

1 AN ACT in relation to animals.

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

4 Section 5. The Animal Control Act is amended by changing
5 Sections 15 and 26 as follows:

6 (510 ILCS 5/15) (from Ch. 8, par. 365)

7 Sec. 15. (a) For purposes of this Section:

8 (1) "Vicious dog" means:

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

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

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

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

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

26 No dog shall be deemed "vicious" if it bites,
27 attacks, or menaces a trespasser on the property of
28 its owner or harms or menaces anyone who has
29 tormented or abused it or is a professionally
30 trained dog for law enforcement or guard duties.

31 Vicious dogs shall not be classified in a manner

1 that is specific as to breed.

2 If a dog is found to be a vicious dog, the dog
3 shall be subject to enclosure.

4 (2) "Dangerous Dog" means any individual dog which
5 when either unmuzzled, unleashed, or unattended by its
6 owner, or a member of its owner's family, in a vicious or
7 terrorizing manner, approaches any person in an apparent
8 attitude of attack upon streets, sidewalks, or any public
9 grounds or places. If a dog is found to be a dangerous
10 dog, the dog must be both muzzled and leashed whenever
11 it is upon a street, sidewalk, or other public place or
12 grounds.

13 (3) "Enclosure" means a fence or structure of at
14 least 6 feet in height, forming or causing an enclosure
15 suitable to prevent the entry of young children, and
16 suitable to confine a vicious dog in conjunction with
17 other measures which may be taken by the owner or keeper,
18 such as tethering of a vicious dog within the enclosure.
19 Such enclosure shall be securely enclosed and locked and
20 designed with secure sides, top and bottom and shall be
21 designed to prevent the animal from escaping from the
22 enclosure. For the purpose of this definition, an
23 owner's house may be considered an enclosure.

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

27 (5) "Found to be vicious dog" means (i) that the
28 Administrator, an Animal Control Warden, or a law
29 enforcement officer has conducted an investigation and
30 made a finding in writing that the dog is a vicious dog
31 as defined in paragraph (1) of subsection (a) and, based
32 on that finding, the Administrator, an Animal Control
33 Warden, or the Director has declared in writing that the
34 dog is a vicious dog or (ii) that the circuit court has

1 found the dog to be a vicious dog as defined in paragraph
2 (1) of subsection (a) and has entered an order based on
3 that finding.

4 (b) It shall be unlawful for any person to keep or
5 maintain any dog which has been found to be a vicious dog
6 unless such dog is at all times kept in an enclosure. The
7 only times that a vicious dog may be allowed out of the
8 enclosure are (1) if it is necessary for the owner or keeper
9 to obtain veterinary care for the dog or (2) to comply with
10 the order of a court of competent jurisdiction, provided that
11 the dog is securely muzzled and restrained with a chain
12 having a tensile strength of 300 pounds and not exceeding 3
13 feet in length, and shall be under the direct control and
14 supervision of the owner or keeper of the dog.

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

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

28 No owner or keeper of a vicious dog shall sell or give
29 away the dog.

30 (b-5) If a vicious dog is impounded under subsection
31 (b), it must be either spayed or neutered within 30 days
32 after the impoundment. In all cases, a vicious dog must be
33 spayed or neutered before being returned to its owner. The
34 owner of the dog is liable for the cost of the spaying or

1 neutering.

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

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

21 The Administrator, the State's Attorney, or any citizen
22 of the county in which a dangerous dog or other animal exists
23 may file a complaint in the name of the People of the State
24 of Illinois to enjoin all persons from maintaining or
25 permitting such, to abate the same, and to enjoin the owner
26 of such dog or other animal from permitting same to leave his
27 premises when not under control by leash or other recognized
28 control methods. Upon the filing of a complaint in the
29 circuit court, the court, if satisfied that this nuisance may
30 exist, shall grant a preliminary injunction with bond in such
31 amount as the court may determine enjoining the defendant
32 from maintaining such nuisance. If the existence of the
33 nuisance is established, the owner of such dog or other
34 animal shall be in violation of this Act, and in addition,

1 the court shall enter an order restraining the owner from
2 maintaining such nuisance and may order that such dog or
3 other animal be humanely dispatched.

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

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

6 Sec. 26. (a) Any person violating or aiding in or
7 abetting the violation of any provision of this Act, or
8 counterfeiting or forging any certificate, permit, or tag, or
9 making any misrepresentation in regard to any matter
10 prescribed by this Act, or resisting, obstructing, or
11 impeding the Administrator or any authorized officer in
12 enforcing this Act, or refusing to produce for inoculation
13 any dog in his possession not confined at all times to an
14 enclosed area, or who removes a tag from a dog for purposes
15 of destroying or concealing its identity, is guilty of a
16 petty offense for a first or second offense and shall be
17 fined not less than \$25 nor more than \$200, and for a third
18 and subsequent offense, is guilty of a Class C misdemeanor.

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

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

25 (1) fails to maintain or keep the dog in an
26 enclosure or otherwise fails to maintain or keep the dog
27 as required under subsection (b) of Section 15; and

28 (2) the dog inflicts great bodily harm, permanent
29 disfigurement, or permanent physical disability upon any
30 other person or causes the death of another person; and

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

1 the owner shall be guilty of a Class A misdemeanor, unless
2 the owner knowingly allowed the dog to run at large or failed
3 to take steps to keep the dog in an enclosure or otherwise
4 maintain or keep the dog as required under subsection (b) of
5 Section 15, then the owner shall be guilty of a Class 4
6 felony. The penalty provided in this paragraph shall be in
7 addition to any other criminal or civil sanction provided by
8 law.

9 (c) If the owner of a dog found to be a dangerous dog:

10 (1) fails to maintain or keep the dog both muzzled
11 and leashed when it is upon a street, sidewalk, or other
12 public place or grounds; and

13 (2) the dog inflicts great bodily harm, permanent
14 disfigurement, or permanent physical disability upon any
15 other person or causes the death of another person; and

16 (3) the attack is unprovoked in a place where the
17 other person is peaceably conducting himself or herself
18 and where that person may lawfully be;

19 the owner is guilty of a Class A misdemeanor, except that if
20 the owner knowingly failed to maintain or keep the dog both
21 muzzled and leashed, then the owner is guilty of a Class 4
22 felony. The penalty provided in this subsection (c) is in
23 addition to any other criminal or civil sanction provided by
24 law.

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

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