

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 as a pet a dog or cat forfeited  
24 or 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.)