

1 AN ACT concerning animals.

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

4 Section 5. The Humane Care for Animals Act is amended by  
5 changing Section 3.04 as follows:

6 (510 ILCS 70/3.04)

7 Sec. 3.04. Arrests and seizures; penalties.

8 (a) Any law enforcement officer making an arrest for an  
9 offense involving one or more companion animals under Section  
10 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6, 7.1, or 7.15 of  
11 this Act may lawfully take possession of some or all of the  
12 companion animals in the possession of the person arrested.  
13 The officer, after taking possession of the companion animals,  
14 must file with the court before whom the complaint is made  
15 against any person so arrested an affidavit stating the name  
16 of the person charged in the complaint, a description of the  
17 condition of the companion animal or companion animals taken,  
18 and the time and place the companion animal or companion  
19 animals were taken, together with the name of the person from  
20 whom the companion animal or companion animals were taken and  
21 name of the person who claims to own the companion animal or  
22 companion animals if different from the person from whom the  
23 companion animal or companion animals were seized. He or she

1 must at the same time deliver an inventory of the companion  
2 animal or companion animals taken to the court of competent  
3 jurisdiction. The officer must place the companion animal or  
4 companion animals in the custody of an animal control or  
5 animal shelter and the agency must retain custody of the  
6 companion animal or companion animals subject to an order of  
7 the court adjudicating the charges on the merits and before  
8 which the person complained against is required to appear for  
9 trial. If the animal control or animal shelter owns no  
10 facility capable of housing the companion animals, has no  
11 space to house the companion animals, or is otherwise unable  
12 to house the companion animals or the health or condition of  
13 the animals prevents their removal, the animals shall be  
14 impounded at the site of the violation pursuant to a court  
15 order authorizing the impoundment, provided that the person  
16 charged is an owner of the property. Employees or agents of the  
17 animal control or animal shelter or law enforcement shall have  
18 the authority to access the on-site impoundment property for  
19 the limited purpose of providing care and veterinary treatment  
20 for the impounded animals and ensuring their well-being and  
21 safety. Upon impoundment, a petition for posting of security  
22 may be filed under Section 3.05 of this Act. Disposition of the  
23 animals shall be controlled by Section 3.06 of this Act. The  
24 State's Attorney may, within 30 ~~14~~ days after the seizure,  
25 file a "petition for forfeiture prior to trial" before the  
26 court having criminal jurisdiction over the alleged charges,

1 asking for permanent forfeiture of the companion animals  
2 seized. The petition shall be filed with the court, with  
3 copies served on the impounding agency, the owner, and anyone  
4 claiming an interest in the animals. In a "petition for  
5 forfeiture prior to trial", the burden is on the prosecution  
6 to prove by a preponderance of the evidence that the person  
7 arrested violated Section 3.01, 3.02, 3.03, 3.03-1, 4.01,  
8 4.03, 4.04, 6, 7.1, or 7.15 of this Act or Section 26-5 or 48-1  
9 of the Criminal Code of 1961 or the Criminal Code of 2012. Upon  
10 receipt of a petition under this subsection, the court shall  
11 set a hearing on the petition. The hearing shall be conducted  
12 within 14 days after the filing of the petition, or as soon  
13 thereafter as practicable, but not more than 45 days after the  
14 filing of the petition.

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

25 (c) In addition to any other penalty provided by law, upon  
26 conviction of or being placed on supervision for violating

1 Sections 3, 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6,  
2 7.1, or 7.15 of this Act or Section 26-5 or 48-1 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012, the court  
4 may order the person convicted or placed on supervision to  
5 forfeit to an animal control or animal shelter the animal or  
6 animals that are the basis of the conviction or order for  
7 supervision. Upon an order of forfeiture, the person convicted  
8 or placed on supervision is deemed to have permanently  
9 relinquished all rights to the animal or animals that are the  
10 basis of the conviction or order for supervision, if not  
11 already. The forfeited animal or animals shall be adopted or  
12 humanely euthanized. In no event may the person convicted or  
13 placed on supervision, or anyone residing in his or her  
14 household be permitted to adopt or otherwise possess the  
15 forfeited animal or animals. The court, additionally, may  
16 order that the person convicted or placed on supervision, and  
17 persons dwelling in the same household as the person convicted  
18 or placed on supervision who conspired, aided, or abetted in  
19 the unlawful act that was the basis of the conviction or order  
20 for supervision, or who knew or should have known of the  
21 unlawful act, may not own, possess, harbor, or have custody or  
22 control of any other animals for a period of time that the  
23 court deems reasonable, up to and including permanent  
24 relinquishment.

25 (d) In addition to any other penalty, the court may order  
26 that a person and persons dwelling in the same household may

1 not own, harbor, or have custody or control of any other animal  
2 if the person has been convicted of 2 or more of the following  
3 offenses:

- 4 (1) a violation of Section 3.02 of this Act;
- 5 (2) a violation of Section 4.01 of this Act; or
- 6 (3) a violation of Section 48-1 of the Criminal Code  
7 of 2012.

8 (e) A person who violates the prohibition against owning,  
9 possessing, harboring, having custody, or having control of  
10 animals is subject to immediate forfeiture of any animal  
11 illegally owned in violation of subsection (c). A person who  
12 owns, possesses, harbors, has custody, or has control of an  
13 animal in violation of an order issued under subsection (c) is  
14 also subject to the civil and criminal contempt power of the  
15 court and, if found guilty of criminal contempt, may be  
16 subject to imprisonment for not more than 90 days, a fine of  
17 not more than \$2,500, or both.

18 (Source: P.A. 102-114, eff. 1-1-22; 103-490, eff. 8-4-23.)