



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB6854**

Introduced 4/22/2010, by Rep. Lisa M. Dugan

#### SYNOPSIS AS INTRODUCED:

225 ILCS 605/5  
225 ILCS 605/10

from Ch. 8, par. 305  
from Ch. 8, par. 310

Amends the Animal Welfare Act. Removes a provision that a felony conviction may not operate as a bar to licensing under the Act. Adds as a grounds for discipline conviction of any crime related to the disposition of dogs, cats, or other animals, or violation of any rule or regulation of the Department related to dogs or cats and their sale.

LRB096 22062 ASK 40485 b

1 AN ACT concerning regulation.

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

4 Section 5. The Animal Welfare Act is amended by changing  
5 Sections 5 and 10 as follows:

6 (225 ILCS 605/5) (from Ch. 8, par. 305)

7 Sec. 5. Applications by individuals for original licenses  
8 shall be made to the Department, shall be in writing on forms  
9 prescribed by the Department and shall be accompanied by the  
10 required fee, which shall not be returnable. Any such  
11 application shall require such information as in the judgment  
12 of the Department will enable the Department to pass on the  
13 qualifications of the applicant for a license. It shall  
14 include, but need not be limited to information concerning age,  
15 citizenship, present residence, location of the business  
16 licensed under this Act, including the location of all foster  
17 homes, description of facilities to be used, present and  
18 previous business connections and experience, bank and  
19 professional references, whether any license of the applicant  
20 under this Act or any federal, state, county or local law,  
21 ordinance or regulation, relating to dealing in or handling  
22 dogs or cats, ever was suspended or revoked and whether the  
23 applicant ever has been convicted of a felony. Such felony

1 conviction may be taken into consideration by the Department in  
2 determining qualifications for licensing ~~but shall not operate~~  
3 ~~as a bar to licensing.~~

4 (Source: P.A. 89-178, eff. 7-19-95.)

5 (225 ILCS 605/10) (from Ch. 8, par. 310)

6 Sec. 10. Grounds for discipline. The Department may refuse  
7 to issue or renew or may suspend or revoke a license on any one  
8 or more of the following grounds:

9 a. Material misstatement in the application for original  
10 license or in the application for any renewal license under  
11 this Act;

12 b. A violation of this Act or of any regulations or rules  
13 issued pursuant thereto;

14 c. Aiding or abetting another in the violation of this Act  
15 or of any regulation or rule issued pursuant thereto;

16 d. Allowing one's license under this Act to be used by an  
17 unlicensed person;

18 e. Conviction of any crime an essential element of which is  
19 misstatement, fraud or dishonesty or conviction of any felony,  
20 if the Department determines, after investigation, that such  
21 person has not been sufficiently rehabilitated to warrant the  
22 public trust;

23 f. Conviction of a violation of any law of Illinois except  
24 minor violations such as traffic violations ~~and violations not~~  
25 ~~related to the disposition of dogs, cats and other animals or~~

1 ~~any rule or regulation of the Department relating to dogs or~~  
2 ~~eats and sale thereof;~~

3 g. Making substantial misrepresentations or false promises  
4 of a character likely to influence, persuade or induce in  
5 connection with the business of a licensee under this Act;

6 h. Pursuing a continued course of misrepresentation of or  
7 making false promises through advertising, salesman, agents or  
8 otherwise in connection with the business of a licensee under  
9 this Act;

10 i. Failure to possess the necessary qualifications or to  
11 meet the requirements of the Act for the issuance or holding a  
12 license; ~~or~~

13 j. Proof that the licensee is guilty of gross negligence,  
14 incompetency, or cruelty with regard to animals; or ~~or~~

15 k. Conviction of any crime related to the disposition of  
16 dogs, cats, or other animals, or violation of any rule or  
17 regulation of the Department related to dogs or cats and their  
18 sale.

19 The Department may refuse to issue or may suspend the  
20 license of any person who fails to file a return, or to pay the  
21 tax, penalty or interest shown in a filed return, or to pay any  
22 final assessment of tax, penalty or interest, as required by  
23 any tax Act administered by the Illinois Department of Revenue,  
24 until such time as the requirements of any such tax Act are  
25 satisfied.

26 The Department may order any licensee to cease operation

1 for a period not to exceed 72 hours to correct deficiencies in  
2 order to meet licensing requirements.

3 (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;  
4 90-403, eff. 8-15-97.)