

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 changing Sections 3.04, 3.05, and 4 as follows:

6 (510 ILCS 70/3.04)

7 Sec. 3.04. Arrests and seizures; penalties.

8 (a) Any law enforcement officer making an arrest for an
9 offense involving one or more companion animals under Section
10 3.01, 3.02, ~~or~~ 3.03, 4.01, or 7.1 of this Act may lawfully take
11 possession of some or all of the companion animals in the
12 possession of the person arrested. The officer, after taking
13 possession of the companion animals, must file with the court
14 before whom the complaint is made against any person so
15 arrested an affidavit stating the name of the person charged in
16 the complaint, a description of the condition of the companion
17 animal or companion animals taken, and the time and place the
18 companion animal or companion animals were taken, together with
19 the name of the person from whom the companion animal or
20 companion animals were taken and name of the person who claims
21 to own the companion animal or companion animals if different
22 from the person from whom the companion animal or companion
23 animals were seized. He or she must at the same time deliver an

1 inventory of the companion animal or companion animals taken to
2 the court of competent jurisdiction. The officer must place the
3 companion animal or companion animals in the custody of an
4 animal control or animal shelter and the agency must retain
5 custody of the companion animal or companion animals subject to
6 an order of the court adjudicating the charges on the merits
7 and before which the person complained against is required to
8 appear for trial. If the animal control or animal shelter owns
9 no facility capable of housing the companion animals, has no
10 space to house the companion animals, or is otherwise unable to
11 house the companion animals or the health or condition of the
12 animals prevents their removal, the animals shall be impounded
13 at the site of the violation pursuant to a court order
14 authorizing the impoundment, provided that the person charged
15 is an owner of the property. Employees or agents of the animal
16 control or animal shelter or law enforcement shall have the
17 authority to access the on-site impoundment property for the
18 limited purpose of providing care and veterinary treatment for
19 the impounded animals and ensuring their well-being and safety.
20 Upon ~~For an on-site~~ impoundment, a petition for posting of
21 security may be filed under Section 3.05 of this Act.
22 Disposition of the animals shall be controlled by Section 3.06
23 of this Act. The State's Attorney may, within 14 days after the
24 seizure, file a "petition for forfeiture prior to trial" before
25 the court having criminal jurisdiction over the alleged
26 charges, asking for permanent forfeiture of the companion

1 animals seized. The petition shall be filed with the court,
2 with copies served on the impounding agency, the owner, and
3 anyone claiming an interest in the animals. In a "petition for
4 forfeiture prior to trial", the burden is on the prosecution to
5 prove by a preponderance of the evidence that the person
6 arrested violated Section 3.01, 3.02, 3.03, ~~or~~ 4.01, or 7.1 of
7 this Act or Section 26-5 or 48-1 of the Criminal Code of 1961
8 or the Criminal Code of 2012.

9 (b) An owner whose companion animal or companion animals
10 are removed by a law enforcement officer under this Section
11 must be given written notice of the circumstances of the
12 removal and of any legal remedies available to him or her. The
13 notice must be delivered in person, posted at the place of
14 seizure, or delivered to a person residing at the place of
15 seizure or, if the address of the owner is different from the
16 address of the person from whom the companion animal or
17 companion animals were seized, delivered by registered mail to
18 his or her last known address.

19 (c) In addition to any other penalty provided by law, upon
20 conviction for violating Sections 3, 3.01, 3.02, ~~or~~ 3.03, 4.01,
21 or 7.1 of this Act or Section 26-5 or 48-1 of the Criminal Code
22 of 1961 or the Criminal Code of 2012, the court may order the
23 convicted person to forfeit to an animal control or animal
24 shelter the animal or animals that are the basis of the
25 conviction. Upon an order of forfeiture, the convicted person
26 is deemed to have permanently relinquished all rights to the

1 animal or animals that are the basis of the conviction, if not
2 already. The forfeited animal or animals shall be adopted or
3 humanely euthanized. In no event may the convicted person or
4 anyone residing in his or her household be permitted to adopt
5 or otherwise possess the forfeited animal or animals. The
6 court, additionally, may order that the convicted person and
7 persons dwelling in the same household as the convicted person
8 who conspired, aided, or abetted in the unlawful act that was
9 the basis of the conviction, or who knew or should have known
10 of the unlawful act, may not own, harbor, or have custody or
11 control of any other animals for a period of time that the
12 court deems reasonable.

13 (Source: P.A. 99-321, eff. 1-1-16.)

14 (510 ILCS 70/3.05)

15 Sec. 3.05. Security for companion animals and animals used
16 for fighting purposes.

17 (a) In the case of companion animals as defined in Section
18 2.01a or animals used for fighting purposes in violation of
19 Section 4.01 of this Act or Section 26-5 or 48-1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 or a
21 violation of 3.01, 3.02, 3.03, or 7.1 of this Act, the animal
22 control or animal shelter having custody of the animal or
23 animals may file a petition with the court requesting that the
24 person from whom the animal or animals are seized, or the owner
25 of the animal or animals, be ordered to post security. The

1 security must be in an amount sufficient to secure payment of
2 all reasonable expenses expected to be incurred by the animal
3 control or animal shelter in caring for and providing for the
4 animal or animals pending the disposition of the charges.
5 Reasonable expenses include, but are not limited to, estimated
6 medical care and boarding of the animal or animals for 30 days.
7 The amount of the security shall be determined by the court
8 after taking into consideration all of the facts and
9 circumstances of the case, including, but not limited to, the
10 recommendation of the impounding organization having custody
11 and care of the seized animal or animals and the cost of caring
12 for the animal or animals. If security has been posted in
13 accordance with this Section, the animal control or animal
14 shelter may draw from the security the actual costs incurred by
15 the agency in caring for the seized animal or animals.

16 (b) 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 and the State's
20 Attorney for the county in which the animal or animals were
21 seized. The petitioner must also serve a true copy of the
22 petition on any interested person. For the purposes of this
23 subsection, "interested person" means an individual,
24 partnership, firm, joint stock company, corporation,
25 association, trust, estate, or other legal entity that the
26 court determines may have a pecuniary interest in the animal or

1 animals that are the subject of the petition. The court must
2 set a hearing date to determine any interested parties. The
3 court may waive for good cause shown the posting of security.

4 (c) If the court orders the posting of security, the
5 security must be posted with the clerk of the court within 5
6 business days after the hearing. If the person ordered to post
7 security does not do so, the animal or animals are forfeited by
8 operation of law and the animal control or animal shelter
9 having control of the animal or animals must dispose of the
10 animal or animals through adoption or must humanely euthanize
11 the animal. In no event may the defendant or any person
12 residing in the defendant's household adopt the animal or
13 animals.

14 (d) The impounding organization may file a petition with
15 the court upon the expiration of the 30-day period requesting
16 the posting of additional security. The court may order the
17 person from whom the animal or animals were seized, or the
18 owner of the animal or animals, to post additional security
19 with the clerk of the court to secure payment of reasonable
20 expenses for an additional period of time pending a
21 determination by the court of the charges against the person
22 from whom the animal or animals were seized.

23 (e) In no event may the security prevent the impounding
24 organization having custody and care of the animal or animals
25 from disposing of the animal or animals before the expiration
26 of the 30-day period covered by the security if the court makes

1 a final determination of the charges against the person from
2 whom the animal or animals were seized. Upon the adjudication
3 of the charges, the person who posted the security is entitled
4 to a refund of the security, in whole or in part, for any
5 expenses not incurred by the impounding organization.

6 (f) Notwithstanding any other provision of this Section to
7 the contrary, the court may order a person charged with any
8 violation of this Act to provide necessary food, water,
9 shelter, and care for any animal or animals that are the basis
10 of the charge without the removal of the animal or animals from
11 their existing location and until the charges against the
12 person are adjudicated. Until a final determination of the
13 charges is made, any law enforcement officer, animal control
14 officer, Department investigator, or an approved humane
15 investigator may be authorized by an order of the court to make
16 regular visits to the place where the animal or animals are
17 being kept to ascertain if the animal or animals are receiving
18 necessary food, water, shelter, and care. Nothing in this
19 Section prevents any law enforcement officer, Department
20 investigator, or approved humane investigator from applying
21 for a warrant under this Section to seize any animal or animals
22 being held by the person charged pending the adjudication of
23 the charges if it is determined that the animal or animals are
24 not receiving the necessary food, water, shelter, or care.

25 (g) Nothing in this Act shall be construed to prevent the
26 voluntary, permanent relinquishment of any animal by its owner

1 to an animal control or animal shelter in lieu of posting
2 security or proceeding to a forfeiture hearing. Voluntary
3 relinquishment shall have no effect on the criminal charges
4 that may be pursued by the appropriate authorities.

5 (h) If an owner of a companion animal is acquitted by the
6 court of charges made pursuant to this Act, the court shall
7 further order that any security that has been posted for the
8 animal shall be returned to the owner by the impounding
9 organization.

10 (i) The provisions of this Section only pertain to
11 companion animals and animals used for fighting purposes.

12 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

13 (510 ILCS 70/4) (from Ch. 8, par. 704)

14 Sec. 4. Prohibited acts. No person may sell, offer for
15 sale, barter, or give away as a pet or a novelty any rabbit or
16 any baby chick, duckling or other fowl which has been dyed,
17 colored, or otherwise treated to impart an artificial color
18 thereto. Baby chicks or ducklings shall not be sold, offered
19 for sale, bartered, or given away as pets or novelties.
20 Rabbits, ducklings or baby chicks shall not be awarded as
21 prizes.

22 No person may allow for the adoption, transfer, sale, offer
23 for sale, barter, or give away any animal forfeited or
24 relinquished under Section 3.04 or 3.05 of this Act to the
25 person who forfeited the animal or a person residing in that

1 person's household.

2 A person convicted of violating this Section is guilty of a
3 Class B misdemeanor. A second or subsequent violation is a
4 Class 4 felony, with every day that a violation continues
5 constituting a separate offense.

6 (Source: P.A. 92-650, eff. 7-11-02.)