

1 AN ACT concerning animals.

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

4 Section 5. The Animal Control Act is amended by changing
5 Sections 9, 11, and 15.3 and by adding Sections 2.17c and 15.4
6 as follows:

7 (510 ILCS 5/2.17c new)

8 Sec. 2.17c. "Potentially dangerous dog" means a dog that is
9 found running at large with 3 or more other dogs.

10 (510 ILCS 5/9) (from Ch. 8, par. 359)

11 Sec. 9. Any dog found running at large contrary to
12 provisions of this Act may be apprehended and impounded. For
13 this purpose, the Administrator shall utilize any existing or
14 available animal control facility or licensed animal shelter.
15 The dog's owner shall pay a \$25 public safety fine, \$20 of
16 which shall be deposited into the Pet Population Control Fund
17 and \$5 of which shall be retained by the county or
18 municipality. A dog found running at large contrary to the
19 provisions of this Act a second or subsequent time must be
20 spayed or neutered within 30 days after being reclaimed unless
21 already spayed or neutered; failure to comply shall result in
22 impoundment.

1 A dog that is actively engaged in a legal hunting activity,
2 including training, is not considered to be running at large if
3 the dog is on land that is open to hunting or on land on which
4 the person has obtained permission to hunt or to train a dog. A
5 dog that is in a dog-friendly area or dog park is not
6 considered to be running at large if the dog is monitored or
7 supervised by a person.

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

9 (510 ILCS 5/11) (from Ch. 8, par. 361)

10 Sec. 11. When not redeemed by the owner, agent, or
11 caretaker, a dog or cat must be scanned for a microchip. If a
12 microchip is present, the registered owner must be notified.
13 After contact has been made or attempted, dogs or cats deemed
14 adoptable by the animal control facility shall be offered for
15 adoption, or made available to a licensed humane society or
16 rescue group. If no placement is available, it shall be
17 humanely dispatched pursuant to the Humane Euthanasia in Animal
18 Shelters Act. An animal pound or animal shelter shall not adopt
19 or release any dog or cat to anyone other than the owner ~~when~~
20 ~~not redeemed by the owner~~ unless the animal has been rendered
21 incapable of reproduction and microchipped, or the person
22 wishing to adopt an animal prior to the surgical procedures
23 having been performed shall have executed a written agreement
24 promising to have such service performed, including
25 microchipping, within a specified period of time not to exceed

1 30 days. Failure to fulfill the terms of the agreement shall
2 result in seizure and impoundment of the animal and any
3 offspring by the animal pound or shelter, and any monies which
4 have been deposited shall be forfeited and submitted to the Pet
5 Population Control Fund on a yearly basis. This Act shall not
6 prevent humane societies from engaging in activities set forth
7 by their charters; provided, they are not inconsistent with
8 provisions of this Act and other existing laws. No animal
9 shelter or animal control facility shall release dogs or cats
10 to an individual representing a rescue group, unless the group
11 has been licensed or has a foster care permit issued by the
12 Illinois Department of Agriculture or is a representative of a
13 not-for-profit out-of-state organization. The Department may
14 suspend or revoke the license of any animal shelter or animal
15 control facility that fails to comply with the requirements set
16 forth in this Section or that fails to report its intake and
17 euthanasia statistics each year.

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

19 (510 ILCS 5/15.3)

20 Sec. 15.3. Dangerous dog; appeal.

21 (a) The owner of a dog found to be a dangerous dog pursuant
22 to this Act by an Administrator may file a complaint against
23 the Administrator in the circuit court within 35 days of
24 receipt of notification of the determination, for a de novo
25 hearing on the determination. The proceeding shall be conducted

1 as a civil hearing pursuant to the Illinois Rules of Evidence
2 and the Code of Civil Procedure, including the discovery
3 provisions. After hearing both parties' evidence, the court may
4 make a determination of dangerous dog if the Administrator
5 meets his or her burden of proof of a preponderance of the
6 evidence ~~of clear and convincing evidence~~. The final order of
7 the circuit court may be appealed pursuant to the civil appeals
8 provisions of the Illinois Supreme Court Rules.

9 (b) The owner of a dog found to be a dangerous dog pursuant
10 to this Act by the Director may, within 14 days of receipt of
11 notification of the determination, request an administrative
12 hearing to appeal the determination. The administrative
13 hearing shall be conducted pursuant to the Department of
14 Agriculture's rules applicable to formal administrative
15 proceedings, 8 Ill. Adm. Code Part 1, SubParts A and B. An
16 owner desiring a hearing shall make his or her request for a
17 hearing to the Illinois Department of Agriculture. The final
18 administrative decision of the Department may be reviewed
19 judicially by the circuit court of the county wherein the
20 person resides or, in the case of a corporation, the county
21 where its registered office is located. If the plaintiff in a
22 review proceeding is not a resident of Illinois, the venue
23 shall be in Sangamon County. The Administrative Review Law and
24 all amendments and modifications thereof, and the rules adopted
25 thereto, apply to and govern all proceedings for the judicial
26 review of final administrative decisions of the Department

1 hereunder.

2 (c) Until the order has been reviewed and at all times
3 during the appeal process, the owner shall comply with the
4 requirements set forth by the Administrator, the court, or the
5 Director.

6 (d) At any time after a final order has been entered, the
7 owner may petition the circuit court to reverse the designation
8 of dangerous dog.

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

10 (510 ILCS 5/15.4 new)

11 Sec. 15.4. Potentially dangerous dog. A dog found running
12 at large with 3 or more other dogs may be deemed a potentially
13 dangerous dog by the animal control warden or administrator.
14 Potentially dangerous dogs shall be spayed or neutered and
15 microchipped within 14 days of reclaim. Failure to comply with
16 this Section will result in impoundment of the dog or a fine of
17 \$500.