



Rep. John E. Bradley

Filed: 5/24/2011

09700SB1531ham001

LRB097 06443 CEL 56165 a

1 AMENDMENT TO SENATE BILL 1531

2 AMENDMENT NO. _____. Amend Senate Bill 1531 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, or cattery
8 operator shall separate a puppy or kitten from its mother, for
9 the purpose of sale, until such puppy or kitten has attained
10 the age of 8 weeks.

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

1 this Act. In addition, guard dog services shall be required to
2 maintain records of transfer of ownership, death, or
3 disappearance of a guard dog or sentry dog used by that guard
4 dog service.

5 When a microchip or other identification is present in any
6 companion animal in the custody of the Administrator, Deputy
7 Administrator, Animal Control Warden, or law enforcement under
8 the Animal Control Act, licensees under this Act shall provide
9 the name, address, and phone number of the owner on request.

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

11 Section 10. The Animal Control Act is amended by changing
12 Sections 10, 15, and 26 and by adding Sections 2.18b, 2.18c,
13 15.5, 26.01, and 26.02 as follows:

14 (510 ILCS 5/2.18b new)

15 Sec. 2.18b. "Proof of caretaking responsibility" means
16 either veterinary records, sterilization records, microchip
17 registration, or an affidavit.

18 (510 ILCS 5/2.18c new)

19 Sec. 2.18c. "Proof of ownership" means a valid registration
20 certificate, municipal license, microchip registration,
21 veterinary records, expired registration certificates or
22 licenses, adoption contracts, bills of sale, photographs, or
23 affidavits submitted by 3 individuals.

1 (510 ILCS 5/10) (from Ch. 8, par. 360)

2 Sec. 10. Impoundment; redemption. When dogs or cats are
3 apprehended and impounded, they must be scanned for the
4 presence of a microchip and cannot be adopted, moved, or
5 euthanized without a second scanning. The Administrator shall
6 make every reasonable attempt to contact the owner as defined
7 by Section 2.16 as soon as possible. The Administrator shall
8 give notice of not less than 7 business days to the owner prior
9 to disposal of the animal. Such notice shall be mailed to the
10 last known address of the owner. Testimony of the
11 Administrator, or his or her authorized agent, who mails such
12 notice shall be evidence of the receipt of such notice by the
13 owner of the animal.

14 When a microchip or other identification is present in any
15 companion animal in the custody of the Administrator, Deputy
16 Administrator, Animal Control Warden, or law enforcement,
17 licensees under the Animal Welfare Act and veterinarians shall
18 provide the name, address, and phone number of the owner on
19 request.

20 In case the owner of any impounded dog or cat desires to
21 make redemption thereof, he or she may do so by doing the
22 following:

23 a. Presenting proof of current rabies inoculation and
24 registration, if applicable.

25 b. Paying for the rabies inoculation of the dog or cat

1 and registration, if applicable.

2 c. Paying the pound for the board of the dog or cat for
3 the period it was impounded.

4 d. Paying into the Animal Control Fund an additional
5 impoundment fee as prescribed by the Board as a penalty for
6 the first offense and for each subsequent offense.

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

11 f. Paying for microchipping and registration if not
12 already done.

13 g. Presenting proof of ownership or proof of caretaking
14 responsibility of the animal he or she desires to redeem.

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

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

22 (510 ILCS 5/15) (from Ch. 8, par. 365)

23 Sec. 15. Vicious dog determination.

24 (a) In order to have a dog deemed "vicious", the
25 Administrator, Deputy Administrator, or law enforcement

1 officer must give notice of the infraction that is the basis of
2 the investigation to the owner, conduct a thorough
3 investigation, interview any witnesses, including the owner,
4 gather any existing medical records, veterinary medical
5 records or behavioral evidence, and make a detailed report
6 recommending a finding that the dog is a vicious dog and give
7 the report to the States Attorney's Office and the owner. The
8 Administrator, State's Attorney, Director or any citizen of the
9 county in which the dog exists may file a complaint in the
10 circuit court in the name of the People of the State of
11 Illinois to deem a dog to be a vicious dog. Testimony of a
12 certified applied behaviorist, a board certified veterinary
13 behaviorist, or another recognized expert may be relevant to
14 the court's determination of whether the dog's behavior was
15 justified. The petitioner must prove the dog is a vicious dog
16 by clear and convincing evidence. The Administrator shall
17 determine where the animal shall be confined during the
18 pendency of the case.

19 A dog may not be declared vicious if the court determines
20 the conduct of the dog was justified because:

21 (1) the threat, injury, or death was sustained by a
22 person who at the time was committing a crime or offense
23 upon the owner or custodian of the dog, or was committing a
24 willful trespass or other tort upon the premises or
25 property owned or occupied by the owner of the animal;

26 (2) the injured, threatened, or killed person was

1 abusing, assaulting, or physically threatening the dog or
2 its offspring, or has in the past abused, assaulted, or
3 physically threatened the dog or its offspring; or

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

7 No dog shall be deemed "vicious" if it is a professionally
8 trained dog for law enforcement or guard duties. Vicious dogs
9 shall not be classified in a manner that is specific as to
10 breed.

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

13 If a dog is found to be a vicious dog, the owner shall pay a
14 \$100 public safety fine to be deposited into the Pet Population
15 Control Fund, the dog shall be spayed or neutered within 10
16 days of the finding at the expense of its owner and
17 microchipped, if not already, and the dog is subject to
18 enclosure.

19 If an owner fails to comply with these requirements, the
20 animal control agency shall impound the dog and the owner shall
21 pay a \$500 fine plus impoundment fees to the animal control
22 agency impounding the dog. The judge has the discretion to
23 order a vicious dog be euthanized. A dog found to be a vicious
24 dog shall not be released to the owner until the Administrator,
25 an Animal Control Warden, or the Director approves the
26 enclosure.

1 No owner or keeper of a vicious dog shall sell or give away
2 the dog without approval from the Administrator or court.
3 Whenever an owner of a vicious dog relocates, he or she shall
4 notify both the Administrator of County Animal Control where he
5 or she has relocated and the Administrator of County Animal
6 Control where he or she formerly resided.

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

18 (b-5) If it is found at the hearing conducted under this
19 Act that a dog is declared vicious and the ownership or
20 possession of a dog by the person would create a significant
21 threat to the public health, safety, and welfare, then the
22 owner of a dog determined to be a vicious dog may be prohibited
23 from owning, possessing, controlling, or having custody of any
24 dog for a period of up to 3 years.

25 Any dog which has been found to be a vicious dog and which
26 is not confined to an enclosure shall be impounded by the

1 Administrator, an Animal Control Warden, or the law enforcement
2 authority having jurisdiction in such area.

3 (b-10) If the owner of the dog has not appealed the
4 impoundment order to the circuit court in the county in which
5 the animal was impounded within 15 business ~~working~~ days, the
6 dog may be euthanized.

7 Upon filing a notice of appeal, the order of euthanasia
8 shall be automatically stayed pending the outcome of the
9 appeal. The owner shall bear the burden of timely notification
10 to animal control in writing.

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

25 (c) If the animal control agency has custody of the dog,
26 the agency may file a petition with the court requesting that

1 the owner be ordered to post security. The security must be in
2 an amount sufficient to secure payment of all reasonable
3 expenses expected to be incurred by the animal control agency
4 or animal shelter in caring for and providing for the dog
5 pending the determination. Reasonable expenses include, but
6 are not limited to, estimated medical care and boarding of the
7 animal for 30 days. If security has been posted in accordance
8 with this Section, the animal control agency may draw from the
9 security the actual costs incurred by the agency in caring for
10 the dog.

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

15 (e) If the court orders the posting of security, the
16 security must be posted with the clerk of the court within 5
17 business days after the hearing. If the person ordered to post
18 security does not do so, the dog is forfeited by operation of
19 law and the animal control agency must dispose of the animal
20 through adoption or humane euthanization.

21 (Source: P.A. 96-1171, eff. 7-22-10.)

22 (510 ILCS 5/15.5 new)

23 Sec. 15.5. Dog owner; negligence. No person, without
24 justification, shall intentionally, knowingly, or recklessly
25 allow, permit, or suffer a dog to attack a person and cause

1 serious physical injury or death to a person.

2 (510 ILCS 5/26) (from Ch. 8, par. 376)

3 Sec. 26. Violations; punishment.

4 (a) Except as otherwise provided in this Act, any person
5 violating or aiding in or abetting the violation of any
6 provision of this Act, or counterfeiting or forging any
7 certificate, permit, or tag, or making any misrepresentation in
8 regard to any matter prescribed by this Act, or resisting,
9 obstructing, or impeding the Administrator or any authorized
10 officer in enforcing this Act, or refusing to produce for
11 inoculation any dog in his possession, or who removes a tag
12 from a dog for purposes of destroying or concealing its
13 identity, is guilty of a Class C misdemeanor for a first
14 offense and for a subsequent offense, is guilty of a Class B
15 misdemeanor.

16 Each day a person fails to comply constitutes a separate
17 offense. Each State's Attorney to whom the Administrator
18 reports any violation of this Act shall cause appropriate
19 proceedings to be instituted in the proper courts without delay
20 and to be prosecuted in the manner provided by law.

21 (b) If the owner of a vicious dog subject to enclosure:

22 (1) fails to maintain or keep the dog in an enclosure
23 or fails to spay or neuter the dog or microchip the dog
24 within the time period prescribed; and

25 (2) the dog inflicts serious physical injury upon any

1 other person or causes the death of another person; and

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

5 then the Administrator shall impound and euthanize the dog and
6 the owner shall be guilty of a Class 3 felony and shall pay a
7 \$1,000 fine plus impoundment fees to the animal control agency
8 impounding the dog; unless the owner knowingly allowed the dog
9 to run at large or failed to take steps to keep the dog in an
10 enclosure then the Administrator shall impound and euthanize
11 the dog and the owner shall be guilty of a Class 2 felony and
12 shall pay a \$1,000 fine plus impoundment fees to the animal
13 control agency impounding the dog. The penalty provided in this
14 paragraph shall be in addition to any other criminal or civil
15 sanction provided by law.

16 (c) If the owner of a dangerous dog knowingly fails to
17 comply with any order regarding the dog and the dog inflicts
18 serious physical injury on a person or a companion animal, then
19 the owner shall be guilty of a Class 4 felony and shall pay a
20 \$1,000 fine plus impoundment fees to the animal control agency
21 impounding the dangerous dog. If the owner of a dangerous dog
22 knowingly fails to comply with any order regarding the dog and
23 the dog kills a person or contributes to the death of a person,
24 then the Administrator shall impound and euthanize the
25 dangerous dog and the owner shall be guilty of a Class 3 felony
26 and shall pay a \$1,000 fine plus impoundment fees to the animal

1 control agency impounding the dangerous dog.

2 (d) Any person convicted of violating Section 15.5 is
3 guilty of a Class 4 felony.

4 (e) In addition to any other penalty provided by law, upon
5 conviction for violating Section 15 or Section 15.5, the court
6 may order it is unlawful for the convicted person to knowingly
7 own, possess, have custody of, or reside in a residence with
8 any other dog for a period of time that the court deems
9 reasonable.

10 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05;
11 94-819, eff. 5-31-06.)

12 (510 ILCS 5/26.01 new)

13 Sec. 26.01. Reckless owners; dog ownership prohibited. No
14 person may own or reside with a dog if the person has:

15 (1) been convicted of a second or subsequent violation
16 of Section 15.2 of this Act;

17 (2) been convicted of a violation of subsection (b) of
18 Section 15 of this Act or Section 12-36 of the Criminal
19 Code of 1961; or

20 (3) been convicted of a violation under subsections (b)
21 or (c) of Section 26 of this Act.

22 (510 ILCS 5/26.02 new)

23 Sec. 26.02. Dog ownership prohibition review. Beginning 3
24 years after a conviction that prohibits a person from owning a

1 dog, and annually thereafter, the person may request that the
2 Administrator review the prohibition, violations, any criminal
3 convictions, or any of the facts that the Administrator deems
4 appropriate that led to the prohibition. The Administrator may
5 rescind the prohibition entirely or rescind the prohibition
6 with limitations. The Administrator may also establish
7 conditions a person must meet before the prohibition is
8 rescinded, including, but not limited to, successfully
9 completing dog training or dog handling courses. If the
10 Administrator rescinds a person's prohibition and the person
11 subsequently fails to comply with any limitations imposed by
12 animal control or the person is convicted of any animal
13 violation involving unjustified bites or dog attacks, then the
14 Administrator may permanently prohibit the person from owning a
15 dog in the county."