



Sen. Linda Holmes

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1 AMENDMENT TO SENATE BILL 2380

2 AMENDMENT NO. _____. Amend Senate Bill 2380 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Animal Welfare Act is amended by changing
5 Sections 2, 3.2, 3.4, 3.6, and 7 and by adding Section 7.1 as
6 follows:

7 (225 ILCS 605/2) (from Ch. 8, par. 302)

8 Sec. 2. Definitions. As used in this Act unless the context
9 otherwise requires:

10 "Department" means the Illinois Department of Agriculture.

11 "Director" means the Director of the Illinois Department of
12 Agriculture.

13 "Pet shop operator" means any person who sells, offers to
14 sell, exchange, or offers for adoption with or without charge
15 or donation dogs, cats, birds, fish, reptiles, or other animals
16 customarily obtained as pets in this State. However, a person

1 who sells only such animals that he has produced and raised
2 shall not be considered a pet shop operator under this Act, and
3 a veterinary hospital or clinic operated by a veterinarian or
4 veterinarians licensed under the Veterinary Medicine and
5 Surgery Practice Act of 2004 shall not be considered a pet shop
6 operator under this Act.

7 "Dog dealer" means any person who sells, offers to sell,
8 exchange, or offers for adoption with or without charge or
9 donation dogs in this State. However, a person who sells only
10 dogs that he has produced and raised shall not be considered a
11 dog dealer under this Act, and a veterinary hospital or clinic
12 operated by a veterinarian or veterinarians licensed under the
13 Veterinary Medicine and Surgery Practice Act of 2004 shall not
14 be considered a dog dealer under this Act.

15 "Secretary of Agriculture" or "Secretary" means the
16 Secretary of Agriculture of the United States Department of
17 Agriculture.

18 "Person" means any person, firm, corporation, partnership,
19 association or other legal entity, any public or private
20 institution, the State of Illinois, or any municipal
21 corporation or political subdivision of the State.

22 "Kennel operator" means any person who operates an
23 establishment, other than an animal control facility,
24 veterinary hospital, or animal shelter, where dogs or dogs and
25 cats are maintained for boarding, training or similar purposes
26 for a fee or compensation; or who sells, offers to sell,

1 exchange, or offers for adoption with or without charge dogs or
2 dogs and cats which he has produced and raised. A person who
3 owns, has possession of, or harbors 5 or less females capable
4 of reproduction shall not be considered a kennel operator.

5 "Cattery operator" means any person who operates an
6 establishment, other than an animal control facility or animal
7 shelter, where cats are maintained for boarding, training or
8 similar purposes for a fee or compensation; or who sells,
9 offers to sell, exchange, or offers for adoption with or
10 without charges cats which he has produced and raised. A person
11 who owns, has possession of, or harbors 5 or less females
12 capable of reproduction shall not be considered a cattery
13 operator.

14 "Animal control facility" means any facility operated by or
15 under contract for the State, county, or any municipal
16 corporation or political subdivision of the State for the
17 purpose of impounding or harboring seized, stray, homeless,
18 abandoned or unwanted dogs, cats, and other animals. "Animal
19 control facility" also means any veterinary hospital or clinic
20 operated by a veterinarian or veterinarians licensed under the
21 Veterinary Medicine and Surgery Practice Act of 2004 which
22 operates for the above mentioned purpose in addition to its
23 customary purposes.

24 "Animal shelter" means a facility operated, owned, or
25 maintained by a duly incorporated humane society, animal
26 welfare society, or other non-profit organization for the

1 purpose of providing for and promoting the welfare, protection,
2 and humane treatment of animals. "Animal shelter" also means
3 any veterinary hospital or clinic operated by a veterinarian or
4 veterinarians licensed under the Veterinary Medicine and
5 Surgery Practice Act of 2004 which operates for the above
6 mentioned purpose in addition to its customary purposes.

7 "Foster home" means an entity that accepts the
8 responsibility for stewardship of animals that are the
9 obligation of an animal shelter or animal control facility, not
10 to exceed 4 animals at any given time. Permits to operate as a
11 "foster home" shall be issued through the animal shelter or
12 animal control facility.

13 "Guard dog service" means an entity that, for a fee,
14 furnishes or leases guard or sentry dogs for the protection of
15 life or property. A person is not a guard dog service solely
16 because he or she owns a dog and uses it to guard his or her
17 home, business, or farmland.

18 "Guard dog" means a type of dog used primarily for the
19 purpose of defending, patrolling, or protecting property or
20 life at a commercial establishment other than a farm. "Guard
21 dog" does not include stock dogs used primarily for handling
22 and controlling livestock or farm animals, nor does it include
23 personally owned pets that also provide security.

24 "Sentry dog" means a dog trained to work without
25 supervision in a fenced facility other than a farm, and to
26 deter or detain unauthorized persons found within the facility.

1 "Probationary status" means the 12-month period following
2 a series of violations of this Act during which any further
3 violation shall result in an automatic 12-month suspension of
4 licensure.

5 "Owner" means any person having a right of property in an
6 animal, who keeps or harbors an animal, who has an animal in
7 his or her care or acts as its custodian, or who knowingly
8 permits a dog to remain on any premises occupied by him or her.
9 "Owner" does not include a feral cat caretaker participating in
10 a trap, spay/neuter, return or release program.
11 (Source: P.A. 99-310, eff. 1-1-16.)

12 (225 ILCS 605/3.2)

13 Sec. 3.2. Foster homes. A person shall not operate a foster
14 home without first obtaining a permit from the animal shelter
15 or animal control facility for which that person will operate
16 the foster home. Upon application and payment of the required
17 fees by the animal shelter, the Department shall issue foster
18 home permits to the animal shelter. The animal shelter shall be
19 responsible for the records and have all the obligations of
20 stewardship for animals in the foster homes to which it issues
21 permits.

22 Foster homes shall provide the care for animals required by
23 this Act and shall report any deviation that might affect the
24 status of the license or permit to the animal shelter.

25 A foster home shall not care for more than 4 animals at any

1 one time.

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

3 (225 ILCS 605/3.4)

4 Sec. 3.4. Transfer of animals between shelters. An animal
5 shelter or animal control facility may not release any animal
6 to an individual representing an animal shelter or animal
7 control facility, unless (1) the recipient animal shelter or
8 animal control facility has been licensed or has a foster care
9 permit issued by the Department or (2) the individual is a
10 representative of a not-for-profit, out-of-State organization
11 or out-of-State animal control facility or animal shelter who
12 is transferring the animal out of the State of Illinois.

13 (Source: P.A. 99-310, eff. 1-1-16.)

14 (225 ILCS 605/3.6)

15 Sec. 3.6. Acceptance of stray dogs and cats.

16 (a) No animal shelter may accept a stray dog or cat unless
17 the animal is reported by the shelter to the animal control or
18 law enforcement of the county in which the animal is found by
19 the next business day. An animal shelter may accept animals
20 from: (1) the owner of the animal where the owner signs a
21 relinquishment form which states he or she is the owner of the
22 animal; (2) an animal shelter licensed under this Act; or (3)
23 an out-of-state animal control facility, rescue group, or
24 animal shelter that is duly licensed in their state or is a

1 not-for-profit organization.

2 (b) When stray dogs and cats are accepted by an animal
3 shelter, they must be scanned for the presence of a microchip
4 and examined for other currently-acceptable methods of
5 identification, including, but not limited to, identification
6 tags, tattoos, and rabies license tags. The examination for
7 identification shall be done within 24 hours after the intake
8 of each dog or cat. The animal shelter shall notify the owner
9 and transfer any dog with an identified owner to the animal
10 control or law enforcement agency in the jurisdiction in which
11 it was found or the local animal control agency for redemption.

12 (c) If no transfer can occur, the animal shelter shall make
13 every reasonable attempt to contact the owner, agent, or
14 caretaker as soon as possible. The animal shelter shall give
15 notice of not less than 7 business days to the owner, agent, or
16 caretaker prior to disposal of the animal. The notice shall be
17 mailed to the last known address of the owner, agent, or
18 caretaker. Testimony of the animal shelter, or its authorized
19 agent, who mails the notice shall be evidence of the receipt of
20 the notice by the owner, agent, or caretaker of the animal. A
21 mailed notice shall remain the primary means of owner, agent,
22 or caretaker contact; however, the animal shelter shall also
23 attempt to contact the owner, agent, or caretaker by any other
24 contact information, such as by telephone or email address,
25 provided by the microchip or other method of identification
26 found on the dog or cat. If the dog or cat has been

1 microchipped and the primary contact listed by the chip
2 manufacturer cannot be located or refuses to reclaim the dog or
3 cat, an attempt shall be made to contact any secondary contacts
4 listed by the chip manufacturer or the purchaser of the
5 microchip if the purchaser is a nonprofit organization, animal
6 shelter, animal control facility, pet store, or veterinary
7 office prior to adoption, transfer, or euthanization. Prior to
8 transferring any stray dog or cat to another humane shelter,
9 pet store, rescue group, or euthanization, the dog or cat shall
10 be scanned again for the presence of a microchip and examined
11 for other means of identification. If a second scan provides
12 the same identifying information as the initial intake scan and
13 the owner, agent, or caretaker has not been located or refuses
14 to reclaim the dog or cat, the animal shelter may proceed with
15 adoption, transfer, or euthanization.

16 (d) When stray dogs and cats are accepted by an animal
17 shelter and no owner can be identified, the shelter shall hold
18 the animal for the period specified in local ordinance prior to
19 adoption, transfer, or euthanasia. The animal shelter shall
20 allow access to the public to view the animals housed there. If
21 a dog is identified by an owner who desires to make redemption
22 of it, the dog shall be transferred to the local animal control
23 for redemption. If no transfer can occur, the animal shelter
24 shall proceed pursuant to Section 3.7. Upon lapse of the hold
25 period specified in local ordinance and no owner can be
26 identified, ownership of the animal, by operation of law,

1 transfers to the shelter that has custody of the animal.

2 (e) No representative of an animal shelter may enter
3 private property and remove an animal without permission from
4 the property owner and animal owner, nor can any representative
5 of an animal shelter direct another individual to enter private
6 property and remove an animal unless that individual is an
7 approved humane investigator (approved by the Department)
8 operating pursuant to the provisions of the Humane Care for
9 Animals Act.

10 (f) Nothing in this Section limits an animal shelter and an
11 animal control facility who, through mutual agreement, wish to
12 enter into an agreement for animal control, boarding, holding,
13 measures to improve life-saving, or other services provided
14 that the agreement requires parties adhere to the provisions of
15 the Animal Control Act, the Humane Euthanasia in Animal
16 Shelters Act, and the Humane Care for Animals Act.

17 (Source: P.A. 99-310, eff. 1-1-16; 100-322, eff. 8-24-17.)

18 (225 ILCS 605/7) (from Ch. 8, par. 307)

19 Sec. 7. Applications for renewal licenses shall be made to
20 the Department in a manner, ~~shall be in writing on forms~~
21 prescribed by the Department, shall contain such information as
22 will enable the Department to determine if the applicant is
23 qualified to continue to hold a license, shall report intake
24 and outcome statistics from the previous calendar year, and
25 shall be accompanied by the required fee, which shall not be

1 returnable. The report of intake and outcome statistics shall
2 include the following:

3 (1) The total number of dogs, cats and other animals,
4 divided into species, taken in by the animal shelter or animal
5 control facility, in the following categories:

6 (A) surrendered by owner;

7 (B) stray;

8 (C) impounded;

9 (D) confiscated;

10 (E) transfer from other licensees within the State;

11 (F) transferred into or imported from out of the state;

12 (G) transferred into or imported from outside the
13 country; and

14 (H) born in shelter.

15 (2) The disposition of all dogs, cats, and other animals
16 taken in by the animal shelter or animal control facility,
17 divided into species. This data must include dispositions by:

18 (A) reclamation by owner;

19 (B) adopted or sold;

20 (C) euthanized;

21 (D) euthanized per request of the owner;

22 (E) died in custody;

23 (F) transferred to another licensee;

24 (G) transferred to an out-of-State nonprofit agency;

25 (H) animals missing, stolen, or escaped;

26 (I) animals released in field; trapped, neutered,

1 released; and

2 (J) ending inventory; shelter count at end of the last
3 day of the year.

4 The Department shall not be required to audit or validate
5 the intake and outcome statistics required to be submitted
6 under this Section.

7 (Source: P.A. 81-198.)

8 (225 ILCS 605/7.1 new)

9 Sec. 7.1. Department reporting. The Department shall post
10 on its website the name and address of each licensed animal
11 control facility or animal shelter and all the reported intake
12 and outcome statistics required under paragraphs (1) and (2) of
13 Section 7 of this Act by December 31, 2020 and by December 31
14 of each year thereafter.

15 Section 10. The Animal Control Act is amended by changing
16 Sections 5 and 11 as follows:

17 (510 ILCS 5/5) (from Ch. 8, par. 355)

18 Sec. 5. Duties and powers.

19 (a) It shall be the duty of the Administrator or the Deputy
20 Administrator, through sterilization, humane education, rabies
21 inoculation, stray control, impoundment, quarantine, and any
22 other means deemed necessary, to control and prevent the spread
23 of rabies and to exercise dog and cat overpopulation control.

1 It shall also be the duty of the Administrator to investigate
2 and substantiate all claims made under Section 19 of this Act.
3 The duty may include return, adoption, transfer to rescues or
4 other animal shelters, and any other means of ensuring live
5 outcomes of homeless dogs and cats and through sterilization,
6 community outreach, impoundment of pets at risk and any other
7 humane means deemed necessary to address strays and ensure live
8 outcomes for dogs and cats that are not a danger to the
9 community or suffering irremediably.

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

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

1 (c) The sheriff and all sheriff's deputies and municipal
2 police officers shall cooperate with the Administrator and his
3 or her representatives in carrying out the provisions of this
4 Act.

5 (d) The Administrator and animal control wardens shall aid
6 in the enforcement of the Humane Care for Animals Act and have
7 the ability to impound animals and apply for security posting
8 for violation of that Act.

9 (Source: P.A. 98-725, eff. 1-1-15.)

10 (510 ILCS 5/11) (from Ch. 8, par. 361)

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

1 having been performed shall have executed a written agreement
2 promising to have such service performed, including
3 microchipping, within a specified period of time not to exceed
4 30 days. Failure to fulfill the terms of the agreement shall
5 result in seizure and impoundment of the animal and any
6 offspring by the animal pound or shelter, and any monies which
7 have been deposited shall be forfeited and submitted to the
8 county Pet Population Control Fund on a yearly basis. This Act
9 shall not prevent humane societies or animal shelters from
10 engaging in activities set forth by their charters; provided,
11 they are not inconsistent with provisions of this Act and other
12 existing laws. No animal shelter or animal control facility
13 shall release dogs or cats to an individual representing a
14 rescue group, unless the group has been licensed or has a
15 foster care permit issued by the Illinois Department of
16 Agriculture or is a representative of a not-for-profit
17 out-of-state organization, animal shelter, or animal control
18 facility. The Department may suspend or revoke the license of
19 any animal shelter or animal control facility that fails to
20 comply with the requirements set forth in this Section or that
21 fails to report its intake and euthanasia statistics each year.
22 (Source: P.A. 94-639, eff. 8-22-05; 95-550, eff. 6-1-08.)".