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1 AMENDMENT TO HOUSE BILL 1128

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1128 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Animal Control Act is amended by changing  
5 Sections 2.04a, 2.05a, 2.11a, 2.11b, 2.16, 2.19a, 3, 5, 9, 10,  
6 11, 13, 15, 15.1, and 26 as follows:

7 (510 ILCS 5/2.04a)

8 Sec. 2.04a. "Cat" means Felis catus ~~all members of the~~  
9 ~~family Felidae.~~

10 (Source: P.A. 93-548, eff. 8-19-03.)

11 (510 ILCS 5/2.05a)

12 Sec. 2.05a. "Dangerous dog" means any individual dog  
13 anywhere other than upon the property of the owner or custodian  
14 of the dog and ~~when~~ unmuzzled, unleashed, or unattended by its  
15 owner or custodian that behaves in a manner that a reasonable  
16 person would believe poses a serious and unjustified imminent  
17 threat of serious physical injury or death to a person or a  
18 companion animal ~~in a public place.~~

19 (Source: P.A. 93-548, eff. 8-19-03.)

20 (510 ILCS 5/2.11a)

21 Sec. 2.11a. "Enclosure" means a fence or structure of at  
22 least 6 feet in height, forming or causing an enclosure

1 suitable to prevent the entry of young children, and suitable  
2 to confine a vicious dog in conjunction with other measures  
3 that may be taken by the owner or keeper, such as tethering of  
4 the vicious dog within the enclosure. The enclosure shall be  
5 securely enclosed and locked and designed with secure sides,  
6 top, and bottom and shall be designed to prevent the animal  
7 from escaping from the enclosure. If the enclosure is a room  
8 within a residence, it cannot have direct ingress from or  
9 egress to the outdoors unless it leads directly to an enclosed  
10 pen and the door must be locked. A vicious dog may be allowed  
11 to move about freely within the entire residence if it is  
12 muzzled at all times.

13 (Source: P.A. 93-548, eff. 8-19-03.)

14 (510 ILCS 5/2.11b)

15 Sec. 2.11b. "Feral cat" means a cat that (i) is born in the  
16 wild or is the offspring of an owned or feral cat and is not  
17 socialized, ~~or~~ (ii) is a formerly owned cat that has been  
18 abandoned and is no longer socialized, or (iii) lives on a  
19 farm.

20 (Source: P.A. 93-548, eff. 8-19-03.)

21 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

22 Sec. 2.16. "Owner" means any person having a right of  
23 property in an animal, or who keeps or harbors an animal, or  
24 who has it in his care, or acts as its custodian, or who  
25 knowingly permits a dog to remain on any premises occupied by  
26 him or her. "Owner" does not include a feral cat caretaker  
27 participating in a trap, spay/neuter, return program.

28 (Source: P.A. 93-548, eff. 8-19-03.)

29 (510 ILCS 5/2.19a)

30 Sec. 2.19a. "Serious physical injury" means a physical  
31 injury that creates a substantial risk of death or that causes

1 death, serious ~~or protracted~~ disfigurement, ~~protracted~~  
2 impairment of health, impairment of the function of any bodily  
3 organ, or plastic surgery.

4 (Source: P.A. 93-548, eff. 8-19-03.)

5 (510 ILCS 5/3) (from Ch. 8, par. 353)

6 Sec. 3. The County Board Chairman with the consent of the  
7 County Board shall appoint an Administrator. Appointments  
8 shall be made as necessary to keep this position filled at all  
9 times. The Administrator may appoint as many Deputy  
10 Administrators and Animal Control Wardens to aid him or her as  
11 authorized by the Board. The compensation for the  
12 Administrator, Deputy Administrators, and Animal Control  
13 Wardens shall be fixed by the Board. The Administrator may be  
14 removed from office by the County Board Chairman, with the  
15 consent of the County Board.

16 The Board shall provide necessary personnel, training,  
17 equipment, supplies, and facilities, and shall operate pounds  
18 or contract for their operation as necessary to effectuate the  
19 program. The Board may enter into contracts or agreements with  
20 persons to assist in the operation of the program.

21 The Board shall be empowered to utilize monies from their  
22 General Corporate Fund to effectuate the intent of this Act.

23 The Board is authorized by ordinance to require the  
24 registration and may require microchipping of dogs and cats.  
25 ~~and~~ The Board shall impose an individual dog or cat ~~animal and~~  
26 ~~litter~~ registration fee to be deposited in a county animal  
27 control fund. The fee for unaltered animals must be at least  
28 \$10 higher than the fee for altered animals. All persons  
29 selling dogs or cats or keeping registries of dogs or cats  
30 shall cooperate and provide information to the Administrator as  
31 required by Board ordinance, including sales, number of  
32 litters, and ownership of dogs and cats. If microchips are  
33 required, the microchip number may ~~shall~~ serve as the county

1 animal control registration number. ~~All microchips shall have~~  
2 ~~an operating frequency of 125 kilohertz.~~

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

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

13 This Section does not apply to feral cats.  
14 (Source: P.A. 93-548, eff. 8-19-03.)

15 (510 ILCS 5/5) (from Ch. 8, par. 355)

16 Sec. 5. Duties and powers.

17 (a) It shall be the duty of the Administrator or the Deputy  
18 Administrator, through sterilization, humane education, rabies  
19 inoculation, stray control, impoundment, quarantine, and any  
20 other means deemed necessary, to control and prevent the spread  
21 of rabies and to exercise dog and cat overpopulation control.  
22 It shall also be the duty of the Administrator to investigate  
23 and substantiate all claims made under Section 19 of this Act.

24 (b) Counties may by ordinance determine the extent of the  
25 police powers that may be exercised by the Administrator,  
26 Deputy Administrators, and Animal Control Wardens, which  
27 powers shall pertain only to this Act. The Administrator,  
28 Deputy Administrators, and Animal Control Wardens may issue and  
29 serve citations and orders for violations of this Act. The  
30 Administrator, Deputy Administrators, and Animal Control  
31 Wardens may not carry weapons unless they have been  
32 specifically authorized to carry weapons by county ordinance.  
33 Animal Control Wardens, however, may use tranquilizer guns and

1 other nonlethal weapons and equipment without specific weapons  
2 authorization.

3 A person authorized to carry firearms by county ordinance  
4 under this subsection must have completed the training course  
5 for peace officers prescribed in the Peace Officer Firearm  
6 Training Act. The cost of this training shall be paid by the  
7 county.

8 (c) The sheriff and all sheriff's deputies and municipal  
9 police officers shall cooperate with the Administrator and his  
10 or her representatives in carrying out the provisions of this  
11 Act.

12 (d) The Administrator and animal control wardens shall aid  
13 in the enforcement of the Humane Care for Animals Act and have  
14 the ability to impound animals and apply for security posting  
15 for violation of that Act.

16 (Source: P.A. 93-548, eff. 8-19-03.)

17 (510 ILCS 5/9) (from Ch. 8, par. 359)

18 Sec. 9. Any dog found running at large contrary to  
19 provisions of this Act may be apprehended and impounded. For  
20 this purpose, the Administrator shall utilize any existing or  
21 available animal control facility or licensed animal shelter. A  
22 dog found running at large contrary to the provisions of this  
23 Act a second or subsequent time must be spayed or neutered  
24 within 30 days after being reclaimed unless already spayed or  
25 neutered; failure to comply shall result in impoundment.

26 (Source: P.A. 93-548, eff. 8-19-03.)

27 (510 ILCS 5/10) (from Ch. 8, par. 360)

28 Sec. 10. Impoundment; redemption. When dogs or cats are  
29 apprehended and impounded ~~by the Administrator~~, they must be  
30 scanned for the presence of a microchip. The Administrator  
31 shall make every reasonable attempt to contact the owner as  
32 defined by Section 2.16 as soon as possible. The Administrator

1 shall give notice of not less than 7 business days to the owner  
2 prior to disposal of the animal. Such notice shall be mailed to  
3 the last known address of the owner. Testimony of the  
4 Administrator, or his or her authorized agent, who mails such  
5 notice shall be evidence of the receipt of such notice by the  
6 owner of the animal.

7 In case the owner of any impounded dog or cat desires to  
8 make redemption thereof, he or she may do so by doing ~~on~~ the  
9 following ~~conditions~~:

10 a. Presenting ~~present~~ proof of current rabies  
11 inoculation, ~~and~~ registration, if applicable. ~~and~~

12 b. Paying ~~pay~~ for the rabies inoculation of the dog or  
13 cat, ~~and~~ registration, if applicable. ~~and~~

14 c. Paying ~~pay~~ the pound for the board of the dog or cat  
15 for the period it was impounded. ~~and~~

16 d. Paying ~~pay~~ into the Animal Control Fund an  
17 additional impoundment fee as prescribed by the Board as a  
18 penalty for the first offense and for each subsequent  
19 offense. ~~and~~

20 e. Paying ~~pay~~ for microchipping and registration if not  
21 already done.

22 ~~Animal control facilities that are open to the public 7~~  
23 ~~days per week for animal reclamation are exempt from the~~  
24 ~~business day requirement.~~

25 The payments required for redemption under this Section  
26 shall be in addition to any other penalties invoked under this  
27 Act.

28 (Source: P.A. 93-548, eff. 8-19-03; revised 10-9-03.)

29 (510 ILCS 5/11) (from Ch. 8, par. 361)

30 Sec. 11. When not redeemed by the owner, a dog or cat that  
31 has been impounded shall be humanely dispatched pursuant to the  
32 Humane Euthanasia in Animal Shelters Act or offered for  
33 adoption. An animal pound or animal shelter shall not release

1 any dog or cat when not redeemed by the owner unless the animal  
2 has been ~~surgically~~ rendered incapable of reproduction ~~by~~  
3 ~~spaying or neutering~~ and microchipped, or the person wishing to  
4 adopt an animal prior to the surgical procedures having been  
5 performed shall have executed a written agreement promising to  
6 have such service performed, including microchipping, within a  
7 specified period of time not to exceed 30 days. Failure to  
8 fulfill the terms of the agreement shall result in seizure and  
9 impoundment of the animal and any offspring by the animal pound  
10 or shelter, and any monies which have been deposited shall be  
11 forfeited. This Act shall not prevent humane societies from  
12 engaging in activities set forth by their charters; provided,  
13 they are not inconsistent with provisions of this Act and other  
14 existing laws. No animal shelter or animal control facility  
15 shall release dogs or cats to an individual representing a  
16 rescue group, unless the group has been licensed by the  
17 Illinois Department of Agriculture or incorporated as a  
18 not-for-profit organization. The Department may suspend or  
19 revoke the license of any animal shelter or animal control  
20 facility that fails to comply with the requirements set forth  
21 in this Section or that fails to report its intake and  
22 euthanasia statistics each year.

23 (Source: P.A. 92-449, eff. 1-1-02; 93-548, eff. 8-19-03.)

24 (510 ILCS 5/13) (from Ch. 8, par. 363)

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

26 (a) Except as otherwise provided in subsection (b) of this  
27 Section, when the Administrator or, if the Administrator is not  
28 a veterinarian, the Deputy Administrator receives information  
29 that any person has been bitten by an animal, the Administrator  
30 or, if the Administrator is not a veterinarian, the Deputy  
31 Administrator, or his or her authorized representative, shall  
32 have such dog or other animal confined under the observation of  
33 a licensed veterinarian for a period of 10 days. The Department

1 may permit such confinement to be reduced to a period of less  
2 than 10 days. A veterinarian shall report the clinical  
3 condition of the animal immediately, with confirmation in  
4 writing to the Administrator or, if the Administrator is not a  
5 veterinarian, the Deputy Administrator within 24 hours after  
6 the animal is presented for examination, giving the owner's  
7 name, address, the date of confinement, the breed, description,  
8 age, and sex of the animal, and whether the animal has been  
9 spayed, ~~or~~ neutered, or chemically sterilized on appropriate  
10 forms approved by the Department. The Administrator or, if the  
11 Administrator is not a veterinarian, the Deputy Administrator  
12 shall notify the attending physician or responsible health  
13 agency. At the end of the confinement period, the veterinarian  
14 shall submit a written report to the Administrator or, if the  
15 Administrator is not a veterinarian, the Deputy Administrator  
16 advising him or her of the final disposition of the animal on  
17 appropriate forms approved by the Department. When evidence is  
18 presented that the animal was inoculated against rabies within  
19 the time prescribed by law, it shall be confined in a house, or  
20 in a manner which will prohibit it from biting any person for a  
21 period of 10 days, if a licensed veterinarian adjudges such  
22 confinement satisfactory. The Department may permit such  
23 confinement to be reduced to a period of less than 10 days. At  
24 the end of the confinement period, the animal shall be examined  
25 by a licensed veterinarian.

26 Any person having knowledge that any person has been bitten  
27 by an animal shall notify the Administrator or, if the  
28 Administrator is not a veterinarian, the Deputy Administrator  
29 promptly. It is unlawful for the owner of the animal to  
30 euthanize, sell, give away, or otherwise dispose of any animal  
31 known to have bitten a person, until it is released by the  
32 Administrator or, if the Administrator is not a veterinarian,  
33 the Deputy Administrator, or his or her authorized  
34 representative. It is unlawful for the owner of the animal to



1 refuse or fail to comply with the reasonable written or printed  
2 instructions made by the Administrator or, if the Administrator  
3 is not a veterinarian, the Deputy Administrator, or his  
4 authorized representative. If such instructions cannot be  
5 delivered in person, they shall be mailed to the owner of the  
6 animal by regular mail. Any expense incurred in the handling of  
7 an animal under this Section and Section 12 shall be borne by  
8 the owner.

9 (b) When a person has been bitten by a police dog that is  
10 currently vaccinated against rabies, the police dog may  
11 continue to perform its duties for the peace officer or law  
12 enforcement agency and any period of observation of the police  
13 dog may be under the supervision of a peace officer. The  
14 supervision shall consist of the dog being locked in a kennel,  
15 performing its official duties in a police vehicle, or  
16 remaining under the constant supervision of its police handler.  
17 (Source: P.A. 93-548, eff. 8-19-03.)

18 (510 ILCS 5/15) (from Ch. 8, par. 365)

19 Sec. 15. (a) In order to have a dog deemed "vicious", the  
20 Administrator, Deputy Administrator, ~~animal control warden~~, or  
21 law enforcement officer must give notice of the infraction that  
22 is the basis of the investigation to the owner, conduct a  
23 thorough investigation, interview any witnesses, including the  
24 owner, gather any existing medical records, veterinary medical  
25 records or behavioral evidence, and make a detailed report  
26 recommending a finding that the dog is a vicious dog and give  
27 the report to the States Attorney's Office and the owner. The  
28 Administrator, State's Attorney, Director or any citizen of the  
29 county in which the dog exists may file a complaint in the  
30 circuit court in the name of the People of the State of  
31 Illinois to deem a dog to be a vicious dog. Testimony of a  
32 certified applied behaviorist, a board certified veterinary  
33 behaviorist, or another recognized expert may be relevant to

1 the court's determination of whether the dog's behavior was  
2 justified. The petitioner must prove the dog is a vicious dog  
3 by clear and convincing evidence. The Administrator shall  
4 determine where the animal shall be confined during the  
5 pendency of the case.

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

8 (1) the threat, injury, or death was sustained by a  
9 person who at the time was committing a crime or offense  
10 upon the owner or custodian of the dog, or was committing a  
11 willful trespass or other tort upon the premises or  
12 property owned or occupied by the owner of the animal ~~upon~~  
13 ~~the property of the owner or custodian of the dog;~~

14 (2) the injured, threatened, or killed person was  
15 ~~tormenting,~~ abusing, assaulting, or physically threatening  
16 the dog or its offspring, or has in the past ~~tormented,~~  
17 abused, assaulted, or physically threatened the dog or its  
18 offspring; or

19 (3) the dog was responding to pain or injury, or was  
20 protecting itself, its owner, custodian, or member of its  
21 household, kennel, or offspring.

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

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

28 If a dog is found to be a vicious dog, the dog shall be  
29 spayed or neutered within 10 days of the finding at the expense  
30 of its owner and microchipped, if not already, and is subject  
31 to enclosure. If an owner fails to comply with these  
32 requirements, the animal control agency shall impound the dog  
33 and the owner shall pay a \$500 fine plus impoundment fees to  
34 the animal control agency impounding the dog. The judge has the

1 discretion to order a vicious dog be euthanized. A dog found to  
2 be a vicious dog shall not be released to the owner until the  
3 Administrator, an Animal Control Warden, or the Director  
4 approves the enclosure. No owner or keeper of a vicious dog  
5 shall sell or give away the dog without ~~court~~ approval from the  
6 Administrator or court. Whenever an owner of a vicious dog  
7 relocates, he or she shall notify both the Administrator of  
8 County Animal Control where he or she has relocated and the  
9 Administrator of County Animal Control where he or she formerly  
10 resided.

11 (b) It shall be unlawful for any person to keep or maintain  
12 any dog which has been found to be a vicious dog unless the dog  
13 is kept in an enclosure. The only times that a vicious dog may  
14 be allowed out of the enclosure are (1) if it is necessary for  
15 the owner or keeper to obtain veterinary care for the dog, (2)  
16 in the case of an emergency or natural disaster where the dog's  
17 life is threatened, or (3) to comply with the order of a court  
18 of competent jurisdiction, provided that the dog is securely  
19 muzzled and restrained with a leash not exceeding 6 feet in  
20 length, and shall be under the direct control and supervision  
21 of the owner or keeper of the dog or muzzled in its residence.

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

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

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

34 Guide dogs for the blind or hearing impaired, support dogs

1 for the physically handicapped, and sentry, guard, or  
2 police-owned dogs are exempt from this Section; provided, an  
3 attack or injury to a person occurs while the dog is performing  
4 duties as expected. To qualify for exemption under this  
5 Section, each such dog shall be currently inoculated against  
6 rabies in accordance with Section 8 of this Act. It shall be  
7 the duty of the owner of such exempted dog to notify the  
8 Administrator of changes of address. In the case of a sentry or  
9 guard dog, the owner shall keep the Administrator advised of  
10 the location where such dog will be stationed. The  
11 Administrator shall provide police and fire departments with a  
12 categorized list of such exempted dogs, and shall promptly  
13 notify such departments of any address changes reported to him.

14 (c) If the animal control agency has custody of the dog,  
15 the agency may file a petition with the court requesting that  
16 the owner be ordered to post security. The security must be in  
17 an amount sufficient to secure payment of all reasonable  
18 expenses expected to be incurred by the animal control agency  
19 or animal shelter in caring for and providing for the dog  
20 pending the determination. Reasonable expenses include, but  
21 are not limited to, estimated medical care and boarding of the  
22 animal for 30 days. If security has been posted in accordance  
23 with this Section, the animal control agency may draw from the  
24 security the actual costs incurred by the agency in caring for  
25 the dog.

26 (d) Upon receipt of a petition, the court must set a  
27 hearing on the petition, to be conducted within 5 business days  
28 after the petition is filed. The petitioner must serve a true  
29 copy of the petition upon the defendant.

30 (e) If the court orders the posting of security, the  
31 security must be posted with the clerk of the court within 5  
32 business days after the hearing. If the person ordered to post  
33 security does not do so, the dog is forfeited by operation of  
34 law and the animal control agency must dispose of the animal

1 through adoption or humane euthanization.

2 (Source: P.A. 93-548, eff. 8-19-03.)

3 (510 ILCS 5/15.1)

4 Sec. 15.1. Dangerous dog determination.

5 (a) After a thorough investigation including: sending,  
6 within 10 business ~~3~~ days of the Administrator or Director  
7 becoming aware of the alleged infraction, notifications to the  
8 owner of the alleged infractions, the fact of the initiation of  
9 an investigation, and affording the owner an opportunity to  
10 meet with the Administrator or Director prior to the making of  
11 a determination; gathering of any medical or veterinary  
12 evidence; interviewing witnesses; and making a detailed  
13 written report, an animal control warden, deputy  
14 administrator, or law enforcement agent may ask the  
15 Administrator, or his or her designee, or the Director, to deem  
16 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 evidence ~~without clear and convincing evidence~~. The owner shall  
19 be sent immediate notification of the determination by  
20 registered or certified mail that includes a complete  
21 description of the appeal process.

22 (b) A dog shall not be declared dangerous if the  
23 Administrator, or his or her designee, or the Director  
24 determines the conduct of the dog was justified because:

25 (1) the threat was sustained by a person who at the  
26 time was committing a crime or offense upon the owner or  
27 custodian of the dog or was committing a willful trespass  
28 or other tort upon the premises or property occupied by the  
29 owner of the animal;

30 (2) the threatened person was ~~tormenting,~~ abusing,  
31 assaulting, or physically threatening the dog or its  
32 offspring;

33 (3) the injured, threatened, or killed companion

1 animal was attacking or threatening to attack the dog or  
2 its offspring; or

3 (4) the dog was responding to pain or injury or was  
4 protecting itself, its owner, custodian, or a member of its  
5 household, kennel, or offspring.

6 (c) Testimony of a certified applied behaviorist, a board  
7 certified veterinary behaviorist, or another recognized expert  
8 may be relevant to the determination of whether the dog's  
9 behavior was justified pursuant to the provisions of this  
10 Section.

11 (d) If deemed dangerous, the Administrator, or his or her  
12 designee, or the Director shall order the dog to be spayed or  
13 neutered within 14 days at the owner's expense and  
14 microchipped, if not already, and one or more of the following  
15 as deemed appropriate under the circumstances and necessary for  
16 the protection of the public:

17 (1) evaluation of the dog by a certified applied  
18 behaviorist, a board certified veterinary behaviorist, or  
19 another recognized expert in the field and completion of  
20 training or other treatment as deemed appropriate by the  
21 expert. The owner of the dog shall be responsible for all  
22 costs associated with evaluations and training ordered  
23 under this subsection; or

24 (2) direct supervision by an adult 18 years of age or  
25 older whenever the animal is on public premises.

26 (e) The Administrator may order a dangerous dog to be  
27 muzzled whenever it is on public premises in a manner that will  
28 prevent it from biting any person or animal, but that shall not  
29 injure the dog or interfere with its vision or respiration.

30 (f) Guide dogs for the blind or hearing impaired, support  
31 dogs for the physically handicapped, and sentry, guard, or  
32 police-owned dogs are exempt from this Section; provided, an  
33 attack or injury to a person occurs while the dog is performing  
34 duties as expected. To qualify for exemption under this

1 Section, each such dog shall be currently inoculated against  
2 rabies in accordance with Section 8 of this Act and performing  
3 duties as expected. It shall be the duty of the owner of the  
4 exempted dog to notify the Administrator of changes of address.  
5 In the case of a sentry or guard dog, the owner shall keep the  
6 Administrator advised of the location where such dog will be  
7 stationed. The Administrator shall provide police and fire  
8 departments with a categorized list of the exempted dogs, and  
9 shall promptly notify the departments of any address changes  
10 reported to him or her.

11 (g) An animal control agency has the right to impound a  
12 dangerous dog if the owner fails to comply with the  
13 microchipping or sterilization requirements.

14 (Source: P.A. 93-548, eff. 8-19-03.)

15 (510 ILCS 5/26) (from Ch. 8, par. 376)

16 Sec. 26. (a) Any person violating or aiding in or abetting  
17 the violation of any provision of this Act, or counterfeiting  
18 or forging any certificate, permit, or tag, or making any  
19 misrepresentation in regard to any matter prescribed by this  
20 Act, or resisting, obstructing, or impeding the Administrator  
21 or any authorized officer in enforcing this Act, or refusing to  
22 produce for inoculation any dog in his possession, or who  
23 removes a tag or microchip from a dog for purposes of  
24 destroying or concealing its identity, is guilty of a Class C  
25 misdemeanor for a first offense and for a subsequent offense,  
26 is guilty of a Class B misdemeanor.

27 Each day a person fails to comply constitutes a separate  
28 offense. Each State's Attorney to whom the Administrator  
29 reports any violation of this Act shall cause appropriate  
30 proceedings to be instituted in the proper courts without delay  
31 and to be prosecuted in the manner provided by law.

32 (b) If the owner of a vicious dog subject to enclosure:

33 (1) fails to maintain or keep the dog in an enclosure

1 or fails to spay or neuter the dog within the time period  
2 prescribed; and

3 (2) the dog inflicts serious physical injury upon any  
4 other person or causes the death of another person; and

5 (3) the attack is unprovoked in a place where such  
6 person is peaceably conducting himself or herself and where  
7 such person may lawfully be;

8 the owner shall be guilty of a Class 4 felony, unless the owner  
9 knowingly allowed the dog to run at large or failed to take  
10 steps to keep the dog in an enclosure then the owner shall be  
11 guilty of a Class 3 felony. The penalty provided in this  
12 paragraph shall be in addition to any other criminal or civil  
13 sanction provided by law.

14 (c) If the owner of a dangerous dog knowingly fails to  
15 comply with any order ~~of the court~~ regarding the dog and the  
16 dog inflicts serious physical injury on a person or a companion  
17 animal, the owner shall be guilty of a Class A misdemeanor. If  
18 the owner of a dangerous dog knowingly fails to comply with any  
19 order regarding the dog and the dog kills a person the owner  
20 shall be guilty of a Class 4 felony.

21 (Source: P.A. 93-548, eff. 8-19-03.)".