

HB4226



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4226

Introduced 1/27/2020, by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

225 ILCS 605/3.6

Amends the Animal Welfare Act. Adds language affording a secondary contact or the purchaser of a microchip (if the purchaser is a nonprofit organization, animal shelter, animal control facility, pet store, breeder, or veterinary office) the right to reclaim a dog or cat prior to adoption, transfer, or euthanization if the microchipped dog's or cat's primary contact cannot be located or refuses to reclaim the animal.

LRB101 14669 SPS 63610 b

A BILL FOR

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 Section 3.6 as follows:

6 (225 ILCS 605/3.6)

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

8 (a) No animal shelter may accept a stray dog or cat unless
9 the animal is reported by the shelter to the animal control or
10 law enforcement of the county in which the animal is found by
11 the next business day. An animal shelter may accept animals
12 from: (1) the owner of the animal where the owner signs a
13 relinquishment form which states he or she is the owner of the
14 animal; (2) an animal shelter licensed under this Act; or (3)
15 an out-of-state animal control facility, rescue group, or
16 animal shelter that is duly licensed in their state or is a
17 not-for-profit organization.

18 (b) When stray dogs and cats are accepted by an animal
19 shelter, they must be scanned for the presence of a microchip
20 and examined for other currently-acceptable methods of
21 identification, including, but not limited to, identification
22 tags, tattoos, and rabies license tags. The examination for
23 identification shall be done within 24 hours after the intake

1 of each dog or cat. The animal shelter shall notify the owner
2 and transfer any dog with an identified owner to the animal
3 control or law enforcement agency in the jurisdiction in which
4 it was found or the local animal control agency for redemption.

5 (c) If no transfer can occur, the animal shelter shall make
6 every reasonable attempt to contact the owner, agent, or
7 caretaker as soon as possible. The animal shelter shall give
8 notice of not less than 7 business days to the owner, agent, or
9 caretaker prior to disposal of the animal. The notice shall be
10 mailed to the last known address of the owner, agent, or
11 caretaker. Testimony of the animal shelter, or its authorized
12 agent, who mails the notice shall be evidence of the receipt of
13 the notice by the owner, agent, or caretaker of the animal. A
14 mailed notice shall remain the primary means of owner, agent,
15 or caretaker contact; however, the animal shelter shall also
16 attempt to contact the owner, agent, or caretaker by any other
17 contact information, such as by telephone or email address,
18 provided by the microchip or other method of identification
19 found on the dog or cat. If the dog or cat has been
20 microchipped and the primary contact listed by the chip
21 manufacturer cannot be located or refuses to reclaim the dog or
22 cat, an attempt shall be made to contact any secondary contacts
23 listed by the chip manufacturer or the purchaser of the
24 microchip if the purchaser is a nonprofit organization, animal
25 shelter, animal control facility, pet store, breeder, or
26 veterinary office and the secondary contact or the purchaser of

1 the microchip shall be afforded the right to reclaim the dog or
2 cat prior to adoption, transfer, or euthanization. Prior to
3 transferring any stray dog or cat to another humane shelter,
4 pet store, rescue group, or euthanization, the dog or cat shall
5 be scanned again for the presence of a microchip and examined
6 for other means of identification. If a second scan provides
7 the same identifying information as the initial intake scan and
8 the owner, agent, or caretaker has not been located or refuses
9 to reclaim the dog or cat, the animal shelter may proceed with
10 adoption, transfer, or euthanization.

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

23 (e) No representative of an animal shelter may enter
24 private property and remove an animal without permission from
25 the property owner and animal owner, nor can any representative
26 of an animal shelter direct another individual to enter private

1 property and remove an animal unless that individual is an
2 approved humane investigator (approved by the Department)
3 operating pursuant to the provisions of the Humane Care for
4 Animals Act.

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

12 (Source: P.A. 99-310, eff. 1-1-16; 100-322, eff. 8-24-17;
13 100-870, eff. 1-1-19.)