



Sen. Michael W. Halpin

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10400SB2892sam001

LRB104 15685 BDA 34436 a

1 AMENDMENT TO SENATE BILL 2892

2 AMENDMENT NO. _____. Amend Senate Bill 2892 by replacing
3 everything after the enacting clause with the following:

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

1 condition of the companion animal or companion animals taken,
2 and the time and place the companion animal or companion
3 animals were taken, together with the name of the person from
4 whom the companion animal or companion animals were taken and
5 name of the person who claims to own the companion animal or
6 companion animals if different from the person from whom the
7 companion animal or companion animals were seized. He or she
8 must at the same time deliver an inventory of the companion
9 animal or companion animals taken to the court of competent
10 jurisdiction. The officer must place the companion animal or
11 companion animals in the custody of an animal control or
12 animal shelter and the agency must retain custody of the
13 companion animal or companion animals subject to an order of
14 the court adjudicating the charges on the merits and before
15 which the person complained against is required to appear for
16 trial. If the animal control or animal shelter owns no
17 facility capable of housing the companion animals, has no
18 space to house the companion animals, or is otherwise unable
19 to house the companion animals or the health or condition of
20 the animals prevents their removal, the animals shall be
21 impounded at the site of the violation pursuant to a court
22 order authorizing the impoundment, provided that the person
23 charged is an owner of the property. Employees or agents of the
24 animal control or animal shelter or law enforcement shall have
25 the authority to access the on-site impoundment property for
26 the limited purpose of providing care and veterinary treatment

1 for the impounded animals and ensuring their well-being and
2 safety. Upon impoundment, a petition for posting of security
3 may be filed under Section 3.05 of this Act. Disposition of the
4 animals shall be controlled by Section 3.06 of this Act. The
5 State's Attorney may, within 30 ~~14~~ days after the seizure,
6 file a "petition for forfeiture prior to trial" before the
7 court having criminal jurisdiction over the alleged charges,
8 asking for permanent forfeiture of the companion animals
9 seized. The petition shall be filed with the court, with
10 copies served on the impounding agency, the owner, and anyone
11 claiming an interest in the animals. In a "petition for
12 forfeiture prior to trial", the burden is on the prosecution
13 to prove by a preponderance of the evidence that the person
14 arrested violated Section 3.01, 3.02, 3.03, 3.03-1, 4.01,
15 4.03, 4.04, 6, 7.1, or 7.15 of this Act or Section 26-5 or 48-1
16 of the Criminal Code of 1961 or the Criminal Code of 2012. Upon
17 receipt of a petition under this subsection, the court shall
18 set a hearing on the petition. The hearing shall be conducted
19 within 14 days after the filing of the petition, or as soon
20 thereafter as practicable, but not more than 45 days after the
21 filing of the petition.

22 (b) An owner whose companion animal or companion animals
23 are removed by a law enforcement officer under this Section
24 must be given written notice of the circumstances of the
25 removal and of any legal remedies available to him or her. The
26 notice must be delivered in person, posted at the place of

1 seizure, or delivered to a person residing at the place of
2 seizure or, if the address of the owner is different from the
3 address of the person from whom the companion animal or
4 companion animals were seized, delivered by registered mail to
5 his or her last known address.

6 (c) In addition to any other penalty provided by law, upon
7 conviction of or being placed on supervision for violating
8 Sections 3, 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6,
9 7.1, or 7.15 of this Act or Section 26-5 or 48-1 of the
10 Criminal Code of 1961 or the Criminal Code of 2012, the court
11 may order the person convicted or placed on supervision to
12 forfeit to an animal control or animal shelter the animal or
13 animals that are the basis of the conviction or order for
14 supervision. Upon an order of forfeiture, the person convicted
15 or placed on supervision is deemed to have permanently
16 relinquished all rights to the animal or animals that are the
17 basis of the conviction or order for supervision, if not
18 already. The forfeited animal or animals shall be adopted or
19 humanely euthanized. In no event may the person convicted or
20 placed on supervision, or anyone residing in his or her
21 household be permitted to adopt or otherwise possess the
22 forfeited animal or animals. The court, additionally, may
23 order that the person convicted or placed on supervision, and
24 persons dwelling in the same household as the person convicted
25 or placed on supervision who conspired, aided, or abetted in
26 the unlawful act that was the basis of the conviction or order

1 for supervision, or who knew or should have known of the
2 unlawful act, may not own, possess, harbor, or have custody or
3 control of any other animals for a period of time that the
4 court deems reasonable, up to and including permanent
5 relinquishment.

6 (d) In addition to any other penalty, the court may order
7 that a person and persons dwelling in the same household may
8 not own, harbor, or have custody or control of any other animal
9 if the person has been convicted of 2 or more of the following
10 offenses:

- 11 (1) a violation of Section 3.02 of this Act;
12 (2) a violation of Section 4.01 of this Act; or
13 (3) a violation of Section 48-1 of the Criminal Code
14 of 2012.

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

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