



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 2078

2 AMENDMENT NO. _____. Amend Senate Bill 2078, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

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

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

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

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

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

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

5 "Director" means the Director of Public Health.

6 "Department" means the Department of Public Health.

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

9 "Fund" means the Pet Population Control Fund established in
10 this Act.

11 Section 15. Income tax checkoff. Each individual income tax
12 payer may contribute to the Pet Population Control Fund through
13 the income tax checkoff described in Section 507EE of the
14 Illinois Income Tax Act.

15 Section 20. Program established. The Department shall
16 establish and implement an Illinois Public Health and Safety
17 Animal Population Control Program by December 31, 2005. The
18 purpose of this program is to reduce the population of unwanted
19 and stray dogs and cats in Illinois by encouraging the owners
20 of dogs and cats to have them permanently sexually sterilized
21 and vaccinated, thereby reducing potential threats to public
22 health and safety. The program shall begin collecting funds on
23 January 1, 2006 and shall begin distributing funds for
24 vaccinations or spaying and neutering operations on January 1,
25 2007. No dog or cat imported from another state is eligible to
26 be sterilized or vaccinated under this program. Beginning June
27 30, 2007, the Director must make an annual written report
28 relative to the progress of the program to the President of the
29 Senate, the Speaker of the House of Representatives, and the
30 Governor.

1 Section 25. Eligibility to participate. A resident of the
2 State who owns a dog or cat and who is eligible for the Food
3 Stamp Program or the Disability Insurance Benefits Program
4 shall be eligible to participate in the program at a reduced
5 rate if the owner signs a consent form certifying that he or
6 she is the owner of the dog or cat or is authorized by the
7 eligible owner to present the dog or cat for the procedure. An
8 owner must submit proof of eligibility to the Department. Upon
9 approval, the Department shall furnish an eligible owner with
10 an eligibility voucher to be presented to a participating
11 veterinarian. A resident of this State who is managing a feral
12 cat colony and who humanely traps feral cats for spaying or
13 neutering and return is eligible to participate in the program
14 provided the trap, sterilize, and return program is recognized
15 by the municipality or by the county, if it is located in an
16 unincorporated area. The sterilization shall be performed by a
17 voluntarily participating veterinarian or veterinary student
18 under the supervision of a veterinarian. The co-payment for the
19 cat or dog sterilization procedure and vaccinations shall be
20 \$15.

21 Section 30. Veterinarian participation. Any veterinarian
22 may participate in the program established under this Act. A
23 veterinarian shall file with the Director an application, on
24 which the veterinarian must supply, in addition to any other
25 information requested by the Director, a fee schedule listing
26 the fees charged for dog and cat sterilization, examination,
27 and the presurgical immunizations specified in this Act in the
28 normal course of business. The dog or cat sterilization fee may
29 vary with the animal's weight, sex, and species. The Director
30 shall compile the fees and establish reasonable reimbursement
31 rates for the State.

32 The Director shall reimburse, to the extent funds are
33 available, participating veterinarians for each dog or cat

1 sterilization procedure administered. To receive this
2 reimbursement, the veterinarian must submit a certificate
3 approved by the Department on a form approved by the Director
4 that must be signed by the veterinarian and the owner of the
5 dog or cat or the feral cat caretaker. At the same time, the
6 veterinarian must submit the eligibility voucher provided by
7 the Department to the eligible owner. The Director shall notify
8 all participating veterinarians if the program must be
9 suspended for any period due to a lack of revenue and shall
10 also notify all participating veterinarians when the program
11 will resume. Veterinarians who voluntarily participate in this
12 sterilization and vaccination program may decline to treat
13 feral cats if they choose.

14 For all dogs and cats sterilized under this Act, the
15 Director shall also reimburse, to the extent funds are
16 available, participating veterinarians for (1) an examination
17 fee and the presurgical immunization of dogs against rabies and
18 other diseases pursuant to Department rules or (2) examination
19 fees and the presurgical immunizations of cats against rabies
20 and other diseases pursuant to Department rules. Reimbursement
21 for the full cost of the covered presurgical immunizations
22 shall be made by the Director to the participating veterinarian
23 upon the written certification, signed by the veterinarian and
24 the owner of the companion animal or the feral cat caretaker,
25 that the immunization has been administered. There shall be no
26 additional charges to the owner of a dog or cat sterilized
27 under this Act or feral cat caretaker for examination fees or
28 the presurgical immunizations.

29 Section 35. Rulemaking. The Director shall adopt rules
30 relative to:

- 31 (1) Other immunizations covered.
- 32 (2) Format and content of all forms required under this
33 Act.

1 (3) Proof of eligibility.

2 (4) Administration of the Fund.

3 (5) The percentage of fines to be allocated to
4 education of the public concerning spaying and neutering of
5 dogs and cats.

6 (6) Any other matter necessary for the administration
7 of this Act.

8 Section 40. Enforcement; administrative fine. Any person
9 who knowingly falsifies proof of eligibility for or
10 participation in any program under this Act, knowingly
11 furnishes any licensed veterinarian with inaccurate
12 information concerning the ownership of a dog or cat submitted
13 for a sterilization procedure, or violates any provision of
14 this Act may be subject to an administrative fine not to exceed
15 \$500 for each violation.

16 Section 45. Pet Population Control Fund. The Pet Population
17 Control Fund is established as a special fund in the State
18 treasury. The moneys generated from the public safety fines
19 collected as provided in the Animal Control Act, from Pet
20 Friendly license plates under Section 3-653 of the Illinois
21 Vehicle Code, from Section 507EE of the Illinois Income Tax
22 Act, and from voluntary contributions must be kept in the Fund
23 and shall be used only to sterilize and vaccinate dogs and cats
24 in this State pursuant to the program, to promote the
25 sterilization program, to educate the public about the
26 importance of spaying and neutering, and for reasonable
27 administrative and personnel costs related to the Fund.

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

30 (30 ILCS 105/5.568)

1 Sec. 5.568. The Pet Population ~~Overpopulation~~ Control
2 Fund.

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

4 (30 ILCS 105/8h)

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

6 (a) Except as provided in subsection (b), notwithstanding
7 any other State law to the contrary, the Governor may, through
8 June 30, 2007, from time to time direct the State Treasurer and
9 Comptroller to transfer a specified sum from any fund held by
10 the State Treasurer to the General Revenue Fund in order to
11 help defray the State's operating costs for the fiscal year.
12 The total transfer under this Section from any fund in any
13 fiscal year shall not exceed the lesser of (i) 8% of the
14 revenues to be deposited into the fund during that fiscal year
15 or (ii) an amount that leaves a remaining fund balance of 25%
16 of the July 1 fund balance of that fiscal year. In fiscal year
17 2005 only, prior to calculating the July 1, 2004 final
18 balances, the Governor may calculate and direct the State
19 Treasurer with the Comptroller to transfer additional amounts
20 determined by applying the formula authorized in Public Act
21 93-839 to the funds balances on July 1, 2003. No transfer may
22 be made from a fund under this Section that would have the
23 effect of reducing the available balance in the fund to an
24 amount less than the amount remaining unexpended and unreserved
25 from the total appropriation from that fund estimated to be
26 expended for that fiscal year. This Section does not apply to
27 any funds that are restricted by federal law to a specific use,
28 to any funds in the Motor Fuel Tax Fund, the Hospital Provider
29 Fund, the Medicaid Provider Relief Fund, or the Reviewing Court
30 Alternative Dispute Resolution Fund, or to any funds to which
31 subsection (f) of Section 20-40 of the Nursing and Advanced
32 Practice Nursing Act applies. No transfers may be made under
33 this Section from the Pet Population Control Fund.

1 Notwithstanding any other provision of this Section, for fiscal
2 year 2004, the total transfer under this Section from the Road
3 Fund or the State Construction Account Fund shall not exceed
4 the lesser of (i) 5% of the revenues to be deposited into the
5 fund during that fiscal year or (ii) 25% of the beginning
6 balance in the fund. For fiscal year 2005 through fiscal year
7 2007, no amounts may be transferred under this Section from the
8 Road Fund, the State Construction Account Fund, the Criminal
9 Justice Information Systems Trust Fund, the Wireless Service
10 Emergency Fund, or the Mandatory Arbitration Fund.

11 In determining the available balance in a fund, the
12 Governor may include receipts, transfers into the fund, and
13 other resources anticipated to be available in the fund in that
14 fiscal year.

15 The State Treasurer and Comptroller shall transfer the
16 amounts designated under this Section as soon as may be
17 practicable after receiving the direction to transfer from the
18 Governor.

19 (b) This Section does not apply to any fund established
20 under the Community Senior Services and Resources Act.

21 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
22 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
23 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
24 1-15-05.)

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

27 (35 ILCS 5/507EE new)

28 Sec. 507EE. Pet Population Control Fund checkoff. The
29 Department must print on its standard individual income tax
30 form a provision indicating that if the taxpayer wishes to
31 contribute to the Pet Population Control Fund, as established
32 in the Illinois Public Health and Safety Animal Population

1 Control Act, he or she may do so by stating the amount of the
2 contribution (not less than \$1) on the return and that the
3 contribution will reduce the taxpayer's refund or increase the
4 amount of payment to accompany the return. Failure to remit any
5 amount of increased payment reduces the contribution
6 accordingly. This Section does not apply to any amended return.

7 The Department of Revenue shall determine annually the
8 total amount contributed to the Fund pursuant to this Section
9 and shall notify the State Comptroller and the State Treasurer
10 of the amount to be transferred to the Pet Population Control
11 Fund, and upon receipt of the notification the State
12 Comptroller shall transfer the amount.

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

17 (510 ILCS 5/2.04a)

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

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

21 (510 ILCS 5/2.05a)

22 Sec. 2.05a. "Dangerous dog" means (i) any individual dog
23 anywhere other than upon the property of the owner or custodian
24 of the dog and ~~when~~ unmuzzled, unleashed, or unattended by its
25 owner or custodian that behaves in a manner that a reasonable
26 person would believe poses a serious and unjustified imminent
27 threat of serious physical injury or death to a person or a
28 companion animal or (ii) a dog that, without justification,
29 bites a person and does not cause serious physical injury ~~in a~~
30 ~~public place.~~

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

1 (510 ILCS 5/2.11a)

2 Sec. 2.11a. "Enclosure" means a fence or structure of at
3 least 6 feet in height, forming or causing an enclosure
4 suitable to prevent the entry of young children, and suitable
5 to confine a vicious dog in conjunction with other measures
6 that may be taken by the owner or keeper, such as tethering of
7 the vicious dog within the enclosure. The enclosure shall be
8 securely enclosed and locked and designed with secure sides,
9 top, and bottom and shall be designed to prevent the animal
10 from escaping from the enclosure. If the enclosure is a room
11 within a residence, it cannot have direct ingress from or
12 egress to the outdoors unless it leads directly to an enclosed
13 pen and the door must be locked. A vicious dog may be allowed
14 to move about freely within the entire residence if it is
15 muzzled at all times.

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

17 (510 ILCS 5/2.11b)

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

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

24 (510 ILCS 5/2.11c new)

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

27 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

28 Sec. 2.16. "Owner" means any person having a right of
29 property in an animal, or who keeps or harbors an animal, or
30 who has it in his care, or acts as its custodian, or who

1 knowingly permits a dog to remain on any premises occupied by
2 him or her. "Owner" does not include a feral cat caretaker
3 participating in a trap, spay/neuter, return or release
4 program.

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

6 (510 ILCS 5/2.19a)

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

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

13 (510 ILCS 5/3) (from Ch. 8, par. 353)

14 Sec. 3. The County Board Chairman with the consent of the
15 County Board shall appoint an Administrator. Appointments
16 shall be made as necessary to keep this position filled at all
17 times. The Administrator may appoint as many Deputy
18 Administrators and Animal Control Wardens to aid him or her as
19 authorized by the Board. The compensation for the
20 Administrator, Deputy Administrators, and Animal Control
21 Wardens shall be fixed by the Board. The Administrator may be
22 removed from office by the County Board Chairman, with the
23 consent of the County Board.

24 The Board shall provide necessary personnel, training,
25 equipment, supplies, and facilities, and shall operate pounds
26 or contract for their operation as necessary to effectuate the
27 program. The Board may enter into contracts or agreements with
28 persons to assist in the operation of the program and may
29 establish a county animal population control program.

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

32 The Board is authorized by ordinance to require the

1 registration and may require microchipping of dogs and cats.
2 ~~and~~ The Board shall impose an individual dog or cat ~~animal and~~
3 ~~litter~~ registration fee with a minimum differential of \$15 for
4 intact dogs or cats. Ten dollars of the differential shall be
5 placed either in a county animal population control fund or in
6 the State's Pet Population Control Fund. If the money is placed
7 in the county animal population control fund it shall be used
8 to (i) spay, neuter, or sterilize adopted dogs or cats or (ii)
9 spay or neuter dogs or cats owned by low income county
10 residents who are eligible for the Food Stamp Program. All
11 persons selling dogs or cats or keeping registries of dogs or
12 cats shall cooperate and provide information to the
13 Administrator as required by Board ordinance, including sales,
14 number of litters, and ownership of dogs and cats. If
15 microchips are required, the microchip number may ~~shall~~ serve
16 as the county animal control registration number. ~~All~~
17 ~~microchips shall have an operating frequency of 125 kilohertz.~~

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

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

28 This Section does not apply to feral cats.

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

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 Deputy
33 Administrator, through sterilization, humane education, rabies

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

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

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

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

27 (d) The Administrator and animal control wardens shall aid
28 in the enforcement of the Humane Care for Animals Act and have
29 the ability to impound animals and apply for security posting
30 for violation of that Act.

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

32 (510 ILCS 5/8) (from Ch. 8, par. 358)

33 Sec. 8. Every owner of a dog 4 months or more of age shall

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

20 Rabies vaccine for use on animals shall be sold or
21 distributed only to and used only by licensed veterinarians.
22 Such rabies vaccine shall be licensed by the United States
23 Department of Agriculture.

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

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

29 (510 ILCS 5/9) (from Ch. 8, par. 359)

30 Sec. 9. Any dog found running at large contrary to
31 provisions of this Act may be apprehended and impounded. For
32 this purpose, the Administrator shall utilize any existing or
33 available animal control facility or licensed animal shelter.

1 The dog's owner shall pay a \$25 public safety fine, \$20 of
2 which shall be deposited into the Pet Population Control Fund
3 and \$5 of which shall be retained by the county or
4 municipality. A dog found running at large contrary to the
5 provisions of this Act a second or subsequent time must be
6 spayed or neutered within 30 days after being reclaimed unless
7 already spayed or neutered; failure to comply shall result in
8 impoundment.

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

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

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

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

25 a. Presenting ~~present~~ proof of current rabies
26 inoculation~~,~~ and registration, if applicable.~~,~~~~or~~

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

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

31 d. Paying ~~pay~~ into the Animal Control Fund an
32 additional impoundment fee as prescribed by the Board as a
33 penalty for the first offense and for each subsequent

1 offense. ~~and~~

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

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

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

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

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

18 (510 ILCS 5/11) (from Ch. 8, par. 361)

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

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

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

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

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

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

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

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

23 Any person having knowledge that any person has been bitten
24 by an animal shall notify the Administrator or, if the
25 Administrator is not a veterinarian, the Deputy Administrator
26 promptly. It is unlawful for the owner of the animal to
27 euthanize, sell, give away, or otherwise dispose of any animal
28 known to have bitten a person, until it is released by the
29 Administrator or, if the Administrator is not a veterinarian,
30 the Deputy Administrator, or his or her authorized
31 representative. It is unlawful for the owner of the animal to
32 refuse or fail to comply with the reasonable written or printed
33 instructions made by the Administrator or, if the Administrator
34 is not a veterinarian, the Deputy Administrator, or his

1 authorized representative. If such instructions cannot be
2 delivered in person, they shall be mailed to the owner of the
3 animal by regular mail. Any expense incurred in the handling of
4 an animal under this Section and Section 12 shall be borne by
5 the owner. The owner of a biting animal must also remit to the
6 Department of Public Health, for deposit into the Pet
7 Population Control Fund, a \$25 public safety fine within 30
8 days after notice.

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

18 (510 ILCS 5/15) (from Ch. 8, par. 365)

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

1 the court's determination of whether the dog's behavior was
2 justified. The petitioner must prove the dog is a vicious dog
3 by clear and convincing evidence. The Administrator shall
4 determine where the animal shall be confined during the
5 pendency of the case.

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

8 (1) the threat, injury, or death was sustained by a
9 person who at the time was committing a crime or offense
10 upon the owner or custodian of the dog, or was committing a
11 willful trespass or other tort upon the premises or
12 property owned or occupied by the owner of the animal ~~upon~~
13 ~~the property of the owner or custodian of the dog;~~

14 (2) the injured, threatened, or killed person was
15 ~~tormenting,~~ abusing, assaulting, or physically threatening
16 the dog or its offspring, or has in the past ~~tormented,~~
17 abused, assaulted, or physically threatened the dog or its
18 offspring; or

19 (3) the dog was responding to pain or injury, or was
20 protecting itself, its owner, custodian, or member of its
21 household, kennel, or offspring.

22 No dog shall be deemed "vicious" if it is a professionally
23 trained dog for law enforcement or guard duties. Vicious dogs
24 shall not be classified in a manner that is specific as to
25 breed.

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

28 If a dog is found to be a vicious dog, the owner shall pay a
29 \$100 public safety fine to be deposited into the Pet Population
30 Control Fund, the dog shall be spayed or neutered within 10
31 days of the finding at the expense of its owner and
32 microchipped, if not already, and the dog is subject to
33 enclosure. If an owner fails to comply with these requirements,
34 the animal control agency shall impound the dog and the owner

1 shall pay a \$500 fine plus impoundment fees to the animal
2 control agency impounding the dog. The judge has the discretion
3 to order a vicious dog be euthanized. A dog found to be a
4 vicious dog shall not be released to the owner until the
5 Administrator, an Animal Control Warden, or the Director
6 approves the enclosure. No owner or keeper of a vicious dog
7 shall sell or give away the dog without ~~court~~ approval from the
8 Administrator or court. Whenever an owner of a vicious dog
9 relocates, he or she shall notify both the Administrator of
10 County Animal Control where he or she has relocated and the
11 Administrator of County Animal Control where he or she formerly
12 resided.

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

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

28 If the owner of the dog has not appealed the impoundment
29 order to the circuit court in the county in which the animal
30 was impounded within 15 working days, the dog may be
31 euthanized.

32 Upon filing a notice of appeal, the order of euthanasia
33 shall be automatically stayed pending the outcome of the
34 appeal. The owner shall bear the burden of timely notification

1 to animal control in writing.

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

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

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

32 (e) If the court orders the posting of security, the
33 security must be posted with the clerk of the court within 5
34 business days after the hearing. If the person ordered to post

1 security does not do so, the dog is forfeited by operation of
2 law and the animal control agency must dispose of the animal
3 through adoption or humane euthanization.

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

5 (510 ILCS 5/15.1)

6 Sec. 15.1. Dangerous dog determination.

7 (a) After a thorough investigation including: sending,
8 within 10 business ~~3~~ days of the Administrator or Director
9 becoming aware of the alleged infraction, notifications to the
10 owner of the alleged infractions, the fact of the initiation of
11 an investigation, and affording the owner an opportunity to
12 meet with the Administrator or Director prior to the making of
13 a determination; gathering of any medical or veterinary
14 evidence; interviewing witnesses; and making a detailed
15 written report, an animal control warden, deputy
16 administrator, or law enforcement agent may ask the
17 Administrator, or his or her designee, or the Director, to deem
18 a dog to be "dangerous". No dog shall be deemed a "dangerous
19 dog" unless shown to be a dangerous dog by a preponderance of
20 evidence ~~without clear and convincing evidence~~. The owner shall
21 be sent immediate notification of the determination by
22 registered or certified mail that includes a complete
23 description of the appeal process.

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

27 (1) the threat was sustained by a person who at the
28 time was committing a crime or offense upon the owner or
29 custodian of the dog or was committing a willful trespass
30 or other tort upon the premises or property occupied by the
31 owner of the animal;

32 (2) the threatened person was ~~tormenting,~~ abusing,
33 assaulting, or physically threatening the dog or its

1 offspring;

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

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

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

13 (d) If deemed dangerous, the Administrator, or his or her
14 designee, or the Director shall order (i) the dog's owner to
15 pay a \$50 public safety fine to be deposited into the Pet
16 Population Control Fund, (ii) the dog to be spayed or neutered
17 within 14 days at the owner's expense and microchipped, if not
18 already, and (iii) one or more of the following as deemed
19 appropriate under the circumstances and necessary for the
20 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

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

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

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

19 (510 ILCS 5/26) (from Ch. 8, par. 376)

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

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

1 proceedings to be instituted in the proper courts without delay
2 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 enclosure
5 or fails to spay or neuter the dog within the time period
6 prescribed; and

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

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

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

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

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

26 (510 ILCS 5/30 new)

27 Sec. 30. Rules. The Department shall administer this Act
28 and shall promulgate rules necessary to effectuate the purposes
29 of this Act. The Director may, in formulating rules pursuant to
30 this Act, seek the advice and recommendations of humane
31 societies and societies for the protection of animals.

32 (510 ILCS 5/35 new)

1 Sec. 35. Liability.

2 (a) Any municipality or political subdivision allowing
3 feral cat colonies and trap, sterilize, and return programs to
4 help control cat overpopulation shall be immune from criminal
5 liability and shall not be civilly liable, except for willful
6 and wanton misconduct, for damages that may result from a feral
7 cat. Any municipality or political subdivision allowing dog
8 parks shall be immune from criminal liability and shall not be
9 civilly liable, except for willful and wanton misconduct, for
10 damages that may result from occurrences in the dog park.

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

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

21 (d) Any animal shelter worker who microchips an animal
22 shall be immune from criminal liability and shall not, as a
23 result of his or her acts or omissions, except for willful and
24 wanton misconduct, be liable for civil damages.

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

27 (625 ILCS 5/3-653)

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

29 (a) The Secretary, upon receipt of an application made in
30 the form prescribed by the Secretary, may issue special
31 registration plates designated as Pet Friendly license plates.
32 The special plates issued under this Section shall be affixed

1 only to passenger vehicles of the first division, motor
2 vehicles of the second division weighing not more than 8,000
3 pounds, and recreational vehicles as defined in Section 1-169
4 of this Code. Plates issued under this Section shall expire
5 according to the multi-year procedure established by Section
6 3-414.1 of this Code.

7 (b) The design and color of the plates is wholly within the
8 discretion of the Secretary, except that the phrase "I am pet
9 friendly" shall be on the plates. The Secretary may allow the
10 plates to be issued as vanity plates or personalized plates
11 under Section 3-405.1 of the Code. The Secretary shall
12 prescribe stickers or decals as provided under Section 3-412 of
13 this Code.

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

21 For each registration renewal period, a \$27 fee, in
22 addition to the appropriate registration fee, shall be charged.
23 Of this additional fee, \$25 shall be deposited into the Pet
24 Population ~~Overpopulation~~ Control Fund and \$2 shall be
25 deposited into the Secretary of State Special License Plate
26 Fund.

27 ~~(d) The Pet Overpopulation Control Fund is created as a~~
28 ~~special fund in the State treasury. All moneys in the Pet~~
29 ~~Overpopulation Control Fund shall be paid, subject to~~
30 ~~appropriation by the General Assembly and approval by the~~
31 ~~Secretary, as grants to humane societies exempt from federal~~
32 ~~income taxation under Section 501(c)(3) of the Internal Revenue~~
33 ~~Code to be used solely for the humane sterilization of dogs and~~
34 ~~eats in the State of Illinois. In approving grants under this~~

1 ~~subsection (d), the Secretary shall consider recommendations~~
2 ~~for grants made by a volunteer board appointed by the Secretary~~
3 ~~that shall consist of 5 Illinois residents who are officers or~~
4 ~~directors of humane societies operating in different regions in~~
5 ~~Illinois.~~

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

7 Section 995. The State Mandates Act is amended by adding
8 Section 8.29 as follows:

9 (30 ILCS 805/8.29 new)

10 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
11 of this Act, no reimbursement by the State is required for the
12 implementation of any mandate created by this amendatory Act of
13 the 94th General Assembly.

14 Section 999. Effective date. This Act takes effect upon
15 becoming law."