



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4238

Introduced 12/9/2005, by Rep. Mike Boland

SYNOPSIS AS INTRODUCED:

510 ILCS 5/26

from Ch. 8, par. 376

Amends the Animal Control Act. Provides that the owner of an intact dog is guilty of a Class 4 felony if the owner allows the dog to run at large in violation of the Act and the dog inflicts serious physical injury to a person.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Section 26 as follows:

6 (510 ILCS 5/26) (from Ch. 8, par. 376)

7 Sec. 26. (a) Except as otherwise provided in this Act, any
8 ~~Any~~ person violating or aiding in or abetting the violation of
9 any provision of this Act, or counterfeiting or forging any
10 certificate, permit, or tag, or making any misrepresentation in
11 regard to any matter prescribed by this Act, or resisting,
12 obstructing, or impeding the Administrator or any authorized
13 officer in enforcing this Act, or refusing to produce for
14 inoculation any dog in his possession, or who removes a tag
15 from a dog for purposes of destroying or concealing its
16 identity, is guilty of a Class C misdemeanor for a first
17 offense and for a subsequent offense, is guilty of a Class B
18 misdemeanor.

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

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

25 (1) fails to maintain or keep the dog in an enclosure
26 or fails to spay or neuter the dog within the time period
27 prescribed; and

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

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

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

7 (c) If the owner of a dangerous dog knowingly fails to
8 comply with any order regarding the dog and the dog inflicts
9 serious physical injury on a person or a companion animal, the
10 owner shall be guilty of a Class A misdemeanor. If the owner of
11 a dangerous dog knowingly fails to comply with any order
12 regarding the dog and the dog kills a person the owner shall be
13 guilty of a Class 4 felony.

14 (d) If the owner of an intact dog knowingly allows it to
15 run at large in violation of this Act as specified in Section 9
16 and the dog inflicts serious physical injury to a person, the
17 owner is guilty of a Class 4 felony.

18 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)