

1 AMENDMENT TO HOUSE BILL 184

2 AMENDMENT NO. _____. Amend House Bill 184, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

11 (510 ILCS 5/2.01) (from Ch. 8, par. 352.01)
12 Sec. 2.01.

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

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

1 (510 ILCS 5/2.02) (from Ch. 8, par. 352.02)

2 Sec. 2.02.

3 "Animal" means every living creature any-animal, other
4 than man, which may be affected by rabies.

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

6 (510 ILCS 5/2.03) (from Ch. 8, par. 352.03)

7 Sec. 2.03.

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

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

13 (510 ILCS 5/2.03a new)

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

17 (510 ILCS 5/2.04a new)

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

20 (510 ILCS 5/2.05) (from Ch. 8, par. 352.05)

21 Sec. 2.05.

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

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

26 (510 ILCS 5/2.05a new)

27 Sec. 2.05a. "Dangerous dog" means any individual dog when
28 unmuzzled, unleashed, or unattended by its owner or custodian
29 that behaves in a manner that a reasonable person would

1 believe poses a serious and unjustified imminent threat of
2 serious physical injury or death to a person or a companion
3 animal in a public place.

4 (510 ILCS 5/2.07) (from Ch. 8, par. 352.07)

5 Sec. 2.07.

6 "Deputy Administrator" means a veterinarian licensed by
7 the State of Illinois, appointed by the Administrator~~7~~-and
8 ~~approved-by-the-Board~~.

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

10 (510 ILCS 5/2.11a new)

11 Sec. 2.11a. "Enclosure" means a fence or structure of at
12 least 6 feet in height, forming or causing an enclosure
13 suitable to prevent the entry of young children, and suitable
14 to confine a vicious dog in conjunction with other measures
15 that may be taken by the owner or keeper, such as tethering
16 of the vicious dog within the enclosure. The enclosure shall
17 be securely enclosed and locked and designed with secure
18 sides, top, and bottom and shall be designed to prevent the
19 animal from escaping from the enclosure. If the enclosure is
20 a room within a residence, the door must be locked. A vicious
21 dog may be allowed to move about freely within the entire
22 residence if it is muzzled at all times.

23 (510 ILCS 5/2.11b new)

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

28 (510 ILCS 5/2.12a new)

29 Sec. 2.12a. "Impounded" means taken into the custody of
30 the public animal control facility in the city, town, or

1 county where the animal is found.

2 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

3 Sec. 2.16.

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

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

10 (510 ILCS 5/2.17) (from Ch. 8, par. 352.17)

11 Sec. 2.17.

12 "Person" means any individual, ~~person~~, firm, corporation,
13 partnership, society, association or other legal entity, any
14 public or private institution, the State of Illinois,
15 municipal corporation or political subdivision of the State,
16 or any other business unit.

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

18 (510 ILCS 5/2.17a new)

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

21 (510 ILCS 5/2.17b new)

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

25 (510 ILCS 5/2.18) (from Ch. 8, par. 352.18)

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

1 unwanted dogs or other animals.

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

3 (510 ILCS 5/2.18a new)

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

6 (510 ILCS 5/2.19a new)

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

12 (510 ILCS 5/2.19b new)

13 Sec. 2.19b. "Vicious dog" means a dog that, without
14 justification, attacks a person and causes serious physical
15 injury or death or any individual dog that has been found to
16 be a "dangerous dog" upon 3 separate occasions.

17 (510 ILCS 5/3) (from Ch. 8, par. 353)

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

30 The Board shall provide necessary personnel, training,

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

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

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

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

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

28 This Section does not apply to feral cats.

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

30 (510 ILCS 5/5) (from Ch. 8, par. 355)

31 Sec. 5. Duties and powers.

32 (a) It shall be the duty of the Administrator or the
33 Deputy Administrator, through sterilization, humane

1 education, rabies inoculation, stray control, impoundment,
2 quarantine, and any other means deemed necessary, to control
3 and prevent the spread of rabies in--his--county and to
4 exercise dog and cat overpopulation control. It shall also
5 be the duty of the Administrator to investigate and
6 substantiate all claims made under Section 19 of this Act.

7 (b) Counties may by ordinance determine the extent of
8 the police powers that may be exercised by the Administrator,
9 Deputy Administrators, and Animal Control Wardens, which
10 powers shall pertain only to this Act. The Administrator,
11 Deputy Administrators, and Animal Control Wardens may issue
12 and serve citations and orders for violations of this Act.
13 The Administrator, Deputy Administrators, and Animal Control
14 Wardens may not carry weapons unless they have been
15 specifically authorized to carry weapons by county ordinance.
16 Animal Control Wardens, however, may use tranquilizer guns
17 and other nonlethal weapons and equipment without specific
18 weapons authorization.

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

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

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

29 (510 ILCS 5/7.1) (from Ch. 8, par. 357.1)

30 Sec. 7.1. In addition to any other fees provided for
31 under this Act, any county may charge a reasonable fee for
32 the pickup and disposal of dead animals from private
33 for-profit animal hospitals. This fee shall be sufficient to

1 cover the costs of pickup and delivery and shall be deposited
2 in the county's animal control general fund.

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

4 (510 ILCS 5/8) (from Ch. 8, par. 358)

5 Sec. 8. Every owner of a dog 4 months or more of age not
6 confined--at--all--times--to--an--enclosed--area, shall have each
7 dog cause such dog to be inoculated against rabies by a
8 licensed veterinarian at such intervals as may hereafter be
9 established by regulations pursuant to this Act. Every dog
10 shall have a second rabies vaccination within one year of the
11 first. Terms of subsequent vaccine administration and
12 duration of immunity must be in compliance with USDA licenses
13 of vaccines used. Evidence of such rabies inoculation shall
14 be entered on a certificate the form of which shall be
15 approved by the Board and which shall be signed by the
16 licensed veterinarian administering the vaccine.
17 Veterinarians who inoculate a dog shall procure from the
18 County Animal Control serially numbered tags, one to be
19 issued with each inoculation certificate. Only one dog shall
20 be included on each certificate. The veterinarian immunizing
21 or microchipping an animal shall provide the Administrator
22 with a certificate of immunization and microchip number. The
23 Board shall cause a rabies inoculation tag to be issued, at a
24 fee established by the Board for each dog inoculated against
25 rabies.

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

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

31 (510 ILCS 5/9) (from Ch. 8, par. 359)

32 Sec. 9.

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

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

6 (510 ILCS 5/10) (from Ch. 8, par. 360)

7 Sec. 10. When dogs or cats are apprehended and impounded
 8 by the Administrator, they must be scanned for the presence
 9 of a microchip. The Administrator shall make every
 10 reasonable attempt to contact the owner as soon as possible.
 11 The Administrator he shall give notice of not less than 7
 12 business days to the owner prior to disposal of the animal,
 13 ~~if--known~~. Such notice shall be mailed to the last known
 14 address of the owner. ~~An--affidavit--or~~ Testimony of the
 15 Administrator, or his or her authorized agent, who mails such
 16 notice shall be ~~prima-facie~~ evidence of the receipt of such
 17 notice by the owner of the animal such-dog. In case the owner
 18 of any impounded dog or cat desires to make redemption
 19 thereof, he or she may do so on the following conditions:

- 20 a. present proof of current rabies inoculation, and
- 21 registration, if applicable, or
- 22 b. pay for the rabies inoculation of the dog or cat, and
- 23 registration, if applicable, and
- 24 c. pay the pound for the board of the dog or cat for the
- 25 period it was impounded, and
- 26 d. pay into the Animal Control Fund an additional
- 27 impoundment fee as prescribed by the Board as a penalty for
- 28 the first offense and for each subsequent offense; and-
- 29 e. pay for microchipping and registration if not already
- 30 done.

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

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

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

4 (510 ILCS 5/11) (from Ch. 8, par. 361)

5 Sec. 11. When not redeemed by the owner, a dog or cat
6 that has been impounded ~~for--failure-to-be-inoculated-and~~
7 ~~registered,--if-applicable,--in-accordance-with-the--provisions~~
8 ~~of--this--Act--or--a--cat--that--has--been-impounded~~ shall be
9 humanely dispatched pursuant to the Humane Euthanasia in
10 Animal Shelters Act or offered for adoption. An animal pound
11 or animal shelter shall not release any dog or cat when not
12 redeemed by the owner unless the animal has been surgically
13 rendered incapable of reproduction by spaying or neutering
14 and microchipped, or the person wishing to adopt an animal
15 prior to the surgical procedures having been performed shall
16 have executed a written agreement promising to have such
17 service performed, including microchipping, within a
18 specified period of time not to exceed 30 60 days. Failure
19 to fulfill the terms of the agreement shall result in seizure
20 and impoundment of the animal by the animal pound or shelter,
21 and any monies which have been deposited shall be forfeited.
22 This Act shall not prevent humane societies from engaging in
23 activities set forth by their charters; provided, they are
24 not inconsistent with provisions of this Act and other
25 existing laws. No animal shelter or animal control facility
26 shall release dogs or cats to an individual representing a
27 rescue group unless the group has been licensed by the
28 Illinois Department of Agriculture or incorporated as a
29 not-for-profit organization. The Department may suspend or
30 revoke the license of any animal shelter or animal control
31 facility that fails to comply with the requirements set forth
32 in this Section Any-person-purchasing-or-adopting--such--dog,
33 with--or--without-charge-or-donation,--must-pay-for-the-rabies

1 inoculation-of-such-dog-and-registration-if-applicable.

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

3 (510 ILCS 5/12) (from Ch. 8, par. 362)

4 Sec. 12. The owner of any dog--or--other animal which
5 exhibits clinical signs of rabies, whether or not the such
6 dog--or--other animal has been inoculated against rabies, shall
7 immediately notify the Administrator or, if the Administrator
8 is not a veterinarian, the Deputy Administrator, and shall
9 promptly confine the such--dog--or--other animal, or have it
10 confined, under suitable observation, for a period of at
11 least 10 days, unless officially authorized by the
12 Administrator or, if the Administrator is not a veterinarian,
13 the Deputy Administrator, in writing, to release it sooner.
14 Any dog--or--other animal that has had in direct contact with
15 the such-dog--or--other animal and that,--whether--or--not--the
16 exposed--dog--or--other-animal has not been inoculated against
17 rabies, shall be confined as recommended by the Administrator
18 or, if the Administrator is not a veterinarian, the Deputy
19 Administrator.

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

21 (510 ILCS 5/13) (from Ch. 8, par. 363)

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

24 (a) Except as otherwise provided in subsection (b) of
25 this Section, when the Administrator or, if the Administrator
26 is not a veterinarian, the Deputy Administrator receives
27 information that any person has been bitten by an a--dog--or
28 other animal, the Administrator or, if the Administrator is
29 not a veterinarian, the Deputy Administrator, or his or her
30 authorized representative, shall have such dog or other
31 animal confined under the observation of a licensed
32 veterinarian for a period of 10 days. The Department may,--by

1 regulation, permit such confinement to be reduced to a period
2 of less than 10 days. A such veterinarian shall report the
3 clinical condition of the dog-or--other animal immediately,
4 with confirmation in writing to the Administrator or, if the
5 Administrator is not a veterinarian, the Deputy Administrator
6 within 24 hours after the dog-or--other animal is presented
7 for examination, giving the owner's name, address, the date
8 of confinement, the breed, description, age, and sex of the
9 such--dog--or--other animal, and whether the animal has been
10 spayed or neutered, on appropriate forms approved by the
11 Department. The Administrator or, if the Administrator is
12 not a veterinarian, the Deputy Administrator shall notify the
13 attending physician or responsible health agency. At the end
14 of the confinement period, the veterinarian shall submit a
15 written report to the Administrator or, if the Administrator
16 is not a veterinarian, the Deputy Administrator advising him
17 or her of the final disposition of the such-dog-or--other
18 animal on appropriate forms approved by the Department. When
19 evidence is presented that the such-dog-or--other animal was
20 inoculated against rabies within the time prescribed by law,
21 it shall may be confined in a the house of-its-owner, or in a
22 manner which will prohibit it from biting any person for a
23 period of 10 days, if the--Administrator, a licensed
24 veterinarian or--other-licensed--veterinarian, adjudges such
25 confinement satisfactory. The Department may,--by-regulation,
26 permit such confinement to be reduced to a period of less
27 than 10 days. At the end of the confinement period, the such
28 dog-or--other animal shall be examined by a the-Administrator,
29 or-another licensed veterinarian.

30 ~~It-is-unlawful-for~~ Any person having knowledge that any
31 person has been bitten by an a-dog-or--other animal shall to
32 refuse-to notify the Administrator or, if the Administrator
33 is not a veterinarian, the Deputy Administrator promptly. It
34 is unlawful for the owner of the such-dog-or--other animal to

1 euthanize, sell, give away, or otherwise dispose of any such
 2 dog--or--other animal known to have bitten a person, until it
 3 is released by the Administrator or, if the Administrator is
 4 not a veterinarian, the Deputy Administrator, or his or her
 5 authorized representative. It is unlawful for the owner of
 6 the such-dog-or-other animal to refuse or fail to comply with
 7 the reasonable written or printed instructions made by the
 8 Administrator or, if the Administrator is not a veterinarian,
 9 the Deputy Administrator, or his authorized representative.
 10 If such instructions cannot be delivered in person, they
 11 shall be mailed to the owner of the such-dog-or-other animal
 12 by regular mail, postage-prepaid. The affidavit-or-testimony
 13 of--the--Administrator,--or--his--authorized--representative,
 14 delivering--or--mailing--such--instructions--is--prima--facie
 15 evidence--that--the--owner--of--such--dog-or-other-animal--was
 16 notified-of-his-responsibilities. Any expense incurred in
 17 the handling of an any-dog-or-other animal under this Section
 18 and Section 12 shall be borne by the owner.

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

27 (c) For the purpose of this Section:

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

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

34 "Peace officer" has the meaning ascribed to it in Section

1 ~~2-13-of-the-Criminal-Code-of-1961-~~

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

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

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

6 Sec. 15. (a) In order to have a dog deemed "vicious", the
7 Administrator, Deputy Administrator, animal control warden,
8 or law enforcement officer must give notice of the infraction
9 that is the basis of the investigation to the owner, conduct
10 a thorough investigation, interview any witnesses, including
11 the owner, gather any existing medical records, veterinary
12 medical records or behavioral evidence, and make a detailed
13 report recommending a finding that the dog is a vicious dog
14 and give the report to the States Attorney's Office and the
15 owner. The Administrator, State's Attorney, Director or any
16 citizen of the county in which the dog exists may file a
17 complaint in the circuit court in the name of the People of
18 the State of Illinois to deem a dog to be a vicious dog.
19 Testimony of a certified applied behaviorist, a board
20 certified veterinary behaviorist, or another recognized
21 expert may be relevant to the court's determination of
22 whether the dog's behavior was justified. The petitioner must
23 prove the dog is a vicious dog by clear and convincing
24 evidence. The Administrator shall determine where the animal
25 shall be confined during the pendency of the case.

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

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

32 (2) the injured, threatened, or killed person was
33 tormenting, abusing, assaulting, or physically

1 threatening the dog or its offspring, or has in the past
2 tormented, abused, assaulted, or physically threatened
3 the dog or its offspring; or

4 (3) the dog was responding to pain or injury, or was
5 protecting itself, its owner, custodian, or member of its
6 household, kennel, or offspring. For purposes of this
7 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, attacks, or
27 menaces a trespasser on the property of its owner or harms or
28 menaces anyone who has tormented or abused it or is a
29 professionally trained dog for law enforcement or guard
30 duties. Vicious dogs shall not be classified in a manner
31 that is specific as to breed.

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

34 If a dog is found to be a vicious dog, the dog shall be

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

12 (2)--"Dangerous-dog"-or-"dangerous-animal"-means-any
 13 individual--dog--or--animal--which-when-either-unmuzzled,
 14 unleashed,-or-unattended-by-its-owner,-or-a-member-of-its
 15 owner's-family,-in-a--vicious--or--terrorizing--manner,
 16 approaches--any--person-in-an-apparent-attitude-of-attack
 17 upon-streets,-sidewalks,-or-any-public-grounds-or-places.

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

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

31 (5)--"Found-to-be-vicious-dog"-means--(i)--that--the
 32 Administrator,-an-Animal--Control--Warden,-or-a--law
 33 enforcement-officer-has-conducted--an--investigation--and
 34 made--a--finding-in-writing-that-the-dog-is-a-vicious-dog

1 as-defined-in-paragraph-(1)-of-subsection-(a)-and,--based
 2 on--that--finding,--the--Administrator,--an-Animal-Control
 3 Warden,--or-the-Director-has-declared-in-writing-that--the
 4 dog--is--a-vicious-dog-or-(ii)-that-the-circuit-court-has
 5 found-the-dog-to-be-a-vicious-dog-as-defined-in-paragraph
 6 (1)-of-subsection-(a)-and-has-entered-an-order--based--on
 7 that-finding.

8 (b) It shall be unlawful for any person to keep or
 9 maintain any dog which has been found to be a vicious dog
 10 unless the such dog is at-all-times kept in an enclosure.
 11 The only times that a vicious dog may be allowed out of the
 12 enclosure are (1) if it is necessary for the owner or keeper
 13 to obtain veterinary care for the dog, (2) in the case of an
 14 emergency or natural disaster where the dog's life is
 15 threatened, or (3) or-(2) to comply with the order of a court
 16 of competent jurisdiction, provided that the dog is securely
 17 muzzled and restrained with a leash chain--having--a--tensile
 18 strength--of-300-pounds-and not exceeding 6 3 feet in length,
 19 and shall be under the direct control and supervision of the
 20 owner or keeper of the dog or muzzled in its residence.

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

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

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

1 away-the-dog.

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

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

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

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

33 ~~Upon-the-filing-of-a-complaint-in-the-circuit-court,--The~~
34 ~~court, if-satisfied-that-this-nuisance-may-exist, shall-grant~~

1 a--preliminary--injunctio--with--bond--in-such-amount-as-the
 2 court-may-determine-enjoining-the-defendant-from--maintaining
 3 such---nuisance.----If--the--existence--of--the--nuisance--is
 4 established, the-owner-of-such-dog-or-other-animal--shall--be
 5 in--violation--of--this-Act, and-in-addition, the-court-shall
 6 enter-an-order-restraining-the-owner--from--maintaining--such
 7 nuisance--and--shall--may--order--that--the-such-dog-or-other
 8 animal-be-humanely-dispatched.

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

10 (510 ILCS 5/15.1 new)

11 Sec. 15.1. Dangerous dog determination.

12 (a) After a thorough investigation including: sending,
 13 within 3 days of the Administrator or Director becoming aware
 14 of the alleged infratio, notifications to the owner of the
 15 alleged infractions, the fact of the initiation of an
 16 investigation, and affording the owner an opportunity to meet
 17 with the Administrator or Director prior to the making of a
 18 determination; gathering of any medical or veterinary
 19 evidence; interviewing witnesses; and making a detailed
 20 written report, an animal control warden, deputy
 21 administrator, or law enforcement agent may ask the
 22 Administrator, or his or her designee, or the Director, to
 23 deem a dog to be "dangerous". No dog shall be deemed a
 24 "dangerous dog" without clear and convincing evidence. The
 25 owner shall be sent immediate notification of the
 26 determination by registered or certified mail that includes a
 27 complete description of the appeal process.

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

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

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

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

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

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

15 (d) If deemed dangerous, the Administrator, or his or
16 her designee, or the Director shall order the dog to be
17 spayed or neutered within 14 days at the owner's expense and
18 microchipped, if not already, and one or more of the
19 following as deemed appropriate under the circumstances and
20 necessary for the protection of the public:

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

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

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

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

17 (510 ILCS 5/15.2 new)

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

22 (510 ILCS 5/15.3 new)

23 Sec. 15.3. Dangerous dog; appeal.

24 (a) The owner of a dog found to be a dangerous dog
25 pursuant to this Act by an Administrator may file a complaint
26 against the Administrator in the circuit court within 35 days
27 of receipt of notification of the determination, for a de
28 novo hearing on the determination. The proceeding shall be
29 conducted as a civil hearing pursuant to the Illinois Rules
30 of Evidence and the Code of Civil Procedure, including the
31 discovery provisions. After hearing both parties' evidence,
32 the court may make a determination of dangerous dog if the

1 Administrator meets his or her burden of proof of clear and
2 convincing evidence. The final order of the circuit court may
3 be appealed pursuant to the civil appeals provisions of the
4 Illinois Supreme Court Rules.

5 (b) The owner of a dog found to be a dangerous dog
6 pursuant to this Act by the Director may, within 14 days of
7 receipt of notification of the determination, request an
8 administrative hearing to appeal the determination. The
9 administrative hearing shall be conducted pursuant to the
10 Department of Agriculture's rules applicable to formal
11 administrative proceedings, 8 Ill. Adm. Code Part 1, SubParts
12 A and B. An owner desiring a hearing shall make his or her
13 request for a hearing to the Illinois Department of
14 Agriculture. The final administrative decision of the
15 Department may be reviewed judicially by the circuit court of
16 the county wherein the person resides or, in the case of a
17 corporation, the county where its registered office is
18 located. If the plaintiff in a review proceeding is not a
19 resident of Illinois, the venue shall be in Sangamon County.
20 The Administrative Review Law and all amendments and
21 modifications thereof, and the rules adopted thereto, apply
22 to and govern all proceedings for the judicial review of
23 final administrative decisions of the Department hereunder.

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

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

31 (510 ILCS 5/16.5 new)

32 Sec. 16.5. Expenses of microchipping. A clinic for
33 microchipping companion animals of county residents should be

1 conducted at least once a year under the direction of the
 2 Administrator or, if the Administrator is not a veterinarian,
 3 the Deputy Administrator at the animal control facility,
 4 animal shelter, or other central location within the county.
 5 The maximum amount that can be charged for microchipping an
 6 animal at this clinic shall be \$15. Funds generated from
 7 this clinic shall be deposited in the county's animal control
 8 fund.

9 (510 ILCS 5/17) (from Ch. 8, par. 367)

10 Sec. 17. For the purpose of ~~carrying-out-the--provisions~~
 11 ~~of---this---Act---and~~ making inspections hereunder, the
 12 Administrator, or his or her authorized representative, or
 13 any law enforcement officer ~~of-the-law~~ may enter upon private
 14 premises, provided that the entry shall not be made into any
 15 building that is a person's residence, to apprehend a
 16 straying dog or other animal, a dangerous or vicious dog or
 17 other animal, or an ~~a--dog--or--other~~ animal thought to be
 18 infected with rabies. If, after request therefor, the owner
 19 of the ~~such~~ dog or other animal shall refuse to deliver the
 20 dog or other animal to the officer, the owner shall be in
 21 violation of this Act.

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

23 (510 ILCS 5/18) (from Ch. 8, par. 368)

24 Sec. 18. Any owner seeing his or her livestock, poultry,
 25 or equidae ~~sheep,--goats,--cattle,--horses,--mules,--swine,~~
 26 ~~ratites,--or--poultry~~ being injured, wounded, or killed by a
 27 dog, not accompanied by or not under the supervision of its
 28 owner, may stop the attack by any reasonable means. The
 29 owner may not kill the dog unless there is conclusive
 30 evidence that his or her animals suffered severe physical
 31 injury or death because of the dog ~~pursue-and-kill-such-dog.~~

32 (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, or 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 or she shall have appeared before a member of the County Board of the county in which such killing or 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.

1 The county board, by ordinance, shall establish a schedule
 2 for damages reflecting the current market value. Unless--the
 3 county--board,--by--ordinance,--establishes--a--schedule--for
 4 damages--reflecting--the--reasonable--market--value;--the--damages
 5 allowed--for--grade--animals--or--poultry--shall--not--exceed--the
 6 following--amounts:

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

14 The--maximum--amounts--hereinabove--set--forth--may--be--increased
 15 50%--for--animals--for--which--the--owner--can--present--a--certificate
 16 of--registry--of--the--appropriate--breed--association--or
 17 organization.---However,--if--there--is--not--sufficient--money--in
 18 the--portion--of--the--fund--set--aside--as--stated--in--Section--7--to
 19 pay--all--claims--for--damages--in--full,--then--the--County--Treasurer
 20 shall--pay--to--such--owner--of--animals--or--poultry--his--pro-rata
 21 share--of--the--money--available.

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

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

27 (510 ILCS 5/22) (from Ch. 8, par. 372)

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

1 this Act.

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

3 (510 ILCS 5/24) (from Ch. 8, par. 374)

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

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

15 (510 ILCS 5/26) (from Ch. 8, par. 376)

16 Sec. 26. (a) Any person violating or aiding in or
17 abetting the violation of any provision of this Act, or
18 counterfeiting or forging any certificate, permit, or tag, or
19 making any misrepresentation in regard to any matter
20 prescribed by this Act, or resisting, obstructing, or
21 impeding the Administrator or any authorized officer in
22 enforcing this Act, or refusing to produce for inoculation
23 any dog in his possession ~~not-confined-at-all-times-to-an~~
24 ~~enclosed-area,~~ or who removes a tag from a dog for purposes
25 of destroying or concealing its identity, is guilty of a
26 Class C misdemeanor ~~petty--offense~~ for a first ~~or--second~~
27 offense ~~and--shall--be-fined-not-less-than-\$25-not-more-than~~
28 ~~\$200,~~ and for a ~~third-and~~ subsequent offense, is guilty of a
29 Class B ~~E~~ misdemeanor.

30 Each day a person fails to comply constitutes a separate
31 offense. Each State's Attorney to whom the Administrator
32 reports any violation of this Act shall cause appropriate

1 proceedings to be instituted in the proper courts without
2 delay and to be prosecuted in the manner provided by law.

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

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

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

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

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

19 (c) If the owner of a dangerous dog knowingly fails to
20 comply with any order of the court regarding the dog and the
21 dog inflicts serious physical injury on a person or a
22 companion animal, the owner shall be guilty of a Class A
23 misdemeanor. If the owner of a dangerous dog knowingly fails
24 to comply with any order regarding the dog and the dog kills
25 a person the owner shall be guilty of a Class 4 felony.

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

27 (510 ILCS 5/16 rep.)

28 Section 15. The Animal Control Act is amended by
29 repealing Section 16.

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