



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6857

Introduced 4/27/2010, by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

510 ILCS 70/3.035 new

Amends the Humane Care for Animals Act. Provides that a dog may be tethered outdoors only if certain requirements are met. Provides that, even if those requirements are met, "it is unlawful to tether a dog outdoors between the hours of 10 pm and 6 am; except that a dog of any age may be temporarily tethered, tied, or chained outdoors for a time period not exceeding 15 minutes or a dog may be tethered if it has access to adequate shelter and protection from the weather". Provides that this prohibition shall not apply to certain classes of activities. Provides that a person convicted of violating this prohibition is guilty of a Class B misdemeanor and that a second or subsequent violation is a Class 4 felony with every day that a violation continues constituting a separate offense. Requires the court to order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation, if the convicted person is a juvenile or a companion animal hoarder. Provides that nothing in this prohibition shall be construed to supersede the duties of an owner as otherwise specified in the Act. Defines "tether".

LRB096 22041 JDS 40403 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 Humane Care for Animals Act is amended by  
5 adding Section 3.035 as follows:

6 (510 ILCS 70/3.035 new)

7 Sec. 3.035. Tethering.

8 (a) As used in this Section, "tether" means to restrain a  
9 dog by tying it to any object or structure, including without  
10 limitation a house, tree, fence, post, garage, shed, or clothes  
11 line on the person's residence or business, by any means,  
12 including without limitation a chain, rope, cord, leash, or  
13 running line.

14 (b) A dog may be tethered outdoors only if all of the  
15 following requirements are met:

16 (1) The dog must not suffer from a condition that is  
17 known by the owner and that is exacerbated by being  
18 tethered.

19 (2) If multiple dogs are tethered on the same property,  
20 each dog must be tethered separately. If multiple dogs are  
21 tethered, sufficient space must be placed between the leads  
22 to ensure that the leads do not tangle.

23 (3) The lead must not be made of a tow chain or log

1 chain.

2 (4) The lead must measure 10 feet or longer in length.  
3 For the purposes of calculating length under this Section,  
4 the enforcing agency shall, after determining the total  
5 length of the lead, round remaining fractional portions of  
6 a foot greater than or equal to half of a foot up to the  
7 next whole foot.

8 (5) The lead must be attached to the dog by a properly  
9 fitting harness or collar. The lead must not wrap directly  
10 around the dog's neck. Pinch, prong, or choke-type collars  
11 shall not be used to tether a dog.

12 (6) The length and location of the lead must prevent  
13 the dog from moving outside of its owner's property.

14 (c) Even if all of the requirements of subsection (b) are  
15 met, it shall be unlawful to tether a dog outdoors between the  
16 hours of 10 pm and 6 am; except that a dog of any age may be  
17 temporarily tethered, tied, or chained outdoors for a time  
18 period not exceeding 15 minutes or a dog may be tethered if it  
19 has access to adequate shelter and protection from the weather.

20 (d) Nothing in this Section shall be construed to prohibit  
21 the following:

22 (1) a person from walking a dog with a hand-held leash;

23 (2) conduct that is directly related to the cultivating  
24 of agricultural products, including shepherding or herding  
25 cattle or livestock, if the restraint is reasonably  
26 necessary for the safety of the dog; or

1           (3) tethering of a dog while at an organized and lawful  
2           animal function such as hunting, obedience training, field  
3           and water training, performance and conformation events,  
4           or law enforcement training, or while in the pursuit of  
5           working or competing in those endeavors.

6           (e) A person convicted of violating this Section is guilty  
7           of a Class B misdemeanor. A second or subsequent violation is a  
8           Class 4 felony with every day that a violation continues  
9           constituting a separate offense. If the convicted person is a  
10           juvenile or a companion animal hoarder, the court must order  
11           the convicted person to undergo a psychological or psychiatric  
12           evaluation and to undergo treatment that the court determines  
13           to be appropriate after due consideration of the evaluation.

14           (f) Nothing in this Section shall be construed to supersede  
15           the duties of an owner as enumerated in Section 3.