



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5940

by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/48-10

Amends the Criminal Code of 2012 concerning dangerous animals. Adds a definition of "animal refuge" to the statute on dangerous animals. Provides that it is unlawful for any person to allow a member of the public to come into direct contact with a dangerous animal. Provides that the prohibition on possessing dangerous animals does not apply to a properly maintained zoological park accredited by the Association of Zoos and Aquariums (AZA), circus, college or university, scientific institution, research laboratory, veterinary hospital, hound running area, or animal refuge, if the dangerous animal or primate is kept in an escape-proof enclosure. Provides that the prohibition on possessing dangerous animals does not prohibit a person who possesses a Class C exhibitor license from the U.S. Department of Agriculture from possessing a dangerous animal or primate; however, after June 1, 2014 the person may not breed or otherwise acquire a dangerous animal other than an ocelot, margay, lynx, bobcat, jaguarundi, hyena, wolf or coyote, or any poisonous or life-threatening reptile. Effective immediately.

LRB098 19171 RLC 54323 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 48-10 as follows:

6 (720 ILCS 5/48-10)

7 Sec. 48-10. Dangerous animals.

8 (a) Definitions. As used in this Section, unless the  
9 context otherwise requires:

10 "Animal refuge" means a not for profit entity that:

11 (1) operates a place of sanctuary where abused,  
12 neglected, unwanted, impounded, abandoned, orphaned, or  
13 displaced animals are provided care for the lifetime of the  
14 animal;

15 (2) does not conduct any commercial activity with  
16 respect to dangerous animals, including, but not limited  
17 to, (i) sale, trade, auction, lease, or loan of dangerous  
18 animals or parts of these animals, or (ii) use of dangerous  
19 animals in any manner in a for-profit business or  
20 operation;

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

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

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

4           "Dangerous animal" means a lion, tiger, leopard,  
5           ocelot, jaguar, cheetah, margay, mountain lion, lynx,  
6           bobcat, jaguarundi, bear, hyena, wolf or coyote, or any  
7           poisonous or life-threatening reptile.

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

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

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

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

1 ~~veterinary hospital, hound running area, or animal refuge in an~~  
2 ~~escape proof enclosure.~~

3 (b-5) It is unlawful for any person to allow a member of  
4 the public to come into direct contact with a dangerous animal.

5 (c) Exemptions.

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

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

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

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

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

1 of severely mobility-impaired individuals; and

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

5 (3) Paragraph (b) does not apply to a properly  
6 maintained zoological park accredited by the Association  
7 of Zoos and Aquariums (AZA), circus, college or university,  
8 scientific institution, research laboratory, veterinary  
9 hospital, hound running area, or animal refuge, if the  
10 dangerous animal or primate is kept in an escape-proof  
11 enclosure.

12 (4) Paragraph (b) does not prohibit a person who  
13 possesses a Class C exhibitor license from the U.S.  
14 Department of Agriculture from possessing a dangerous  
15 animal or primate; however, after June 1, 2014 the person  
16 may not breed or otherwise acquire a dangerous animal other  
17 than an ocelot, margay, lynx, bobcat, jaguarundi, hyena,  
18 wolf or coyote, or any poisonous or life-threatening  
19 reptile.

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

1 registration.

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

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

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

26 (Source: P.A. 97-1108, eff. 1-1-13.)

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