



Rep. John E. Bradley

Filed: 5/29/2011

09700SB1531ham003

LRB097 06443 CEL 56487 a

1 AMENDMENT TO SENATE BILL 1531

2 AMENDMENT NO. _____. Amend Senate Bill 1531, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (225 ILCS 605/2.2) (from Ch. 8, par. 302.2)

8 Sec. 2.2. No dog dealer, kennel operator, or cattery
9 operator shall separate a puppy or kitten from its mother, for
10 the purpose of sale, until such puppy or kitten has attained
11 the age of 8 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 When a microchip or other identification is present in any
7 companion animal in the custody of the Administrator, Deputy
8 Administrator, Animal Control Warden, or law enforcement under
9 the Animal Control Act, licensees under this Act shall provide
10 to the Administrator, Deputy Administrator, Animal Control
11 Warden, or law enforcement officer the name, address, and phone
12 number of the owner on request.

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

14 Section 10. The Animal Control Act is amended by changing
15 Sections 10, 15, and 26 and by adding Sections 2.18b, 2.18c,
16 26.01, and 26.02 as follows:

17 (510 ILCS 5/2.18b new)

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

21 (510 ILCS 5/2.18c new)

22 Sec. 2.18c. "Proof of ownership" means a valid registration
23 certificate, municipal license, microchip registration,

1 veterinary records, expired registration certificates or
2 licenses, adoption contracts, bills of sale, photographs, or
3 affidavits submitted by 3 individuals.

4 (510 ILCS 5/10) (from Ch. 8, par. 360)

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

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

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

1 following:

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

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

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

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

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

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

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

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

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

1 (510 ILCS 5/15) (from Ch. 8, par. 365)

2 Sec. 15. Vicious dog determination.

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

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

25 (1) the threat, injury, or death was sustained by a
26 person who at the time was committing a crime or offense

1 upon the owner or custodian of the dog, or was committing a
2 willful trespass or other tort upon the premises or
3 property owned or occupied by the owner of the animal;

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

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

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

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

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

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

1 order a vicious dog be euthanized. A dog found to be a vicious
2 dog shall not be released to the owner until the Administrator,
3 an Animal Control Warden, or the Director approves the
4 enclosure.

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

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

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

1 from owning, possessing, controlling, or having custody of any
2 dog for a period of up to 3 years.

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

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

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

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

1 categorized list of such exempted dogs, and shall promptly
2 notify such departments of any address changes reported to him.

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

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

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

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

1 (510 ILCS 5/26) (from Ch. 8, par. 376)

2 Sec. 26. Violations; punishment.

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

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

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

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

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

26 (3) the attack is unprovoked in a place where such

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

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

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

1 94-819, eff. 5-31-06.)

2 (510 ILCS 5/26.01 new)

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

5 (1) been convicted of a violation of Section 12-36 of
6 the Criminal Code of 1961; or

7 (2) been convicted of a violation under subsections (b)
8 or (c) of Section 26 of this Act.

9 (510 ILCS 5/26.02 new)

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

1 Administrator may permanently prohibit the person from owning a
2 dog in the county."