



Rep. Frank J. Mautino

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09400HB2719ham002

LRB094 06477 RSP 45085 a

1 AMENDMENT TO HOUSE BILL 2719

2 AMENDMENT NO. _____. Amend House Bill 2719 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, 2.11, 2.11a, 2.11b, 2.16, 2.19a, 2.19b,
6 3, 5, 8, 9, 10, 11, 12, 13, 15, 15.1, 15.2, 19, and 26 and by
7 adding Sections 2.01a, 2.02a, 2.02b, 2.04b, and 22.5 as
8 follows:

9 (510 ILCS 5/2.01a new)

10 Sec. 2.01a. "Administrative hearing officer" means an
11 individual appointed by the county board to hear cases
12 involving vicious dogs. The individual appointed shall be a
13 licensed attorney with experience in judicial proceedings
14 independent of the county.

15 (510 ILCS 5/2.02a new)

16 Sec. 2.02a. "Animal control" means the Administrator,
17 Animal Control Wardens, or the law enforcement authorities
18 charged with the enforcement of this Act.

19 (510 ILCS 5/2.02b new)

20 Sec. 2.02b. "Animal control facility" has the same meaning
21 as provided in the Humane Care for Animals Act.

1 (510 ILCS 5/2.04a)

2 Sec. 2.04a. "Cat" means all members of the family Felis
3 Domesticus Felidae.

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

5 (510 ILCS 5/2.04b new)

6 Sec. 2.04b. "Companion animal" means an animal that is
7 commonly considered to be, or is considered by the owner to be,
8 a pet. "Companion animal" includes, but is not limited to,
9 canines, felines, and equines.

10 (510 ILCS 5/2.05a)

11 Sec. 2.05a. "Dangerous dog" means any individual dog when
12 unmuzzled, unleashed, or unattended by its owner or custodian
13 that (i) behaves in a manner that a reasonable person would
14 believe poses a serious and unjustified imminent threat of
15 serious physical injury or death to a person or a companion
16 animal, or (ii) injures a companion animal, livestock, or
17 equidae in a public place.

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

19 (510 ILCS 5/2.11) (from Ch. 8, par. 352.11)

20 Sec. 2.11.

21 "Dog" means all members of the family Canis Familiaris
22 Canidae.

23 (Source: P.A. 78-795.)

24 (510 ILCS 5/2.11a)

25 Sec. 2.11a. "Enclosure" means a fence or structure of at
26 least 6 feet in height, forming or causing an enclosure
27 suitable to prevent the entry of young children, and suitable
28 to confine a vicious dog in conjunction with other measures
29 that may be taken by the owner or keeper, such as tethering of
30 the vicious dog within the enclosure. The enclosure shall be

1 securely enclosed and locked at all times and designed with
2 secure sides, top, and bottom and shall be designed to prevent
3 the animal from escaping from the enclosure. If the enclosure
4 is a room within a residence, it cannot have direct ingress or
5 egress to the outdoors unless it leads directly to an approved
6 outside enclosure, and the door must be locked. A vicious dog
7 may be allowed to move about freely within the entire residence
8 if it is muzzled at all times.

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

10 (510 ILCS 5/2.11b)

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

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

17 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

18 Sec. 2.16. "Owner" means any person having a right of
19 property in an animal, or who keeps or harbors an animal, or
20 who has it in his care, or acts as its custodian or who
21 knowingly permits a dog or cat to remain on or about any
22 premises occupied by that person.

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

24 (510 ILCS 5/2.19a)

25 Sec. 2.19a. "Serious physical injury" means a physical
26 injury that creates a substantial risk of death or that causes
27 death, serious ~~or protracted~~ disfigurement, ~~protracted~~
28 impairment of health, impairment of the function of any bodily
29 organ, or plastic surgery.

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

1 (510 ILCS 5/2.19b)

2 Sec. 2.19b. "Vicious dog" means (i) a dog that, ~~without~~
3 ~~justification,~~ attacks a person and causes physical injury,
4 serious physical injury, or death, (ii) a dog that, while off
5 its owner's property, kills any companion animal, livestock, or
6 equidae, or (iii) any individual dog that has been found to be
7 a "dangerous dog" upon 3 separate occasions.

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

9 (510 ILCS 5/3) (from Ch. 8, par. 353)

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

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

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

27 The Board shall ~~is authorized by ordinance to~~ require the
28 registration of dogs and may require the registration of cats
29 and may require microchipping of dogs and cats. The Board ~~and~~
30 shall impose an individual dog or cat ~~animal and litter~~
31 registration fee. All persons selling dogs or cats or keeping
32 registries of dogs or cats shall cooperate and provide
33 information to the Administrator as required by Board

1 ordinance, including sales, number of litters, and ownership of
2 dogs and cats. If microchips are required, the microchip number
3 ~~may shall~~ serve as the county animal control registration
4 number. ~~All microchips shall have an operating frequency of 125~~
5 ~~kilohertz.~~

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

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

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

18 (510 ILCS 5/5) (from Ch. 8, par. 355)

19 Sec. 5. Duties and powers.

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

27 (b) Counties may by ordinance determine the extent of the
28 police powers that may be exercised by the Administrator,
29 Deputy Administrators, and Animal Control Wardens, which
30 powers shall pertain only to this Act. The Administrator,
31 Deputy Administrators, and Animal Control Wardens may issue and
32 serve citations and orders for violations of this Act. The
33 Administrator, Deputy Administrators, and Animal Control

1 Wardens may not carry weapons unless they have been
2 specifically authorized to carry weapons by county ordinance.
3 Animal Control Wardens, however, may use tranquilizer guns and
4 other nonlethal weapons and equipment without specific weapons
5 authorization.

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

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

15 (d) The Administrator and Animal Control Wardens shall aid
16 in the enforcement of the provisions of the Humane Care for
17 Animals Act and have the ability to impound animals and apply
18 for security postings for violations of that Act.

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

20 (510 ILCS 5/8) (from Ch. 8, par. 358)

21 Sec. 8. Vaccinations; exceptions.

22 (a) Every owner of a dog or a cat 4 months or more of age
23 shall have each dog or cat inoculated against rabies by a
24 licensed veterinarian and every dog owner shall purchase a
25 rabies inoculation tag for the county in which the animal
26 resides. Every dog or cat shall have a second rabies
27 vaccination within one year of the first. Terms of subsequent
28 vaccine administration and duration of immunity must be in
29 compliance with USDA licenses of vaccines used. Evidence of
30 such rabies inoculation shall be entered on a certificate the
31 form of which shall be approved by the Board and which shall be
32 signed by the licensed veterinarian administering the vaccine.
33 Veterinarians who inoculate a dog shall procure from the County

1 Animal Control in the county in which their office is located
2 serially numbered rabies inoculation tags, one to be issued
3 with each inoculation certificate at the fee established by the
4 Board. Only one dog shall be included on each certificate. The
5 veterinarian immunizing or microchipping an animal shall
6 provide the Administrator of the county in which the animal
7 resides with a certificate of immunization and microchip
8 number. The Board shall cause a rabies inoculation tag to be
9 issued, at a fee established by the Board for each dog
10 inoculated against rabies.

11 Rabies vaccine for use on animals shall only be sold to, or
12 distributed to, and used by ~~only to~~ licensed veterinarians.
13 Such rabies vaccine shall be licensed by the United States
14 Department of Agriculture.

15 (b) If a licensed veterinarian determines in writing that a
16 rabies inoculation would compromise a dog's or cat's health,
17 then the animal is exempt from the rabies inoculation
18 requirement. However, the owner of an exempt animal is still
19 responsible for the registration of the animal and the
20 registration fees.

21 (c) The Board is authorized to require rabies inoculation
22 tags to be issued for cats. If the Board requires the issuance
23 of rabies inoculation tags for cats, this Section shall apply.
24 This Section does not apply to feral cats.

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

26 (510 ILCS 5/9) (from Ch. 8, par. 359)

27 Sec. 9. Impoundment.

28 (a) Any dog found running at large contrary to provisions
29 of this Act may be apprehended and impounded. For this purpose,
30 the Administrator shall utilize any existing or available
31 animal control facility or licensed animal shelter.

32 (b) Upon receiving a complaint of a suspected violation of
33 Sections 3, 3.01, 3.02, or 3.03 of the Humane Care for Animals

1 Act, the Animal Control Administrator and Animal Control
2 Wardens may, for the purpose of investigating the allegations
3 of the complaint, enter upon any premises where the animal or
4 animals described in the complaint are housed or kept, provided
5 that the entry shall not be made into any building that is a
6 person's residence, except by search warrant or court order.
7 This shall not authorize the entry of any institution operating
8 under a federal license to conduct laboratory experimentation
9 using animals for research or medical purposes.

10 (c) When an Animal Control Administrator or Animal Control
11 Warden finds that a violation of Sections 3, 3.01, 3.02, or
12 3.03 of the Humane Care for Animals Act has rendered an animal
13 in such a condition that no remedy or corrective action by the
14 owner is possible, the animal may be impounded. If impounded,
15 the animal shall be impounded in a facility or at another
16 location where the elements of good care as set forth in
17 Section 3 of the Humane Care for Animals Act can be provided
18 and where such animals shall be examined and treated by a
19 licensed veterinarian, or, if the animal is severely injured,
20 diseased, or suffering, humanely euthanized. Any expense
21 incurred in the impoundment shall become a lien on the animal
22 and shall be borne by the owner.

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

24 (510 ILCS 5/10) (from Ch. 8, par. 360)

25 Sec. 10. Impoundment; redemption. When dogs or cats are
26 apprehended and impounded by the Administrator, they must be
27 scanned for the presence of a microchip. The Administrator
28 shall make every reasonable attempt to contact the owner or
29 feral cat caretaker as soon as possible. The Administrator
30 shall give notice of not less than 7 business days to the owner
31 prior to disposal of the animal. Such notice shall be mailed to
32 the last known address of the owner. Testimony of the
33 Administrator, or his or her authorized agent, who mails such

1 notice shall be evidence of the receipt of such notice by the
2 owner of the animal.

3 In case the owner of any impounded dog or cat desires to
4 make redemption thereof, he or she shall ~~may~~ do so only upon ~~on~~
5 the following conditions:

6 a. presenting ~~present~~ proof of current rabies
7 inoculation~~7~~ and registration, if applicable;~~7~~ ~~or~~

8 b. paying ~~pay~~ for the rabies inoculation of the dog or
9 cat~~7~~ and registration, if applicable;~~7~~ ~~and~~

10 c. paying ~~pay~~ the animal control facility ~~pound~~ for the
11 board and any medical costs incurred by ~~of~~ the dog or cat
12 for the period it was impounded;~~7~~ ~~and~~

13 d. paying ~~pay~~ into the Animal Control Fund an
14 additional impoundment fee as prescribed by the Board as a
15 penalty for the first offense and for each subsequent
16 offense. ~~7~~ ~~and~~

17 ~~e. pay for microchipping and registration if not~~
18 ~~already done.~~

19 ~~Animal control facilities that are open to the public 7~~
20 ~~days per week for animal reclamation are exempt from the~~
21 ~~business day requirement.~~

22 The payments required for redemption under this Section
23 shall be in addition to any other penalties invoked under this
24 Act.

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

26 (510 ILCS 5/11) (from Ch. 8, par. 361)

27 Sec. 11. When not redeemed by the owner, a dog or cat that
28 has been impounded shall be humanely dispatched pursuant to the
29 Humane Euthanasia in Animal Shelters Act or offered for
30 adoption. An animal control facility ~~pound~~ or animal shelter
31 shall not release any dog or cat when not redeemed by the owner
32 unless the animal has been surgically rendered incapable of
33 reproduction by spaying or neutering ~~and microchipped~~, or the

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

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

22 (510 ILCS 5/12) (from Ch. 8, par. 362)

23 Sec. 12. Rabies. The owner of any animal which exhibits
24 clinical signs of rabies, whether or not the animal has been
25 inoculated against rabies, shall immediately notify the
26 Administrator or, if the Administrator is not a veterinarian,
27 the Deputy Administrator, and shall promptly confine the
28 animal, or have it confined, under suitable observation, for a
29 period of at least 10 days, unless officially authorized by the
30 Administrator or, if the Administrator is not a veterinarian,
31 the Deputy Administrator, in writing, to release it sooner. Any
32 animal that has had direct contact with the animal and that has
33 not been inoculated against rabies, shall be confined as

1 recommended by the Administrator or, if the Administrator is
2 not a veterinarian, the Deputy Administrator. If an owner fails
3 to confine the animal, animal control shall impound the animal
4 and the owner shall be responsible for the costs incurred.

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

6 (510 ILCS 5/13) (from Ch. 8, par. 363)

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

8 (a) Except as otherwise provided in subsection (b) of this
9 Section, when the Administrator or, if the Administrator is not
10 a veterinarian, the Deputy Administrator receives information
11 that any person has been bitten by a companion ~~an~~ animal, the
12 Administrator or, if the Administrator is not a veterinarian,
13 the Deputy Administrator, or his or her authorized
14 representative, shall have such dog, cat, or other companion
15 animal confined under the observation of a licensed
16 veterinarian for a period of 10 days. The Department may permit
17 such confinement to be reduced to a period of less than 10
18 days. A veterinarian shall report the clinical condition of the
19 animal immediately, with confirmation in writing to the
20 Administrator or, if the Administrator is not a veterinarian,
21 the Deputy Administrator within 24 hours after the animal is
22 presented for examination, giving the owner's name, address,
23 the date of confinement, the breed, description, age, and sex
24 of the animal, and whether the animal has been spayed or
25 neutered, on appropriate forms approved by the Department. The
26 Administrator or, if the Administrator is not a veterinarian,
27 the Deputy Administrator shall notify the attending physician
28 or responsible health agency. At the end of the confinement
29 period, the veterinarian shall submit a written report to the
30 Administrator or, if the Administrator is not a veterinarian,
31 the Deputy Administrator advising him or her of the final
32 disposition of the animal on appropriate forms approved by the
33 Department. When evidence is presented that the animal was

1 inoculated against rabies within the time prescribed by law, it
2 may ~~shall~~ be confined in a house, or in a manner which will
3 prohibit it from biting any person for a period of 10 days, if
4 the Administrator or Deputy Administrator ~~a licensed~~
5 ~~veterinarian~~ adjudges such confinement satisfactory. The
6 Department may permit such confinement to be reduced to a
7 period of less than 10 days. At the end of the confinement
8 period, the animal shall be examined by a licensed
9 veterinarian.

10 Any person having knowledge that any person has been bitten
11 by an animal shall notify the Administrator or, if the
12 Administrator is not a veterinarian, the Deputy Administrator
13 within 24 hours ~~promptly~~. It is unlawful for the owner of the
14 animal to euthanize, sell, give away, or otherwise dispose of
15 any animal known to have bitten a person, until it is released
16 by the Administrator or, if the Administrator is not a
17 veterinarian, the Deputy Administrator, or his or her
18 authorized representative. It is unlawful for the owner of the
19 animal to refuse or fail to comply with the ~~reasonable~~ written
20 or printed instructions made by the Administrator or, if the
21 Administrator is not a veterinarian, the Deputy Administrator,
22 or his authorized representative. If such instructions cannot
23 be delivered in person, they shall be mailed to the owner of
24 the animal by regular mail. Any expense incurred in the
25 handling of an animal under this Section and Section 12 shall
26 be borne by the owner.

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

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

2 (510 ILCS 5/15) (from Ch. 8, par. 365)

3 Sec. 15. Vicious determination; appeals. (a) In order to
4 have a dog deemed "vicious", the Administrator, Deputy
5 Administrator, ~~animal control warden,~~ or law enforcement
6 officer must give notice of the infraction that is the basis of
7 the investigation to the owner, conduct a thorough
8 investigation, interview any witnesses, including the owner,
9 gather any existing medical records, veterinary medical
10 records, or behavioral evidence, ~~and~~ make a detailed report
11 recommending a finding that the dog is a vicious dog, give the
12 report to the owner, and schedule an administrative hearing
13 pursuant to the Illinois Administrative Procedure Act before an
14 administrative hearing officer as defined in this Act or give
15 the report to the States Attorney's Office ~~and the owner.~~ The
16 Administrator, State's Attorney, Director or any citizen of the
17 county in which the dog exists may file a complaint in the
18 circuit court in the name of the People of the State of
19 Illinois to deem a dog to be a vicious dog. Testimony of a
20 certified applied behaviorist, a board certified veterinary
21 behaviorist, or another recognized expert may be relevant to
22 the court's determination of whether the dog's behavior was
23 justified. The petitioner must prove the dog is a vicious dog
24 by clear and convincing evidence. The Administrator shall
25 determine where the animal shall be confined during the
26 pendency of the case.

27 A dog may ~~shall~~ not be declared vicious if the court or
28 administrative hearing officer determines the conduct of the
29 dog was justified because:

30 (1) the threat, injury, or death was sustained by a
31 person who at the time was committing a crime or offense
32 upon the owner or custodian of the dog or was committing a
33 willful trespass or other tort upon the premises or

1 property occupied by the owner of the animal ~~, or upon the~~
2 ~~property of the owner or custodian of the dog;~~

3 (2) the injured, threatened, or killed person was
4 ~~tormenting,~~ abusing, assaulting, or physically threatening
5 the dog or its offspring, ~~or has in the past tormented,~~
6 ~~abused, assaulted, or physically threatened the dog or its~~
7 ~~offspring;~~ or

8 (3) the dog was responding to pain or injury, ~~or was~~
9 ~~protecting itself, its owner, custodian, or member of its~~
10 ~~household, kennel, or offspring.~~

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

15 If the burden of proof has been met, the court or
16 administrative hearing officer shall deem the dog to be a
17 vicious dog.

18 If a dog is found to be a vicious dog, the court or
19 administrative hearing officer shall order the dog subject to
20 enclosure or euthanized. If subject to enclosure, the dog shall
21 be spayed or neutered within 10 days of the finding at the
22 expense of its owner and microchipped, ~~if not already, and is~~
23 ~~subject to enclosure.~~ A dog found to be a vicious dog shall not
24 be released to the owner until the Administrator, an Animal
25 Control Warden, or the Director approves the enclosure. No
26 owner or keeper of a vicious dog shall sell or give away the
27 dog without the court approval of the Administrator. Whenever
28 an owner of a vicious dog relocates, he or she shall notify
29 both the Administrator of County Animal Control where he or she
30 has relocated and the Administrator of County Animal Control
31 where he or she formerly resided. The dog shall not be
32 relocated until the new location and the manner of relocation
33 have been approved by the appropriate Administrator.

34 (b) It shall be unlawful for any person to keep or maintain

1 any dog which has been found to be a vicious dog unless the dog
2 is kept in an enclosure. The only times that a vicious dog may
3 be allowed out of the enclosure are (1) if it is necessary for
4 the owner or keeper to obtain veterinary care for the dog, (2)
5 in the case of an emergency or natural disaster where the dog's
6 life is threatened, or (3) to comply with the order of a court
7 of competent jurisdiction, provided that the dog is securely
8 muzzled and restrained with a leash not exceeding 6 feet in
9 length, and shall be under the direct control and supervision
10 of the owner or keeper of the dog or muzzled in its residence.

11 Any dog which has been found to be a vicious dog and which
12 is not confined to an enclosure shall be impounded by the
13 Administrator, an Animal Control Warden, or the law enforcement
14 authority having jurisdiction in such area. If an owner fails
15 to comply with these requirements, animal control shall impound
16 the dog, and the owner shall pay a \$500 fine plus impoundment
17 fees to the animal control agency impounding the dog.

18 If the owner of the dog has not appealed the impoundment
19 order to the circuit court in the county in which the animal
20 was impounded within 10 ~~15~~ working days, the dog may be
21 euthanized.

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

26 (c) If animal control takes custody of the dog pursuant to
27 this Section, it may file a petition with the court requesting
28 that the owner be ordered to post security. The security must
29 be in an amount sufficient to secure payment of all reasonable
30 expenses expected to be incurred by the animal control agency
31 in caring for and providing for the dog pending the
32 determination. Reasonable expenses include, but are not
33 limited to, the estimated medical care and boarding of the
34 animal for 30 days. If security has been posted in accordance

1 with this Section, the animal control agency may draw from the
2 security the actual costs incurred by the agency in caring for
3 the dog.

4 Upon receipt of a petition requesting that the owner post
5 security, the court must set a hearing on the petition, to be
6 conducted within 5 business days after the petition is filed.
7 The petitioner must serve a true copy of the petition upon the
8 defendant at least 48 hours prior to the scheduled hearing. If
9 the court orders the posting of security, the security must be
10 posted with the clerk of the court within 5 business days after
11 the hearing. If the person ordered to post security does not do
12 so, the dog is forfeited by operation of law and the animal
13 control facility or animal shelter must dispose of the animal
14 through humane euthanization.

15 (d) The owner of a dog found to be a vicious dog pursuant
16 to this Act may file an appeal in the circuit court within 35
17 days of receipt of notification of the determination, for a de
18 novo hearing on the determination. The proceeding shall be
19 conducted as a civil hearing pursuant to the Illinois Rules of
20 Evidence and the Code of Civil Procedure, including the
21 discovery provisions. After hearing both parties' evidence,
22 the court may make a determination of vicious dog if the
23 Administrator meets his or her burden of proof of clear and
24 convincing evidence. The final order of the circuit court may
25 be appealed pursuant to the civil appeals provisions of the
26 Illinois Supreme Court Rules. Until the order has been reviewed
27 and at all times during the appeal process, the owner shall
28 comply with the requirements set forth by the Administrator,
29 the court, or the Director.

30 (e) 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. It shall be
3 the duty of the owner of such exempted dog to notify the
4 Administrator of changes of address. In the case of a sentry or
5 guard dog, the owner shall keep the Administrator advised of
6 the location where such dog will be stationed. The
7 Administrator shall provide police and fire departments with a
8 categorized list of such exempted dogs, and shall promptly
9 notify such departments of any address changes reported to him.

10 (f) For purposes of this Section, all costs of impoundment,
11 disposition, boarding, medical, or other costs related to the
12 determination of vicious dog shall be borne by the owner if the
13 animal is found to be vicious.

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

15 (510 ILCS 5/15.1)

16 Sec. 15.1. Dangerous dog determination.

17 (a) After a thorough investigation including: sending,
18 within 10 ~~3~~ days of the Administrator or Director becoming
19 aware of the alleged infraction, notifications to the owner of
20 the alleged infractions, the fact of the initiation of an
21 investigation, and affording the owner an opportunity to meet
22 with the Administrator or Director prior to the making of a
23 determination; gathering of any medical or veterinary
24 evidence; interviewing witnesses; and making a detailed
25 written report, an animal control warden, deputy
26 administrator, or law enforcement agent may ask the
27 Administrator, or his or her designee, or the Director, to deem
28 a dog to be "dangerous". No dog shall be deemed a "dangerous
29 dog" unless shown to be a dangerous dog by a preponderance of
30 the evidence ~~without clear and convincing evidence~~. The owner
31 shall be sent immediate notification of the determination by
32 registered or certified mail that includes a complete
33 description of the appeal process.

1 (b) A dog may ~~shall~~ not be declared dangerous if the
2 Administrator, or his or her designee, or the Director
3 determines the conduct of the dog was justified because:

4 (1) the threat was sustained by a person who at the
5 time was committing a crime or offense upon the owner or
6 custodian of the dog;

7 (2) the threatened person was tormenting, abusing, or
8 assaulting, ~~or physically threatening~~ the dog or its
9 offspring;

10 (3) the injured, threatened, or killed companion
11 animal was attacking or threatening to attack the dog or
12 its offspring; or

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

16 (c) Testimony of a certified applied behaviorist, a board
17 certified veterinary behaviorist, or another recognized expert
18 may be relevant to the determination of whether the dog's
19 behavior was justified pursuant to the provisions of this
20 Section.

21 (d) If deemed dangerous, the Administrator, or his or her
22 designee, or the Director shall order the dog to be spayed or
23 neutered within 10 ~~14~~ days at the owner's expense and
24 microchipped, if not already, and one or more of the following
25 as deemed appropriate under the circumstances and necessary for
26 the protection of the public:

27 (1) evaluation of the dog by a certified applied
28 behaviorist, a board certified veterinary behaviorist, or
29 another recognized expert in the field and completion of
30 training or other treatment as deemed appropriate by the
31 expert. The owner of the dog shall be responsible for all
32 costs associated with evaluations and training ordered
33 under this subsection; or

34 (2) direct supervision by an adult 18 years of age or

1 older whenever the animal is on public premises.

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

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

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

22 (510 ILCS 5/15.2)

23 Sec. 15.2. Dangerous dogs; leash. It is unlawful for any
24 person to ~~knowingly or recklessly~~ permit any dangerous dog to
25 leave the premises of its owner when not under control by leash
26 or other recognized control methods.

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

28 (510 ILCS 5/19) (from Ch. 8, par. 369)

29 Sec. 19. Reimbursement. Any owner having livestock,
30 poultry, or equidae killed or injured by a dog shall, according
31 to the provisions of this Act and upon filing claim and making
32 proper proof, be entitled to receive reimbursement for such

1 losses from the Animal Control Fund; provided, he or she is a
2 resident of this State and such injury or killing is reported
3 to the Administrator within 24 hours after such injury or
4 killing occurs, and makes affidavit stating the number of such
5 animals or poultry killed or injured, the amount of damages and
6 the owner of the dog causing such killing or injury, if known.

7 The damages referred to in this Section shall be
8 substantiated by the Administrator through prompt
9 investigation and by not less than 2 witnesses. The
10 Administrator shall determine whether the provisions of this
11 Section have been met and shall keep a record in each case of
12 the names of the owners of the animals or poultry, the amount
13 of damages proven, and the number of animals or poultry killed
14 or injured.

15 The Administrator shall file a written report with the
16 County Treasurer as to the right of an owner of livestock,
17 poultry, or equidae to be paid out of the Animal Control Fund,
18 and the amount of such damages claimed.

19 The County Treasurer shall, on the first Monday in March of
20 each calendar year, pay to the owner of the animals or poultry
21 the amount of damages to which he or she is entitled. The
22 county board, by ordinance, shall establish a schedule for
23 damages ~~reflecting the current market value.~~

24 If there are funds in excess of amounts paid for such
25 claims for damage in that portion of the Animal Control Fund
26 set aside for this purpose, this excess shall be used for other
27 costs of the program as set forth in this Act.

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

29 (510 ILCS 5/22.5 new)

30 Sec. 22.5. Reports of animal control facilities.

31 (a) Each animal control facility in the State shall
32 annually report to the Department information required by the
33 Department including, but not limited to, the following:

1 (1) The number of the facility's animal euthanasias
2 during the reporting period.

3 (2) The number of the facility's animal intakes during
4 the reporting period.

5 (3) The number of the facility's spaying or neutering
6 procedures during the reporting period.

7 (4) The number of the facility's animal adoptions
8 during the reporting period.

9 (b) The Department shall annually compile its finding under
10 subsection (a) and report those findings to the Governor and
11 General Assembly.

12 (c) The Department shall adopt rules for the implementation
13 of this Section.

14 (510 ILCS 5/26) (from Ch. 8, par. 376)

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

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

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

32 (1) fails to maintain or keep the dog in an enclosure
33 or fails to spay or neuter the dog or microchip the dog

1 within the time period prescribed; and

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

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

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

15 (c) If the owner of a dangerous dog knowingly fails to
16 comply with any order of the court regarding the dog and the
17 dog inflicts physical injury or serious physical injury on a
18 person or a companion animal, the owner shall be guilty of a
19 Class 4 felony ~~A misdemeanor~~. If the owner of a dangerous dog
20 knowingly fails to comply with any order regarding the dog and
21 the dog kills a person the owner shall be guilty of a Class 3 4
22 felony.

23 (d) If the owner of a dangerous dog fails to comply with an
24 Administrator's order, the dog shall be impounded. The dog may
25 be returned to the owner upon payment of all costs associated
26 with the impoundment and compliance with the order.

27 (e) If the owner of a vicious dog fails to spay or neuter
28 or microchip the dog within the prescribed time period, the dog
29 shall be impounded. The dog may be returned to the owner upon
30 payment of all costs associated with the impoundment and
31 compliance with this Section.

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

33 (510 ILCS 5/2.03a rep.)

1 Section 10. The Animal Control Act is amended by repealing
2 Section 2.03a.

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