



Rep. John E. Bradley

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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 to the Administrator, Deputy Administrator, Animal Control
10 Warden, or law enforcement officer the name, address, and phone
11 number of the owner on request.

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

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

16 (510 ILCS 5/2.18b new)

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

20 (510 ILCS 5/2.18c new)

21 Sec. 2.18c. "Proof of ownership" means a valid registration
22 certificate, municipal license, microchip registration,
23 veterinary records, expired registration certificates or

1 licenses, adoption contracts, bills of sale, photographs, or
2 affidavits submitted by 3 individuals.

3 (510 ILCS 5/10) (from Ch. 8, par. 360)

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

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

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

1 a. Presenting proof of current rabies inoculation and
2 registration, if applicable.

3 b. Paying for the rabies inoculation of the dog or cat
4 and registration, if applicable.

5 c. Paying the pound for the board of the dog or cat for
6 the period it was impounded.

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

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

14 f. Paying for microchipping and registration if not
15 already done.

16 g. Presenting proof of ownership or proof of caretaking
17 of the animal he or she desires to redeem.

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

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

1 Sec. 15. Vicious dog determination.

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

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

24 (1) the threat, injury, or death was sustained by a
25 person who at the time was committing a crime or offense
26 upon the owner or custodian of the dog, or was committing a

1 willful trespass or other tort upon the premises or
2 property owned or occupied by the owner of the animal;

3 (2) the injured, threatened, or killed person was
4 abusing, assaulting, or physically threatening the dog or
5 its offspring, or has in the past abused, assaulted, or
6 physically threatened the dog or its offspring; or

7 (3) the dog was responding to pain or injury, or was
8 protecting itself, its owner, custodian, or member of its
9 household, kennel, or offspring.

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

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

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

22 If an owner fails to comply with these requirements, the
23 animal control agency shall impound the dog and the owner shall
24 pay a \$500 fine plus impoundment fees to the animal control
25 agency impounding the dog. The judge has the discretion to
26 order a vicious dog be euthanized. A dog found to be a vicious

1 dog shall not be released to the owner until the Administrator,
2 an Animal Control Warden, or the Director approves the
3 enclosure.

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

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

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

1 dog for a period of up to 3 years.

2 Any dog which has been found to be a vicious dog and which
3 is not confined to an enclosure shall be impounded by the
4 Administrator, an Animal Control Warden, or the law enforcement
5 authority having jurisdiction in such area.

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

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

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

1 notify such departments of any address changes reported to him.

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

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

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

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

25 (510 ILCS 5/26) (from Ch. 8, par. 376)

1 Sec. 26. Violations; punishment.

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

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

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

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

23 (2) the dog inflicts serious physical injury upon any
24 other person or causes the death of another person; and

25 (3) the attack is unprovoked in a place where such
26 person is peaceably conducting himself or herself and where

1 such person may lawfully be;
2 then the Administrator shall impound and euthanize the dog and
3 the owner shall be guilty of a Class 3 felony and shall pay a
4 \$1,000 fine plus impoundment fees to the animal control agency
5 impounding the dog;⁷ unless the owner knowingly allowed the dog
6 to run at large or failed to take steps to keep the dog in an
7 enclosure then the Administrator shall impound and euthanize
8 the dog and the owner shall be guilty of a Class 2 felony and
9 shall pay a \$1,000 fine plus impoundment fees to the animal
10 control agency impounding the dog. The penalty provided in this
11 paragraph shall be in addition to any other criminal or civil
12 sanction provided by law.

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

25 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05;
26 94-819, eff. 5-31-06.)

1 (510 ILCS 5/26.01 new)

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

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

6 (2) been convicted of a violation of subsection (b) of
7 Section 15 of this Act or Section 12-36 of the Criminal
8 Code of 1961; or

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

11 (510 ILCS 5/26.02 new)

12 Sec. 26.02. Dog ownership prohibition review. Beginning 3
13 years after a conviction that prohibits a person from owning a
14 dog, and annually thereafter, the person may request that the
15 Administrator review the prohibition, violations, any criminal
16 convictions, or any of the facts that the Administrator deems
17 appropriate that led to the prohibition. The Administrator may
18 rescind the prohibition entirely or rescind the prohibition
19 with limitations. The Administrator may also establish
20 conditions a person must meet before the prohibition is
21 rescinded, including, but not limited to, successfully
22 completing dog training or dog handling courses. If the
23 Administrator rescinds a person's prohibition and the person
24 subsequently fails to comply with any limitations imposed by

1 animal control or the person is convicted of any animal
2 violation involving unjustified bites or dog attacks, then the
3 Administrator may permanently prohibit the person from owning a
4 dog in the county."