

100TH GENERAL ASSEMBLY State of Illinois 2017 and 2018 SB2313

Introduced 1/24/2018, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

See Index

Amends the Animal Control Act. Provides that ten dollars of the differential shall be placed either in a county animal population control fund (rather than or the State's Pet Population Control Fund). Provides that the dog's owner shall pay a \$25 public safety fine to be deposited into the county animal control fund or the county pet population control fund (rather than \$20 of which shall be deposited into the Pet Population Control Fund and \$5 of which shall be retained by the county or municipality). Deletes language providing that an animal control agency shall assist and share information with the Director of Public Health in the collection of public safety fines. Provides that the owner of a biting animal must also remit a \$25 public safety fine to be deposited into the county animal control fund (rather than to the Department of Public Health, for deposit into the Pet Population Control Fund). Provides that if a dog is found to be a vicious dog, the owner shall pay a \$100 public safety fine to be deposited into the county animal control fund (rather than the Pet Population Control Fund). Provides that if a dog is deemed dangerous, a \$50 public safety fine to be deposited into the county animal control fund (rather than the Pet Population Control Fund). Amends the Illinois Public Health and Safety Animal Population Control Act. Deletes language providing that the Director of Public Health must make an annual written report relative to the progress of the program to the President of the Senate, the Speaker of the House of Representatives, and the Governor. Makes changes to the definitions of "Director" and "Department". Effective immediately.

LRB100 16402 SLF 31530 b

FISCAL NOTE ACT MAY APPLY

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1 AN ACT concerning animals.

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

- Section 5. The Animal Control Act is amended by changing

 Sections 3, 9, 10, 13, 15, and 15.1 as follows:
- 6 (510 ILCS 5/3) (from Ch. 8, par. 353)
- 7 Sec. 3. The County Board Chairman with the consent of the 8 County Board shall appoint an Administrator. Appointments 9 shall be made as necessary to keep this position filled at all Administrator may appoint 10 as manv Administrators and Animal Control Wardens to aid him or her as 11 12 the Board. The compensation for authorized by 13 Administrator, Deputy Administrators, and Animal Control 14 Wardens shall be fixed by the Board. The Administrator may be removed from office by the County Board Chairman, with the 15 16 consent of the County Board.
 - The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program and may establish a county animal population control program.
- The Board shall be empowered to utilize monies from their

1 General Corporate Fund to effectuate the intent of this Act.

The Board is authorized by ordinance to require the registration and may require microchipping of dogs and cats. The Board shall impose an individual dog or cat registration fee with a minimum differential of \$10 for intact dogs or cats. Ten dollars of the differential shall be placed either in a county animal population control fund or in the State's Pet Population Control Fund. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. If microchips are required, the microchip number may serve as the county animal control registration number.

In obtaining information required to implement this Act, the Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law for civil cases in courts of this State.

The Director shall have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

This Section does not apply to feral cats.

25 (Source: P.A. 100-405, eff. 1-1-18.)

1 (510 ILCS 5/9) (from Ch. 8, par. 359)

Sec. 9. Any dog found running at large contrary to provisions of this Act may be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter. The dog's owner shall pay a \$25 public safety fine to be deposited into the county animal control fund or the county pet population control fund , \$20 of which shall be deposited into the Pet Population Control Fund and \$5 of which shall be retained by the county or municipality. A dog found running at large contrary to the provisions of this Act a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment.

A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog. A dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.

22 (Source: P.A. 94-639, eff. 8-22-05; 95-550, eff. 6-1-08.)

23 (510 ILCS 5/10) (from Ch. 8, par. 360)

Sec. 10. Impoundment; redemption. When dogs or cats are apprehended and impounded, they must be scanned for the

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presence of a microchip and examined for other currently acceptable methods of identification, including, but not limited to, identification tags, tattoos, and rabies license tags. The examination for identification shall be done within 24 hours after the intake of each dog or cat. The Administrator shall make every reasonable attempt to contact the owner as defined by Section 2.16, agent, or caretaker as soon as possible. The Administrator shall give notice of not less than 7 business days to the owner, agent, or caretaker prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner, agent, or caretaker. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner, agent, or caretaker of the animal. A mailed notice shall remain the primary means of owner, agent, or caretaker contact; however, the Administrator shall also attempt to contact the owner, agent, or caretaker by any other contact information, such as by telephone or email address, provided by the microchip or other method of identification found on the dog or cat. If the dog or cat has been microchipped and the primary contact listed by the chip manufacturer cannot be located or refuses to reclaim the dog or cat, an attempt shall be made to contact any secondary contacts listed by the chip manufacturer prior to adoption, transfer, or euthanization. Prior to transferring the dog or cat to another humane shelter, pet store, rescue group, or euthanization, the dog or cat shall

- 1 be scanned again for the presence of a microchip and examined
- 2 for other means of identification. If a second scan provides
- 3 the same identifying information as the initial intake scan and
- 4 the owner, agent, or caretaker has not been located or refuses
- 5 to reclaim the dog or cat, the animal control facility may
- 6 proceed with the adoption, transfer, or euthanization.
- 7 In case the owner, agent, or caretaker of any impounded dog
- 8 or cat desires to make redemption thereof, he or she may do so
- 9 by doing the following:
- 10 a. Presenting proof of current rabies inoculation and
- 11 registration, if applicable.
- b. Paying for the rabies inoculation of the dog or cat
- and registration, if applicable.
- 14 c. Paying the pound for the board of the dog or cat for
- the period it was impounded.
- 16 d. Paying into the Animal Control Fund an additional
- impoundment fee as prescribed by the Board as a penalty for
- 18 the first offense and for each subsequent offense.
- e. Paying a \$25 public safety fine to be deposited into
- the county animal control fund or the county pet population
- 21 control fund Pet Population Control Fund; the fine shall be
- 22 waived if it is the dog's or cat's first impoundment and
- 23 the owner, agent, or caretaker has the animal spayed or
- 24 neutered within 14 days.
- f. Paying for microchipping and registration if not
- already done.

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The payments required for redemption under this Section shall be in addition to any other penalties invoked under this Act and the Illinois Public Health and Safety Animal Population Control Act. An animal control agency shall assist and share information with the Director of Public Health in the

6 collection of public safety fines.

(Source: P.A. 100-322, eff. 8-24-17.)

8 (510 ILCS 5/13) (from Ch. 8, par. 363)

Sec. 13. Dog or other animal bites; observation of animal.

(a) Except as otherwise provided in subsections (b) and (c) this Section, when the Administrator or, if of Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an animal, the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian. The confinement shall be for a period of not less than 10 days from the date the bite occurred and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may permit such confinement to be reduced to a period of less than 10 days.

(a-5) The owner, or if the owner is unavailable, an agent or caretaker of an animal documented to have bitten a person

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shall present the animal to a licensed veterinarian within 24 hours. A veterinarian presented with an animal documented to have bitten a person shall make a record of the clinical condition of the animal immediately. At the end of the confinement period, the animal shall be examined by a licensed veterinarian, inoculated against rabies, if eligible, microchipped, if the dog or cat has not been already, at the expense of the owner. The veterinarian shall submit a written report listing the owner's name, address, dates of confinement, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department. The Administrator shall notify the person who has been bitten, and in the case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal.

(a-10) When the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator or his or her authorized representative receives information that a person has been bitten by an animal and evidence is presented that the animal at the time the bite occurred was inoculated against rabies within the time prescribed by law, the animal may be confined in a house, or in a manner which will prohibit the animal from biting a person, if the Administrator, Deputy Administrator, or his or her authorized representative

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determines the confinement satisfactory. The confinement shall be for a period of not less than 10 days from the date the bite occurred and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may instruct the owner, agent, or caretaker to have the animal examined by a licensed veterinarian immediately. The Administrator or, if Administrator is not a veterinarian, the Deputy Administrator may permit the confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian and microchipped, if the dog or cat is not already, at the expense of the owner. The veterinarian shall submit a written report listing the owner's name, address, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department. The Administrator shall notify the person who has been bitten and, in case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal.

(a-15) Any person having knowledge that any person has been bitten by an animal shall notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours.

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(a-20) It is unlawful for the owner of the animal to conceal the whereabouts, euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is examined and released from confinement by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or licensed veterinarian. It is unlawful for the owner of the animal to refuse or fail to immediately comply with the instructions made by the Administrator or, if the Administrator is not a veterinarian, Deputy Administrator, or his or her authorized representative. Any expense incurred in the handling of an animal under this Section and Section 12 shall be borne by the owner. The owner of a biting animal must also remit to the Department of Public Health, for deposit into the Pet Population Control Fund, a \$25 public safety fine to be deposited into the county animal control fund within 30 days after notice.

- (b) When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.
 - (c) When a person has been bitten by a search and rescue

- dog that is currently vaccinated against rabies, the search and rescue dog may continue to perform its duties for the handler or owner or agency and any period of observation of the dog may be under the supervision of its handler or owner. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a vehicle, or remaining under
- 8 (d) Any person convicted of violating subsection (a-20) of 9 this Section is guilty of a Class A misdemeanor for a first 10 violation. A second or subsequent violation is a Class 4 11 felony.

the constant supervision of its handler or owner.

- 12 (Source: P.A. 99-658, eff. 7-28-16.)
- 13 (510 ILCS 5/15) (from Ch. 8, par. 365)

14 Sec. 15. (a) In order to have a dog deemed "vicious", the 15 Administrator, Deputy Administrator, or law enforcement 16 officer must give notice of the infraction that is the basis of owner, conduct 17 the investigation to the а thorough 18 investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical 19 20 records or behavioral evidence, and make a detailed report 21 recommending a finding that the dog is a vicious dog and give 22 the report to the State's Attorney's Office and the owner. The Administrator, State's Attorney, Director or any citizen of the 23 24 county in which the dog exists may file a complaint in the 25 circuit court in the name of the People of the State of

Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

- (1) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;
- (2) the injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring; or
- (3) the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

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If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

If a dog is found to be a vicious dog, the owner shall pay a \$100 public safety fine to be deposited into the county animal control fund Pet Population Control Fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(b) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2)

in the case of an emergency or natural disaster where the dog's life is threatened, or (3) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 6 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area.

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 working days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

Guide dogs for the blind or hearing impaired, support dogs for persons with physical disabilities, accelerant detection dogs, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act. It shall be the duty of the owner of such exempted dog to

- notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.
- (c) If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.
- (d) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.
- (e) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of

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- 1 law and the animal control agency must dispose of the animal
- 2 through adoption or humane euthanization.
- 3 (Source: P.A. 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)
- 4 (510 ILCS 5/15.1)
- 5 Sec. 15.1. Dangerous dog determination.
- 6 (a) After a thorough investigation including: sending, 7 within 10 business days of the Administrator or Director becoming aware of the alleged infraction, notifications to the 8 9 owner of the alleged infractions, the fact of the initiation of 10 an investigation, and affording the owner an opportunity to 11 meet with the Administrator or Director prior to the making of 12 a determination; gathering of any medical or veterinary 1.3 evidence; interviewing witnesses; and making a warden, 14 written report, an animal control 15 administrator, or law enforcement agent may ask 16 Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous 17 dog" unless shown to be a dangerous dog by a preponderance of 18 19 evidence. The owner shall be sent immediate notification of the 20 determination by registered or certified mail that includes a 21 complete description of the appeal process.
 - (b) A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:
- 25 (1) the threat was sustained by a person who at the

time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;

- (2) the threatened person was abusing, assaulting, or physically threatening the dog or its offspring;
- (3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
- (4) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
- (c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.
- (d) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order (i) the dog's owner to pay a \$50 public safety fine to be deposited into the county animal control fund Pet Population Control Fund, (ii) the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and (iii) one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
 - (1) evaluation of the dog by a certified applied

behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or

- (2) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.
- (e) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.
- (f) Guide dogs for the blind or hearing impaired, support dogs for persons with a physical disability, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes

- 1 reported to him or her.
- 2 (g) An animal control agency has the right to impound a
- 3 dangerous dog if the owner fails to comply with the
- 4 requirements of this Act.
- 5 (Source: P.A. 99-143, eff. 7-27-15.)
- 6 Section 10. The Illinois Public Health and Safety Animal
- 7 Population Control Act is amended by changing Sections 10 and
- 8 20 as follows:
- 9 (510 ILCS 92/10)
- 10 Sec. 10. Definitions. As used in this Act:
- "Director" means the Director of Public Health or his or
- 12 her designee.
- "Department" means the Department of Public Health <u>or other</u>
- 14 entity as its agent.
- "Companion animal" means any domestic dog (canis lupus
- 16 familiaris) or domestic cat (felis catus).
- "Fund" means the Pet Population Control Fund established in
- 18 this Act.
- 19 (Source: P.A. 94-639, eff. 8-22-05.)
- 20 (510 ILCS 92/20)
- 21 Sec. 20. Program established. The Department shall
- 22 establish and implement an Illinois Public Health and Safety
- 23 Animal Population Control Program by December 31, 2005. The

purpose of this program is to reduce the population of unwanted 1 2 and stray dogs and cats in Illinois by encouraging the owners 3 of dogs and cats to have them permanently sexually sterilized and vaccinated, thereby reducing potential threats to public 5 health and safety. The program shall begin collecting funds on 6 January 1, 2006 and shall begin distributing funds for 7 vaccinations or spaying and neutering operations on January 1, 8 2007. No dog or cat imported from another state is eligible to 9 be sterilized or vaccinated under this program. Beginning June 10 30, 2007, the Director must make an annual written report 11 relative to the progress of the program to the President of the 12 Senate, the Speaker of the House of Representatives, and the 13 Governor.

14 (Source: P.A. 94-639, eff. 8-22-05.)

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

1	INDEX
2	Statutes amended in order of appearance
3	510 ILCS 5/3 from Ch. 8, par. 353
4	510 ILCS 5/9 from Ch. 8, par. 359
5	510 ILCS 5/10 from Ch. 8, par. 360
6	510 ILCS 5/13 from Ch. 8, par. 363
7	510 ILCS 5/15 from Ch. 8, par. 365
8	510 ILCS 5/15.1
9	510 ILCS 92/10

10 510 ILCS 92/20