

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois Public Health and Safety Animal Population Control
6 Act.

7 Section 5. Findings. The General Assembly finds the
8 following:

9 (1) Controlling the dog and cat population would have a
10 significant benefit to the public health and safety by
11 aiding in the prevention of dog attacks, reducing the
12 number of dog and cat bite cases involving children, and
13 decreasing the number of automobile accidents caused by
14 stray dogs and cats.

15 (2) Increasing the number of rabies-vaccinated, owned
16 pets in low-income areas will reduce potential threats to
17 public health and safety from rabies.

18 (3) Controlling the dog and cat population will save
19 taxpayer dollars by reducing the number of dogs and cats
20 handled by county and municipal animal control agencies.
21 Targeted low-cost spay or neuter programs for dogs and cats
22 in select Illinois counties and other states have proven to
23 save taxpayers money.

24 (4) This Act is established to provide a variety of
25 means by which population control and rabies vaccinations
26 may be financed.

27 Section 10. Definitions. As used in this Act:

28 "Director" means the Director of Public Health.

29 "Department" means the Department of Public Health.

30 "Companion animal" means any domestic dog (*canis lupus*
31 *familiaris*) or domestic cat (*felis catus*).

1 "Fund" means the Pet Population Control Fund established in
2 this Act.

3 Section 15. Income tax checkoff. Each individual income tax
4 payer may contribute to the Pet Population Control Fund through
5 the income tax checkoff described in Section 507EE of the
6 Illinois Income Tax Act.

7 Section 20. Program established. The Department shall
8 establish and implement an Illinois Public Health and Safety
9 Animal Population Control Program by December 31, 2005. The
10 purpose of this program is to reduce the population of unwanted
11 and stray dogs and cats in Illinois by encouraging the owners
12 of dogs and cats to have them permanently sexually sterilized
13 and vaccinated, thereby reducing potential threats to public
14 health and safety. The program shall begin collecting funds on
15 January 1, 2006 and shall begin distributing funds for
16 vaccinations or spaying and neutering operations on January 1,
17 2007. No dog or cat imported from another state is eligible to
18 be sterilized or vaccinated under this program. Beginning June
19 30, 2007, the Director must make an annual written report
20 relative to the progress of the program to the President of the
21 Senate, the Speaker of the House of Representatives, and the
22 Governor.

23 Section 25. Eligibility to participate. A resident of the
24 State who owns a dog or cat and who is eligible for the Food
25 Stamp Program or the Disability Insurance Benefits Program
26 shall be eligible to participate in the program at a reduced
27 rate if the owner signs a consent form certifying that he or
28 she is the owner of the dog or cat or is authorized by the
29 eligible owner to present the dog or cat for the procedure. An
30 owner must submit proof of eligibility to the Department. Upon
31 approval, the Department shall furnish an eligible owner with
32 an eligibility voucher to be presented to a participating
33 veterinarian. A resident of this State who is managing a feral

1 cat colony and who humanely traps feral cats for spaying or
2 neutering and return is eligible to participate in the program
3 provided the trap, sterilize, and return program is recognized
4 by the municipality or by the county, if it is located in an
5 unincorporated area. The sterilization shall be performed by a
6 voluntarily participating veterinarian or veterinary student
7 under the supervision of a veterinarian. The co-payment for the
8 cat or dog sterilization procedure and vaccinations shall be
9 \$15.

10 Section 30. Veterinarian participation. Any veterinarian
11 may participate in the program established under this Act. A
12 veterinarian shall file with the Director an application, on
13 which the veterinarian must supply, in addition to any other
14 information requested by the Director, a fee schedule listing
15 the fees charged for dog and cat sterilization, examination,
16 and the presurgical immunizations specified in this Act in the
17 normal course of business. The dog or cat sterilization fee may
18 vary with the animal's weight, sex, and species. The Director
19 shall compile the fees and establish reasonable reimbursement
20 rates for the State.

21 The Director shall reimburse, to the extent funds are
22 available, participating veterinarians for each dog or cat
23 sterilization procedure administered. To receive this
24 reimbursement, the veterinarian must submit a certificate
25 approved by the Department on a form approved by the Director
26 that must be signed by the veterinarian and the owner of the
27 dog or cat or the feral cat caretaker. At the same time, the
28 veterinarian must submit the eligibility voucher provided by
29 the Department to the eligible owner. The Director shall notify
30 all participating veterinarians if the program must be
31 suspended for any period due to a lack of revenue and shall
32 also notify all participating veterinarians when the program
33 will resume. Veterinarians who voluntarily participate in this
34 sterilization and vaccination program may decline to treat
35 feral cats if they choose.

1 For all dogs and cats sterilized under this Act, the
2 Director shall also reimburse, to the extent funds are
3 available, participating veterinarians for (1) an examination
4 fee and the presurgical immunization of dogs against rabies and
5 other diseases pursuant to Department rules or (2) examination
6 fees and the presurgical immunizations of cats against rabies
7 and other diseases pursuant to Department rules. Reimbursement
8 for the full cost of the covered presurgical immunizations
9 shall be made by the Director to the participating veterinarian
10 upon the written certification, signed by the veterinarian and
11 the owner of the companion animal or the feral cat caretaker,
12 that the immunization has been administered. There shall be no
13 additional charges to the owner of a dog or cat sterilized
14 under this Act or feral cat caretaker for examination fees or
15 the presurgical immunizations.

16 Section 35. Rulemaking. The Director shall adopt rules
17 relative to:

- 18 (1) Other immunizations covered.
- 19 (2) Format and content of all forms required under this
20 Act.
- 21 (3) Proof of eligibility.
- 22 (4) Administration of the Fund.
- 23 (5) The percentage of fines to be allocated to
24 education of the public concerning spaying and neutering of
25 dogs and cats.
- 26 (6) Any other matter necessary for the administration
27 of this Act.

28 Section 40. Enforcement; administrative fine. Any person
29 who knowingly falsifies proof of eligibility for or
30 participation in any program under this Act, knowingly
31 furnishes any licensed veterinarian with inaccurate
32 information concerning the ownership of a dog or cat submitted
33 for a sterilization procedure, or violates any provision of
34 this Act may be subject to an administrative fine not to exceed

1 \$500 for each violation.

2 Section 45. Pet Population Control Fund. The Pet Population
3 Control Fund is established as a special fund in the State
4 treasury. The moneys generated from the public safety fines
5 collected as provided in the Animal Control Act, from Pet
6 Friendly license plates under Section 3-653 of the Illinois
7 Vehicle Code, from Section 507EE of the Illinois Income Tax
8 Act, and from voluntary contributions must be kept in the Fund
9 and shall be used only to sterilize and vaccinate dogs and cats
10 in this State pursuant to the program, to promote the
11 sterilization program, to educate the public about the
12 importance of spaying and neutering, and for reasonable
13 administrative and personnel costs related to the Fund.

14 Section 905. The State Finance Act is amended by changing
15 Sections 5.568 and 8h as follows:

16 (30 ILCS 105/5.568)

17 Sec. 5.568. The Pet Population ~~Overpopulation~~ Control
18 Fund.

19 (Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

20 (30 ILCS 105/8h)

21 Sec. 8h. Transfers to General Revenue Fund.

22 (a) Except as provided in subsection (b), notwithstanding
23 any other State law to the contrary, the Governor may, through
24 June 30, 2007, from time to time direct the State Treasurer and
25 Comptroller to transfer a specified sum from any fund held by
26 the State Treasurer to the General Revenue Fund in order to
27 help defray the State's operating costs for the fiscal year.
28 The total transfer under this Section from any fund in any
29 fiscal year shall not exceed the lesser of (i) 8% of the
30 revenues to be deposited into the fund during that fiscal year
31 or (ii) an amount that leaves a remaining fund balance of 25%
32 of the July 1 fund balance of that fiscal year. In fiscal year

1 2005 only, prior to calculating the July 1, 2004 final
2 balances, the Governor may calculate and direct the State
3 Treasurer with the Comptroller to transfer additional amounts
4 determined by applying the formula authorized in Public Act
5 93-839 to the funds balances on July 1, 2003. No transfer may
6 be made from a fund under this Section that would have the
7 effect of reducing the available balance in the fund to an
8 amount less than the amount remaining unexpended and unreserved
9 from the total appropriation from that fund estimated to be
10 expended for that fiscal year. This Section does not apply to
11 any funds that are restricted by federal law to a specific use,
12 to any funds in the Motor Fuel Tax Fund, the Hospital Provider
13 Fund, the Medicaid Provider Relief Fund, or the Reviewing Court
14 Alternative Dispute Resolution Fund, or to any funds to which
15 subsection (f) of Section 20-40 of the Nursing and Advanced
16 Practice Nursing Act applies. No transfers may be made under
17 this Section from the Pet Population Control Fund.

18 Notwithstanding any other provision of this Section, for fiscal
19 year 2004, the total transfer under this Section from the Road
20 Fund or the State Construction Account Fund shall not exceed
21 the lesser of (i) 5% of the revenues to be deposited into the
22 fund during that fiscal year or (ii) 25% of the beginning
23 balance in the fund. For fiscal year 2005 through fiscal year
24 2007, no amounts may be transferred under this Section from the
25 Road Fund, the State Construction Account Fund, the Criminal
26 Justice Information Systems Trust Fund, the Wireless Service
27 Emergency Fund, or the Mandatory Arbitration Fund.

28 In determining the available balance in a fund, the
29 Governor may include receipts, transfers into the fund, and
30 other resources anticipated to be available in the fund in that
31 fiscal year.

32 The State Treasurer and Comptroller shall transfer the
33 amounts designated under this Section as soon as may be
34 practicable after receiving the direction to transfer from the
35 Governor.

36 (b) This Section does not apply to any fund established

1 under the Community Senior Services and Resources Act.

2 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
3 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
4 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
5 1-15-05.)

6 Section 910. The Illinois Income Tax Act is amended by
7 adding Section 507EE as follows:

8 (35 ILCS 5/507EE new)

9 Sec. 507EE. Pet Population Control Fund checkoff. The
10 Department must print on its standard individual income tax
11 form a provision indicating that if the taxpayer wishes to
12 contribute to the Pet Population Control Fund, as established
13 in the Illinois Public Health and Safety Animal Population
14 Control Act, he or she may do so by stating the amount of the
15 contribution (not less than \$1) on the return and that the
16 contribution will reduce the taxpayer's refund or increase the
17 amount of payment to accompany the return. Failure to remit any
18 amount of increased payment reduces the contribution
19 accordingly. This Section does not apply to any amended return.

20 The Department of Revenue shall determine annually the
21 total amount contributed to the Fund pursuant to this Section
22 and shall notify the State Comptroller and the State Treasurer
23 of the amount to be transferred to the Pet Population Control
24 Fund, and upon receipt of the notification the State
25 Comptroller shall transfer the amount.

26 Section 915. The Animal Control Act is amended by changing
27 Sections 2.04a, 2.05a, 2.11a, 2.11b, 2.16, 2.19a, 3, 5, 8, 9,
28 10, 11, 13, 15, 15.1, and 26 and by adding Sections 2.11c, 30,
29 and 35 as follows:

30 (510 ILCS 5/2.04a)

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

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

2 (510 ILCS 5/2.05a)

3 Sec. 2.05a. "Dangerous dog" means (i) any individual dog
4 anywhere other than upon the property of the owner or custodian
5 of the dog and ~~when~~ unmuzzled, unleashed, or unattended by its
6 owner or custodian that behaves in a manner that a reasonable
7 person would believe poses a serious and unjustified imminent
8 threat of serious physical injury or death to a person or a
9 companion animal or (ii) a dog that, without justification,
10 bites a person and does not cause serious physical injury ~~in a~~
11 public place.

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

13 (510 ILCS 5/2.11a)

14 Sec. 2.11a. "Enclosure" means a fence or structure of at
15 least 6 feet in height, forming or causing an enclosure
16 suitable to prevent the entry of young children, and suitable
17 to confine a vicious dog in conjunction with other measures
18 that may be taken by the owner or keeper, such as tethering of
19 the vicious dog within the enclosure. The enclosure shall be
20 securely enclosed and locked and designed with secure sides,
21 top, and bottom and shall be designed to prevent the animal
22 from escaping from the enclosure. If the enclosure is a room
23 within a residence, it cannot have direct ingress from or
24 egress to the outdoors unless it leads directly to an enclosed
25 pen and the door must be locked. A vicious dog may be allowed
26 to move about freely within the entire residence if it is
27 muzzled at all times.

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

29 (510 ILCS 5/2.11b)

30 Sec. 2.11b. "Feral cat" means a cat that (i) is born in the
31 wild or is the offspring of an owned or feral cat and is not
32 socialized, ~~or~~ (ii) is a formerly owned cat that has been
33 abandoned and is no longer socialized, or (iii) lives on a

1 farm.

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

3 (510 ILCS 5/2.11c new)

4 Sec. 2.11c. Intact animal. "Intact animal" means an animal
5 that has not been spayed or neutered.

6 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

7 Sec. 2.16. "Owner" means any person having a right of
8 property in an animal, or who keeps or harbors an animal, or
9 who has it in his care, or acts as its custodian, or who
10 knowingly permits a dog to remain on any premises occupied by
11 him or her. "Owner" does not include a feral cat caretaker
12 participating in a trap, spay/neuter, return or release
13 program.

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

15 (510 ILCS 5/2.19a)

16 Sec. 2.19a. "Serious physical injury" means a physical
17 injury that creates a substantial risk of death or that causes
18 death, serious ~~or protracted~~ disfigurement, protracted
19 impairment of health, impairment of the function of any bodily
20 organ, or plastic surgery.

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

22 (510 ILCS 5/3) (from Ch. 8, par. 353)

23 Sec. 3. The County Board Chairman with the consent of the
24 County Board shall appoint an Administrator. Appointments
25 shall be made as necessary to keep this position filled at all
26 times. The Administrator may appoint as many Deputy
27 Administrators and Animal Control Wardens to aid him or her as
28 authorized by the Board. The compensation for the
29 Administrator, Deputy Administrators, and Animal Control
30 Wardens shall be fixed by the Board. The Administrator may be
31 removed from office by the County Board Chairman, with the
32 consent of the County Board.

1 The Board shall provide necessary personnel, training,
2 equipment, supplies, and facilities, and shall operate pounds
3 or contract for their operation as necessary to effectuate the
4 program. The Board may enter into contracts or agreements with
5 persons to assist in the operation of the program and may
6 establish a county animal population control program.

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

9 The Board is authorized by ordinance to require the
10 registration and may require microchipping of dogs and cats.
11 ~~and The Board~~ shall impose an individual dog or cat ~~animal and~~
12 ~~litter~~ registration fee with a minimum differential of \$15 for
13 intact dogs or cats. Ten dollars of the differential shall be
14 placed either in a county animal population control fund or in
15 the State's Pet Population Control Fund. If the money is placed
16 in the county animal population control fund it shall be used
17 to (i) spay, neuter, or sterilize adopted dogs or cats or (ii)
18 spay or neuter dogs or cats owned by low income county
19 residents who are eligible for the Food Stamp Program. All
20 persons selling dogs or cats or keeping registries of dogs or
21 cats shall cooperate and provide information to the
22 Administrator as required by Board ordinance, including sales,
23 number of litters, and ownership of dogs and cats. If
24 microchips are required, the microchip number may ~~shall~~ serve
25 as the county animal control registration number. ~~All~~
26 ~~microchips shall have 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 5/8) (from Ch. 8, par. 358)

4 Sec. 8. Every owner of a dog 4 months or more of age shall
5 have each dog inoculated against rabies by a licensed
6 veterinarian. Every dog shall have a second rabies vaccination
7 within one year of the first. Terms of subsequent vaccine
8 administration and duration of immunity must be in compliance
9 with USDA licenses of vaccines used. Evidence of such rabies
10 inoculation shall be entered on a certificate the form of which
11 shall be approved by the Board and which shall contain the
12 microchip number of the animal if it has one and which shall be
13 signed by the licensed veterinarian administering the vaccine.
14 Veterinarians who inoculate a dog shall procure from the County
15 Animal Control in the county where their office is located
16 serially numbered tags, one to be issued with each inoculation
17 certificate. Only one dog shall be included on each
18 certificate. The veterinarian immunizing or microchipping an
19 animal shall provide the Administrator of the county in which
20 the animal resides with a certificate of immunization and
21 microchip number. The Board shall cause a rabies inoculation
22 tag to be issued, at a fee established by the Board for each
23 dog inoculated against rabies.

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

28 If a licensed veterinarian determines in writing that a
29 rabies inoculation would compromise an animal's health, then
30 the animal shall be exempt from the rabies shot requirement,
31 but the owner must still be responsible for the fees.

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

33 (510 ILCS 5/9) (from Ch. 8, par. 359)

34 Sec. 9. Any dog found running at large contrary to

1 provisions of this Act may be apprehended and impounded. For
 2 this purpose, the Administrator shall utilize any existing or
 3 available animal control facility or licensed animal shelter.
 4 The dog's owner shall pay a \$25 public safety fine, \$20 of
 5 which shall be deposited into the Pet Population Control Fund
 6 and \$5 of which shall be retained by the county or
 7 municipality. A dog found running at large contrary to the
 8 provisions of this Act a second or subsequent time must be
 9 spayed or neutered within 30 days after being reclaimed unless
 10 already spayed or neutered; failure to comply shall result in
 11 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~~,~~ and registration, if applicable. ~~, or~~

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

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

34 d. Paying ~~pay~~ into the Animal Control Fund an
 35 additional impoundment fee as prescribed by the Board as a

1 penalty for the first offense and for each subsequent
2 offense. ~~and~~

3 e. Paying a \$25 public safety fine to be deposited into
4 the Pet Population Control Fund; the fine shall be waived
5 if it is the dog's or cat's first impoundment and the owner
6 has the animal spayed or neutered within 14 days.

7 f. ~~e. Paying pay~~ for microchipping and registration if
8 not already done.

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

12 The payments required for redemption under this Section
13 shall be in addition to any other penalties invoked under this
14 Act and the Illinois Public Health and Safety Animal Population
15 Control Act. An animal control agency shall assist and share
16 information with the Director of Public Health in the
17 collection of public safety fines.

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

19 (510 ILCS 5/11) (from Ch. 8, par. 361)

20 Sec. 11. When not redeemed by the owner, agent, or
21 caretaker, a dog or cat must be scanned for a microchip. If a
22 microchip is present, the registered owner must be notified.
23 After contact has been made or attempted, dogs or cats deemed
24 adoptable by the animal control facility shall be offered for
25 adoption, or made available to a licensed humane society or
26 rescue group. If no placement is available, it ~~that has been~~
27 ~~impounded~~ shall be humanely dispatched pursuant to the Humane
28 Euthanasia in Animal Shelters Act ~~or offered for adoption.~~ An
29 animal pound or animal shelter shall not release any dog or cat
30 when not redeemed by the owner unless the animal has been
31 surgically rendered incapable of reproduction ~~by spaying or~~
32 ~~neutering~~ and microchipped, or the person wishing to adopt an
33 animal prior to the surgical procedures having been performed
34 shall have executed a written agreement promising to have such
35 service performed, including microchipping, within a specified

1 period of time not to exceed 30 days. Failure to fulfill the
2 terms of the agreement shall result in seizure and impoundment
3 of the animal and any offspring by the animal pound or shelter,
4 and any monies which have been deposited shall be forfeited and
5 submitted to the Pet Population Control Fund on a yearly basis.

6 This Act shall not prevent humane societies from engaging in
7 activities set forth by their charters; provided, they are not
8 inconsistent with provisions of this Act and other existing
9 laws. No animal shelter or animal control facility shall
10 release dogs or cats to an individual representing a rescue
11 group, unless the group has been licensed or has a foster care
12 permit issued by the Illinois Department of Agriculture or is a
13 representative of ~~incorporated as~~ a not-for-profit
14 out-of-state 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 or that fails to report its intake and
18 euthanasia statistics each year.

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

20 (510 ILCS 5/13) (from Ch. 8, par. 363)

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

22 (a) Except as otherwise provided in subsection (b) of this
23 Section, when the Administrator or, if the Administrator is not
24 a veterinarian, the Deputy Administrator receives information
25 that any person has been bitten by an animal, the Administrator
26 or, if the Administrator is not a veterinarian, the Deputy
27 Administrator, or his or her authorized representative, shall
28 have such dog or other animal confined under the observation of
29 a licensed veterinarian for a period of 10 days. The Department
30 may permit such confinement to be reduced to a period of less
31 than 10 days. A veterinarian shall report the clinical
32 condition of the animal immediately, with confirmation in
33 writing to the Administrator or, if the Administrator is not a
34 veterinarian, the Deputy Administrator within 24 hours after
35 the animal is presented for examination, giving the owner's

1 name, address, the date of confinement, the breed, description,
2 age, and sex of the animal, and whether the animal has been
3 spayed or neutered, on appropriate forms approved by the
4 Department. The Administrator or, if the Administrator is not a
5 veterinarian, the Deputy Administrator shall notify the
6 attending physician or responsible health agency. At the end of
7 the confinement period, the veterinarian shall submit a written
8 report to the Administrator or, if the Administrator is not a
9 veterinarian, the Deputy Administrator advising him or her of
10 the final disposition of the animal on appropriate forms
11 approved by the Department. When evidence is presented that the
12 animal was inoculated against rabies within the time prescribed
13 by law, it shall be confined in a house, or in a manner which
14 will prohibit it from biting any person for a period of 10
15 days, if a licensed veterinarian adjudges such confinement
16 satisfactory. The Department may permit such confinement to be
17 reduced to a period of less than 10 days. At the end of the
18 confinement period, the animal shall be examined by a licensed
19 veterinarian.

20 Any person having knowledge that any person has been bitten
21 by an animal shall notify the Administrator or, if the
22 Administrator is not a veterinarian, the Deputy Administrator
23 promptly. It is unlawful for the owner of the animal to
24 euthanize, sell, give away, or otherwise dispose of any animal
25 known to have bitten a person, until it is released by the
26 Administrator or, if the Administrator is not a veterinarian,
27 the Deputy Administrator, or his or her authorized
28 representative. It is unlawful for the owner of the animal to
29 refuse or fail to comply with the reasonable written or printed
30 instructions made by the Administrator or, if the Administrator
31 is not a veterinarian, the Deputy Administrator, or his
32 authorized representative. If such instructions cannot be
33 delivered in person, they shall be mailed to the owner of the
34 animal by regular mail. Any expense incurred in the handling of
35 an animal under this Section and Section 12 shall be borne by
36 the owner. The owner of a biting animal must also remit to the

1 Department of Public Health, for deposit into the Pet
2 Population Control Fund, a \$25 public safety fine within 30
3 days after notice.

4 (b) When a person has been bitten by a police dog that is
5 currently vaccinated against rabies, the police dog may
6 continue to perform its duties for the peace officer or law
7 enforcement agency and any period of observation of the police
8 dog may be under the supervision of a peace officer. The
9 supervision shall consist of the dog being locked in a kennel,
10 performing its official duties in a police vehicle, or
11 remaining under the constant supervision of its police handler.
12 (Source: P.A. 93-548, eff. 8-19-03.)

13 (510 ILCS 5/15) (from Ch. 8, par. 365)

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

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

1 (1) the threat, injury, or death was sustained by a
2 person who at the time was committing a crime or offense
3 upon the owner or custodian of the dog, or was committing a
4 willful trespass or other tort upon the premises or
5 property owned or occupied by the owner of the animal ~~upon~~
6 ~~the property of the owner or custodian of the dog;~~

7 (2) the injured, threatened, or killed person was
8 ~~tormenting,~~ abusing, assaulting, or physically threatening
9 the dog or its offspring, or has in the past ~~tormented,~~
10 abused, assaulted, or physically threatened the dog or its
11 offspring; or

12 (3) the dog was responding to pain or injury, or was
13 protecting itself, its owner, custodian, or member of its
14 household, kennel, or offspring.

15 No dog shall be deemed "vicious" if it is a professionally
16 trained dog for law enforcement or guard duties. Vicious dogs
17 shall not be classified in a manner that is specific as to
18 breed.

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

21 If a dog is found to be a vicious dog, the owner shall pay a
22 \$100 public safety fine to be deposited into the Pet Population
23 Control Fund, the dog shall be spayed or neutered within 10
24 days of the finding at the expense of its owner and
25 microchipped, if not already, and the dog is subject to
26 enclosure. If an owner fails to comply with these requirements,
27 the animal control agency shall impound the dog and the owner
28 shall pay a \$500 fine plus impoundment fees to the animal
29 control agency impounding the dog. The judge has the discretion
30 to order a vicious dog be euthanized. A dog found to be a
31 vicious dog shall not be released to the owner until the
32 Administrator, an Animal Control Warden, or the Director
33 approves the enclosure. No owner or keeper of a vicious dog
34 shall sell or give away the dog without ~~court~~ approval from the
35 Administrator or court. Whenever an owner of a vicious dog
36 relocates, he or she shall notify both the Administrator of

1 County Animal Control where he or she has relocated and the
2 Administrator of County Animal Control where he or she formerly
3 resided.

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

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

19 If the owner of the dog has not appealed the impoundment
20 order to the circuit court in the county in which the animal
21 was impounded within 15 working days, the dog may be
22 euthanized.

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

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

1 the location where such dog will be stationed. The
2 Administrator shall provide police and fire departments with a
3 categorized list of such exempted dogs, and shall promptly
4 notify such departments of any address changes reported to him.

5 (c) If the animal control agency has custody of the dog,
6 the agency may file a petition with the court requesting that
7 the owner be ordered to post security. The security must be in
8 an amount sufficient to secure payment of all reasonable
9 expenses expected to be incurred by the animal control agency
10 or animal shelter in caring for and providing for the dog
11 pending the determination. Reasonable expenses include, but
12 are not limited to, estimated medical care and boarding of the
13 animal for 30 days. If security has been posted in accordance
14 with this Section, the animal control agency may draw from the
15 security the actual costs incurred by the agency in caring for
16 the dog.

17 (d) Upon receipt of a petition, the court must set a
18 hearing on the petition, to be conducted within 5 business days
19 after the petition is filed. The petitioner must serve a true
20 copy of the petition upon the defendant.

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

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

28 (510 ILCS 5/15.1)

29 Sec. 15.1. Dangerous dog determination.

30 (a) After a thorough investigation including: sending,
31 within 10 business 3 days of the Administrator or Director
32 becoming aware of the alleged infraction, notifications to the
33 owner of the alleged infractions, the fact of the initiation of
34 an investigation, and affording the owner an opportunity to
35 meet with the Administrator or Director prior to the making of

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

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

15 (1) the threat was sustained by a person who at the
16 time was committing a crime or offense upon the owner or
17 custodian of the dog or was committing a willful trespass
18 or other tort upon the premises or property occupied by the
19 owner of the animal;

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

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

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

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

34 (d) If deemed dangerous, the Administrator, or his or her
35 designee, or the Director shall order (i) the dog's owner to
36 pay a \$50 public safety fine to be deposited into the Pet

1 Population Control Fund, (ii) the dog to be spayed or neutered
2 within 14 days at the owner's expense and microchipped, if not
3 already, and (iii) one or more of the following as deemed
4 appropriate under the circumstances and necessary for the
5 protection of the public:

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

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

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

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

34 (g) An animal control agency has the right to impound a
35 dangerous dog if the owner fails to comply with the
36 requirements of this Act.

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

2 (510 ILCS 5/26) (from Ch. 8, par. 376)

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

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

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

20 (1) fails to maintain or keep the dog in an enclosure
21 or fails to spay or neuter the dog within the time period
22 prescribed; and

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

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

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

34 (c) If the owner of a dangerous dog knowingly fails to
35 comply with any order ~~of the court~~ regarding the dog and the

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

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

7 (510 ILCS 5/30 new)

8 Sec. 30. Rules. The Department shall administer this Act
9 and shall promulgate rules necessary to effectuate the purposes
10 of this Act. The Director may, in formulating rules pursuant to
11 this Act, seek the advice and recommendations of humane
12 societies and societies for the protection of animals.

13 (510 ILCS 5/35 new)

14 Sec. 35. Liability.

15 (a) Any municipality or political subdivision allowing
16 feral cat colonies and trap, sterilize, and return programs to
17 help control cat overpopulation shall be immune from criminal
18 liability and shall not be civilly liable, except for willful
19 and wanton misconduct, for damages that may result from a feral
20 cat. Any municipality or political subdivision allowing dog
21 parks shall be immune from criminal liability and shall not be
22 civilly liable, except for willful and wanton misconduct, for
23 damages that may result from occurrences in the dog park.

24 (b) Any veterinarian or animal shelter who in good faith
25 contacts the registered owner of a microchipped animal shall be
26 immune from criminal liability and shall not, as a result of
27 his or her acts or omissions, except for willful and wanton
28 misconduct, be liable for civil damages.

29 (c) Any veterinarian who sterilizes feral cats and any
30 feral cat caretaker who traps cats for a trap, sterilize, and
31 return program shall be immune from criminal liability and
32 shall not, as a result of his or her acts or omissions, except
33 for willful and wanton misconduct, be liable for civil damages.

34 (d) Any animal shelter worker who microchips an animal

1 shall be immune from criminal liability and shall not, as a
2 result of his or her acts or omissions, except for willful and
3 wanton misconduct, be liable for civil damages.

4 Section 920. The Illinois Vehicle Code is amended by
5 changing Section 3-653 as follows:

6 (625 ILCS 5/3-653)

7 Sec. 3-653. Pet Friendly license plates.

8 (a) The Secretary, upon receipt of an application made in
9 the form prescribed by the Secretary, may issue special
10 registration plates designated as Pet Friendly license plates.
11 The special plates issued under this Section shall be affixed
12 only to passenger vehicles of the first division, motor
13 vehicles of the second division weighing not more than 8,000
14 pounds, and recreational vehicles as defined in Section 1-169
15 of this Code. Plates issued under this Section shall expire
16 according to the multi-year procedure established by Section
17 3-414.1 of this Code.

18 (b) The design and color of the plates is wholly within the
19 discretion of the Secretary, except that the phrase "I am pet
20 friendly" shall be on the plates. The Secretary may allow the
21 plates to be issued as vanity plates or personalized plates
22 under Section 3-405.1 of the Code. The Secretary shall
23 prescribe stickers or decals as provided under Section 3-412 of
24 this Code.

25 (c) An applicant for the special plate shall be charged a
26 \$40 fee for original issuance in addition to the appropriate
27 registration fee. Of this additional fee, \$25 shall be
28 deposited into the Pet Population ~~Overpopulation~~ Control Fund
29 and \$15 shall be deposited into the Secretary of State Special
30 License Plate Fund, to be used by the Secretary to help defray
31 the administrative processing costs.

32 For each registration renewal period, a \$27 fee, in
33 addition to the appropriate registration fee, shall be charged.
34 Of this additional fee, \$25 shall be deposited into the Pet

1 Population ~~Overpopulation~~ Control Fund and \$2 shall be
2 deposited into the Secretary of State Special License Plate
3 Fund.

4 ~~(d) The Pet Overpopulation Control Fund is created as a~~
5 ~~special fund in the State treasury. All moneys in the Pet~~
6 ~~Overpopulation Control Fund shall be paid, subject to~~
7 ~~appropriation by the General Assembly and approval by the~~
8 ~~Secretary, as grants to humane societies exempt from federal~~
9 ~~income taxation under Section 501(c)(3) of the Internal Revenue~~
10 ~~Code to be used solely for the humane sterilization of dogs and~~
11 ~~eats in the State of Illinois. In approving grants under this~~
12 ~~subsection (d), the Secretary shall consider recommendations~~
13 ~~for grants made by a volunteer board appointed by the Secretary~~
14 ~~that shall consist of 5 Illinois residents who are officers or~~
15 ~~directors of humane societies operating in different regions in~~
16 ~~Illinois.~~

17 (Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

18 Section 995. The State Mandates Act is amended by adding
19 Section 8.29 as follows:

20 (30 ILCS 805/8.29 new)

21 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
22 of this Act, no reimbursement by the State is required for the
23 implementation of any mandate created by this amendatory Act of
24 the 94th General Assembly.

25 Section 999. Effective date. This Act takes effect upon
26 becoming law.