

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 Welfare Act is amended by changing
5 Section 2 and adding Section 20.5 as follows:

6 (225 ILCS 605/2) (from Ch. 8, par. 302)

7 Sec. 2. Definitions. As used in this Act unless the context
8 otherwise requires:

9 "Department" means the Illinois Department of Agriculture.

10 "Director" means the Director of the Illinois Department of
11 Agriculture.

12 "Pet shop operator" means any person who sells, offers to
13 sell, exchange, or offers for adoption with or without charge
14 or donation dogs, cats, birds, fish, reptiles, or other animals
15 customarily obtained as pets in this State. However, a person
16 who sells only such animals that he has produced and raised
17 shall not be considered a pet shop operator under this Act, and
18 a veterinary hospital or clinic operated by a veterinarian or
19 veterinarians licensed under the Veterinary Medicine and
20 Surgery Practice Act of 2004 shall not be considered a pet shop
21 operator under this Act.

22 "Dog dealer" means any person who sells, offers to sell,
23 exchange, or offers for adoption with or without charge or

1 donation dogs in this State. However, a person who sells only
2 dogs that he has produced and raised shall not be considered a
3 dog dealer under this Act, and a veterinary hospital or clinic
4 operated by a veterinarian or veterinarians licensed under the
5 Veterinary Medicine and Surgery Practice Act of 2004 shall not
6 be considered a dog dealer under this Act.

7 "Secretary of Agriculture" or "Secretary" means the
8 Secretary of Agriculture of the United States Department of
9 Agriculture.

10 "Person" means any person, firm, corporation, partnership,
11 association or other legal entity, any public or private
12 institution, the State of Illinois, or any municipal
13 corporation or political subdivision of the State.

14 "Kennel operator" means any person who operates an
15 establishment, other than an animal control facility,
16 veterinary hospital, or animal shelter, where dogs or dogs and
17 cats are maintained for boarding, training or similar purposes
18 for a fee or compensation; or who sells, offers to sell,
19 exchange, or offers for adoption with or without charge dogs or
20 dogs and cats which he has produced and raised. A person who
21 owns, has possession of, or harbors 5 or less females capable
22 of reproduction shall not be considered a kennel operator.

23 "Cattery operator" means any person who operates an
24 establishment, other than an animal control facility or animal
25 shelter, where cats are maintained for boarding, training or
26 similar purposes for a fee or compensation; or who sells,

1 offers to sell, exchange, or offers for adoption with or
2 without charges cats which he has produced and raised. A person
3 who owns, has possession of, or harbors 5 or less females
4 capable of reproduction shall not be considered a cattery
5 operator.

6 "Animal control facility" means any facility operated by or
7 under contract for the State, county, or any municipal
8 corporation or political subdivision of the State for the
9 purpose of impounding or harboring seized, stray, homeless,
10 abandoned or unwanted dogs, cats, and other animals. "Animal
11 control facility" also means any veterinary hospital or clinic
12 operated by a veterinarian or veterinarians licensed under the
13 Veterinary Medicine and Surgery Practice Act of 2004 which
14 operates for the above mentioned purpose in addition to its
15 customary purposes.

16 "Animal shelter" means a facility operated, owned, or
17 maintained by a duly incorporated humane society, animal
18 welfare society, or other non-profit organization for the
19 purpose of providing for and promoting the welfare, protection,
20 and humane treatment of animals. "Animal shelter" also means
21 any veterinary hospital or clinic operated by a veterinarian or
22 veterinarians licensed under the Veterinary Medicine and
23 Surgery Practice Act of 2004 which operates for the above
24 mentioned purpose in addition to its customary purposes.

25 "Foster home" means an entity that accepts the
26 responsibility for stewardship of animals that are the

1 obligation of an animal shelter, not to exceed 4 animals at any
2 given time. Permits to operate as a "foster home" shall be
3 issued through the animal shelter.

4 "Guard dog service" means an entity that, for a fee,
5 furnishes or leases guard or sentry dogs for the protection of
6 life or property. A person is not a guard dog service solely
7 because he or she owns a dog and uses it to guard his or her
8 home, business, or farmland.

9 "Guard dog" means a type of dog used primarily for the
10 purpose of defending, patrolling, or protecting property or
11 life at a commercial establishment other than a farm. "Guard
12 dog" does not include stock dogs used primarily for handling
13 and controlling livestock or farm animals, nor does it include
14 personally owned pets that also provide security.

15 "Sentry dog" means a dog trained to work without
16 supervision in a fenced facility other than a farm, and to
17 deter or detain unauthorized persons found within the facility.

18 "Probationary status" means the 12-month period following
19 a series of violations of this Act during which any further
20 violation shall result in an automatic 12-month suspension of
21 licensure.

22 (Source: P.A. 93-281, eff. 12-31-03.)

23 (225 ILCS 605/20.5 new)

24 Sec. 20.5. Administrative fines. The following
25 administrative fines shall be imposed by the Department upon

1 any person or entity who violates any provision of this Act or
2 any rule adopted by the Department under this Act:

3 (1) For the first violation, a fine of \$200.

4 (2) For a second violation that occurs within 3 years
5 after the first violation, a fine of \$500.

6 (3) For a third violation that occurs within 3 years
7 after the first violation, mandatory probationary status
8 and a fine of \$1,000.

9 Section 10. The Animal Control Act is amended by changing
10 Sections 9, 11, and 15.3 and by adding Sections 2.17c and 15.4
11 as follows:

12 (510 ILCS 5/2.17c new)

13 Sec. 2.17c. "Potentially dangerous dog" means a dog that is
14 unsupervised and found running at large with 3 or more other
15 dogs.

16 (510 ILCS 5/9) (from Ch. 8, par. 359)

17 Sec. 9. Any dog found running at large contrary to
18 provisions of this Act may be apprehended and impounded. For
19 this purpose, the Administrator shall utilize any existing or
20 available animal control facility or licensed animal shelter.
21 The dog's owner shall pay a \$25 public safety fine, \$20 of
22 which shall be deposited into the Pet Population Control Fund
23 and \$5 of which shall be retained by the county or

1 municipality. A dog found running at large contrary to the
2 provisions of this Act a second or subsequent time must be
3 spayed or neutered within 30 days after being reclaimed unless
4 already spayed or neutered; failure to comply shall result in
5 impoundment.

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

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

14 (510 ILCS 5/11) (from Ch. 8, par. 361)

15 Sec. 11. When not redeemed by the owner, agent, or
16 caretaker, a dog or cat must be scanned for a microchip. If a
17 microchip is present, the registered owner must be notified.
18 After contact has been made or attempted, dogs or cats deemed
19 adoptable by the animal control facility shall be offered for
20 adoption, or made available to a licensed humane society or
21 rescue group. If no placement is available, it shall be
22 humanely dispatched pursuant to the Humane Euthanasia in Animal
23 Shelters Act. An animal pound or animal shelter shall not adopt
24 or release any dog or cat to anyone other than the owner ~~when~~
25 ~~not redeemed by the owner~~ unless the animal has been rendered

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

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

24 (510 ILCS 5/15.3)

25 Sec. 15.3. Dangerous dog; appeal.

1 (a) The owner of a dog found to be a dangerous dog pursuant
2 to this Act by an Administrator may file a complaint against
3 the Administrator in the circuit court within 35 days of
4 receipt of notification of the determination, for a de novo
5 hearing on the determination. The proceeding shall be conducted
6 as a civil hearing pursuant to the Illinois Rules of Evidence
7 and the Code of Civil Procedure, including the discovery
8 provisions. After hearing both parties' evidence, the court may
9 make a determination of dangerous dog if the Administrator
10 meets his or her burden of proof of a preponderance of the
11 evidence ~~of clear and convincing evidence~~. The final order of
12 the circuit court may be appealed pursuant to the civil appeals
13 provisions of the Illinois Supreme Court Rules.

14 (b) The owner of a dog found to be a dangerous dog pursuant
15 to this Act by the Director may, within 14 days of receipt of
16 notification of the determination, request an administrative
17 hearing to appeal the determination. The administrative
18 hearing shall be conducted pursuant to the Department of
19 Agriculture's rules applicable to formal administrative
20 proceedings, 8 Ill. Adm. Code Part 1, SubParts A and B. An
21 owner desiring a hearing shall make his or her request for a
22 hearing to the Illinois Department of Agriculture. The final
23 administrative decision of the Department may be reviewed
24 judicially by the circuit court of the county wherein the
25 person resides or, in the case of a corporation, the county
26 where its registered office is located. If the plaintiff in a

1 review proceeding is not a resident of Illinois, the venue
2 shall be in Sangamon County. The Administrative Review Law and
3 all amendments and modifications thereof, and the rules adopted
4 thereto, apply to and govern all proceedings for the judicial
5 review of final administrative decisions of the Department
6 hereunder.

7 (c) Until the order has been reviewed and at all times
8 during the appeal process, the owner shall comply with the
9 requirements set forth by the Administrator, the court, or the
10 Director.

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

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

15 (510 ILCS 5/15.4 new)

16 Sec. 15.4. Potentially dangerous dog. A dog found running
17 at large and unsupervised with 3 or more other dogs may be
18 deemed a potentially dangerous dog by the animal control warden
19 or administrator. Potentially dangerous dogs shall be spayed or
20 neutered and microchipped within 14 days of reclaim. The
21 designation of "potentially dangerous dog" shall expire 12
22 months after the most recent violation of this Section. Failure
23 to comply with this Section will result in impoundment of the
24 dog or a fine of \$500.