



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1128**

Introduced 02/08/05, by Rep. Jerry L. Mitchell

**SYNOPSIS AS INTRODUCED:**

510 ILCS 5/15  
510 ILCS 5/24

from Ch. 8, par. 365  
from Ch. 8, par. 374

Amends the Animal Control Act. Removes a restriction that forbids classifying vicious dogs by breed. Allows municipalities and other political subdivisions to regulate animals specific to breed (now, they may not regulate specific to breed).

LRB094 09249 RCE 39483 b

1 AN ACT concerning animals.

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

4 Section 5. The Animal Control Act is amended by changing  
5 Sections 15 and 24 as follows:

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

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

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

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

1           (2) the injured, threatened, or killed person was  
2           tormenting, abusing, assaulting, or physically threatening  
3           the dog or its offspring, or has in the past tormented,  
4           abused, assaulted, or physically threatened the dog or its  
5           offspring; or

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

9           No dog shall be deemed "vicious" if it is a professionally  
10          trained dog for law enforcement or guard duties. ~~Vicious dogs~~  
11          ~~shall not be classified in a manner that is specific as to~~  
12          ~~breed.~~

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

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

27          (b) It shall be unlawful for any person to keep or maintain  
28          any dog which has been found to be a vicious dog unless the dog  
29          is kept in an enclosure. The only times that a vicious dog may  
30          be allowed out of the enclosure are (1) if it is necessary for  
31          the owner or keeper to obtain veterinary care for the dog, (2)  
32          in the case of an emergency or natural disaster where the dog's  
33          life is threatened, or (3) to comply with the order of a court  
34          of competent jurisdiction, provided that the dog is securely  
35          muzzled and restrained with a leash not exceeding 6 feet in  
36          length, and shall be under the direct control and supervision

1 of the owner or keeper of the dog or muzzled in its residence.

2 Any dog which has been found to be a vicious dog and which  
3 is not confined to an enclosure shall be impounded by the  
4 Administrator, an Animal Control Warden, or the law enforcement  
5 authority having jurisdiction in such area.

6 If the owner of the dog has not appealed the impoundment  
7 order to the circuit court in the county in which the animal  
8 was impounded within 15 working days, the dog may be  
9 euthanized.

10 Upon filing a notice of appeal, the order of euthanasia  
11 shall be automatically stayed pending the outcome of the  
12 appeal. The owner shall bear the burden of timely notification  
13 to animal control in writing.

14 Guide dogs for the blind or hearing impaired, support dogs  
15 for the physically handicapped, and sentry, guard, or  
16 police-owned dogs are exempt from this Section; provided, an  
17 attack or injury to a person occurs while the dog is performing  
18 duties as expected. To qualify for exemption under this  
19 Section, each such dog shall be currently inoculated against  
20 rabies in accordance with Section 8 of this Act. It shall be  
21 the duty of the owner of such exempted dog to notify the  
22 Administrator of changes of address. In the case of a sentry or  
23 guard dog, the owner shall keep the Administrator advised of  
24 the location where such dog will be stationed. The  
25 Administrator shall provide police and fire departments with a  
26 categorized list of such exempted dogs, and shall promptly  
27 notify such departments of any address changes reported to him.  
28 (Source: P.A. 93-548, eff. 8-19-03.)

29 (510 ILCS 5/24) (from Ch. 8, par. 374)

30 Sec. 24. Nothing in this Act shall be held to limit in any  
31 manner the power of any municipality or other political  
32 subdivision to prohibit animals from running at large, nor  
33 shall anything in this Act be construed to, in any manner,  
34 limit the power of any municipality or other political  
35 subdivision to further control and regulate dogs, cats or other

1 animals in such municipality or other political subdivision,  
2 including ~~provided that no regulation or ordinance is~~ specific  
3 to breed.

4 (Source: P.A. 93-548, eff. 8-19-03.)