

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 2.04a, 2.05a, 2.11a, 2.11b, 2.16, 2.19a, 3, 5, 9, 10,
6 11, 13, 15, 15.1, and 26 as follows:

7 (510 ILCS 5/2.04a)

8 Sec. 2.04a. "Cat" means Felis catus ~~all members of the~~
9 ~~family Felidae.~~

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

11 (510 ILCS 5/2.05a)

12 Sec. 2.05a. "Dangerous dog" means any individual dog
13 anywhere other than upon the property of the owner or custodian
14 of the dog and ~~when~~ unmuzzled, unleashed, or unattended by its
15 owner or custodian that behaves in a manner that a reasonable
16 person would believe poses a serious and unjustified imminent
17 threat of serious physical injury or death to a person or a
18 companion animal ~~in a public place.~~

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

20 (510 ILCS 5/2.11a)

21 Sec. 2.11a. "Enclosure" means a fence or structure of at
22 least 6 feet in height, forming or causing an enclosure
23 suitable to prevent the entry of young children, and suitable
24 to confine a vicious dog in conjunction with other measures
25 that may be taken by the owner or keeper, such as tethering of
26 the vicious dog within the enclosure. The enclosure shall be
27 securely enclosed and locked and designed with secure sides,
28 top, and bottom and shall be designed to prevent the animal
29 from escaping from the enclosure. If the enclosure is a room
30 within a residence, it cannot have direct ingress from or

1 egress to the outdoors unless it leads directly to an enclosed
2 pen and the door must be locked. A vicious dog may be allowed
3 to move about freely within the entire residence if it is
4 muzzled at all times.

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

6 (510 ILCS 5/2.11b)

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

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

13 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

14 Sec. 2.16. "Owner" means any person having a right of
15 property in an animal, or who keeps or harbors an animal, or
16 who has it in his care, or acts as its custodian, or who
17 knowingly permits a dog to remain on any premises occupied by
18 him or her. "Owner" does not include a feral cat caretaker
19 participating in a trap, spay/neuter, return program.

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

21 (510 ILCS 5/2.19a)

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

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

28 (510 ILCS 5/3) (from Ch. 8, par. 353)

29 Sec. 3. The County Board Chairman with the consent of the
30 County Board shall appoint an Administrator. Appointments
31 shall be made as necessary to keep this position filled at all
32 times. The Administrator may appoint as many Deputy

1 Administrators and Animal Control Wardens to aid him or her as
2 authorized by the Board. The compensation for the
3 Administrator, Deputy Administrators, and Animal Control
4 Wardens shall be fixed by the Board. The Administrator may be
5 removed from office by the County Board Chairman, with the
6 consent of the County Board.

7 The Board shall provide necessary personnel, training,
8 equipment, supplies, and facilities, and shall operate pounds
9 or contract for their operation as necessary to effectuate the
10 program. The Board may enter into contracts or agreements with
11 persons to assist in the operation of the program.

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

14 The Board is authorized by ordinance to require the
15 registration and may require microchipping of dogs and cats.
16 ~~and The Board~~ shall impose an individual dog or cat animal and
17 ~~litter~~ registration fee to be deposited in a county animal
18 control fund. The fee for unaltered animals must be at least
19 \$10 higher than the fee for altered animals. All persons
20 selling dogs or cats or keeping registries of dogs or cats
21 shall cooperate and provide information to the Administrator as
22 required by Board ordinance, including sales, number of
23 litters, and ownership of dogs and cats. If microchips are
24 required, the microchip number may ~~shall~~ serve as the county
25 animal control registration number. ~~All microchips shall have~~
26 ~~an operating frequency of 125 kilohertz.~~

27 In obtaining information required to implement this Act,
28 the Department shall have power to subpoena and bring before it
29 any person in this State and to take testimony either orally or
30 by deposition, or both, with the same fees and mileage and in
31 the same manner as prescribed by law for civil cases in courts
32 of this State.

33 The Director shall have power to administer oaths to
34 witnesses at any hearing which the Department is authorized by
35 law to conduct, and any other oaths required or authorized in
36 any Act administered by the Department.

1 This Section does not apply to feral cats.

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

3 (510 ILCS 5/5) (from Ch. 8, par. 355)

4 Sec. 5. Duties and powers.

5 (a) It shall be the duty of the Administrator or the Deputy
6 Administrator, through sterilization, humane education, rabies
7 inoculation, stray control, impoundment, quarantine, and any
8 other means deemed necessary, to control and prevent the spread
9 of rabies and to exercise dog and cat overpopulation control.
10 It shall also be the duty of the Administrator to investigate
11 and substantiate all claims made under Section 19 of this Act.

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

24 A person authorized to carry firearms by county ordinance
25 under this subsection must have completed the training course
26 for peace officers prescribed in the Peace Officer Firearm
27 Training Act. The cost of this training shall be paid by the
28 county.

29 (c) The sheriff and all sheriff's deputies and municipal
30 police officers shall cooperate with the Administrator and his
31 or her representatives in carrying out the provisions of this
32 Act.

33 (d) The Administrator and animal control wardens shall aid
34 in the enforcement of the Humane Care for Animals Act and have
35 the ability to impound animals and apply for security posting

1 for violation of that Act.

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

3 (510 ILCS 5/9) (from Ch. 8, par. 359)

4 Sec. 9. Any dog found running at large contrary to
5 provisions of this Act may be apprehended and impounded. For
6 this purpose, the Administrator shall utilize any existing or
7 available animal control facility or licensed animal shelter. A
8 dog found running at large contrary to the provisions of this
9 Act a second or subsequent time must be spayed or neutered
10 within 30 days after being reclaimed unless already spayed or
11 neutered; failure to comply shall result in impoundment.

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

13 (510 ILCS 5/10) (from Ch. 8, par. 360)

14 Sec. 10. Impoundment; redemption. When dogs or cats are
15 apprehended and impounded ~~by the Administrator~~, they must be
16 scanned for the presence of a microchip. The Administrator
17 shall make every reasonable attempt to contact the owner as
18 defined by Section 2.16 as soon as possible. The Administrator
19 shall give notice of not less than 7 business days to the owner
20 prior to disposal of the animal. Such notice shall be mailed to
21 the last known address of the owner. Testimony of the
22 Administrator, or his or her authorized agent, who mails such
23 notice shall be evidence of the receipt of such notice by the
24 owner of the animal.

25 In case the owner of any impounded dog or cat desires to
26 make redemption thereof, he or she may do so by doing ~~on~~ the
27 following ~~conditions~~:

28 a. Presenting ~~present~~ proof of current rabies
29 inoculation~~7~~ and registration, if applicable.~~7~~~~or~~

30 b. Paying ~~pay~~ for the rabies inoculation of the dog or
31 cat~~7~~ and registration, if applicable.~~7~~~~and~~

32 c. Paying ~~pay~~ the pound for the board of the dog or cat
33 for the period it was impounded.~~7~~

34 d. Paying ~~pay~~ into the Animal Control Fund an

1 additional impoundment fee as prescribed by the Board as a
2 penalty for the first offense and for each subsequent
3 offense. ~~and~~

4 e. Paying ~~pay~~ for microchipping and registration if not
5 already done.

6 ~~Animal control facilities that are open to the public 7~~
7 ~~days per week for animal reclamation are exempt from the~~
8 ~~business day requirement.~~

9 The payments required for redemption under this Section
10 shall be in addition to any other penalties invoked under this
11 Act.

12 (Source: P.A. 93-548, eff. 8-19-03; revised 10-9-03.)

13 (510 ILCS 5/11) (from Ch. 8, par. 361)

14 Sec. 11. When not redeemed by the owner, a dog or cat that
15 has been impounded shall be humanely dispatched pursuant to the
16 Humane Euthanasia in Animal Shelters Act or offered for
17 adoption. An animal pound or animal shelter shall not release
18 any dog or cat when not redeemed by the owner unless the animal
19 has been ~~surgically~~ rendered incapable of reproduction ~~by~~
20 ~~spaying or neutering~~ and microchipped, or the person wishing to
21 adopt an animal prior to the surgical procedures having been
22 performed shall have executed a written agreement promising to
23 have such service performed, including microchipping, within a
24 specified period of time not to exceed 30 days. Failure to
25 fulfill the terms of the agreement shall result in seizure and
26 impoundment of the animal and any offspring by the animal pound
27 or shelter, and any monies which have been deposited shall be
28 forfeited. This Act shall not prevent humane societies from
29 engaging in activities set forth by their charters; provided,
30 they are not inconsistent with provisions of this Act and other
31 existing laws. No animal shelter or animal control facility
32 shall release dogs or cats to an individual representing a
33 rescue group, unless the group has been licensed by the
34 Illinois Department of Agriculture or incorporated as a
35 not-for-profit organization. The Department may suspend or

1 revoke the license of any animal shelter or animal control
2 facility that fails to comply with the requirements set forth
3 in this Section or that fails to report its intake and
4 euthanasia statistics each year.

5 (Source: P.A. 92-449, eff. 1-1-02; 93-548, eff. 8-19-03.)

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

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

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

1 period of 10 days, if a licensed veterinarian adjudges such
2 confinement satisfactory. The Department may permit such
3 confinement to be reduced to a period of less than 10 days. At
4 the end of the confinement period, the animal shall be examined
5 by a licensed veterinarian.

6 Any person having knowledge that any person has been bitten
7 by an animal shall notify the Administrator or, if the
8 Administrator is not a veterinarian, the Deputy Administrator
9 promptly. It is unlawful for the owner of the animal to
10 euthanize, sell, give away, or otherwise dispose of any animal
11 known to have bitten a person, until it is released by the
12 Administrator or, if the Administrator is not a veterinarian,
13 the Deputy Administrator, or his or her authorized
14 representative. It is unlawful for the owner of the animal to
15 refuse or fail to comply with the reasonable written or printed
16 instructions made by the Administrator or, if the Administrator
17 is not a veterinarian, the Deputy Administrator, or his
18 authorized representative. If such instructions cannot be
19 delivered in person, they shall be mailed to the owner of the
20 animal by regular mail. Any expense incurred in the handling of
21 an animal under this Section and Section 12 shall be borne by
22 the owner.

23 (b) When a person has been bitten by a police dog that is
24 currently vaccinated against rabies, the police dog may
25 continue to perform its duties for the peace officer or law
26 enforcement agency and any period of observation of the police
27 dog may be under the supervision of a peace officer. The
28 supervision shall consist of the dog being locked in a kennel,
29 performing its official duties in a police vehicle, or
30 remaining under the constant supervision of its police handler.
31 (Source: P.A. 93-548, eff. 8-19-03.)

32 (510 ILCS 5/15) (from Ch. 8, par. 365)

33 Sec. 15. (a) In order to have a dog deemed "vicious", the
34 Administrator, Deputy Administrator, ~~animal control warden~~, or
35 law enforcement officer must give notice of the infraction that

1 is the basis of the investigation to the owner, conduct a
2 thorough investigation, interview any witnesses, including the
3 owner, gather any existing medical records, veterinary medical
4 records or behavioral evidence, and make a detailed report
5 recommending a finding that the dog is a vicious dog and give
6 the report to the States Attorney's Office and the owner. The
7 Administrator, State's Attorney, Director or any citizen of the
8 county in which the dog exists may file a complaint in the
9 circuit court in the name of the People of the State of
10 Illinois to deem a dog to be a vicious dog. Testimony of a
11 certified applied behaviorist, a board certified veterinary
12 behaviorist, or another recognized expert may be relevant to
13 the court's determination of whether the dog's behavior was
14 justified. The petitioner must prove the dog is a vicious dog
15 by clear and convincing evidence. The Administrator shall
16 determine where the animal shall be confined during the
17 pendency of the case.

18 A dog may ~~shall~~ not be declared vicious if the court
19 determines the conduct of the dog was justified because:

20 (1) the threat, injury, or death was sustained by a
21 person who at the time was committing a crime or offense
22 upon the owner or custodian of the dog, or was committing a
23 willful trespass or other tort upon the premises or
24 property owned or occupied by the owner of the animal ~~upon~~
25 ~~the property of the owner or custodian of the dog;~~

26 (2) the injured, threatened, or killed person was
27 ~~tormenting,~~ abusing, assaulting, or physically threatening
28 the dog or its offspring, or has in the past ~~tormented,~~
29 abused, assaulted, or physically threatened the dog or its
30 offspring; or

31 (3) the dog was responding to pain or injury, or was
32 protecting itself, its owner, custodian, or member of its
33 household, kennel, or offspring.

34 No dog shall be deemed "vicious" if it is a professionally
35 trained dog for law enforcement or guard duties. Vicious dogs
36 shall not be classified in a manner that is specific as to

1 breed.

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

4 If a dog is found to be a vicious dog, the dog shall be
5 spayed or neutered within 10 days of the finding at the expense
6 of its owner and microchipped, if not already, and is subject
7 to enclosure. If an owner fails to comply with these
8 requirements, the animal control agency shall impound the dog
9 and the owner shall pay a \$500 fine plus impoundment fees to
10 the animal control agency impounding the dog. The judge has the
11 discretion to order a vicious dog be euthanized. A dog found to
12 be a vicious dog shall not be released to the owner until the
13 Administrator, an Animal Control Warden, or the Director
14 approves the enclosure. No owner or keeper of a vicious dog
15 shall sell or give away the dog without ~~court~~ approval from the
16 Administrator or court. Whenever an owner of a vicious dog
17 relocates, he or she shall notify both the Administrator of
18 County Animal Control where he or she has relocated and the
19 Administrator of County Animal Control where he or she formerly
20 resided.

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

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

36 If the owner of the dog has not appealed the impoundment

1 order to the circuit court in the county in which the animal
2 was impounded within 15 working days, the dog may be
3 euthanized.

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

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

22 (c) If the animal control agency has custody of the dog,
23 the agency may file a petition with the court requesting that
24 the owner be ordered to post security. The security must be in
25 an amount sufficient to secure payment of all reasonable
26 expenses expected to be incurred by the animal control agency
27 or animal shelter in caring for and providing for the dog
28 pending the determination. Reasonable expenses include, but
29 are not limited to, estimated medical care and boarding of the
30 animal for 30 days. If security has been posted in accordance
31 with this Section, the animal control agency may draw from the
32 security the actual costs incurred by the agency in caring for
33 the dog.

34 (d) Upon receipt of a petition, the court must set a
35 hearing on the petition, to be conducted within 5 business days
36 after the petition is filed. The petitioner must serve a true

1 copy of the petition upon the defendant.

2 (e) If the court orders the posting of security, the
3 security must be posted with the clerk of the court within 5
4 business days after the hearing. If the person ordered to post
5 security does not do so, the dog is forfeited by operation of
6 law and the animal control agency must dispose of the animal
7 through adoption or humane euthanization.

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

9 (510 ILCS 5/15.1)

10 Sec. 15.1. Dangerous dog determination.

11 (a) After a thorough investigation including: sending,
12 within 10 business ~~3~~ days of the Administrator or Director
13 becoming aware of the alleged infraction, notifications to the
14 owner of the alleged infractions, the fact of the initiation of
15 an investigation, and affording the owner an opportunity to
16 meet with the Administrator or Director prior to the making of
17 a determination; gathering of any medical or veterinary
18 evidence; interviewing witnesses; and making a detailed
19 written report, an animal control warden, deputy
20 administrator, or law enforcement agent may ask the
21 Administrator, or his or her designee, or the Director, to deem
22 a dog to be "dangerous". No dog shall be deemed a "dangerous
23 dog" unless shown to be a dangerous dog by a preponderance of
24 evidence ~~without clear and convincing evidence~~. The owner shall
25 be sent immediate notification of the determination by
26 registered or certified mail that includes a complete
27 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 the
32 time was committing a crime or offense upon the owner or
33 custodian of the dog or was committing a willful trespass
34 or other tort upon the premises or property occupied by the
35 owner of the animal;

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

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

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

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

15 (d) If deemed dangerous, the Administrator, or his or her
16 designee, or the Director shall order the dog to be spayed or
17 neutered within 14 days at the owner's expense and
18 microchipped, if not already, and one or more of the following
19 as deemed appropriate under the circumstances and necessary for
20 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 or
29 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 will
32 prevent it from biting any person or animal, but that shall not
33 injure the dog or interfere with its vision or respiration.

34 (f) Guide dogs for the blind or hearing impaired, support
35 dogs for the physically handicapped, and sentry, guard, or
36 police-owned dogs are exempt from this Section; provided, an

1 attack or injury to a person occurs while the dog is performing
2 duties as expected. To qualify for exemption under this
3 Section, each such dog shall be currently inoculated against
4 rabies in accordance with Section 8 of this Act and performing
5 duties as expected. It shall be the duty of the owner of the
6 exempted dog to notify the Administrator of changes of address.
7 In the case of a sentry or guard dog, the owner shall keep the
8 Administrator advised of the location where such dog will be
9 stationed. The Administrator shall provide police and fire
10 departments with a categorized list of the exempted dogs, and
11 shall promptly notify the departments of any address changes
12 reported to him or her.

13 (g) An animal control agency has the right to impound a
14 dangerous dog if the owner fails to comply with the
15 microchipping or sterilization requirements.

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

17 (510 ILCS 5/26) (from Ch. 8, par. 376)

18 Sec. 26. (a) Any person violating or aiding in or abetting
19 the violation of any provision of this Act, or counterfeiting
20 or forging any certificate, permit, or tag, or making any
21 misrepresentation in regard to any matter prescribed by this
22 Act, or resisting, obstructing, or impeding the Administrator
23 or any authorized officer in enforcing this Act, or refusing to
24 produce for inoculation any dog in his possession, or who
25 removes a tag or microchip from a dog for purposes of
26 destroying or concealing its identity, is guilty of a Class C
27 misdemeanor for a first offense and for a subsequent offense,
28 is guilty of a Class B misdemeanor.

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

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

35 (1) fails to maintain or keep the dog in an enclosure

1 or fails to spay or neuter the dog within the time period
2 prescribed; and

3 (2) the dog inflicts serious physical injury upon any
4 other person or causes the death of another person; and

5 (3) the attack is unprovoked in a place where such
6 person is peaceably conducting himself or herself and where
7 such person may lawfully be;

8 the owner shall be guilty of a Class 4 felony, unless the owner
9 knowingly allowed the dog to run at large or failed to take
10 steps to keep the dog in an enclosure then the owner shall be
11 guilty of a Class 3 felony. The penalty provided in this
12 paragraph shall be in addition to any other criminal or civil
13 sanction provided by law.

14 (c) If the owner of a dangerous dog knowingly fails to
15 comply with any order ~~of the court~~ regarding the dog and the
16 dog inflicts serious physical injury on a person or a companion
17 animal, the owner shall be guilty of a Class A misdemeanor. If
18 the owner of a dangerous dog knowingly fails to comply with any
19 order regarding the dog and the dog kills a person the owner
20 shall be guilty of a Class 4 felony.

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