

AN ACT in relation to animals.

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

Section 5. The Animal Control Act is amended by changing Sections 2.01, 2.02, 2.03, 2.05, 2.07, 2.16, 2.17, 2.18, 3, 5, 7.1, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 22, 24, and 26, and by adding Sections 2.03a, 2.04a, 2.05a, 2.11a, 2.11b, 2.12a, 2.17a, 2.17b, 2.18a, 2.19a, 2.19b, 15.1, 15.2, 15.3, and 16.5 as follows:

(510 ILCS 5/2.01) (from Ch. 8, par. 352.01)

Sec. 2.01. "Administrator" means a veterinarian licensed by the State of Illinois and appointed pursuant to this Act, or in the event a veterinarian cannot be found and appointed pursuant to this Act, a non-veterinarian may serve as Administrator under this Act. In the event the Administrator is not a veterinarian, the Administrator shall defer to the veterinarian regarding all medical decisions. his-or-her-duly authorized-representative-

(Source: P.A. 78-795.)

(510 ILCS 5/2.02) (from Ch. 8, par. 352.02)

Sec. 2.02. "Animal" means every living creature any animal, other than man, which may be affected by rabies.

(Source: P.A. 78-795.)

(510 ILCS 5/2.03) (from Ch. 8, par. 352.03)

Sec. 2.03. "Animal Control Warden" means any person appointed by the Administrator ~~and-approved-by-the-Board~~ to perform the duties set forth in ~~as--assigned---by---the Administrator-to-effectuate~~ this Act.

(Source: P.A. 78-795.)

(510 ILCS 5/2.03a new)

Sec. 2.03a. "Business day" means any day including holidays that the animal control facility is open to the public for animal reclaims.

(510 ILCS 5/2.04a new)

Sec. 2.04a. "Cat" means all members of the family Felidae.

(510 ILCS 5/2.05) (from Ch. 8, par. 352.05)

Sec. 2.05. "Confined" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

(Source: P.A. 78-795.)

(510 ILCS 5/2.05a new)

Sec. 2.05a. "Dangerous dog" means any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal in a public place.

(510 ILCS 5/2.07) (from Ch. 8, par. 352.07)

Sec. 2.07. "Deputy Administrator" means a veterinarian licensed by the State of Illinois, appointed by the Administrator, ~~and approved by the Board.~~

(Source: P.A. 78-795.)

(510 ILCS 5/2.11a new)

Sec. 2.11a. "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable

to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(510 ILCS 5/2.11b new)

Sec. 2.11b. "Feral cat" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, or (ii) is a formerly owned cat that has been abandoned and is no longer socialized or lives on a farm.

(510 ILCS 5/2.12a new)

Sec. 2.12a. "Impounded" means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

(510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

Sec. 2.16. "Owner" means any person having a right of property in an a-dog-er-ether animal, or who keeps or harbors an a-dog-er-ether animal, or who has it in his care, or acts as its custodian, ~~--er--who-knowingly-permits-a-dog-er-ether domestic-animal-to-remain-on-er-about-any-premise-occupied-by~~ him.

(Source: P.A. 78-795.)

(510 ILCS 5/2.17) (from Ch. 8, par. 352.17)

Sec. 2.17. "Person" means any individual, person, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of

Illinois, municipal corporation or political subdivision of the State, or any other business unit.

(Source: P.A. 78-795.)

(510 ILCS 5/2.17a new)

Sec. 2.17a. "Peace officer" has the meaning ascribed to it in Section 2-13 of the Criminal Code of 1961.

(510 ILCS 5/2.17b new)

Sec. 2.17b. "Police animal" means an animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

(510 ILCS 5/2.18) (from Ch. 8, par. 352.18)

Sec. 2.18. "Pound" or "animal control facility" may be used interchangeably and mean means any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

(Source: P.A. 78-795.)

(510 ILCS 5/2.18a new)

Sec. 2.18a. "Physical injury" means the impairment of physical condition.

(510 ILCS 5/2.19a new)

Sec. 2.19a. "Serious physical injury" means a physical injury that creates a substantial risk of death or that causes death, serious or protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

(510 ILCS 5/2.19b new)

Sec. 2.19b. "Vicious dog" means a dog that, without

justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions.

(510 ILCS 5/3) (from Ch. 8, par. 353)

Sec. 3. The County Board Chairman with the ~~advice and~~ consent of the County Board shall appoint ~~an~~ ~~as~~ Administrator, ~~a~~ ~~veterinarian~~ ~~licensed~~ ~~by~~ ~~this~~ ~~State~~. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Wardens to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board ~~for services other than~~ ~~for the rabies inoculation of~~ ~~dogs~~ ~~or~~ ~~other~~ ~~animals~~. The Administrator may be removed from office by the County Board Chairman, with the ~~advice and~~ consent of the County Board.

The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program.

The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Act.

The Board is authorized by ordinance to require the registration and microchipping of dogs and cats and shall ~~may~~ impose an individual animal and litter registration fee. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. If microchips are required, the microchip number shall serve as the county animal control registration number. All microchips shall have an operating frequency of 125 kilohertz.

In obtaining information required to implement this Act, the Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law for civil cases in courts of this State.

The Director~~, and any member of the Board~~ shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

This Section does not apply to feral cats.

(Source: P.A. 87-157.)

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

Sec. 5. Duties and powers.

(a) It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies in--his--county and to exercise dog and cat overpopulation control. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of this Act.

(b) Counties may by ordinance determine the extent of the police powers that may be exercised by the Administrator, Deputy Administrators, and Animal Control Wardens, which powers shall pertain only to this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have been specifically authorized to carry weapons by county ordinance. Animal Control Wardens, however, may use tranquilizer guns

and other nonlethal weapons and equipment without specific weapons authorization.

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

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

(Source: P.A. 90-385, eff. 8-15-97.)

(510 ILCS 5/7.1) (from Ch. 8, par. 357.1)

Sec. 7.1. In addition to any other fees provided for under this Act, any county may charge a reasonable fee for the pickup and disposal of dead animals from private for-profit animal hospitals. This fee shall be sufficient to cover the costs of pickup and delivery and shall be deposited in the county's animal control general fund.

(Source: P.A. 80-972.)

(510 ILCS 5/8) (from Ch. 8, par. 358)

Sec. 8. Every owner of a dog 4 months or more of age ~~not confined--at--all--times--to--an--enclosed--area,~~ shall have each dog ~~cause--such--dog--to--be~~ inoculated against rabies by a licensed veterinarian ~~at--such--intervals--as--may--hereafter--be established--by--regulations--pursuant--to--this--Act.~~ Every dog shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall be signed by the

licensed veterinarian administering the vaccine.
Veterinarians who inoculate a dog shall procure from the County Animal Control serially numbered tags, one to be issued with each inoculation certificate. Only one dog shall be included on each certificate. The veterinarian immunizing or microchipping an animal shall provide the Administrator with a certificate of immunization and microchip number. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.

Rabies vaccine for use on animals shall be sold or distributed only to ~~and-used-only-by~~ licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture ~~and-approved-by-the-Department~~.

(Source: P.A. 78-1166.)

(510 ILCS 5/9) (from Ch. 8, par. 359)

Sec. 9. Any dog found running at large contrary to provisions of this Act ~~may shall~~ be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility public pound.

(Source: P.A. 78-795.)

(510 ILCS 5/10) (from Ch. 8, par. 360)

Sec. 10. When dogs or cats are apprehended and impounded by the Administrator, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as soon as possible. The Administrator he shall give notice of not less than 7 business days to the owner prior to disposal of the animal, ~~if-known~~. Such notice shall be mailed to the last known address of the owner. ~~An--affidavit--or~~ Testimony of the Administrator, or his or her authorized agent, who mails such

notice shall be ~~prima-facie~~ evidence of the receipt of such notice by the owner of the animal such-dog. In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so on the following conditions:

a. present proof of current rabies inoculation, and registration, if applicable, or

b. pay for the rabies inoculation of the dog or cat, and registration, if applicable, and

c. pay the pound for the board of the dog or cat for the period it was impounded, and

d. pay into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense; and-

e. pay for microchipping and registration if not already done.

Animal control facilities that are open to the public 7 days per week for animal reclamation are exempt from the business day requirement.

This shall be in addition to any other penalties invoked under this Act.

(Source: P.A. 83-711.)

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

Sec. 11. When not redeemed by the owner, a dog or cat that has been impounded ~~for--failure--to--be--inoculated--and registered,~~ ~~if applicable,~~ ~~in accordance with the provisions of this Act or~~ ~~a cat that has been impounded~~ shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act or offered for adoption. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been surgically rendered incapable of reproduction by spaying or neutering and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall

have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 60 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal by the animal pound or shelter, and any monies which have been deposited shall be forfeited. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group unless the group has been licensed by the Illinois Department of Agriculture or incorporated as a not-for-profit organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section Any person purchasing or adopting such dog, with or without charge or donation, must pay for the rabies inoculation of such dog and registration if applicable.

(Source: P.A. 92-449, eff. 1-1-02.)

(510 ILCS 5/12) (from Ch. 8, par. 362)

Sec. 12. The owner of any dog or other animal which exhibits clinical signs of rabies, whether or not the such dog or other animal has been inoculated against rabies, shall immediately notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, and shall promptly confine the such dog or other animal, or have it confined, under suitable observation, for a period of at least 10 days, unless officially authorized by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, in writing, to release it sooner. Any dog or other animal that has had in direct contact with the such dog or other animal and that, whether or not the

~~exposed-dog-or-other-animal~~ has not been inoculated against rabies, shall be confined as recommended by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator.

(Source: P.A. 78-795.)

(510 ILCS 5/13) (from Ch. 8, par. 363)

Sec. 13. Dog or other animal bites; observation of animal.

(a) Except as otherwise provided in subsection (b) of this Section, when the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an ~~a-dog-or-other~~ animal, the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of 10 days. The Department may~~7~~-by regulation, permit such confinement to be reduced to a period of less than 10 days. A ~~Such~~ veterinarian shall report the clinical condition of the ~~dog-or-other~~ animal immediately, with confirmation in writing to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours after the ~~dog-or-other~~ animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of the ~~such-dog-or-other~~ animal, and whether the animal has been spayed or neutered, on appropriate forms approved by the Department. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator advising him

or her of the final disposition of the such--dog--or--other animal on appropriate forms approved by the Department. When evidence is presented that the such-dog-or-other animal was inoculated against rabies within the time prescribed by law, it shall may be confined in a the house of-its-owner, or in a manner which will prohibit it from biting any person for a period of 10 days, if the--Administrator, a licensed veterinarian or--other--licensed-veterinarian, adjudges such confinement satisfactory. The Department may, by-regulation, permit such confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the such dog-or-other animal shall be examined by a the-Administrator, or-another licensed veterinarian.

~~It--is--unlawful--for~~ Any person having knowledge that any person has been bitten by an a-dog-or-other animal shall to refuse--to notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator promptly. It is unlawful for the owner of the such-dog-or-other animal to euthanize, sell, give away, or otherwise dispose of any such dog-or-other animal known to have bitten a person, until it is released by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative. It is unlawful for the owner of the such-dog-or-other animal to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the such-dog-or-other animal by regular mail, postage-prepaid. The-affidavit-or-testimony of--the--Administrator,--or--his--authorized--representative, delivering--or--mailing--such--instructions--is--prima--facie evidence-that-the-owner-of--such--dog--or--other--animal--was notified--of--his--responsibilities. Any expense incurred in

the handling of an any-dog-or-ether animal under this Section and Section 12 shall be borne by the owner.

(b) When a person has been bitten by a police dog, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

~~(c) -- For the purpose of this Section:~~

~~"Immediately" -- means by telephone, in person, or by other than use of the mail.~~

~~"Law enforcement agency" -- means an agency of the State or a unit of local government that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.~~

~~"Peace officer" -- has the meaning ascribed to it in Section 2-13 of the Criminal Code of 1961.~~

~~"Police dog" -- means a dog trained to assist peace officers in their law enforcement duties.~~

(Source: P.A. 89-576, eff. 1-1-97.)

(510 ILCS 5/15) (from Ch. 8, par. 365)

Sec. 15. (a) In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, animal control warden, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney's Office and the owner. The Administrator, State's Attorney, Director or any

citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

A dog shall not be declared vicious if the court determines the conduct of the dog was justified because:

(1) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or upon the property of the owner or custodian of the dog;

(2) the injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or

(3) the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring. For--purposes--of--this Section:

(1)--"Vicious-dog"-means

(i)--Any--individual--dog--that--when--unprovoked inflicts--bites--or--attacks--a--human--being--or--other animal--either--on--public--or--private--property.

(ii)--Any---individual---dog---with---a---known propensity,---tendency---or--disposition--to--attack without--provocation,--to--cause--injury--or--to--otherwise endanger--the--safety--of--human--beings--or--domestic animals.

(iii) Any individual dog that has as a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(iv) Any individual dog which attacks a human being or domestic animal without provocation.

(v) Any individual dog which has been found to be a "dangerous dog" upon 3 separate occasions.

No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

If a dog is found to be a vicious dog, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and is subject to enclosure. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without court approval. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(2) "Dangerous dog" or "dangerous animal" means any individual dog or animal which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack

upon-streets, sidewalks, or any public grounds or places.

(3) -- "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(4) -- "Impounded" means taken into the custody of the public pound in the city or town where the vicious dog is found.

(5) -- "Found to be vicious dog" means (i) that the Administrator, an Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in paragraph (1) of subsection (a) and, based on that finding, the Administrator, an Animal Control Warden, or the Director has declared in writing that the dog is a vicious dog or (ii) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of subsection (a) and has entered an order based on that finding.

(b) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) ~~or~~ (2) to comply with the order of a court of competent jurisdiction, provided that the dog is securely

muzzled and restrained with a leash chain-having-a-tensile strength-of-300-pounds-and not exceeding 6 3 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area, and shall--be--turned--over--to--a--licensed---veterinarian---for destruction-by-lethal-injection-

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 7 working days, the dog may be euthanized humanely-dispatched. A-dog-found-to-be-a--vicious dog---shall---not---be---released--to--the--owner--until--the Administrator,-an-Animal--Control--Warden,-or--the--Director approves-the-enclosure-as-defined-in-this-Section-

No--owner--or--keeper-of-a-vicious-dog-shall-sell-or-give away-the-dog-

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

(e)--It--is--unlawful-for-any-person-to-maintain-a-public nuisance-by-permitting-any-dangerous-dog-or-other--animal--to leave--the--premises--of--its-owner-when-not-under-control-by leash-or-other-recognized-control-methods-

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of

this Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

~~The Administrator, the State's Attorney, or any citizen of the county in which a dangerous dog or other animal exists may file a complaint in the name of the People of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his or her premises when not under control by leash or other recognized control methods.~~

~~Upon the filing of a complaint in the circuit court, The court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and shall may order that the such dog or other animal be humanely dispatched.~~

(Source: P.A. 86-1460; 87-456.)

(510 ILCS 5/15.1 new)

Sec. 15.1. Dangerous dog determination.

(a) After a thorough investigation including: sending, within 3 days of the Administrator or Director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an

investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" without clear and convincing evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

(b) A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:

(1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog;

(2) the threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

(3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

(d) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order the dog to be

spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

(1) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or

(2) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

(e) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(f) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.

(510 ILCS 5/15.2 new)

Sec. 15.2. Dangerous dogs; leash. It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.

(510 ILCS 5/15.3 new)

Sec. 15.3. Dangerous dog; appeal.

(a) The owner of a dog found to be a dangerous dog pursuant to this Act by an Administrator may file a complaint against the Administrator in the circuit court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

(b) The owner of a dog found to be a dangerous dog pursuant to this Act by the Director may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, SubParts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the Department may be reviewed judicially by the circuit court of the county wherein the person resides or, in the case of a corporation, the county where its registered office is

located. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

(c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director.

(d) At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

(510 ILCS 5/16.5 new)

Sec. 16.5. Expenses of microchipping. A clinic for microchipping companion animals of county residents should be conducted at least once a year under the direction of the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator at the animal control facility, animal shelter, or other central location within the county. The maximum amount that can be charged for microchipping an animal at this clinic shall be \$15. Funds generated from this clinic shall be deposited in the county's animal control fund.

(510 ILCS 5/17) (from Ch. 8, par. 367)

Sec. 17. For the purpose of ~~carrying-out-the-provisions of--this--Act---~~and making inspections hereunder, the Administrator, or his or her authorized representative, or any law enforcement officer ~~of-the-law~~ may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or

other animal, or an a-dog--er--ether animal thought to be infected with rabies. If, after request therefor, the owner of the such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Act.

(Source: P.A. 78-795.)

(510 ILCS 5/18) (from Ch. 8, par. 368)

Sec. 18. Any owner seeing his or her livestock, poultry, or equidae sheep,--goats,--cattle,--horses,--mules,--swine, ratites,--er--poultry being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may pursue-and kill such dog.

(Source: P.A. 88-600, eff. 9-1-94.)

(510 ILCS 5/19) (from Ch. 8, par. 369)

Sec. 19. Any owner having livestock, poultry, or equidae sheep,--goats,--cattle,--horses,--mules,--swine,--er--poultry killed or injured by a dog shall, according to the provisions of this Act and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund; provided, he or she is a resident of this State and such injury or killing is reported to the Administrator within 24 hours after such injury or killing occurs, and he-er-she-shall-have-appeared-before-a-member-of the-County-Board-of-the--county--in--which--such--killing--er injury--occurred--and makes affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the owner of the dog causing such killing or injury, if known. Members-of-the-County-Board-are-authorized to-administer-oaths-in-such-cases.

The damages referred to in this Section shall be substantiated by the Administrator through prompt investigation and by not less than 2 witnesses who--shall--be

owners--or--life--tenants-of-real-property-in-the-county. The Administrator member-of-the-Board shall determine whether the provisions of this Section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.

The Administrator member--of--the--Board shall file a written report with the County Treasurer as to the right of an owner of livestock, poultry, or equidae sheep,--goats, cattle,--horses,--mules,--swine,--or-poultry to be paid out of the Animal Control Fund, and the amount of such damages claimed.

The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry the amount of damages to which he or she is entitled. The county board, by ordinance, shall establish a schedule for damages reflecting the current market value. Unless--the county--board,--by--ordinance,--establishes--a--schedule--for damages--reflecting--the-reasonable-market-value;--the-damages allowed-for-grade-animals-or-poultry--shall--not--exceed--the following-amounts:

- a.--For-goats-killed-or-injured,--\$30-per-head.
- b.--For-cattle-killed-or-injured,--\$300-per-head.
- c.--For-horses-or-mules-killed-or-injured,--\$200-per-head.
- d.--For-swine-killed-or-injured,--\$50-per-head.
- e.--For-turkeys-killed-or-injured,--\$5-per-head.
- f.--For-sheep-killed-or-injured,--\$30-per-head.
- g.--For-all-poultry,--other-than-turkeys,--\$1-per-head.

The--maximum--amounts--hereinabove-set-forth-may-be-increased 50%--for-animals-for-which-the-owner-can-present-a-certificate of--registry--of--the--appropriate--breed--association--or organization,--However,--if-there-is-not-sufficient-money-in the-portion-of-the-fund-set-aside-as-stated-in-Section--7--to pay-all-claims-for-damages-in-full,--then-the-County-Treasurer

~~shall--pay--to--such-owner-of-animals-or-poultry-his-pre-rata
share-of-the-money-available.~~

If there are funds in excess of amounts paid for such claims for damage in that portion of the Animal Control Fund set aside for this purpose, this excess shall be used for other costs of the program as set forth in this Act.

(Source: P.A. 84-551.)

(510 ILCS 5/22) (from Ch. 8, par. 372)

Sec. 22. The Department shall have general supervision of the administration of this Act and may make reasonable rules and regulations, not inconsistent with this Act, for the enforcement of this Act and for the guidance of Administrators, including revoking a license issued under the Animal Welfare Act for noncompliance with any provision of this Act.

(Source: P.A. 78-795.)

(510 ILCS 5/24) (from Ch. 8, par. 374)

Sec. 24. Nothing in this Act shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this Act be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision provided that no regulation or ordinance is specific to breed ~~including--a--requirement--of--inoculation~~ against rabies.

(Source: P.A. 82-783.)

(510 ILCS 5/26) (from Ch. 8, par. 376)

Sec. 26. (a) Any person violating or aiding in or abetting the violation of any provision of this Act, or

counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Act, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Act, or refusing to produce for inoculation any dog in his possession ~~not-confined-at-all-times-to-an-enclosed-area~~, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor ~~petty--offense~~ for a first ~~or--second~~ offense and ~~shall--be-fined-not-less-than-\$25-not-more-than-\$200~~, and for a ~~third-and~~ subsequent offense, is guilty of a Class B ~~C~~ misdemeanor.

Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this Act shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

(b) If the owner of a vicious dog subject to enclosure:

(1) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog; and

(2) the dog inflicts serious physical injury ~~great bodily-harm~~, ~~permanent-disfigurement~~, ~~permanent--physical disability~~ upon any other person or causes the death of another person; and

(3) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be;

the owner shall be guilty of a Class 4 felony ~~A--misdemeanor~~, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 ~~4~~ felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

(c) If the owner of a dangerous dog knowingly fails to

comply with any order of the court regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony.

(Source: P.A. 87-456.)

Section 99. Effective date. This Act takes effect upon becoming law.