



Sen. Don Harmon

Filed: 3/10/2005

09400SB2078sam002

LRB094 11492 JAM 43536 a

1 AMENDMENT TO SENATE BILL 2078

2 AMENDMENT NO. _____. Amend Senate Bill 2078, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Illinois Public Health and Safety Animal Population Control
7 Act.

8 Section 5. Findings. The General Assembly finds the
9 following:

10 (1) Controlling the dog and cat population would have a
11 significant benefit to the public health and safety by
12 aiding in the prevention of dog attacks, reducing the
13 number of dog and cat bite cases involving children, and
14 decreasing the number of automobile accidents caused by
15 stray dogs and cats.

16 (2) Increasing the number of rabies-vaccinated, owned
17 pets in low-income areas will reduce potential threats to
18 public health and safety from rabies.

19 (3) Controlling the dog and cat population will save
20 taxpayer dollars by reducing the number of dogs and cats
21 handled by county and municipal animal control agencies.
22 Targeted low-cost spay or neuter programs for dogs and cats
23 in select Illinois counties and other states have proven to
24 save taxpayers money.

1 (4) This Act is established to provide a variety of
2 means by which population control and rabies vaccinations
3 may be financed.

4 Section 10. Definitions. As used in this Act:

5 "Director" means the Director of Public Health.

6 "Department" means the Department of Public Health.

7 "Companion animal" means any domestic dog (*canis lupus*
8 *familiaris*) or domestic cat (*felis catus*).

9 "Fund" means the Pet Population Control Fund established in
10 this Act.

11 Section 15. Income tax checkoff. Each individual income tax
12 payer may contribute to the Pet Population Control Fund through
13 the income tax checkoff described in Section 507EE of the
14 Illinois Income Tax Act.

15 Section 20. Program established. The Department shall
16 establish and implement an Illinois Public Health and Safety
17 Animal Population Control Program by December 31, 2005. The
18 purpose of this program is to reduce the population of unwanted
19 and stray dogs and cats in Illinois by encouraging the owners
20 of dogs and cats to have them permanently sexually sterilized
21 and vaccinated, thereby reducing potential threats to public
22 health and safety. The program shall begin collecting funds on
23 January 1, 2006 and shall begin distributing funds for
24 vaccinations, spaying and neutering operations, or chemical
25 sterilizations on January 1, 2007. No dog or cat imported from
26 another state is eligible to be sterilized or vaccinated under
27 this program. Beginning June 30, 2007, the Director must make
28 an annual written report relative to the progress of the
29 program to the President of the Senate, the Speaker of the
30 House of Representatives, and the Governor.

1 Section 25. Eligibility to participate. A resident of the
2 State who owns a dog or cat and who is eligible for the Food
3 Stamp Program, the Medicaid Program, or the Disability
4 Insurance Benefits Program shall be eligible to participate in
5 the program at a reduced rate if the owner signs a consent form
6 certifying that he or she is the owner of the dog or cat or is
7 authorized by the owner to present the dog or cat for the
8 procedure. A resident of this State who is managing a feral cat
9 colony and who humanely traps feral cats for spaying or
10 neutering and return is eligible to participate in the program
11 provided the trap, sterilize, and return program is recognized
12 by the municipality or by the county, if it is located in an
13 unincorporated area. The sterilization shall be performed by a
14 voluntarily participating veterinarian or veterinary student
15 under the supervision of a veterinarian. The co-payment for the
16 cat or dog sterilization procedure and vaccinations shall be
17 \$15.

18 Section 30. Veterinarian participation. Any veterinarian
19 may participate in the program established under this Act. A
20 veterinarian shall file with the Director an application, on
21 which the veterinarian must supply, in addition to any other
22 information requested by the Director, a fee schedule listing
23 the fees charged for dog and cat sterilization, examination,
24 and the presurgical immunizations specified in this Act in the
25 normal course of business. The dog or cat sterilization fee may
26 vary with the animal's weight, sex, and species. The Director
27 shall compile the fees and establish reasonable reimbursement
28 rates for the State.

29 The Director shall reimburse, to the extent funds are
30 available, participating veterinarians for each dog or cat
31 sterilization procedure administered. To receive this
32 reimbursement, the veterinarian must submit a dog or cat
33 preauthorization sterilization or vaccination certificate on a

1 form approved by the Director that must be signed by the
2 veterinarian and the owner of the dog or cat or the feral cat
3 caretaker. The Director shall notify all participating
4 veterinarians if the program must be suspended for any period
5 due to a lack of revenue and shall also notify all
6 participating veterinarians when the program will resume.
7 Veterinarians who voluntarily participate in this
8 sterilization and vaccination program may decline to treat
9 feral cats if they choose.

10 For all dogs and cats sterilized under this Act, the
11 Director shall also reimburse, to the extent funds are
12 available, participating veterinarians for (1) an examination
13 fee and the presurgical immunization of dogs against rabies and
14 other diseases pursuant to Department rules or (2) examination
15 fees and the presurgical immunizations of cats against rabies
16 and other diseases pursuant to Department rules. Reimbursement
17 for the full cost of the covered presurgical immunizations
18 shall be made by the Director to the participating veterinarian
19 upon the written certification, signed by the veterinarian and
20 the owner of the companion animal or the feral cat caretaker,
21 that the immunization has been administered. There shall be no
22 additional charges to the owner of a dog or cat sterilized
23 under this Act or feral cat caretaker for examination fees or
24 the presurgical immunizations.

25 Section 35. Rulemaking. The Director shall adopt rules
26 relative to:

27 (1) Other immunizations covered.

28 (2) Format and content of all forms required under this
29 Act.

30 (3) Proof of eligibility.

31 (4) Administration of the Fund.

32 (5) Any other matter necessary for the administration
33 of this Act.

1 Section 40. Enforcement; administrative fine. Any person
2 who knowingly falsifies proof of eligibility for or
3 participation in any program under this Act, knowingly
4 furnishes any licensed veterinarian with inaccurate
5 information concerning the ownership of a dog or cat submitted
6 for a sterilization procedure, or violates any provision of
7 this Act may be subject to an administrative fine not to exceed
8 \$500 for each violation.

9 Section 45. Pet Population Control Fund.

10 (a) The Pet Population Control Fund is established as a
11 special fund in the State treasury. The moneys generated from
12 the fees collected under subsection (b) of this Section, from
13 Section 507EE of the Illinois Income Tax Act, and from
14 voluntary contributions must be kept in the Fund and shall be
15 used only to sterilize and vaccinate dogs and cats in this
16 State pursuant to the program, to promote the sterilization
17 program, to educate the public about the importance of spaying
18 and neutering, for grants to counties and municipalities under
19 the local grant program established under this Section, and for
20 reasonable administrative and personnel costs related to the
21 Fund. Ten percent of the Fund shall be set aside and allocated
22 each year to the University of Illinois Veterinary School Urban
23 Practice Project of the Anthrozoologic Initiative to spay,
24 neuter, and vaccinate animals in underserved areas of Illinois.
25 Twenty percent of the Fund shall be set aside for a local grant
26 program administered by the Department under the rules
27 established by the Department, through which counties and
28 municipalities that offer spaying and neutering services shall
29 receive reimbursement for a portion of their expenses in
30 offering those services.

31 (b) Beginning January 1, 2006, each time a rabies tag is
32 issued by a veterinarian or county, the collecting entity

1 established by county ordinance shall collect a \$3 public
2 safety fee on each vaccinated dog and cat required to be
3 registered under the Animal Control Act. The fees shall be
4 remitted for the Department for deposit in the Fund on a
5 quarterly basis. Feral cats are exempt from the requirement of
6 this subsection (b).

7 Section 905. The State Finance Act is amended by changing
8 Section 8h and by adding Section 5.640 as follows:

9 (30 ILCS 105/5.640 new)

10 Sec. 5.640. Pet Population Control Fund.

11 (30 ILCS 105/8h)

12 Sec. 8h. Transfers to General Revenue Fund.

13 (a) Except as provided in subsection (b), notwithstanding
14 any other State law to the contrary, the Governor may, through
15 June 30, 2007, from time to time direct the State Treasurer and
16 Comptroller to transfer a specified sum from any fund held by
17 the State Treasurer to the General Revenue Fund in order to
18 help defray the State's operating costs for the fiscal year.
19 The total transfer under this Section from any fund in any
20 fiscal year shall not exceed the lesser of (i) 8% of the
21 revenues to be deposited into the fund during that fiscal year
22 or (ii) an amount that leaves a remaining fund balance of 25%
23 of the July 1 fund balance of that fiscal year. In fiscal year
24 2005 only, prior to calculating the July 1, 2004 final
25 balances, the Governor may calculate and direct the State
26 Treasurer with the Comptroller to transfer additional amounts
27 determined by applying the formula authorized in Public Act
28 93-839 to the funds balances on July 1, 2003. No transfer may
29 be made from a fund under this Section that would have the
30 effect of reducing the available balance in the fund to an
31 amount less than the amount remaining unexpended and unreserved

1 from the total appropriation from that fund estimated to be
2 expended for that fiscal year. This Section does not apply to
3 any funds that are restricted by federal law to a specific use,
4 to any funds in the Motor Fuel Tax Fund, the Hospital Provider
5 Fund, the Medicaid Provider Relief Fund, or the Reviewing Court
6 Alternative Dispute Resolution Fund, or to any funds to which
7 subsection (f) of Section 20-40 of the Nursing and Advanced
8 Practice Nursing Act applies. No transfers may be made under
9 this Section from the Pet Population Control Fund.

10 Notwithstanding any other provision of this Section, for fiscal
11 year 2004, the total transfer under this Section from the Road
12 Fund or the State Construction Account Fund shall not exceed
13 the lesser of (i) 5% of the revenues to be deposited into the
14 fund during that fiscal year or (ii) 25% of the beginning
15 balance in the fund. For fiscal year 2005 through fiscal year
16 2007, no amounts may be transferred under this Section from the
17 Road Fund, the State Construction Account Fund, the Criminal
18 Justice Information Systems Trust Fund, the Wireless Service
19 Emergency Fund, or the Mandatory Arbitration Fund.

20 In determining the available balance in a fund, the
21 Governor may include receipts, transfers into the fund, and
22 other resources anticipated to be available in the fund in that
23 fiscal year.

24 The State Treasurer and Comptroller shall transfer the
25 amounts designated under this Section as soon as may be
26 practicable after receiving the direction to transfer from the
27 Governor.

28 (b) This Section does not apply to any fund established
29 under the Community Senior Services and Resources Act.

30 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
31 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
32 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
33 1-15-05.)

1 Section 910. The Illinois Income Tax Act is amended by
2 adding Section 507EE as follows:

3 (35 ILCS 5/507EE new)

4 Sec. 507EE. Pet Population Control Fund checkoff. The
5 Department must print on its standard individual income tax
6 form a provision indicating that if the taxpayer wishes to
7 contribute to the Pet Population Control Fund, as established
8 in the Illinois Public Health and Safety Animal Population
9 Control Act, he or she may do so by stating the amount of the
10 contribution (not less than \$1) on the return and that the
11 contribution will reduce the taxpayer's refund or increase the
12 amount of payment to accompany the return. Failure to remit any
13 amount of increased payment reduces the contribution
14 accordingly. This Section does not apply to any amended return.

15 The Department of Revenue shall determine annually the
16 total amount contributed to the Fund pursuant to this Section
17 and shall notify the State Comptroller and the State Treasurer
18 of the amount to be transferred to the Pet Population Control
19 Fund, and upon receipt of the notification the State
20 Comptroller shall transfer the amount.

21 Section 915. The Animal Control Act is amended by changing
22 Sections 2.04a, 2.05a, 2.11a, 2.11b, 2.16, 2.19a, 3, 5, 8, 9,
23 10, 11, 13, 15, 15.1, and 26 and by adding Sections 30 and 35 as
24 follows:

25 (510 ILCS 5/2.04a)

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

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

29 (510 ILCS 5/2.05a)

30 Sec. 2.05a. "Dangerous dog" means any individual dog

1 anywhere other than upon the property of the owner or custodian
2 of the dog and ~~when~~ unmuzzled, unleashed, or unattended by its
3 owner or custodian that behaves in a manner that a reasonable
4 person would believe poses a serious and unjustified imminent
5 threat of serious physical injury or death to a person or a
6 companion animal ~~in a public place~~.

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

8 (510 ILCS 5/2.11a)

9 Sec. 2.11a. "Enclosure" means a fence or structure of at
10 least 6 feet in height, forming or causing an enclosure
11 suitable to prevent the entry of young children, and suitable
12 to confine a vicious dog in conjunction with other measures
13 that may be taken by the owner or keeper, such as tethering of
14 the vicious dog within the enclosure. The enclosure shall be
15 securely enclosed and locked and designed with secure sides,
16 top, and bottom and shall be designed to prevent the animal
17 from escaping from the enclosure. If the enclosure is a room
18 within a residence, it cannot have direct ingress from or
19 egress to the outdoors unless it leads directly to an enclosed
20 pen and the door must be locked. A vicious dog may be allowed
21 to move about freely within the entire residence if it is
22 muzzled at all times.

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

24 (510 ILCS 5/2.11b)

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

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

31 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

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

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

8 (510 ILCS 5/2.19a)

9 Sec. 2.19a. "Serious physical injury" means a physical
10 injury that creates a substantial risk of death or that causes
11 death, serious ~~or protracted~~ disfigurement, ~~protracted~~
12 impairment of health, impairment of the function of any bodily
13 organ, or plastic surgery.

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

15 (510 ILCS 5/3) (from Ch. 8, par. 353)

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

26 The Board shall provide necessary personnel, training,
27 equipment, supplies, and facilities, and shall operate pounds
28 or contract for their operation as necessary to effectuate the
29 program. The Board may enter into contracts or agreements with
30 persons to assist in the operation of the program.

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

1 The Board is authorized by ordinance to require the
2 registration and may require microchipping of dogs and cats.
3 ~~and The Board shall impose an individual dog or cat animal and~~
4 ~~litter~~ registration fee to be deposited in a county animal
5 control fund. In addition to the rabies registration fee,
6 pursuant to the Illinois Public Health and Safety Animal
7 Population Control Act, a \$3 public safety fee on each dog or
8 cat shall be collected and forwarded quarterly to the
9 Department of Public Health for deposit in the Pet Population
10 Control Fund. All persons selling dogs or cats or keeping
11 registries of dogs or cats shall cooperate and provide
12 information to the Administrator as required by Board
13 ordinance, including sales, number of litters, and ownership of
14 dogs and cats. If microchips are required, the microchip number
15 may ~~shall~~ serve as the county animal control registration
16 number. ~~All microchips shall have an operating frequency of 125~~
17 ~~kilohertz.~~

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

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

28 This Section does not apply to farm dogs or feral cats. As
29 used in this Section, "farm dog" means a dog that resides on
30 property of a farming business.

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

32 (510 ILCS 5/5) (from Ch. 8, par. 355)

33 Sec. 5. Duties and powers.

1 (a) It shall be the duty of the Administrator or the Deputy
2 Administrator, through sterilization, humane education, rabies
3 inoculation, stray control, impoundment, quarantine, and any
4 other means deemed necessary, to control and prevent the spread
5 of rabies and to exercise dog and cat overpopulation control.
6 It shall also be the duty of the Administrator to investigate
7 and substantiate all claims made under Section 19 of this Act.

8 (b) Counties may by ordinance determine the extent of the
9 police powers that may be exercised by the Administrator,
10 Deputy Administrators, and Animal Control Wardens, which
11 powers shall pertain only to this Act. The Administrator,
12 Deputy Administrators, and Animal Control Wardens may issue and
13 serve citations and orders for violations of this Act. The
14 Administrator, Deputy Administrators, and Animal Control
15 Wardens may not carry weapons unless they have been
16 specifically authorized to carry weapons by county ordinance.
17 Animal Control Wardens, however, may use tranquilizer guns and
18 other nonlethal weapons and equipment without specific weapons
19 authorization.

20 A person authorized to carry firearms by county ordinance
21 under this subsection must have completed the training course
22 for peace officers prescribed in the Peace Officer Firearm
23 Training Act. The cost of this training shall be paid by the
24 county.

25 (c) The sheriff and all sheriff's deputies and municipal
26 police officers shall cooperate with the Administrator and his
27 or her representatives in carrying out the provisions of this
28 Act.

29 (d) The Administrator and animal control wardens shall aid
30 in the enforcement of the Humane Care for Animals Act and have
31 the ability to impound animals and apply for security posting
32 for violation of that Act.

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

1 (510 ILCS 5/8) (from Ch. 8, par. 358)

2 Sec. 8. Every owner of a dog or cat 4 months or more of age
3 shall have each dog and cat inoculated against rabies by a
4 licensed veterinarian. Every dog and cat shall have a second
5 rabies vaccination within one year of the first. Terms of
6 subsequent vaccine administration and duration of immunity
7 must be in compliance with USDA licenses of vaccines used.
8 Evidence of such rabies inoculation shall be entered on a
9 certificate the form of which shall be approved by the Board
10 and which shall contain the microchip number of the animal if
11 it has one and which shall be signed by the licensed
12 veterinarian administering the vaccine. Veterinarians who
13 inoculate a dog or cat shall procure from the County Animal
14 Control in the county where their office is located serially
15 numbered tags, one to be issued with each inoculation
16 certificate. Only one dog or cat shall be included on each
17 certificate. The veterinarian immunizing or microchipping an
18 animal shall provide the Administrator of the county in which
19 the animal resides with a certificate of immunization and
20 microchip number. The Board shall cause a rabies inoculation
21 tag to be issued, at a fee established by the Board for each
22 dog and cat inoculated against rabies. A \$3 public safety fee
23 shall also be collected to be deposited in the Pet Population
24 Control Fund pursuant to the Illinois Public Health and Safety
25 Animal Population Control Act.

26 Rabies vaccine for use on animals shall be sold or
27 distributed only to and used only by licensed veterinarians.
28 Such rabies vaccine shall be licensed by the United States
29 Department of Agriculture.

30 This Section does not apply to feral cats.

31 If a licensed veterinarian determines in writing that a
32 rabies inoculation would compromise a dog's or cat's health,
33 then the animal shall be exempt from the rabies shot
34 requirement, but the owner must still be responsible for the

1 fees.

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

3 (510 ILCS 5/9) (from Ch. 8, par. 359)

4 Sec. 9. Any dog found running at large contrary to
5 provisions of this Act may be apprehended and impounded. For
6 this purpose, the Administrator shall utilize any existing or
7 available animal control facility or licensed animal shelter.

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

9 (510 ILCS 5/10) (from Ch. 8, par. 360)

10 Sec. 10. Impoundment; redemption. When dogs or cats are
11 apprehended and impounded ~~by the Administrator~~, they must be
12 scanned for the presence of a microchip. The Administrator
13 shall make every reasonable attempt to contact the owner as
14 defined by Section 2.16 as soon as possible. The Administrator
15 shall give notice of not less than 7 business days to the owner
16 prior to disposal of the animal. Such notice shall be mailed to
17 the last known address of the owner. Testimony of the
18 Administrator, or his or her authorized agent, who mails such
19 notice shall be evidence of the receipt of such notice by the
20 owner of the animal.

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

24 a. Presenting ~~present~~ proof of current rabies
25 inoculation~~,~~ and registration, if applicable.~~,~~~~or~~

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

28 c. Paying ~~pay~~ the pound for the board of the dog or cat
29 for the period it was impounded.~~,~~

30 d. Paying ~~pay~~ into the Animal Control Fund an
31 additional impoundment fee as prescribed by the Board as a
32 penalty for the first offense and for each subsequent

1 offense. ~~and~~

2 e. Paying pay for microchipping and registration if not
3 already done.

4 ~~Animal control facilities that are open to the public 7~~
5 ~~days per week for animal reclamation are exempt from the~~
6 ~~business day requirement.~~

7 The payments required for redemption under this Section
8 shall be in addition to any other penalties invoked under this
9 Act.

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

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

12 Sec. 11. When not redeemed by the owner, agent, or
13 caretaker, a dog or cat must be scanned for a microchip. If a
14 microchip is present, the registered owner must be notified.
15 After contact has been made or attempted, dogs or cats deemed
16 adoptable by the animal control facility shall be offered for
17 adoption, or made available to a licensed humane society or
18 rescue group. If no placement is available, it that has been
19 ~~impounded~~ shall be humanely dispatched pursuant to the Humane
20 Euthanasia in Animal Shelters Act ~~or offered for adoption.~~ An
21 animal pound or animal shelter shall not release any dog or cat
22 when not redeemed by the owner unless the animal has been
23 ~~surgically~~ rendered incapable of reproduction ~~by spaying or~~
24 ~~neutering~~ and microchipped, or the person wishing to adopt an
25 animal prior to the surgical procedures having been performed
26 shall have executed a written agreement promising to have such
27 service performed, including microchipping, within a specified
28 period of time not to exceed 30 days. Failure to fulfill the
29 terms of the agreement shall result in seizure and impoundment
30 of the animal and any offspring by the animal pound or shelter,
31 and any monies which have been deposited shall be forfeited and
32 submitted to the Pet Population Control Fund on a yearly basis.

33 This Act shall not prevent humane societies from engaging in

1 activities set forth by their charters; provided, they are not
2 inconsistent with provisions of this Act and other existing
3 laws. No animal shelter or animal control facility shall
4 release dogs or cats to an individual representing a rescue
5 group, unless the group has been licensed or has a foster care
6 permit issued by the Illinois Department of Agriculture or is a
7 representative of ~~incorporated as~~ a not-for-profit
8 out-of-state organization. The Department may suspend or
9 revoke the license of any animal shelter or animal control
10 facility that fails to comply with the requirements set forth
11 in this Section or that fails to report its intake and
12 euthanasia statistics each year.

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

14 (510 ILCS 5/13) (from Ch. 8, par. 363)

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

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

1 Administrator is not a veterinarian, the Deputy Administrator
2 shall notify the attending physician or responsible health
3 agency. At the end of the confinement period, the veterinarian
4 shall submit a written report to the Administrator or, if the
5 Administrator is not a veterinarian, the Deputy Administrator
6 advising him or her of the final disposition of the animal on
7 appropriate forms approved by the Department. When evidence is
8 presented that the animal was inoculated against rabies within
9 the time prescribed by law, it shall be confined in a house, or
10 in a manner which will prohibit it from biting any person for a
11 period of 10 days, if a licensed veterinarian adjudges such
12 confinement satisfactory. The Department may permit such
13 confinement to be reduced to a period of less than 10 days. At
14 the end of the confinement period, the animal shall be examined
15 by a licensed veterinarian.

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

33 (b) When a person has been bitten by a police dog that is
34 currently vaccinated against rabies, the police dog may

1 continue to perform its duties for the peace officer or law
2 enforcement agency and any period of observation of the police
3 dog may be under the supervision of a peace officer. The
4 supervision shall consist of the dog being locked in a kennel,
5 performing its official duties in a police vehicle, or
6 remaining under the constant supervision of its police handler.
7 (Source: P.A. 93-548, eff. 8-19-03.)

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

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

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

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

1 willful trespass or other tort upon the premises or
2 property owned or occupied by the owner of the animal ~~upon~~
3 ~~the property of the owner or custodian of the dog;~~

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

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

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

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

18 If a dog is found to be a vicious dog, the dog shall be
19 spayed or neutered within 10 days of the finding at the expense
20 of its owner and microchipped, if not already, and is subject
21 to enclosure. If an owner fails to comply with these
22 requirements, the animal control agency shall impound the dog
23 and the owner shall pay a \$500 fine plus impoundment fees to
24 the animal control agency impounding the dog. The judge has the
25 discretion to order a vicious dog be euthanized. A dog found to
26 be a vicious dog shall not be released to the owner until the
27 Administrator, an Animal Control Warden, or the Director
28 approves the enclosure. No owner or keeper of a vicious dog
29 shall sell or give away the dog without ~~court~~ approval from the
30 Administrator or court. Whenever an owner of a vicious dog
31 relocates, he or she shall notify both the Administrator of
32 County Animal Control where he or she has relocated and the
33 Administrator of County Animal Control where he or she formerly
34 resided.

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

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

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

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

24 Guide dogs for the blind or hearing impaired, support dogs
25 for the physically handicapped, and sentry, guard, or
26 police-owned dogs are exempt from this Section; provided, an
27 attack or injury to a person occurs while the dog is performing
28 duties as expected. To qualify for exemption under this
29 Section, each such dog shall be currently inoculated against
30 rabies in accordance with Section 8 of this Act. It shall be
31 the duty of the owner of such exempted dog to notify the
32 Administrator of changes of address. In the case of a sentry or
33 guard dog, the owner shall keep the Administrator advised of
34 the location where such dog will be stationed. The

1 Administrator shall provide police and fire departments with a
2 categorized list of such exempted dogs, and shall promptly
3 notify such departments of any address changes reported to him.

4 (c) If the animal control agency has custody of the dog,
5 the agency may file a petition with the court requesting that
6 the owner be ordered to post security. The security must be in
7 an amount sufficient to secure payment of all reasonable
8 expenses expected to be incurred by the animal control agency
9 or animal shelter in caring for and providing for the dog
10 pending the determination. Reasonable expenses include, but
11 are not limited to, estimated medical care and boarding of the
12 animal for 30 days. If security has been posted in accordance
13 with this Section, the animal control agency may draw from the
14 security the actual costs incurred by the agency in caring for
15 the dog.

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

20 (e) If the court orders the posting of security, the
21 security must be posted with the clerk of the court within 5
22 business days after the hearing. If the person ordered to post
23 security does not do so, the dog is forfeited by operation of
24 law and the animal control agency must dispose of the animal
25 through adoption or humane euthanization.

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

27 (510 ILCS 5/15.1)

28 Sec. 15.1. Dangerous dog determination.

29 (a) After a thorough investigation including: sending,
30 within 10 business & days of the Administrator or Director
31 becoming aware of the alleged infraction, notifications to the
32 owner of the alleged infractions, the fact of the initiation of
33 an investigation, and affording the owner an opportunity to

1 meet with the Administrator or Director prior to the making of
2 a determination; gathering of any medical or veterinary
3 evidence; interviewing witnesses; and making a detailed
4 written report, an animal control warden, deputy
5 administrator, or law enforcement agent may ask the
6 Administrator, or his or her designee, or the Director, to deem
7 a dog to be "dangerous". No dog shall be deemed a "dangerous
8 dog" unless shown to be a dangerous dog by a preponderance of
9 evidence ~~without clear and convincing evidence~~. The owner shall
10 be sent immediate notification of the determination by
11 registered or certified mail that includes a complete
12 description of the appeal process.

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

16 (1) the threat was sustained by a person who at the
17 time was committing a crime or offense upon the owner or
18 custodian of the dog or was committing a willful trespass
19 or other tort upon the premises or property occupied by the
20 owner of the animal;

21 (2) the threatened person was ~~tormenting~~, abusing,
22 assaulting, or physically threatening the dog or its
23 offspring;

24 (3) the injured, threatened, or killed companion
25 animal was attacking or threatening to attack the dog or
26 its offspring; or

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

30 (c) Testimony of a certified applied behaviorist, a board
31 certified veterinary behaviorist, or another recognized expert
32 may be relevant to the determination of whether the dog's
33 behavior was justified pursuant to the provisions of this
34 Section.

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

7 (1) evaluation of the dog by a certified applied
8 behaviorist, a board certified veterinary behaviorist, or
9 another recognized expert in the field and completion of
10 training or other treatment as deemed appropriate by the
11 expert. The owner of the dog shall be responsible for all
12 costs associated with evaluations and training ordered
13 under this subsection; or

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

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

20 (f) Guide dogs for the blind or hearing impaired, support
21 dogs for the physically handicapped, and sentry, guard, or
22 police-owned dogs are exempt from this Section; provided, an
23 attack or injury to a person occurs while the dog is performing
24 duties as expected. To qualify for exemption under this
25 Section, each such dog shall be currently inoculated against
26 rabies in accordance with Section 8 of this Act and performing
27 duties as expected. It shall be the duty of the owner of the
28 exempted dog to notify the Administrator of changes of address.
29 In the case of a sentry or guard dog, the owner shall keep the
30 Administrator advised of the location where such dog will be
31 stationed. The Administrator shall provide police and fire
32 departments with a categorized list of the exempted dogs, and
33 shall promptly notify the departments of any address changes
34 reported to him or her.

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

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

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

6 Sec. 26. (a) Any person violating or aiding in or abetting
7 the violation of any provision of this Act, or counterfeiting
8 or forging any certificate, permit, or tag, or making any
9 misrepresentation in regard to any matter prescribed by this
10 Act, or resisting, obstructing, or impeding the Administrator
11 or any authorized officer in enforcing this Act, or refusing to
12 produce for inoculation any dog in his possession, or who
13 removes a tag from a dog for purposes of destroying or
14 concealing its identity, is guilty of a Class C misdemeanor for
15 a first offense and for a subsequent offense, is guilty of a
16 Class B misdemeanor.

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

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

23 (1) fails to maintain or keep the dog in an enclosure
24 or fails to spay or neuter the dog within the time period
25 prescribed; and

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

28 (3) the attack is unprovoked in a place where such
29 person is peaceably conducting himself or herself and where
30 such person may lawfully be;

31 the owner shall be guilty of a Class 4 felony, unless the owner
32 knowingly allowed the dog to run at large or failed to take
33 steps to keep the dog in an enclosure then the owner shall be

1 guilty of a Class 3 felony. The penalty provided in this
2 paragraph shall be in addition to any other criminal or civil
3 sanction provided by law.

4 (c) If the owner of a dangerous dog knowingly fails to
5 comply with any order ~~of the court~~ regarding the dog and the
6 dog inflicts serious physical injury on a person or a companion
7 animal, the owner shall be guilty of a Class A misdemeanor. If
8 the owner of a dangerous dog knowingly fails to comply with any
9 order regarding the dog and the dog kills a person the owner
10 shall be guilty of a Class 4 felony.

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

12 (510 ILCS 5/30 new)

13 Sec. 30. Rules. The Department shall administer this Act
14 and shall promulgate rules necessary to effectuate the purposes
15 of this Act. The Director may, in formulating rules pursuant to
16 this Act, seek the advice and recommendations of humane
17 societies and societies for the protection of animals.

18 (510 ILCS 5/35 new)

19 Sec. 35. Liability.

20 (a) Any municipality or political subdivision allowing
21 feral cat colonies and trap, sterilize, and return programs to
22 help control cat overpopulation shall be immune from criminal
23 liability and shall not be civilly liable, except for willful
24 and wanton misconduct, for damages that may result from a feral
25 cat. Any municipality or political subdivision allowing dog
26 parks shall be immune from criminal liability and shall not be
27 civilly liable, except for willful and wanton misconduct, for
28 damages that may result from occurrences in the dog park.

29 (b) Any veterinarian or animal shelter who in good faith
30 contacts the registered owner of a microchipped animal shall be
31 immune from criminal liability and shall not, as a result of
32 his or her acts or omissions, except for willful and wanton

1 misconduct, be liable for civil damages.

2 (c) Any veterinarian who sterilizes feral cats and any
3 feral cat caretaker who traps cats for a trap, sterilize, and
4 return program shall be immune from criminal liability and
5 shall not, as a result of his or her acts or omissions, except
6 for willful and wanton misconduct, be liable for civil damages.

7 (d) Any animal shelter worker who microchips an animal
8 shall be immune from criminal liability and shall not, as a
9 result of his or her acts or omissions, except for willful and
10 wanton misconduct, be liable for civil damages.

11 Section 995. The State Mandates Act is amended by adding
12 Section 8.29 as follows:

13 (30 ILCS 805/8.29 new)

14 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
15 of this Act, no reimbursement by the State is required for the
16 implementation of any mandate created by this amendatory Act of
17 the 94th General Assembly.

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.".