



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3457

Introduced 2/24/2011, by Rep. Ann Williams

SYNOPSIS AS INTRODUCED:

720 ILCS 585/0.1 from Ch. 8, par. 240
720 ILCS 585/3.1 new
720 ILCS 585/3.2 new
720 ILCS 585/3.3 new
720 ILCS 585/3.4 new
720 ILCS 585/3.5 new
720 ILCS 585/3.6 new

Amends the Illinois Dangerous Animals Act. Provides that any law enforcement officer or Department of Natural Resources official shall, upon probable cause, seize any or all dangerous animals or primates possessed in violation of the Act. Provides that upon judicial determination that the seized animals are dangerous animals or primates and the owner of the seized animals is violating this Act with regard to those seized dangerous animals or primates, then such dangerous animals or primates seized under this Act are deemed forfeited. Provides that dangerous animals or primates seized and deemed forfeited under the Act shall be placed in the custody and control of an accredited zoo or wildlife sanctuary. Provides that dangerous animals or primates seized but not deemed forfeited under the Act shall be kept in the custody of an accredited zoo or wildlife sanctuary until disposition of the seized dangerous animals or primates. Provides that corporations may be charged with violations of the Act for the acts of their employees or agents who violate the Act in the course of their employment or agency.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning dangerous animals.

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

4 Section 5. The Illinois Dangerous Animals Act is amended by
5 changing Section 0.1 and by adding Sections 3.1, 3.2, 3.3, 3.4,
6 3.5, and 3.6 as follows:

7 (720 ILCS 585/0.1) (from Ch. 8, par. 240)

8 Sec. 0.1. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 "Accredited zoo" means an institution accredited by the
11 Association of Zoos and Aquariums or a facility that has an
12 active contractual relationship with an Association of Zoos and
13 Aquariums Species Survival Plan for breeding of species listed
14 as threatened or endangered pursuant to 16 U.S.C. 1533.

15 "Dangerous animal" means a lion, tiger, leopard, ocelot,
16 jaguar, cheetah, margay, mountain lion, lynx, bobcat,
17 jaguarundi, bear, hyena, wolf or coyote, or any poisonous or
18 life-threatening reptile.

19 "Department" means the Department of Natural Resources.

20 "Director" means the Director of Natural Resources or his
21 or her duly appointed representative.

22 "Owner" means any person who (a) has a right of property in
23 a dangerous animal or primate, (b) keeps or harbors a dangerous

1 animal or primate, (c) has a dangerous animal or primate in his
2 care, or (d) acts as custodian of a dangerous animal or
3 primate.

4 "Person" means any individual, firm, association,
5 partnership, corporation, or other legal entity, any public or
6 private institution, the State of Illinois, or any municipal
7 corporation or political subdivision of the State.

8 "Primate" means a nonhuman member of the order primate,
9 including but not limited to chimpanzee, gorilla, orangutan,
10 bonobo, gibbon, monkey, lemur, loris, aye-aye, and tarsier.

11 "Wildlife sanctuary" means a nonprofit organization that
12 meets the following criteria:

13 (1) operates a place of refuge where abused, neglected,
14 unwanted, impounded, abandoned, orphaned, or displaced
15 animals are provided care for the lifetime of the animal;

16 (2) does not conduct any commercial activity with
17 respect to restricted species, including, but not limited
18 to:

19 (A) sale, trade, auction, lease, or loan of
20 restricted species or parts of restricted species, or

21 (B) use of restricted species in any manner in a
22 for-profit business or operation;

23 (3) does not use restricted species for entertainment
24 purposes or in a traveling exhibit;

25 (4) does not breed any restricted species; and

26 (5) does not allow members of the public the

1 opportunity to come into contact with restricted species.

2 (Source: P.A. 96-1219, eff. 1-1-11.)

3 (720 ILCS 585/3.1 new)

4 Sec. 3.1. Seizure and disposition.

5 (a) Any law enforcement officer, animal control officer, or
6 Department official shall, upon probable cause, seize any or
7 all dangerous animals or primates possessed in violation of
8 this Act.

9 (b) Upon judicial determination that (1) the seized animals
10 are dangerous animals or primates, as defined by this Act and
11 (2) the owner of the seized animals is violating this Act with
12 regard to those seized dangerous animals or primates, then such
13 dangerous animals or primates seized under this Act are deemed
14 forfeited.

15 (c) Dangerous animals or primates seized and deemed
16 forfeited under this Act shall be placed in the custody and
17 control of an accredited zoo or wildlife sanctuary. The
18 Department shall work with local animal control, national
19 animal welfare organizations, and veterinarian associations in
20 their effort to find an appropriate facility.

21 (d) Dangerous animals or primates seized but not deemed
22 forfeited under this Act shall be kept in the custody of an
23 accredited zoo or wildlife sanctuary until disposition of the
24 seized dangerous animals or primates.

25 (1) The accredited zoo or wildlife sanctuary having

1 custody of the dangerous animal or primate may file a
2 petition with the court requesting that the person from
3 whom the dangerous animal or primate was seized, or the
4 owner of the dangerous animal or primate, be ordered to
5 post security. The security must be in an amount sufficient
6 to secure payment of all reasonable expenses expected to be
7 incurred by the accredited zoo or wildlife sanctuary in
8 caring for and providing for the dangerous animal or
9 primate pending the disposition of the animal or primate.
10 Reasonable expenses include, but are not limited to,
11 estimated medical care and boarding of the dangerous animal
12 or primate for 30 days. The amount of the security shall be
13 determined by the court after taking into consideration all
14 of the facts and circumstances of the case, including, but
15 not limited to, the recommendation of the impounding
16 organization having custody and care of the seized
17 dangerous animal or primate and the cost of caring for the
18 dangerous animal or primate. If security has been posted in
19 accordance with this Section, the accredited zoo or
20 wildlife sanctuary may draw from the security the actual
21 costs incurred by the agency in caring for the seized
22 dangerous animal or primate.

23 (2) Upon receipt of a petition, the court must set a
24 hearing on the petition, to be conducted within 5 business
25 days after the petition is filed. The petitioner must serve
26 a true copy of the petition upon the owner of the dangerous

1 animal or primate and the State's Attorney for the county
2 in which the dangerous animal or primate was seized. The
3 petitioner must also serve a true copy of the petition on
4 any interested person. For the purposes of this subsection,
5 "interested person" means an individual, partnership,
6 firm, joint stock company, corporation, association,
7 trust, estate, or other legal entity that the court
8 determines may have a pecuniary interest in the animal or
9 primate that is the subject of the petition. The court must
10 set a hearing date to determine any interested parties. The
11 court may waive for good cause shown the posting of
12 security.

13 (3) If the court orders the posting of security, the
14 security must be posted with the clerk of the court within
15 5 business days after the hearing. If the person ordered to
16 post security does not do so, the dangerous animal or
17 primate is deemed forfeited by operation of law and the
18 accredited zoo or wildlife sanctuary having custody of the
19 dangerous animal or primate shall have legal custody and
20 control over the dangerous animal or primate.

21 (4) The impounding organization may file a petition
22 with the court upon the expiration of the 30-day period
23 requesting the posting of additional security. The court
24 may order the person from whom the dangerous animal or
25 primate was seized, or the owner of the dangerous animal or
26 primate, to post additional security with the clerk of the

1 court to secure payment of reasonable expenses for an
2 additional period of time pending a determination by the
3 court of the charges against the person from whom the
4 dangerous animal or primate was seized.

5 (5) Upon judicial determination on the disposition of
6 the seized dangerous animal or primate, the person who
7 posted the security is entitled to a refund of the security
8 for any expenses not incurred by the impounding
9 organization.

10 (6) Nothing in this Act shall be construed to prevent
11 the voluntary, permanent relinquishment of any dangerous
12 animal or primate by its owner to an accredited zoo,
13 wildlife sanctuary, or the Department in lieu of posting
14 security. Voluntary relinquishment shall have no effect on
15 any criminal charges that may be pursued by the appropriate
16 authorities.

17 (e) Euthanasia.

18 (1) An animal seized under this Act may be euthanized
19 only if all known reasonable placement options are
20 unavailable.

21 (2) Upon proper determination by a licensed
22 veterinarian, any animal seized under this Section may be
23 immediately euthanized when the dangerous animal is
24 suffering and is beyond cure through reasonable care and
25 treatment.

26 (3) All euthanasia shall be done humanely to limit any

1 suffering or pain.

2 (720 ILCS 585/3.2 new)

3 Sec. 3.2. Veterinarian reports. Any veterinarian in this
4 State who observes or is presented with a dangerous animal or
5 primate that is in violation of this Act must file a report
6 with the Department and cooperate with the Department by
7 furnishing the owner's name, the date of receipt of the
8 dangerous animal or primate and any treatment administered, and
9 a description of the dangerous animal or primate involved,
10 including a microchip number if applicable. Any veterinarian
11 who in good faith makes a report, as required by this Section,
12 has immunity from any liability, civil, criminal, or otherwise,
13 that may result from his or her actions. For the purposes of
14 any proceedings, civil or criminal, the good faith of the
15 veterinarian is presumed.

16 (720 ILCS 585/3.3 new)

17 Sec. 3.3. Investigation of complaints.

18 (a) Upon receiving a complaint of a suspected violation of
19 this Act, the Department, or any law enforcement official,
20 shall investigate the allegations of the complaint, including,
21 but not limited to, entering upon any premises where the
22 dangerous animal or primate described in the complaint is
23 housed or kept, in compliance with applicable federal and State
24 law. State's Attorneys and law enforcement officials shall

1 provide such assistance as may be required in the conduct of
2 such investigations. The animal control administrator and
3 animal control wardens appointed under the Animal Control Act
4 shall be authorized to make investigations complying with this
5 Act. Any such investigation shall be immediately reported to
6 the Department.

7 (b) Any veterinarian acting in good faith is immune from
8 any civil or criminal liability resulting from his or her
9 actions under this Section. The good faith on the part of the
10 veterinarian is presumed.

11 (720 ILCS 585/3.4 new)

12 Sec. 3.4. Corporations. Corporations may be charged with
13 violations of this Act for the acts of their employees or
14 agents who violate this Act in the course of their employment
15 or agency.

16 (720 ILCS 585/3.5 new)

17 Sec. 3.5. Severability. If any provision of this Act is
18 declared unconstitutional, or the applicability thereof to any
19 person or circumstance is held invalid, by a court of competent
20 jurisdiction, the constitutionality of the remainder of this
21 Act and the applicability thereof to other persons and
22 circumstances shall not be affected thereby.

23 (720 ILCS 585/3.6 new)

1 Sec. 3.6. Rulemaking. The Director may issue rules
2 consistent with the provisions of this Act, for the
3 administration and enforcement thereof and may prescribe forms
4 which shall be used in connection therewith.