



Sen. Don Harmon

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LRB095 04192 CMK 35840 a

1 AMENDMENT TO HOUSE BILL 822

2 AMENDMENT NO. _____. Amend House Bill 822 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Animal Welfare Act is amended by changing
5 Section 2.2 as follows:

6 (225 ILCS 605/2.2) (from Ch. 8, par. 302.2)

7 Sec. 2.2. No dog dealer, kennel operator, animal shelter,
8 animal control facility, or cattery operator shall separate a
9 puppy or kitten from its mother, for the purpose of sale or
10 adoption, until such puppy or kitten has attained the age of 8
11 weeks.

12 All licensees under this Act shall maintain records of the
13 origin and sale of all dogs, and such records shall be made
14 available for inspection by the Secretary or the Department
15 upon demand. Such records must contain proof in proper form of
16 purebreds and their pedigree, and evidence of such proof must

1 be provided to any person acquiring a dog from a licensee under
2 this Act. In addition, guard dog services shall be required to
3 maintain records of transfer of ownership, death, or
4 disappearance of a guard dog or sentry dog used by that guard
5 dog service.

6 An animal control facility, foster home, or animal shelter
7 shall not adopt or release any dog or cat to anyone other than
8 the owner unless the animal has been rendered incapable of
9 reproduction and microchipped, unless a licensed veterinarian
10 certifies that the dog or cat is too sick or injured to be
11 sterilized or that it would be detrimental to the health of the
12 dog or cat to be spayed or neutered. A person wishing to adopt
13 an animal unable to be sterilized prior to adoption because of
14 a medical condition shall have executed a written agreement
15 promising to have such service performed, including
16 microchipping, within 14 days after a licensed veterinarian
17 authorizes a statement that the dog or cat is healthy enough to
18 be sterilized. Failure to fulfill the terms of the agreement
19 shall result in seizure and impoundment of the animal and any
20 offspring by the animal control facility or shelter, and any
21 monies which have been deposited shall be forfeited and
22 submitted to the Pet Population Control Fund on a yearly basis.

23 (Source: P.A. 89-178, eff. 7-19-95.)

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

1 as follows:

2 (510 ILCS 5/2.17c new)

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

6 (510 ILCS 5/9) (from Ch. 8, par. 359)

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

19 A dog that is actively engaged in a legal hunting activity,
20 including training, is not considered to be running at large if
21 the dog is on land that is open to hunting or on land on which
22 the person has obtained permission to hunt or to train a dog. A
23 dog that is in a dog-friendly area or dog park is not
24 considered to be running at large if the dog is monitored or

1 supervised by a person.

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

3 (510 ILCS 5/11) (from Ch. 8, par. 361)

4 Sec. 11. When not redeemed by the owner, agent, or
5 caretaker, a dog or cat must be scanned for a microchip. If a
6 microchip is present, the registered owner must be notified.
7 After contact has been made or attempted, dogs or cats deemed
8 adoptable by the animal control facility shall be offered for
9 adoption, or made available to a licensed humane society or
10 rescue group. If no placement is available, it shall be
11 humanely dispatched pursuant to the Humane Euthanasia in Animal
12 Shelters Act. An animal pound or animal shelter shall not adopt
13 or release any dog or cat to anyone other than the owner ~~when~~
14 ~~not redeemed by the owner~~ unless the animal has been rendered
15 incapable of reproduction and microchipped, unless a licensed
16 veterinarian certifies that the dog or cat is too sick or
17 injured to be sterilized or that it would be detrimental to the
18 health of the dog or cat to be spayed or neutered. ~~A or the~~
19 person wishing to adopt an animal unable to be sterilized prior
20 to adoption because of a medical condition ~~prior to the~~
21 ~~surgical procedures having been performed~~ shall have executed a
22 written agreement promising to have such service performed,
23 including microchipping, within 14 days after a licensed
24 veterinarian authorizes a statement that the dog or cat is
25 healthy enough to be sterilized ~~a specified period of time not~~

1 ~~to exceed 30 days.~~ Failure to fulfill the terms of the
2 agreement shall result in seizure and impoundment of the animal
3 and any offspring by the animal pound or shelter, and any
4 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 a not-for-profit out-of-state organization.
14 The Department may suspend or revoke the license of any animal
15 shelter or animal control facility that fails to comply with
16 the requirements set forth in this Section or that fails to
17 report its intake and 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. The designation of
16 "potentially dangerous dog" shall expire 12 months after the
17 most recent violation of this Section. Failure to comply with
18 this Section will result in impoundment of the dog or a fine of
19 \$500."