

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 2.01, 2.02, 2.03, 2.05, 2.07, 2.16, 2.17, 2.18, 3,
6 5, 7.1, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 22, 24, and 26,
7 and by adding Sections 2.03a, 2.04a, 2.05a, 2.11a, 2.11b,
8 2.12a, 2.17a, 2.17b, 2.18a, 2.19a, 2.19b, 15.1, 15.2, 15.3,
9 and 16.5 as follows:

10 (510 ILCS 5/2.01) (from Ch. 8, par. 352.01)

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

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

20 (510 ILCS 5/2.02) (from Ch. 8, par. 352.02)

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

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

24 (510 ILCS 5/2.03) (from Ch. 8, par. 352.03)

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

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

1 (510 ILCS 5/2.03a new)

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

5 (510 ILCS 5/2.04a new)

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

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

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

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

14 (510 ILCS 5/2.05a new)

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

21 (510 ILCS 5/2.07) (from Ch. 8, par. 352.07)

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

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

26 (510 ILCS 5/2.11a new)

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

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

10 (510 ILCS 5/2.11b new)

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

15 (510 ILCS 5/2.12a new)

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

19 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

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

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

27 (510 ILCS 5/2.17) (from Ch. 8, par. 352.17)

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

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

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

4 (510 ILCS 5/2.17a new)

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

7 (510 ILCS 5/2.17b new)

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

11 (510 ILCS 5/2.18) (from Ch. 8, par. 352.18)

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

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

18 (510 ILCS 5/2.18a new)

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

21 (510 ILCS 5/2.19a new)

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

27 (510 ILCS 5/2.19b new)

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

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

4 (510 ILCS 5/3) (from Ch. 8, par. 353)

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

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

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

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

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

7 The Director~~7--and-any-member-of-the-Board~~ shall each have
8 power to administer oaths to witnesses at any hearing which
9 the Department is authorized by law to conduct, and any other
10 oaths required or authorized in any Act administered by the
11 Department.

12 This Section does not apply to feral cats.

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

14 (510 ILCS 5/5) (from Ch. 8, par. 355)

15 Sec. 5. Duties and powers.

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

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

1 and other nonlethal weapons and equipment without specific
2 weapons authorization.

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

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

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

13 (510 ILCS 5/7.1) (from Ch. 8, par. 357.1)

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

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

21 (510 ILCS 5/8) (from Ch. 8, par. 358)

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

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

11 Rabies vaccine for use on animals shall be sold or
12 distributed only to ~~and-used-only-by~~ licensed veterinarians.
13 Such rabies vaccine shall be licensed by the United States
14 Department of Agriculture ~~and-approved-by-the-Department~~.
15 (Source: P.A. 78-1166.)

16 (510 ILCS 5/9) (from Ch. 8, par. 359)

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

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

23 (510 ILCS 5/10) (from Ch. 8, par. 360)

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

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

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

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

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

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

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

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

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

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

22 (510 ILCS 5/11) (from Ch. 8, par. 361)

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

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

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

21 (510 ILCS 5/12) (from Ch. 8, par. 362)

22 Sec. 12. The owner of any ~~dog-or-ether~~ animal which
 23 exhibits clinical signs of rabies, whether or not the such
 24 ~~dog-or-ether~~ animal has been inoculated against rabies, shall
 25 immediately notify the Administrator or, if the Administrator
 26 is not a veterinarian, the Deputy Administrator, and shall
 27 promptly confine the such-~~dog-or-ether~~ animal, or have it
 28 confined, under suitable observation, for a period of at
 29 least 10 days, unless officially authorized by the
 30 Administrator or, if the Administrator is not a veterinarian,
 31 the Deputy Administrator, in writing, to release it sooner.
 32 Any ~~dog-or-ether~~ animal that has had in direct contact with
 33 the such-~~dog--er--ether~~ animal and that,-whether-or-not-the

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

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

6 (510 ILCS 5/13) (from Ch. 8, par. 363)

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

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

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

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

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

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

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

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

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

18 "Peace officer" -- has the meaning ascribed to it in Section
19 2-13 of the Criminal Code of 1961.

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

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

23 (510 ILCS 5/15) (from Ch. 8, par. 365)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 upon-streets, sidewalks, or any public grounds or places.
 2 (3) -- "Enclosure" means a fence or structure of at
 3 least 6 feet in height, forming or causing an enclosure
 4 suitable to prevent the entry of young children, and
 5 suitable to confine a vicious dog in conjunction with
 6 other measures which may be taken by the owner or keeper,
 7 such as tethering of a vicious dog within the enclosure.
 8 Such enclosure shall be securely enclosed and locked and
 9 designed with secure sides, top and bottom and shall be
 10 designed to prevent the animal from escaping from the
 11 enclosure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (510 ILCS 5/15.1 new)

29 Sec. 15.1. Dangerous dog determination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (510 ILCS 5/15.2 new)

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

6 (510 ILCS 5/15.3 new)

7 Sec. 15.3. Dangerous dog; appeal.

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

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

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

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

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

14 (510 ILCS 5/16.5 new)

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

25 (510 ILCS 5/17) (from Ch. 8, par. 367)

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

1 other animal, or an ~~a dog--or--other~~ animal thought to be
 2 infected with rabies. If, after request therefor, the owner
 3 of the ~~such~~ dog or other animal shall refuse to deliver the
 4 dog or other animal to the officer, the owner shall be in
 5 violation of this Act.

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

7 (510 ILCS 5/18) (from Ch. 8, par. 368)

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

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

14 (510 ILCS 5/19) (from Ch. 8, par. 369)

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

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

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

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

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

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

29 The--maximum--amounts--hereinabove-set-forth-may-be-increased
 30 50%-for-animals-for-which-the-owner-can-present-a-certificate
 31 of--registry--of--the--appropriate--breed--association--or
 32 organization.---However,--if-there-is-not-sufficient-money-in
 33 the-portion-of-the-fund-set-aside-as-stated-in-Section--7--to
 34 pay-all-claims-for-damages-in-full,--then-the-County-Treasurer

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

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

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

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

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

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

17 (510 ILCS 5/24) (from Ch. 8, par. 374)

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

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

29 (510 ILCS 5/26) (from Ch. 8, par. 376)

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

1 counterfeiting or forging any certificate, permit, or tag, or
2 making any misrepresentation in regard to any matter
3 prescribed by this Act, or resisting, obstructing, or
4 impeding the Administrator or any authorized officer in
5 enforcing this Act, or refusing to produce for inoculation
6 any dog in his possession ~~not-confined-at-all-times-to-an~~
7 ~~enclosed-area~~, or who removes a tag from a dog for purposes
8 of destroying or concealing its identity, is guilty of a
9 Class C misdemeanor ~~petty--offense~~ for a first ~~or--second~~
10 offense ~~and--shall--be-fined-not-less-than-\$25-not-more-than~~
11 ~~\$200~~, and for a ~~third-and~~ subsequent offense, is guilty of a
12 Class B ~~E~~ misdemeanor.

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

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

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

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

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

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

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

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

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

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