



Rep. Maura Hirschauer

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10300SB1499ham001

LRB103 04557 RLC 61220 a

1 AMENDMENT TO SENATE BILL 1499

2 AMENDMENT NO. _____. Amend Senate Bill 1499 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Humane Care for Animals Act is amended by
5 changing Section 3.04 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, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6, ~~or 7.1~~, or 7.15
11 of this Act may lawfully take possession of some or all of the
12 companion animals in the possession of the person arrested.
13 The officer, after taking possession of the companion animals,
14 must file with the court before whom the complaint is made
15 against any person so arrested an affidavit stating the name
16 of the person charged in the complaint, a description of the

1 condition of the companion animal or companion animals taken,
2 and the time and place the companion animal or companion
3 animals were taken, together with the name of the person from
4 whom the companion animal or companion animals were taken and
5 name of the person who claims to own the companion animal or
6 companion animals if different from the person from whom the
7 companion animal or companion animals were seized. He or she
8 must at the same time deliver an inventory of the companion
9 animal or companion animals taken to the court of competent
10 jurisdiction. The officer must place the companion animal or
11 companion animals in the custody of an animal control or
12 animal shelter and the agency must retain custody of the
13 companion animal or companion animals subject to an order of
14 the court adjudicating the charges on the merits and before
15 which the person complained against is required to appear for
16 trial. If the animal control or animal shelter owns no
17 facility capable of housing the companion animals, has no
18 space to house the companion animals, or is otherwise unable
19 to house the companion animals or the health or condition of
20 the animals prevents their removal, the animals shall be
21 impounded at the site of the violation pursuant to a court
22 order authorizing the impoundment, provided that the person
23 charged is an owner of the property. Employees or agents of the
24 animal control or animal shelter or law enforcement shall have
25 the authority to access the on-site impoundment property for
26 the limited purpose of providing care and veterinary treatment

1 for the impounded animals and ensuring their well-being and
2 safety. Upon impoundment, a petition for posting of security
3 may be filed under Section 3.05 of this Act. Disposition of the
4 animals shall be controlled by Section 3.06 of this Act. The
5 State's Attorney may, within 14 days after the seizure, file a
6 "petition for forfeiture prior to trial" before the court
7 having criminal jurisdiction over the alleged charges, asking
8 for permanent forfeiture of the companion animals seized. The
9 petition shall be filed with the court, with copies served on
10 the impounding agency, the owner, and anyone claiming an
11 interest in the animals. In a "petition for forfeiture prior
12 to trial", the burden is on the prosecution to prove by a
13 preponderance of the evidence that the person arrested
14 violated Section 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04,
15 6, ~~or~~ 7.1, or 7.15 of this Act or Section 26-5 or 48-1 of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (b) An owner whose companion animal or companion animals
18 are removed by a law enforcement officer under this Section
19 must be given written notice of the circumstances of the
20 removal and of any legal remedies available to him or her. The
21 notice must be delivered in person, posted at the place of
22 seizure, or delivered to a person residing at the place of
23 seizure or, if the address of the owner is different from the
24 address of the person from whom the companion animal or
25 companion animals were seized, delivered by registered mail to
26 his or her last known address.

1 (c) In addition to any other penalty provided by law, upon
2 conviction of or being placed on supervision for violating
3 Sections 3, 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6, ~~or~~
4 7.1, or 7.15 of this Act or Section 26-5 or 48-1 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, the court
6 may order the ~~convicted~~ person convicted or placed on
7 supervision to forfeit to an animal control or animal shelter
8 the animal or animals that are the basis of the conviction or
9 order for supervision. Upon an order of forfeiture, the
10 ~~convicted~~ person convicted or placed on supervision is deemed
11 to have permanently relinquished all rights to the animal or
12 animals that are the basis of the conviction or order for
13 supervision, if not already. The forfeited animal or animals
14 shall be adopted or humanely euthanized. In no event may the
15 ~~convicted~~ person convicted or placed on supervision, or anyone
16 residing in his or her household be permitted to adopt or
17 otherwise possess the forfeited animal or animals. The court,
18 additionally, may order that the ~~convicted~~ person convicted or
19 placed on supervision, and persons dwelling in the same
20 household as the ~~convicted~~ person convicted or placed on
21 supervision who conspired, aided, or abetted in the unlawful
22 act that was the basis of the conviction or order for
23 supervision, or who knew or should have known of the unlawful
24 act, may not own, possess, harbor, or have custody or control
25 of any other animals for a period of time that the court deems
26 reasonable, up to and including permanent relinquishment.

1 (d) In addition to any other penalty, the court may order
2 that a person and persons dwelling in the same household may
3 not own, harbor, or have custody or control of any other animal
4 if the person has been convicted of 2 or more of the following
5 offenses:

6 (1) a violation of Section 3.02 of this Act;

7 (2) a violation of Section 4.01 of this Act; or

8 (3) a violation of Section 48-1 of the Criminal Code
9 of 2012.

10 (e) A person who violates the prohibition against owning,
11 possessing, harboring, having custody, or having control of
12 animals is subject to immediate forfeiture of any animal
13 illegally owned in violation of subsection (c). A person who
14 owns, possesses, harbors, has custody, or has control of an
15 animal in violation of an order issued under subsection (c) is
16 also subject to the civil and criminal contempt power of the
17 court and, if found guilty of criminal contempt, may be
18 subject to imprisonment for not more than 90 days, a fine of
19 not more than \$2,500, or both.

20 (Source: P.A. 102-114, eff. 1-1-22.)

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