18 Sec. 2.01b. Exigent circumstances. "Exigent  
19 circumstances" means a licensed veterinarian cannot be  
20 secured without undue delay and, in the opinion of the animal  
21 control or humane agency, the animal is so severely injured,

1 diseased, or suffering that it is unfit for any useful  
2 purpose and to delay humane euthanasia would continue to  
3 cause the animal extreme suffering.

4 (510 ILCS 70/2.01c new)

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

8 (510 ILCS 70/2.01d new)

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

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.

1 (510 ILCS 70/2.10 new)

2 Sec. 2.10. Companion animal hoarder. "Companion animal  
3 hoarder" means a person who (i) possesses a large number of  
4 companion animals; (ii) fails to or is unable to provide what  
5 he or she is required to provide under Section 3 of this Act;  
6 (iii) keeps the companion animals in a severely overcrowded  
7 environment; and (iv) displays an inability to recognize or  
8 understand the nature of or has a reckless disregard for the  
9 conditions under which the companion animals are living and  
10 the deleterious impact they have on the companion animals'  
11 and owner's health and well-being.

12 (510 ILCS 70/3.04 new)

13 Sec. 3.04. Arrests and seizures.

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

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

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

21 (510 ILCS 70/3.05 new)

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

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

1 humanely euthanize the animal. In no event may the defendant  
2 or any person residing in the defendant's household adopt the  
3 animal or animals.

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

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

1 care. Nothing in this Section prevents any law enforcement  
2 officer, Department investigator, or approved humane  
3 investigator from applying for a warrant under this Section  
4 to seize any animal or animals being held by the person  
5 charged pending the adjudication of the charges if it is  
6 determined that the animal or animals are not receiving the  
7 necessary food, water, shelter, or care.

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

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

19 (510 ILCS 70/3.06 new)

20 Sec. 3.06. Disposition of seized animals.

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

30 (b) Any person authorized by this Section to care for an  
31 animal or animals, to treat an animal or animals, or to  
32 attempt to restore an animal or animals to good health and  
33 who is acting in good faith is immune from any civil or

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

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

16 An animal control or humane agency may humanely euthanize  
17 severely injured, diseased, or suffering animals in exigent  
18 circumstances.

19 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

20 Sec. 4.01. Prohibitions.

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

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



1 (c) No person shall sell or offer for sale, ship,  
2 transport, or otherwise move, or deliver or receive any  
3 animal which he or she knows or should know has been  
4 captured, bred, or trained, or will be used, to fight another  
5 animal or human or be intentionally killed, for the purpose  
6 of sport, wagering, or entertainment.

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

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

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

28 (g) No person shall attend or otherwise patronize any  
29 show, exhibition, program, or other activity featuring or  
30 otherwise involving a fight between 2 or more animals, or any  
31 animal and human, or the intentional killing of any animal  
32 for the purposes of sport, wagering or entertainment.

33 (h) No person shall tie or attach or fasten any live  
34 animal to any machine or device propelled by any power for

1 the purpose of causing such animal to be pursued by a dog or  
2 dogs. This subsection (h) shall apply only when such dog is  
3 intended to be used in a dog fight.

4 (i) Any animals or equipment involved in a violation of  
5 this Section shall be immediately seized and impounded under  
6 Section 12 by the Department when located at any show,  
7 exhibition, program, or other activity featuring or otherwise  
8 involving an animal fight.

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

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

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

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

30 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)  
31 Sec. 4.02. Arrests; reports.

32 (a) Any law enforcement officer making an arrest for an  
33 offense involving one or more dogs under Section 4.01 of this

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

23 An owner whose dogs are removed for a violation of  
24 Section 4.01 of this Act must be given written notice of the  
25 circumstances of the removal and of any legal remedies  
26 available to him or her. The notice must be posted at the  
27 place of seizure or delivered to a person residing at the  
28 place of seizure or, if the address of the owner is different  
29 from the address of the person from whom the dogs were  
30 seized, delivered by registered mail to his or her last known  
31 address.

32 The animal control or humane agency having custody of the  
33 dogs may file a petition with the court requesting that the  
34 person from whom the dogs were seized or the owner of the

1 dogs be ordered to post security pursuant to Section 3.05 of  
 2 this Act, which shall, by order, place the same in custody of  
 3 an officer or other proper person named and designated in  
 4 such order, to be kept by him until the conviction or final  
 5 discharge of such person complained against, and shall send a  
 6 copy of such order without delay to the State's attorney of  
 7 the county and the Department. The officer or person so  
 8 named and designated in such order shall immediately  
 9 thereupon assume the custody of such property and shall  
 10 retain the same, subject to the order of the court before  
 11 which such person so complained against may be required to  
 12 appear for trial.

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

27       Any person authorized by this Section to care for a dog,  
 28 to treat a dog, or to attempt to restore a dog to good health  
 29 and who is acting in good faith is immune from any civil or  
 30 criminal liability that may result from his or her actions.

31       An animal control or humane agency may humanely euthanize  
 32 severely injured, diseased, or suffering dog in exigent  
 33 circumstances In the event of the acquittal or final  
 34 discharge without conviction of the person so charged such

1 court shall, on demand, direct the delivery of such property  
2 so held in custody to the owner thereof.

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

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

18 (510 ILCS 70/4.03) (from Ch. 8, par. 704.03)

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

1 service, or search and rescue animal in training.

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

3 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

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

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

17 (510 ILCS 70/10) (from Ch. 8, par. 710)

18 Sec. 10. Investigation of complaints.

19 (a) Upon receiving a complaint of a suspected violation  
20 of this Act, a Department investigator, any law enforcement  
21 official, or an approved humane investigator may, for the  
22 purpose of investigating the allegations of the complaint,  
23 enter during normal business hours upon any premises where  
24 the animal or animals described in the complaint are housed  
25 or kept, provided such entry shall not be made into any  
26 building which is a person's residence, except by search  
27 warrant or court order. Institutions operating under federal  
28 license to conduct laboratory experimentation utilizing  
29 animals for research or medical purposes are, however, exempt  
30 from the provisions of this Section. State's Attorneys and  
31 law enforcement officials shall provide such assistance as  
32 may be required in the conduct of such investigations. Any

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

21 (b) Any law enforcement official, animal control or  
 22 humane agency, approved humane investigator, or veterinarian  
 23 acting in good faith is immune from any civil or criminal  
 24 liability resulting from his or her actions under this  
 25 Section. The good faith on the part of the law enforcement  
 26 official, approved humane investigator, animal control or  
 27 humane agency, or veterinarian is presumed.

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

29 (510 ILCS 70/12) (from Ch. 8, par. 712)  
 30 Sec. 12. Impounding animals; notice of impoundment.

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

1 or corrective action by the owner is possible ~~or the violator~~  
2 ~~fails or refuses to take corrective 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



1 responsibility of the animal or animals.

2 (2) Listing of deficiencies noted.

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

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

7 (5) Signature of the investigator.

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

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

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

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

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

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

2 (510 ILCS 70/16) (from Ch. 8, par. 716)

3 Sec. 16. Violations; punishment; injunctions.

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

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

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

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

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

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

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

32 (2) Any person convicted of violating subsection  
33 (a), (b) or (c) of Section 4.01 of this Act or any rule,

1 regulation or order of the Department pursuant thereto is  
2 guilty of a Class 4 felony and may be fined an amount not  
3 to exceed \$50,000.

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

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

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

1 animals involved in the violation were dogs, a second or  
 2 subsequent violation of subsection (d), (e) or (f) of  
 3 Section 4.01 of this Act or any rule, regulation or order  
 4 of the Department adopted pursuant thereto is a Class A  
 5 misdemeanor. A second or subsequent violation of  
 6 subsection (g) is a Class B misdemeanor.

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

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

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

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

32 (9) Any person convicted of any other act of abuse  
 33 or neglect or of violating any other provision of this  
 34 Act, or any rule, regulation, or order of the Department

1           pursuant thereto, is guilty of a Class B E misdemeanor.  
2           A second or subsequent violation is a Class 4 felony with  
3           every day that a violation continues constituting a  
4           separate offense.

5           (d) Any person convicted of violating Section 7.1 is  
6           guilty of a Class C misdemeanor petty-offense. A second or  
7           subsequent conviction for a violation of Section 7.1 is a  
8           Class B E misdemeanor.

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

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

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

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

32          (i) In addition to any other penalty provided by law,  
33          upon conviction for violating Sections 3, 3.01, 3.02, or 3.03  
34          the court may order the convicted person to forfeit to an

1 animal control or humane agency the animal or animals that  
2 are the basis of the conviction. Upon an order of  
3 forfeiture, the convicted person is deemed to have  
4 permanently relinquished all rights to the animal or animals  
5 that are the basis of the conviction. The forfeited animal  
6 or animals shall be adopted or humanely euthanized. In no  
7 event may the convicted person or anyone residing in his or  
8 her household be permitted to adopt the forfeited animal or  
9 animals. The court, additionally, may order that the  
10 convicted person and persons dwelling in the same household  
11 as the convicted person who conspired, aided, or abetted in  
12 the unlawful act that was the basis of the conviction, or who  
13 knew or should have known of the unlawful act, may not own,  
14 harbor, or have custody or control of any other animals for a  
15 period of time that the court deems reasonable.

16 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;  
17 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.  
18 7-29-99; revised 8-30-99.)

19 (510 ILCS 70/16.1 new)

20 Sec. 16.1. Defenses. It is not a defense to violations  
21 of this Act for the person committing the violation to assert  
22 that he or she had rights of ownership in the animal that was  
23 the victim of the violation.

24 (510 ILCS 70/16.2 new)

25 Sec. 16.2. Corporations. Corporations may be charged  
26 with violations of this Act for the acts of their employees  
27 or agents who violate this Act in the course of their  
28 employment or agency.

29 (510 ILCS 70/16.3 new)

30 Sec. 16.3. Civil actions. Any person who has a right of  
31 ownership in an animal that is subjected to an act of

1 aggravated cruelty under Section 3.02 or torture under  
2 Section 3.03 in violation of this Act or in an animal that is  
3 injured or killed as a result of actions taken by a person  
4 who acts in bad faith under subsection (b) of Section 3.06 or  
5 under Section 12 of this Act may bring a civil action to  
6 recover the damages sustained by that owner. Damages may  
7 include, but are not limited to, the monetary value of the  
8 animal, veterinary expenses incurred on behalf of the animal,  
9 any other expenses incurred by the owner in rectifying the  
10 effects of the cruelty, pain, and suffering of the animal,  
11 and emotional distress suffered by the owner. In addition to  
12 damages that may be proven, the owner is also entitled to  
13 punitive or exemplary damages of not less than \$500 but not  
14 more than \$25,000 for each act of abuse or neglect to which  
15 the animal was subjected. In addition, the court must award  
16 reasonable attorney's fees and costs actually incurred by the  
17 owner in the prosecution of any action under this Section.

18 The remedies provided in this Section are in addition to  
19 any other remedies allowed by law.

20 In an action under this Section, the court may enter any  
21 injunctive orders reasonably necessary to protect animals  
22 from any further acts of abuse, neglect, or harassment by a  
23 defendant. Trespass is not a defense to any action under  
24 this Section.

25 The statute of limitations for cruelty to animals is 2  
26 years.

27 (510 ILCS 70/16.4 new)

28 Sec. 16.4. Illinois Animal Abuse Fund. The Illinois  
29 Animal Abuse Fund is created as a special fund in the State  
30 treasury. Moneys in the Fund may be used, subject to  
31 appropriation, by the Department of Agriculture to  
32 investigate animal abuse and neglect under this Act.



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

3 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

4 Sec. 27.5. (a) All fees, fines, costs, additional  
5 penalties, bail balances assessed or forfeited, and any other  
6 amount paid by a person to the circuit clerk that equals an  
7 amount less than \$55, except restitution under Section 5-5-6  
8 of the Unified Code of Corrections, reimbursement for the  
9 costs of an emergency response as provided under Section  
10 5-5-3 of the Unified Code of Corrections, any fees collected  
11 for 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 (b)  
22 shall be disbursed within 60 days after receipt by the  
23 circuit clerk as follows: 47% shall be disbursed to the  
24 entity authorized by law to receive the fine imposed in the  
25 case; 12% shall be disbursed to the State Treasurer; and 41%  
26 shall be disbursed to the county's general corporate fund. Of  
27 the 12% disbursed to the State Treasurer, 1/6 shall be  
28 deposited by the State Treasurer into the Violent Crime  
29 Victims Assistance Fund, 1/2 shall be deposited into the  
30 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall  
31 be deposited into the Drivers Education Fund. For fiscal  
32 years 1992 and 1993, amounts deposited into the Violent Crime  
33 Victims Assistance Fund, the Traffic and Criminal Conviction

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

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

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

34 (2) 20% of amounts collected for Class A

1 misdemeanors under subsection (a), paragraph (4) of  
 2 subsection (b), and paragraphs (6) and (7) of subsection  
 3 (c) of Section 16 of the Humane Care for Animals Act and  
 4 Class B misdemeanors under paragraph (9) of subsection  
 5 (c) of Section 16 of that Act.

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

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

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

13 (705 ILCS 105/27.6)

14 Sec. 27.6. (a) All fees, fines, costs, additional  
 15 penalties, bail balances assessed or forfeited, and any other  
 16 amount paid by a person to the circuit clerk equalling an  
 17 amount of \$55 or more, except the additional fee required by  
 18 subsections (b) and (c), restitution under Section 5-5-6 of  
 19 the Unified Code of Corrections, reimbursement for the costs  
 20 of an emergency response as provided under Section 5-5-3 of  
 21 the Unified Code of Corrections, any fees collected for  
 22 attending a traffic safety program under paragraph (c) of  
 23 Supreme Court Rule 529, any fee collected on behalf of a  
 24 State's Attorney under Section 4-2002 of the Counties Code or  
 25 a sheriff under Section 4-5001 of the Counties Code, or any  
 26 cost imposed under Section 124A-5 of the Code of Criminal  
 27 Procedure of 1963, for convictions, orders of supervision, or  
 28 any other disposition for a violation of Chapters 3, 4, 6,  
 29 11, and 12 of the Illinois Vehicle Code, or a similar  
 30 provision of a local ordinance, and any violation of the  
 31 Child Passenger Protection Act, or a similar provision of a  
 32 local ordinance, and except as provided in subsection (d)  
 33 shall be disbursed within 60 days after receipt by the

1 circuit clerk as follows: 44.5% shall be disbursed to the  
2 entity authorized by law to receive the fine imposed in the  
3 case; 16.825% shall be disbursed to the State Treasurer; and  
4 38.675% shall be disbursed to the county's general corporate  
5 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
6 shall be deposited by the State Treasurer into the Violent  
7 Crime Victims Assistance Fund, 5.052/17 shall be deposited  
8 into the Traffic and Criminal Conviction Surcharge Fund, 3/17  
9 shall be deposited into the Drivers Education Fund, and  
10 6.948/17 shall be deposited into the Trauma Center Fund. Of  
11 the 6.948/17 deposited into the Trauma Center Fund from the  
12 16.825% disbursed to the State Treasurer, 50% shall be  
13 disbursed to the Department of Public Health and 50% shall be  
14 disbursed to the Department of Public Aid. For fiscal year  
15 1993, amounts deposited into the Violent Crime Victims  
16 Assistance Fund, the Traffic and Criminal Conviction  
17 Surcharge Fund, or the Drivers Education Fund shall not  
18 exceed 110% of the amounts deposited into those funds in  
19 fiscal year 1991. Any amount that exceeds the 110% limit  
20 shall be distributed as follows: 50% shall be disbursed to  
21 the county's general corporate fund and 50% shall be  
22 disbursed to the entity authorized by law to receive the fine  
23 imposed in the case. Not later than March 1 of each year the  
24 circuit clerk shall submit a report of the amount of funds  
25 remitted to the State Treasurer under this Section during the  
26 preceding year based upon independent verification of fines  
27 and fees. All counties shall be subject to this Section,  
28 except that counties with a population under 2,000,000 may,  
29 by ordinance, elect not to be subject to this Section. For  
30 offenses subject to this Section, judges shall impose one  
31 total sum of money payable for violations. The circuit clerk  
32 may add on no additional amounts except for amounts that are  
33 required by Sections 27.3a and 27.3c of this Act, unless  
34 those amounts are specifically waived by the judge. With

1 respect to money collected by the circuit clerk as a result  
2 of forfeiture of bail, ex parte judgment or guilty plea  
3 pursuant to Supreme Court Rule 529, the circuit clerk shall  
4 first deduct and pay amounts required by Sections 27.3a and  
5 27.3c of this Act. This Section is a denial and limitation of  
6 home rule powers and functions under subsection (h) of  
7 Section 6 of Article VII of the Illinois Constitution.

8 (b) In addition to any other fines and court costs  
9 assessed by the courts, any person convicted or receiving an  
10 order of supervision for driving under the influence of  
11 alcohol or drugs shall pay an additional fee of \$25 to the  
12 clerk of the circuit court. This amount, less 2 1/2% that  
13 shall be used to defray administrative costs incurred by the  
14 clerk, shall be remitted by the clerk to the Treasurer within  
15 60 days after receipt for deposit into the Trauma Center  
16 Fund. This additional fee of \$25 shall not be considered a  
17 part of the fine for purposes of any reduction in the fine  
18 for time served either before or after sentencing. Not later  
19 than March 1 of each year the Circuit Clerk shall submit a  
20 report of the amount of funds remitted to the State Treasurer  
21 under this subsection during the preceding calendar year.

22 (c) In addition to any other fines and court costs  
23 assessed by the courts, any person convicted for a violation  
24 of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of  
25 1961 or a person sentenced for a violation of the Cannabis  
26 Control Act or the Controlled Substance Act shall pay an  
27 additional fee of \$100 to the clerk of the circuit court.  
28 This amount, less 2 1/2% that shall be used to defray  
29 administrative costs incurred by the clerk, shall be remitted  
30 by the clerk to the Treasurer within 60 days after receipt  
31 for deposit into the Trauma Center Fund. This additional fee  
32 of \$100 shall not be considered a part of the fine for  
33 purposes of any reduction in the fine for time served either  
34 before or after sentencing. Not later than March 1 of each

1 year the Circuit Clerk shall submit a report of the amount of  
2 funds remitted to the State Treasurer under this subsection  
3 during the preceding calendar year.

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

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

12 (2) 20% of amounts collected for Class A  
13 misdemeanors under subsection (a), paragraph (4) of  
14 subsection (b), and paragraphs (6) and (7) of subsection  
15 (c) of Section (16) of the Humane Care for Animals Act  
16 and Class B misdemeanors under paragraph (9) of  
17 subsection (c) of Section 16 of that Act.

18 (3) 20% of amounts collected for Class B  
19 misdemeanors under subsection (d) of Section 16 of the  
20 Humane Care for Animals Act.

21 (4) 50% of amounts collected for Class C  
22 misdemeanors under subsection (d) of Section 16 of the  
23 Humane Care for Animals Act.

24 (Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96;  
25 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

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

28 (705 ILCS 405/5-615)

29 Sec. 5-615. Continuance under supervision.

30 (1) The court may enter an order of continuance under  
31 supervision for an offense other than first degree murder, a  
32 Class X felony or a forcible felony (a) upon an admission or

1 stipulation by the appropriate respondent or minor respondent  
2 of the facts supporting the petition and before proceeding to  
3 adjudication, or after hearing the evidence at the trial, and  
4 (b) in the absence of objection made in open court by the  
5 minor, his or her parent, guardian, or legal custodian, the  
6 minor's attorney or the State's Attorney.

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

11 (3) Nothing in this Section limits the power of the  
12 court to order a continuance of the hearing for the  
13 production of additional evidence or for any other proper  
14 reason.

15 (4) When a hearing where a minor is alleged to be a  
16 delinquent is continued pursuant to this Section, the period  
17 of continuance under supervision may not exceed 24 months.  
18 The court may terminate a continuance under supervision at  
19 any time if warranted by the conduct of the minor and the  
20 ends of justice.

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

25 (a) not violate any criminal statute of any  
26 jurisdiction;

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

29 (c) work or pursue a course of study or vocational  
30 training;

31 (d) undergo medical or psychotherapeutic treatment  
32 rendered by a therapist licensed under the provisions of  
33 the Medical Practice Act of 1987, the Clinical  
34 Psychologist Licensing Act, or the Clinical Social Work

1 and Social Work Practice Act, or an entity licensed by  
2 the Department of Human Services as a successor to the  
3 Department of Alcoholism and Substance Abuse, for the  
4 provision of drug addiction and alcoholism treatment;

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

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

8 (g) pay costs;

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

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

13 (j) reside with his or her parents or in a foster  
14 home;

15 (k) attend school;

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

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

19 (n) perform some reasonable public or community  
20 service;

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

26 (p) comply with curfew requirements as designated  
27 by the court;

28 (q) refrain from entering into a designated  
29 geographic area except upon terms as the court finds  
30 appropriate. The terms may include consideration of the  
31 purpose of the entry, the time of day, other persons  
32 accompanying the minor, and advance approval by a  
33 probation officer;

34 (r) refrain from having any contact, directly or



1 indirectly, with certain specified persons or particular  
2 types of persons, including but not limited to members of  
3 street gangs and drug users or dealers;

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

7 (s) refrain from having in his or her body the  
8 presence of any illicit drug prohibited by the Cannabis  
9 Control Act or the Illinois Controlled Substances Act,  
10 unless prescribed by a physician, and submit samples of  
11 his or her blood or urine or both for tests to determine  
12 the presence of any illicit drug; or

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

15 (6) A minor whose case is continued under supervision  
16 under subsection (5) shall be given a certificate setting  
17 forth the conditions imposed by the court. Those conditions  
18 may be reduced, enlarged, or modified by the court on motion  
19 of the probation officer or on its own motion, or that of the  
20 State's Attorney, or, at the request of the minor after  
21 notice and hearing.

22 (7) If a petition is filed charging a violation of a  
23 condition of the continuance under supervision, the court  
24 shall conduct a hearing. If the court finds that a condition  
25 of supervision has not been fulfilled, the court may proceed  
26 to findings and adjudication and disposition. The filing of  
27 a petition for violation of a condition of the continuance  
28 under supervision shall toll the period of continuance under  
29 supervision until the final determination of the charge, and  
30 the term of the continuance under supervision shall not run  
31 until the hearing and disposition of the petition for  
32 violation; provided where the petition alleges conduct that  
33 does not constitute a criminal offense, the hearing must be  
34 held within 30 days of the filing of the petition unless a

1 delay shall continue the tolling of the period of continuance  
2 under supervision for the period of the delay.

3 (8) When a hearing in which a minor is alleged to be a  
4 delinquent for reasons that include a violation of Section  
5 21-1.3 of the Criminal Code of 1961 is continued under this  
6 Section, the court shall, as a condition of the continuance  
7 under supervision, require the minor to perform community  
8 service for not less than 30 and not more than 120 hours, if  
9 community service is available in the jurisdiction. The  
10 community service shall include, but need not be limited to,  
11 the cleanup and repair of the damage that was caused by the  
12 alleged violation or similar damage to property located in  
13 the municipality or county in which the alleged violation  
14 occurred. The condition may be in addition to any other  
15 condition.

16 (8.5) When a hearing in which a minor is alleged to be a  
17 delinquent for reasons that include a violation of Section  
18 3.02 or Section 3.03 of the Humane Care for Animals Act or  
19 paragraph (d) of subsection (1) of Section 21-1 of the  
20 Criminal Code of 1961 is continued under this Section, the  
21 court shall, as a condition of the continuance under  
22 supervision, require the minor to undergo medical or  
23 psychiatric treatment rendered by a psychiatrist or  
24 psychological treatment rendered by a clinical psychologist.  
25 The condition may be in addition to any other condition.

26 (9) When a hearing in which a minor is alleged to be a  
27 delinquent is continued under this Section, the court, before  
28 continuing the case, shall make a finding whether the offense  
29 alleged to have been committed either: (i) was related to or  
30 in furtherance of the activities of an organized gang or was  
31 motivated by the minor's membership in or allegiance to an  
32 organized gang, or (ii) is a violation of paragraph (13) of  
33 subsection (a) of Section 12-2 of the Criminal Code of 1961,  
34 a violation of any Section of Article 24 of the Criminal Code

1 of 1961, or a violation of any statute that involved the  
2 unlawful use of a firearm. If the court determines the  
3 question in the affirmative the court shall, as a condition  
4 of the continuance under supervision and as part of or in  
5 addition to any other condition of the supervision, require  
6 the minor to perform community service for not less than 30  
7 hours, provided that community service is available in the  
8 jurisdiction and is funded and approved by the county board  
9 of the county where the offense was committed. The community  
10 service shall include, but need not be limited to, the  
11 cleanup and repair of any damage caused by an alleged  
12 violation of Section 21-1.3 of the Criminal Code of 1961 and  
13 similar damage to property located in the municipality or  
14 county in which the alleged violation occurred. When  
15 possible and reasonable, the community service shall be  
16 performed in the minor's neighborhood. For the purposes of  
17 this Section, "organized gang" has the meaning ascribed to it  
18 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
19 Prevention Act.

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

32 (Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00;  
33 91-332, eff. 7-29-99; revised 10-7-99.)

1 (705 ILCS 405/5-710)

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

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

5 (a) Except as provided in Sections 5-805, 5-810,  
6 5-815, a minor who is found guilty under Section 5-620  
7 may be:

8 (i) put on probation or conditional discharge  
9 and released to his or her parents, guardian or  
10 legal custodian, provided, however, that any such  
11 minor who is not committed to the Department of  
12 Corrections, Juvenile Division under this subsection  
13 and who is found to be a delinquent for an offense  
14 which is first degree murder, a Class X felony, or a  
15 forcible felony shall be placed on probation;

16 (ii) placed in accordance with Section 5-740,  
17 with or without also being put on probation or  
18 conditional discharge;

19 (iii) required to undergo a substance abuse  
20 assessment conducted by a licensed provider and  
21 participate in the indicated clinical level of care;

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

25 (v) placed in detention for a period not to  
26 exceed 30 days, either as the exclusive order of  
27 disposition or, where appropriate, in conjunction  
28 with any other order of disposition issued under  
29 this paragraph, provided that any such detention  
30 shall be in a juvenile detention home and the minor  
31 so detained shall be 10 years of age or older.  
32 However, the 30-day limitation may be extended by  
33 further order of the court for a minor under age 13  
34 committed to the Department of Children and Family

1 Services if the court finds that the minor is a  
2 danger to himself or others. The minor shall be  
3 given credit on the sentencing order of detention  
4 for time spent in detention under Sections 5-501,  
5 5-601, 5-710, or 5-720 of this Article as a result  
6 of the offense for which the sentencing order was  
7 imposed. The court may grant credit on a sentencing  
8 order of detention entered under a violation of  
9 probation or violation of conditional discharge  
10 under Section 5-720 of this Article for time spent  
11 in detention before the filing of the petition  
12 alleging the violation. A minor shall not be  
13 deprived of credit for time spent in detention  
14 before the filing of a violation of probation or  
15 conditional discharge alleging the same or related  
16 act or acts;

17 (vi) ordered partially or completely  
18 emancipated in accordance with the provisions of the  
19 Emancipation of Mature Minors Act;

20 (vii) subject to having his or her driver's  
21 license or driving privileges suspended for such  
22 time as determined by the court but only until he or  
23 she attains 18 years of age;

24 (viii) put on probation or conditional  
25 discharge and placed in detention under Section  
26 3-6039 of the Counties Code for a period not to  
27 exceed the period of incarceration permitted by law  
28 for adults found guilty of the same offense or  
29 offenses for which the minor was adjudicated  
30 delinquent, and in any event no longer than upon  
31 attainment of age 21; this subdivision (viii)  
32 notwithstanding any contrary provision of the law;  
33 or

34 (ix) ordered to undergo a medical or other

1 procedure to have a tattoo symbolizing allegiance to  
2 a street gang removed from his or her body.

3 (b) A minor found to be guilty may be committed to  
4 the Department of Corrections, Juvenile Division, under  
5 Section 5-750 if the minor is 13 years of age or older,  
6 provided that the commitment to the Department of  
7 Corrections, Juvenile Division, shall be made only if a  
8 term of incarceration is permitted by law for adults  
9 found guilty of the offense for which the minor was  
10 adjudicated delinquent. The time during which a minor is  
11 in custody before being released upon the request of a  
12 parent, guardian or legal custodian shall be considered  
13 as time spent in detention.

14 (c) When a minor is found to be guilty for an  
15 offense which is a violation of the Illinois Controlled  
16 Substances Act or the Cannabis Control Act and made a  
17 ward of the court, the court may enter a disposition  
18 order requiring the minor to undergo assessment,  
19 counseling or treatment in a substance abuse program  
20 approved by the Department of Human Services.

21 (2) Any sentencing order other than commitment to the  
22 Department of Corrections, Juvenile Division, may provide for  
23 protective supervision under Section 5-725 and may include an  
24 order of protection under Section 5-730.

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

29 (4) In addition to any other sentence, the court may  
30 order any minor found to be delinquent to make restitution,  
31 in monetary or non-monetary form, under the terms and  
32 conditions of Section 5-5-6 of the Unified Code of  
33 Corrections, except that the "presentencing hearing" referred  
34 to in that Section shall be the sentencing hearing for

1 purposes of this Section. The parent, guardian or legal  
2 custodian of the minor may be ordered by the court to pay  
3 some or all of the restitution on the minor's behalf,  
4 pursuant to the Parental Responsibility Law. The State's  
5 Attorney is authorized to act on behalf of any victim in  
6 seeking restitution in proceedings under this Section, up to  
7 the maximum amount allowed in Section 5 of the Parental  
8 Responsibility Law.

9 (5) Any sentencing order where the minor is committed or  
10 placed in accordance with Section 5-740 shall provide for the  
11 parents or guardian of the estate of the minor to pay to the  
12 legal custodian or guardian of the person of the minor such  
13 sums as are determined by the custodian or guardian of the  
14 person of the minor as necessary for the minor's needs. The  
15 payments may not exceed the maximum amounts provided for by  
16 Section 9.1 of the Children and Family Services Act.

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

22 (7) In no event shall a guilty minor be committed to the  
23 Department of Corrections, Juvenile Division for a period of  
24 time in excess of that period for which an adult could be  
25 committed for the same act.

26 (8) A minor found to be guilty for reasons that include  
27 a violation of Section 21-1.3 of the Criminal Code of 1961  
28 shall be ordered to perform community service for not less  
29 than 30 and not more than 120 hours, if community service is  
30 available in the jurisdiction. The community service shall  
31 include, but need not be limited to, the cleanup and repair  
32 of the damage that was caused by the violation or similar  
33 damage to property located in the municipality or county in  
34 which the violation occurred. The order may be in addition

1 to any other order authorized by this Section.

2 (8.5) A minor found to be guilty for reasons that  
3 include a violation of Section 3.02 or Section 3.03 of the  
4 Humane Care for Animals Act or paragraph (d) of subsection  
5 (1) of Section 21-1 of the Criminal Code of 1961 shall be  
6 ordered to undergo medical or psychiatric treatment rendered  
7 by a psychiatrist or psychological treatment rendered by a  
8 clinical psychologist. The order may be in addition to any  
9 other order authorized by this Section.

10 (9) In addition to any other sentencing order, the court  
11 shall order any minor found to be guilty for an act which  
12 would constitute, predatory criminal sexual assault of a  
13 child, aggravated criminal sexual assault, criminal sexual  
14 assault, aggravated criminal sexual abuse, or criminal sexual  
15 abuse if committed by an adult to undergo medical testing to  
16 determine whether the defendant has any sexually  
17 transmissible disease including a test for infection with  
18 human immunodeficiency virus (HIV) or any other identified  
19 causative agency of acquired immunodeficiency syndrome  
20 (AIDS). Any medical test shall be performed only by  
21 appropriately licensed medical practitioners and may include  
22 an analysis of any bodily fluids as well as an examination of  
23 the minor's person. Except as otherwise provided by law, the  
24 results of the test shall be kept strictly confidential by  
25 all medical personnel involved in the testing and must be  
26 personally delivered in a sealed envelope to the judge of the  
27 court in which the sentencing order was entered for the  
28 judge's inspection in camera. Acting in accordance with the  
29 best interests of the victim and the public, the judge shall  
30 have the discretion to determine to whom the results of the  
31 testing may be revealed. The court shall notify the minor of  
32 the results of the test for infection with the human  
33 immunodeficiency virus (HIV). The court shall also notify  
34 the victim if requested by the victim, and if the victim is



1 under the age of 15 and if requested by the victim's parents  
2 or legal guardian, the court shall notify the victim's  
3 parents or the legal guardian, of the results of the test for  
4 infection with the human immunodeficiency virus (HIV). The  
5 court shall provide information on the availability of HIV  
6 testing and counseling at the Department of Public Health  
7 facilities to all parties to whom the results of the testing  
8 are revealed. The court shall order that the cost of any  
9 test shall be paid by the county and may be taxed as costs  
10 against the minor.

11 (10) When a court finds a minor to be guilty the court  
12 shall, before entering a sentencing order under this Section,  
13 make a finding whether the offense committed either: (a) was  
14 related to or in furtherance of the criminal activities of an  
15 organized gang or was motivated by the minor's membership in  
16 or allegiance to an organized gang, or (b) involved a  
17 violation of subsection (a) of Section 12-7.1 of the Criminal  
18 Code of 1961, a violation of any Section of Article 24 of the  
19 Criminal Code of 1961, or a violation of any statute that  
20 involved the wrongful use of a firearm. If the court  
21 determines the question in the affirmative, and the court  
22 does not commit the minor to the Department of Corrections,  
23 Juvenile Division, the court shall order the minor to perform  
24 community service for not less than 30 hours nor more than  
25 120 hours, provided that community service is available in  
26 the jurisdiction and is funded and approved by the county  
27 board of the county where the offense was committed. The  
28 community service shall include, but need not be limited to,  
29 the cleanup and repair of any damage caused by a violation of  
30 Section 21-1.3 of the Criminal Code of 1961 and similar  
31 damage to property located in the municipality or county in  
32 which the violation occurred. When possible and reasonable,  
33 the community service shall be performed in the minor's  
34 neighborhood. This order shall be in addition to any other

1 order authorized by this Section except for an order to place  
2 the minor in the custody of the Department of Corrections,  
3 Juvenile Division. For the purposes of this Section,  
4 "organized gang" has the meaning ascribed to it in Section 10  
5 of the Illinois Streetgang Terrorism Omnibus Prevention Act.  
6 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

7 (705 ILCS 405/5-715)  
8 Sec. 5-715. Probation.

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

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

23 (a) not violate any criminal statute of any  
24 jurisdiction;

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

27 (c) work or pursue a course of study or vocational  
28 training;

29 (d) undergo medical or psychiatric treatment,  
30 rendered by a psychiatrist or psychological treatment  
31 rendered by a clinical psychologist or social work  
32 services rendered by a clinical social worker, or  
33 treatment for drug addiction or alcoholism;

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

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

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

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

8           (i) reside with his or her parents or in a foster  
9 home;

10          (j) attend school;

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

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

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

16          (n) perform some reasonable public or community  
17 service;

18          (o) participate with community corrections programs  
19 including unified delinquency intervention services  
20 administered by the Department of Human Services subject  
21 to Section 5 of the Children and Family Services Act;

22          (p) pay costs;

23          (q) serve a term of home confinement. In addition  
24 to any other applicable condition of probation or  
25 conditional discharge, the conditions of home confinement  
26 shall be that the minor:

27           (i) remain within the interior premises of the  
28 place designated for his or her confinement during  
29 the hours designated by the court;

30           (ii) admit any person or agent designated by  
31 the court into the minor's place of confinement at  
32 any time for purposes of verifying the minor's  
33 compliance with the conditions of his or her  
34 confinement; and

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

4           (r) refrain from entering into a designated  
5           geographic area except upon terms as the court finds  
6           appropriate. The terms may include consideration of the  
7           purpose of the entry, the time of day, other persons  
8           accompanying the minor, and advance approval by a  
9           probation officer, if the minor has been placed on  
10          probation, or advance approval by the court, if the minor  
11          has been placed on conditional discharge;

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

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

19          (t) refrain from having in his or her body the  
20          presence of any illicit drug prohibited by the Cannabis  
21          Control Act or the Illinois Controlled Substances Act,  
22          unless prescribed by a physician, and shall submit  
23          samples of his or her blood or urine or both for tests to  
24          determine the presence of any illicit drug; or

25          (u) comply with other conditions as may be ordered  
26          by the court.

27          (3) The court may as a condition of probation or of  
28          conditional discharge require that a minor found guilty on  
29          any alcohol, cannabis, or controlled substance violation,  
30          refrain from acquiring a driver's license during the period  
31          of probation or conditional discharge. If the minor is in  
32          possession of a permit or license, the court may require that  
33          the minor refrain from driving or operating any motor vehicle  
34          during the period of probation or conditional discharge,

1 except as may be necessary in the course of the minor's  
2 lawful employment.

3 (3.5) The court shall, as a condition of probation or of  
4 conditional discharge, require that a minor found to be  
5 guilty and placed on probation for reasons that include a  
6 violation of Section 3.02 or Section 3.03 of the Humane Care  
7 for Animals Act or paragraph (d) of subsection (1) of Section  
8 21-1 of the Criminal Code of 1961 undergo medical or  
9 psychiatric treatment rendered by a psychiatrist or  
10 psychological treatment rendered by a clinical psychologist.  
11 The condition may be in addition to any other condition.

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

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

29 (6) The General Assembly finds that in order to protect  
30 the public, the juvenile justice system must compel  
31 compliance with the conditions of probation by responding to  
32 violations with swift, certain, and fair punishments and  
33 intermediate sanctions. The Chief Judge of each circuit  
34 shall adopt a system of structured, intermediate sanctions

1 for violations of the terms and conditions of a sentence of  
2 supervision, probation or conditional discharge, under this  
3 Act.

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

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

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

15 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

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

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

18 (a) knowingly damages any property of another  
19 without his consent; or

20 (b) recklessly by means of fire or explosive  
21 damages property of another; or

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

24 (d) knowingly injures a domestic animal of another  
25 without his consent; or

26 (e) knowingly deposits on the land or in the  
27 building of another, without his consent, any stink bomb  
28 or any offensive smelling compound and thereby intends to  
29 interfere with the use by another of the land or  
30 building; or

31 (f) damages any property, other than as described  
32 in subsection (b) of Section 20-1, with intent to defraud

1 an insurer; or

2 (g) knowingly shoots a firearm at any portion of a  
3 railroad train.

4 When the charge of criminal damage to property exceeding  
5 a specified value is brought, the extent of the damage is an  
6 element of the offense to be resolved by the trier of fact as  
7 either exceeding or not exceeding the specified value.

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

1 the property.

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

12 This subsection does not apply when the court imposes a  
13 sentence of incarceration.

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

15 Section 25. The State Finance Act is amended by adding  
16 Section 5.545 as follows:

17 (30 ILCS 105/5.545 new)

18 Sec. 5.545. The Illinois Animal Abuse Fund.

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

21 Section 99. Effective date. This Act takes effect on  
22 January 1, 2002."