



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5689

Introduced 2/9/2010, by Rep. John D. Cavaletto

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Creates the Pet Overpopulation Control Fund. Prohibits certain transfers from the Pet Overpopulation Control Fund (rather than the Pet Population Control Fund). Repeals the Pet Population Control Fund. Amends the State Mandates Act to require implementation without reimbursement. Amends the Illinois Income Tax Act. Repeals the Pet Population Control Fund income tax checkoff. Amends the Animal Control Act. Requires certain fines and fees to be deposited into county animal control funds rather than the Pet Population Control Fund. Deletes a provision requiring animal control agencies to assist and share certain information with the Director of Public Health. Makes other technical changes. Amends the Illinois Public Health and Safety Animal Population Control Act to provide reimbursement only for certain claims made through June 30, 2010. Repeals the Pet Population Control Fund. Repeals the Act on July 1, 2010. Amends the Illinois Vehicle Code. Provides that certain portions of the pet friendly license plate registration and renewal fee must be paid into the Pet Overpopulation Control Fund rather than the Pet Population Control Fund. Requires all moneys in the Pet Overpopulation Control Fund to be paid, subject to appropriation by the General Assembly and approval by the Director of Agriculture, as grants to certain humane societies for the humane sterilization of dogs and cats in the State. Requires the Director of Agriculture, when approving these grants, to consider the recommendations of a volunteer board appointed by the Director of Agriculture and consisting of 5 Illinois residents who are officers or directors of humane societies operating in different regions in Illinois. Effective immediately.

LRB096 15998 JDS 31243 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning animals.

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

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.755 and changing Section 8h as follows:

6 (30 ILCS 105/5.755 new)

7 Sec. 5.755. The Pet Overpopulation Control Fund.

8 (30 ILCS 105/8h)

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

10 (a) Except as otherwise provided in this Section and  
11 Section 8n of this Act, and notwithstanding any other State law  
12 to the contrary, the Governor may, through June 30, 2007, from  
13 time to time direct the State Treasurer and Comptroller to  
14 transfer a specified sum from any fund held by the State  
15 Treasurer to the General Revenue Fund in order to help defray  
16 the State's operating costs for the fiscal year. The total  
17 transfer under this Section from any fund in any fiscal year  
18 shall not exceed the lesser of (i) 8% of the revenues to be  
19 deposited into the fund during that fiscal year or (ii) an  
20 amount that leaves a remaining fund balance of 25% of the July  
21 1 fund balance of that fiscal year. In fiscal year 2005 only,  
22 prior to calculating the July 1, 2004 final balances, the

1 Governor may calculate and direct the State Treasurer with the  
2 Comptroller to transfer additional amounts determined by  
3 applying the formula authorized in Public Act 93-839 to the  
4 funds balances on July 1, 2003. No transfer may be made from a  
5 fund under this Section that would have the effect of reducing  
6 the available balance in the fund to an amount less than the  
7 amount remaining unexpended and unreserved from the total  
8 appropriation from that fund estimated to be expended for that  
9 fiscal year. This Section does not apply to any funds that are  
10 restricted by federal law to a specific use, to any funds in  
11 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the  
12 Hospital Provider Fund, the Medicaid Provider Relief Fund, the  
13 Teacher Health Insurance Security Fund, the Voters' Guide Fund,  
14 the Foreign Language Interpreter Fund, the Lawyers' Assistance  
15 Program Fund, the Supreme Court Federal Projects Fund, the  
16 Supreme Court Special State Projects Fund, the Supplemental  
17 Low-Income Energy Assistance Fund, the Good Samaritan Energy  
18 Trust Fund, the Low-Level Radioactive Waste Facility  
19 Development and Operation Fund, the Horse Racing Equity Trust  
20 Fund, the Metabolic Screening and Treatment Fund, or the  
21 Hospital Basic Services Preservation Fund, or to any funds to  
22 which Section 70-50 of the Nurse Practice Act applies. No  
23 transfers may be made under this Section from the Pet  
24 Overpopulation ~~Population~~ Control Fund. Notwithstanding any  
25 other provision of this Section, for fiscal year 2004, the  
26 total transfer under this Section from the Road Fund or the

1 State Construction Account Fund shall not exceed the lesser of  
2 (i) 5% of the revenues to be deposited into the fund during  
3 that fiscal year or (ii) 25% of the beginning balance in the  
4 fund. For fiscal year 2005 through fiscal year 2007, no amounts  
5 may be transferred under this Section from the Road Fund, the  
6 State Construction Account Fund, the Criminal Justice  
7 Information Systems Trust Fund, the Wireless Service Emergency  
8 Fund, or the Mandatory Arbitration Fund.

9 In determining the available balance in a fund, the  
10 Governor may include receipts, transfers into the fund, and  
11 other resources anticipated to be available in the fund in that  
12 fiscal year.

13 The State Treasurer and Comptroller shall transfer the  
14 amounts designated under this Section as soon as may be  
15 practicable after receiving the direction to transfer from the  
16 Governor.

17 (a-5) Transfers directed to be made under this Section on  
18 or before February 28, 2006 that are still pending on May 19,  
19 2006 (the effective date of Public Act 94-774) shall be  
20 redirected as provided in Section 8n of this Act.

21 (b) This Section does not apply to: (i) the Ticket For The  
22 Cure Fund; (ii) any fund established under the Community Senior  
23 Services and Resources Act; or (iii) on or after January 1,  
24 2006 (the effective date of Public Act 94-511), the Child Labor  
25 and Day and Temporary Labor Enforcement Fund.

26 (c) This Section does not apply to the Demutualization

1 Trust Fund established under the Uniform Disposition of  
2 Unclaimed Property Act.

3 (d) This Section does not apply to moneys set aside in the  
4 Illinois State Podiatric Disciplinary Fund for podiatric  
5 scholarships and residency programs under the Podiatric  
6 Scholarship and Residency Act.

7 (e) Subsection (a) does not apply to, and no transfer may  
8 be made under this Section from, the Pension Stabilization  
9 Fund.

10 (f) Subsection (a) does not apply to, and no transfer may  
11 be made under this Section from, the Illinois Power Agency  
12 Operations Fund, the Illinois Power Agency Facilities Fund, the  
13 Illinois Power Agency Debt Service Fund, and the Illinois Power  
14 Agency Trust Fund.

15 (g) This Section does not apply to the Veterans Service  
16 Organization Reimbursement Fund.

17 (h) This Section does not apply to the Supreme Court  
18 Historic Preservation Fund.

19 (i) This Section does not apply to, and no transfer may be  
20 made under this Section from, the Money Follows the Person  
21 Budget Transfer Fund.

22 (j) This Section does not apply to the Domestic Violence  
23 Shelter and Service Fund.

24 (k) ~~(j)~~ This Section does not apply to the Illinois  
25 Historic Sites Fund and the Presidential Library and Museum  
26 Operating Fund.

1        (l) ~~(j)~~ This Section does not apply to the Trucking  
2 Environmental and Education Fund.

3        (m) ~~(j)~~ This Section does not apply to the Roadside  
4 Memorial Fund.

5        (n) ~~(j)~~ This Section does not apply to the Department of  
6 Human Rights Special Fund.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-410, eff. 8-24-07;  
8 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639, eff.  
9 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08; 95-876,  
10 eff. 8-21-08; 96-302, eff. 1-1-10; 96-450, eff. 8-14-09;  
11 96-511, eff. 8-14-09; 96-576, eff. 8-18-09; 96-667, eff.  
12 8-25-09; 96-786, eff. 1-1-10; revised 10-6-09.)

13        (30 ILCS 105/5.568 rep.)

14        Section 10. The State Finance Act is amended by repealing  
15 Section 5.568.

16        Section 15. The State Mandates Act is amended by adding  
17 Section 8.34 as follows:

18        (30 ILCS 805/8.34 new)

19        Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
20 of this Act, no reimbursement by the State is required for the  
21 implementation of any mandate created by this amendatory Act of  
22 the 96th General Assembly.

1 (35 ILCS 5/507EE rep.)

2 Section 20. The Illinois Income Tax Act is amended by  
3 repealing Section 507EE.

4 Section 25. The Animal Control Act is amended by changing  
5 Sections 3, 9, 10, 11, 13, 15, and 15.1 as follows:

6 (510 ILCS 5/3) (from Ch. 8, par. 353)

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

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

24 The Board shall be empowered to utilize monies from their

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

2 The Board is authorized by ordinance to require the  
3 registration and may require microchipping of dogs and cats.  
4 The Board shall impose an individual dog or cat registration  
5 fee with a minimum differential of \$10 for intact dogs or cats.  
6 Ten dollars of the differential shall be retained by the county  
7 for deposit into its ~~placed either in a county~~ animal  
8 ~~population control fund, and or in the State's Pet Population~~  
9 ~~Control Fund. If the money is placed in the county animal~~  
10 ~~population control fund it shall be~~ used to (i) spay, neuter,  
11 or sterilize adopted dogs or cats or (ii) spay or neuter dogs  
12 or cats owned by low income county residents who are eligible  
13 for the Food Stamp Program. All persons selling dogs or cats or  
14 keeping registries of dogs or cats shall cooperate and provide  
15 information to the Administrator as required by Board  
16 ordinance, including sales, number of litters, and ownership of  
17 dogs and cats. If microchips are required, the microchip number  
18 may serve as the county animal control registration number.

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

25 The Director shall have power to administer oaths to  
26 witnesses at any hearing which the Department is authorized by



1 law to conduct, and any other oaths required or authorized in  
2 any Act administered by the Department.

3 This Section does not apply to feral cats.

4 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

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

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

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

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

1 (510 ILCS 5/10) (from Ch. 8, par. 360)

2 Sec. 10. Impoundment; redemption. When dogs or cats are  
3 apprehended and impounded, they must be scanned for the  
4 presence of a microchip. The Administrator shall make every  
5 reasonable attempt to contact the owner as defined by Section  
6 2.16 as soon as possible. The Administrator shall give notice  
7 of not less than 7 business days to the owner prior to disposal  
8 of the animal. Such notice shall be mailed to the last known  
9 address of the owner. Testimony of the Administrator, or his or  
10 her authorized agent, who mails such notice shall be evidence  
11 of the receipt of such notice by the owner of the animal.

12 In case the owner of any impounded dog or cat desires to  
13 make redemption thereof, he or she may do so by doing the  
14 following:

15 a. Presenting proof of current rabies inoculation and  
16 registration, if applicable.

17 b. Paying for the rabies inoculation of the dog or cat  
18 and registration, if applicable.

19 c. Paying the pound for the board of the dog or cat for  
20 the period it was impounded.

21 d. Paying into the Animal Control Fund an additional  
22 impoundment fee as prescribed by the Board as a penalty for  
23 the first offense and for each subsequent offense.

24 e. Paying to the county a \$25 public safety fine to be  
25 deposited into the county's animal control fund ~~the Pet~~

1 ~~Population Control Fund~~; the fine shall be waived if it is  
2 the dog's or cat's first impoundment and the owner has the  
3 animal spayed or neutered within 14 days.

4 f. Paying for microchipping and registration if not  
5 already done.

6 The payments required for redemption under this Section  
7 shall be in addition to any other penalties invoked under this  
8 Act ~~and the Illinois Public Health and Safety Animal Population~~  
9 ~~Control Act. An animal control agency shall assist and share~~  
10 ~~information with the Director of Public Health in the~~  
11 ~~collection of public safety fines.~~

12 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

13 (510 ILCS 5/11) (from Ch. 8, par. 361)

14 Sec. 11. Dogs or cats not redeemed. When not redeemed by  
15 the owner, agent, or caretaker, a dog or cat must be scanned  
16 for a microchip. If a microchip is present, the registered  
17 owner must be notified. After contact has been made or  
18 attempted, dogs or cats deemed adoptable by the animal control  
19 facility shall be offered for adoption, or made available to a  
20 licensed humane society or rescue group. If no placement is  
21 available, it shall be humanely dispatched pursuant to the  
22 Humane Euthanasia in Animal Shelters Act. An animal pound or  
23 animal shelter shall not adopt or release any dog or cat to  
24 anyone other than the owner unless the animal has been rendered  
25 incapable of reproduction and microchipped, or the person

1 wishing to adopt an animal prior to the surgical procedures  
2 having been performed shall have executed a written agreement  
3 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 pound or shelter, and any monies that  
8 ~~which~~ have been deposited shall be forfeited and submitted on  
9 an annual basis to the county in which the animal has been  
10 impounded for deposit into its animal control fund ~~Pet~~  
11 ~~Population Control Fund on a yearly basis~~. This Act shall not  
12 prevent humane societies from engaging in activities set forth  
13 by their charters; provided, they are not inconsistent with  
14 provisions of this Act and other existing laws. No animal  
15 shelter or animal control facility shall release dogs or cats  
16 to an individual representing a rescue group, unless the group  
17 has been licensed or has a foster care permit issued by the  
18 Illinois Department of Agriculture or is a representative of a  
19 not-for-profit out-of-state organization. The Department may  
20 suspend or revoke the license of any animal shelter or animal  
21 control facility that fails to comply with the requirements set  
22 forth in this Section or that fails to report its intake and  
23 euthanasia statistics each year.

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

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

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

1 Department. When evidence is presented that the animal was  
2 inoculated against rabies within the time prescribed by law, it  
3 shall be confined in a house, or in a manner which will  
4 prohibit it from biting any person for a period of 10 days, if  
5 a licensed veterinarian adjudges such confinement  
6 satisfactory. The Department may permit such confinement to be  
7 reduced to a period of less than 10 days. At the end of the  
8 confinement 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 promptly notify the Administrator or, if the  
12 Administrator is not a veterinarian, the Deputy Administrator  
13 ~~promptly~~. It is unlawful for the owner of the animal to  
14 euthanize, sell, give away, or otherwise dispose of any animal  
15 known to have bitten a person, until it is released by the  
16 Administrator or, if the Administrator is not a veterinarian,  
17 the Deputy Administrator, or his or her authorized  
18 representative. It is unlawful for the owner of the animal to  
19 refuse or fail to comply with the reasonable written or printed  
20 instructions made by the Administrator or, if the Administrator  
21 is not a veterinarian, the Deputy Administrator, or his  
22 authorized representative. If such instructions cannot be  
23 delivered in person, they shall be mailed to the owner of the  
24 animal by regular mail. Any expense incurred in the handling of  
25 an animal under this Section and Section 12 shall be borne by  
26 the owner. Within 30 days after notice, the ~~The~~ owner of the a

1 biting animal must also remit a \$25 public safety fine to the  
2 county for deposit into its animal control fund ~~Department of~~  
3 ~~Public Health, for deposit into the Pet Population Control~~  
4 ~~Fund, a \$25 public safety fine within 30 days after notice.~~

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

13 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

14 (510 ILCS 5/15) (from Ch. 8, par. 365)

15 Sec. 15. Vicious dog determination.

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

1 county in which the dog exists may file a complaint in the  
2 circuit court in the name of the People of the State of  
3 Illinois to deem a dog to be a vicious dog. Testimony of a  
4 certified applied behaviorist, a board certified veterinary  
5 behaviorist, or another recognized expert may be relevant to  
6 the court's determination of whether the dog's behavior was  
7 justified. The petitioner must prove the dog is a vicious dog  
8 by clear and convincing evidence. The Administrator shall  
9 determine where the animal shall be confined during the  
10 pendency of the case.

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

13 (1) the threat, injury, or death was sustained by a  
14 person who at the time was committing a crime or offense  
15 upon the owner or custodian of the dog, or was committing a  
16 willful trespass or other tort upon the premises or  
17 property owned or occupied by the owner of the animal;

18 (2) the injured, threatened, or killed person was  
19 abusing, assaulting, or physically threatening the dog or  
20 its offspring, or has in the past abused, assaulted, or  
21 physically threatened the dog or its offspring; or

22 (3) the dog was responding to pain or injury, or was  
23 protecting itself, its owner, custodian, or member of its  
24 household, kennel, or offspring.

25 No dog shall be deemed "vicious" if it is a professionally  
26 trained dog for law enforcement or guard duties. Vicious dogs



1 shall not be classified in a manner that is specific as to  
2 breed.

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

5 If a dog is found to be a vicious dog, the owner shall pay a  
6 \$100 public safety fine to the county for deposit into its  
7 animal control fund, and ~~be deposited into the Pet Population~~  
8 ~~Control Fund,~~ the dog shall, if not already, be, within 10 days  
9 after the finding and at the owner's expense, (i) spayed or  
10 neutered, (ii) microchipped, and (iii) within 10 days of the  
11 ~~finding at the expense of its owner and microchipped, if not~~  
12 ~~already, and the dog is~~ subject to enclosure. If an owner fails  
13 to comply with these requirements, the animal control agency  
14 shall impound the dog, and the owner shall pay a \$500 fine plus  
15 impoundment fees to the animal control agency impounding the  
16 dog. The judge may ~~has the discretion to~~ order that a vicious  
17 dog be euthanized. A dog found to be a vicious dog shall not be  
18 released to the owner until the Administrator, an Animal  
19 Control Warden, or the Director approves the enclosure. No  
20 owner or keeper of a vicious dog shall sell or give away the  
21 dog without approval from the Administrator or court. Whenever  
22 an owner of a vicious dog relocates, he or she shall notify  
23 both the Administrator of County Animal Control where he or she  
24 has relocated and the Administrator of County Animal Control  
25 where he or she formerly resided.

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

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

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

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

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

25 Guide dogs for the blind or hearing impaired, support dogs  
26 for the physically handicapped, and sentry, guard, or

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

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

25 (d) Upon receipt of a petition, the court must set a  
26 hearing on the petition, to be conducted within 5 business days

1 after the petition is filed. The petitioner must serve a true  
2 copy of the petition upon the defendant.

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

9 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

10 (510 ILCS 5/15.1)

11 Sec. 15.1. Dangerous dog determination.

12 (a) After a thorough investigation including: sending,  
13 within 10 business days of the Administrator or Director  
14 becoming aware of the alleged infraction, notifications to the  
15 owner of the alleged infractions, the fact of the initiation of  
16 an investigation, and affording the owner an opportunity to  
17 meet with the Administrator or Director prior to the making of  
18 a determination; gathering of any medical or veterinary  
19 evidence; interviewing witnesses; and making a detailed  
20 written report, an animal control warden, deputy  
21 administrator, or law enforcement agent may ask the  
22 Administrator, or his or her designee, or the Director, to deem  
23 a dog to be "dangerous". No dog shall be deemed a "dangerous  
24 dog" unless shown to be a dangerous dog by a preponderance of  
25 evidence. The owner shall be sent immediate notification of the

1 determination by registered or certified mail that includes a  
2 complete description of the appeal process.

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

6 (1) the threat was sustained by a person who at the  
7 time was committing a crime or offense upon the owner or  
8 custodian of the dog or was committing a willful trespass  
9 or other tort upon the premises or property occupied by the  
10 owner of the animal;

11 (2) the threatened person was abusing, assaulting, or  
12 physically threatening the dog or its offspring;

13 (3) the injured, threatened, or killed companion  
14 animal was attacking or threatening to attack the dog or  
15 its offspring; or

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

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

24 (d) If deemed dangerous, the Administrator, or his or her  
25 designee, or the Director shall order (i) the dog's owner to  
26 pay a \$50 public safety fine to the county for deposit into its

1 ~~animal control fund be deposited into the Pet Population~~  
2 ~~Control Fund,~~ (ii) the dog to be, if not already, spayed or  
3 neutered as well as microchipped within 14 days at the owner's  
4 expense ~~and microchipped, if not already,~~ and (iii) one or more  
5 of the following as deemed appropriate under the circumstances  
6 and as necessary for 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

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

9 (g) An animal control agency has the right to impound a  
10 dangerous dog if the owner fails to comply with the  
11 requirements of this Act.

12 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

13 Section 30. The Illinois Public Health and Safety Animal  
14 Population Control Act is amended by changing Sections 25 and  
15 30 as follows:

16 (510 ILCS 92/25)

17 Sec. 25. Eligibility to participate. On or before June 30,  
18 2010, a State A resident ~~of the State~~ who owns a dog or cat and  
19 who is eligible for the Food Stamp Program or the Social  
20 Security Disability Insurance Benefits Program may ~~shall be~~  
21 ~~eligible to~~ participate in the program at a reduced rate if the  
22 owner signs a consent form certifying that he or she is the  
23 owner of the dog or cat or is authorized by the eligible owner  
24 to present the dog or cat for the procedure. An owner must

1 submit proof of eligibility to the Department. Upon approval,  
2 the Department shall furnish an eligible owner with an  
3 eligibility voucher to be presented to a participating  
4 veterinarian. On or before June 30, 2010, a State ~~A~~ resident ~~of~~  
5 ~~this State~~ who is managing a feral cat colony and who humanely  
6 traps feral cats for spaying or neutering and return is  
7 eligible to participate in the program provided the trap,  
8 sterilize, and return program is recognized by the municipality  
9 or by the county, if it is located in an unincorporated area.  
10 The sterilization shall be performed by a voluntarily  
11 participating veterinarian or veterinary student under the  
12 supervision of a veterinarian. The co-payment for the cat or  
13 dog sterilization procedure and vaccinations shall be \$15.

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

15 (510 ILCS 92/30)

16 Sec. 30. Veterinarian participation. On or before June 30,  
17 2010, any ~~Any~~ veterinarian may participate in the program  
18 established under this Act. A veterinarian shall file with the  
19 Director an application, on which the veterinarian must supply,  
20 in addition to any other information requested by the Director,  
21 a fee schedule listing the fees charged for dog and cat  
22 sterilization, examination, and the presurgical immunizations  
23 specified in this Act in the normal course of business. The dog  
24 or cat sterilization fee may vary with the animal's weight,  
25 sex, and species. The Director shall compile the fees and



1 establish reasonable reimbursement rates for the State.

2 For claims made on or before June 30, 2010, the ~~The~~  
3 Director shall reimburse, to the extent funds are available,  
4 participating veterinarians for each dog or cat sterilization  
5 procedure administered. To receive this reimbursement, the  
6 veterinarian must submit a certificate approved by the  
7 Department on a form approved by the Director that must be  
8 signed by the veterinarian and the owner of the dog or cat or  
9 the feral cat caretaker. At the same time, the veterinarian  
10 must submit the eligibility voucher provided by the Department  
11 to the eligible owner. The Director shall notify all  
12 participating veterinarians if the program must be suspended  
13 for any period due to a lack of revenue and shall also notify  
14 all participating veterinarians if ~~when~~ the program resumes  
15 ~~will resume~~. Veterinarians who voluntarily participate in this  
16 sterilization and vaccination program may decline to treat  
17 feral cats if they choose.

18 For all dogs and cats sterilized under this Act, the  
19 Director shall, for claims made on or before June 30, 2010,  
20 also reimburse, to the extent funds are available,  
21 participating veterinarians for (1) an examination fee and the  
22 presurgical immunization of dogs against rabies and other  
23 diseases pursuant to Department rules or (2) examination fees  
24 and the presurgical immunizations of cats against rabies and  
25 other diseases pursuant to Department rules. Reimbursement for  
26 the full cost of the covered presurgical immunizations shall be

1 made by the Director to the participating veterinarian, for  
2 claims made on or before June 30, 2010, upon the written  
3 certification, signed by the veterinarian and the owner of the  
4 companion animal or the feral cat caretaker, that the  
5 immunization has been administered. There shall be no  
6 additional charges to the owner of a dog or cat sterilized  
7 under this Act or feral cat caretaker for examination fees or  
8 the presurgical immunizations.

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

10 (510 ILCS 92/45 rep.)

11 Section 35. The Illinois Public Health and Safety Animal  
12 Population Control Act is amended by repealing Section 45.

13 (510 ILCS 92/Act rep.)

14 Section 40. The Illinois Public Health and Safety Animal  
15 Population Control Act is repealed on July 1, 2010.

16 Section 45. The Illinois Vehicle Code is amended by  
17 changing Section 3-653 as follows:

18 (625 ILCS 5/3-653)

19 Sec. 3-653. Pet Friendly license plates.

20 (a) The Secretary, upon receipt of an application made in  
21 the form prescribed by the Secretary, may issue special  
22 registration plates designated as Pet Friendly license plates.

1 The special plates issued under this Section shall be affixed  
2 only to passenger vehicles of the first division, motor  
3 vehicles of the second division weighing not more than 8,000  
4 pounds, and recreational vehicles as defined in Section 1-169  
5 of this Code. Plates issued under this Section shall expire  
6 according to the multi-year procedure established by Section  
7 3-414.1 of this Code.

8 (b) The design and color of the plates is wholly within the  
9 discretion of the Secretary, except that the phrase "I am pet  
10 friendly" shall be on the plates. The Secretary may allow the  
11 plates to be issued as vanity plates or personalized plates  
12 under Section 3-405.1 of the Code. The Secretary shall  
13 prescribe stickers or decals as provided under Section 3-412 of  
14 this Code.

15 (c) An applicant for the special plate shall be charged a  
16 \$40 fee for original issuance in addition to the appropriate  
17 registration fee. Of this additional fee, \$25 shall be  
18 deposited into the Pet Overpopulation ~~Population~~ Control Fund  
19 and \$15 shall be deposited into the Secretary of State Special  
20 License Plate Fund, to be used by the Secretary to help defray  
21 the administrative processing costs.

22 For each registration renewal period, a \$27 fee, in  
23 addition to the appropriate registration fee, shall be charged.  
24 Of this additional fee, \$25 shall be deposited into the Pet  
25 Overpopulation ~~Population~~ Control Fund and \$2 shall be  
26 deposited into the Secretary of State Special License Plate

1 Fund.

2 (d) The Pet Overpopulation Control Fund is created as a  
3 special fund in the State treasury. All moneys in the Pet  
4 Overpopulation Control Fund shall be paid, subject to  
5 appropriation by the General Assembly and approval by the  
6 Director of Agriculture, as grants to humane societies exempt  
7 from federal income taxation under Section 501(c)(3) of the  
8 Internal Revenue Code to be used solely for the humane  
9 sterilization of dogs and cats in the State of Illinois. In  
10 approving grants under this subsection (d), the Director of  
11 Agriculture shall consider grant recommendations made by a  
12 volunteer board appointed by the Director of Agriculture and  
13 consisting of 5 Illinois residents who are officers or  
14 directors of humane societies operating in different regions in  
15 Illinois.

16 (Source: P.A. 94-639, eff. 8-22-05; 95-331, eff. 8-21-07.)

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

1	INDEX	
2	Statutes amended in order of appearance	
3	30 ILCS 105/5.755 new	
4	30 ILCS 105/8h	
5	30 ILCS 105/5.568 rep.	
6	30 ILCS 805/8.34 new	
7	35 ILCS 5/507EE rep.	
8	510 ILCS 5/3	from Ch. 8, par. 353
9	510 ILCS 5/9	from Ch. 8, par. 359
10	510 ILCS 5/10	from Ch. 8, par. 360
11	510 ILCS 5/11	from Ch. 8, par. 361
12	510 ILCS 5/13	from Ch. 8, par. 363
13	510 ILCS 5/15	from Ch. 8, par. 365
14	510 ILCS 5/15.1	
15	510 ILCS 92/25	
16	510 ILCS 92/30	
17	510 ILCS 92/45 rep.	
18	510 ILCS 92/Act rep.	
19	625 ILCS 5/3-653	