



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5589

by Rep. Frances Ann Hurley

SYNOPSIS AS INTRODUCED:

510 ILCS 5/9
510 ILCS 5/15.4

from Ch. 8, par. 359

Amends the Animal Control Act. Removes the provision that any dog found running at large contrary to the Act a second or subsequent time must be spayed or neutered, if not already spayed or neutered, within 30 days of being reclaimed and that failure to do so will result in the impoundment of the dog. Provides that a dog running at large with 3 or more other dogs, if deemed a potentially dangerous dog, may (rather than shall) be spayed or neutered and microchipped with 14 days after the completion of all complaint and appeal proceedings. Sets forth the complaint and appeal procedures the owner may take to appeal the designation of potentially dangerous dog.

LRB101 19157 CMG 68620 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning animal.

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

4 Section 5. The Animal Control Act is amended by changing
5 Sections 9 and 15.4 as follows:

6 (510 ILCS 5/9) (from Ch. 8, par. 359)

7 Sec. 9. Any dog found running at large contrary to
8 provisions of this Act may be apprehended and impounded. For
9 this purpose, the Administrator shall utilize any existing or
10 available animal control facility or licensed animal shelter.
11 The dog's owner shall pay a \$25 public safety fine to be
12 deposited into the county animal control fund or the county pet
13 population control fund. Funds transferred to or retained by a
14 municipality before the effective date of this amendatory Act
15 of the 100th General Assembly under this paragraph shall
16 continue to be transferred to and be retained by that
17 municipality. ~~A dog found running at large contrary to the~~
18 ~~provisions of this Act a second or subsequent time must be~~
19 ~~spayed or neutered within 30 days after being reclaimed unless~~
20 ~~already spayed or neutered; failure to comply shall result in~~
21 ~~impoundment.~~

22 A dog that is actively engaged in a legal hunting activity,
23 including training, is not considered to be running at large if

1 the dog is on land that is open to hunting or on land on which
2 the person has obtained permission to hunt or to train a dog. A
3 dog that is in a dog-friendly area or dog park is not
4 considered to be running at large if the dog is monitored or
5 supervised by a person.

6 (Source: P.A. 100-787, eff. 8-10-18.)

7 (510 ILCS 5/15.4)

8 Sec. 15.4. Potentially dangerous dog. A dog found running
9 at large and unsupervised with 3 or more other dogs may be
10 deemed a potentially dangerous dog by the animal control warden
11 or administrator. Potentially dangerous dogs may ~~shall~~ be
12 spayed or neutered and microchipped within 14 days after
13 completion of all appeals and complaint proceedings. ~~of~~
14 ~~reclaim.~~ The designation of "potentially dangerous dog" shall
15 expire 12 months after the most recent violation of this
16 Section. Failure to comply with this Section will result in
17 impoundment of the dog or a fine of \$500.

18 (a) The owner of a dog found to be a potentially dangerous
19 dog pursuant to this Act by an Administrator may file a
20 complaint against the Administrator in the circuit court within
21 35 days of receipt of notification of the determination, for a
22 de novo hearing on the determination. The proceeding shall be
23 conducted as a civil hearing pursuant to the Illinois Rules of
24 Evidence and the Code of Civil Procedure, including the
25 discovery provisions. After hearing both parties' evidence,

1 the court may make a determination of potentially dangerous dog
2 if the Administrator meets his or her burden of proof of a
3 preponderance of the evidence. The final order of the circuit
4 court may be appealed pursuant to the civil appeals provisions
5 of the Illinois Supreme Court Rules.

6 (b) The owner of a dog found to be a potentially dangerous
7 dog pursuant to this Act by the Director may, within 14 days of
8 receipt of notification of the determination, request an
9 administrative hearing to appeal the determination. The
10 administrative hearing shall be conducted pursuant to the
11 Department of Agriculture's rules applicable to formal
12 administrative proceedings, 8 Ill. Adm. Code Part 1, Subparts A
13 and B. An owner desiring a hearing shall make his or her
14 request for a hearing to the Illinois Department of
15 Agriculture. The final administrative decision of the
16 Department may be reviewed judicially by the circuit court of
17 the county wherein the person resides or, in the case of a
18 corporation, the county where its registered office is located.
19 If the plaintiff in a review proceeding is not a resident of
20 Illinois, the venue shall be in Sangamon County. The
21 Administrative Review Law and all amendments and modifications
22 thereof, and the rules adopted thereto, apply to and govern all
23 proceedings for the judicial review of final administrative
24 decisions of the Department hereunder.

25 (c) Until the order has been reviewed and at all times
26 during the appeal process, the owner shall comply with the

1 requirements set forth by the Administrator, the court, or the
2 Director, but is not required to spay or neuter the animal
3 until a final order is determined.

4 (d) At any time after a final order has been entered, the
5 owner may petition the circuit court to reverse the designation
6 of potentially dangerous dog.

7 (Source: P.A. 95-550, eff. 6-1-08.)