

1 AN ACT concerning regulation.

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

4 Section 5. The Animal Welfare Act is amended by changing
5 Sections 3.4 and 10 as follows:

6 (225 ILCS 605/3.4)

7 Sec. 3.4. Release of animals to shelters.

8 (a) An animal shelter or animal control facility may not
9 release any animal to an individual representing an animal
10 shelter, unless (1) the recipient animal shelter has been
11 licensed or has a foster care permit issued by the Department
12 or (2) the individual is a representative of a not-for-profit,
13 out-of-State organization and the animal is being transferred
14 out of the State of Illinois.

15 (b) No animal shelter may impound or accept a stray dog or
16 cat, unless such animal is released to the animal control
17 facility or law enforcement officer with jurisdiction the next
18 business day. Any animal shelter that impounds or accepts a
19 stray dog or cat and does not transfer the animal to the local
20 animal control or law enforcement official by the next business
21 day shall be in violation of this Act and shall be fined. An
22 animal shelter may only accept an animal from its owner if the
23 owner signs a relinquishment form that states he or she is the

1 owner of the animal, an animal shelter licensed under this Act,
2 or an out-of-state animal control facility, rescue group, or
3 animal shelter that is duly licensed in their state or is a
4 not-for-profit organization.

5 (c) No representative of an animal shelter may enter upon
6 private property and remove an animal, nor can any
7 representative of an animal shelter direct another person to
8 enter upon private property and remove an animal, without a
9 search warrant or court order. Any animal shelter that impounds
10 an animal without approval from the Department shall be fined
11 and is subject to a suspension or revocation of its license at
12 an administrative hearing by the Department.

13 (d) An animal shelter that accepts animals from animal
14 shelters or animal control facilities from out of state must
15 require a certificate of veterinary inspection from the state
16 where the animal originates. If the animal accepted is a dog
17 over the age of 4 months, it must be vaccinated for rabies and
18 listed as such on the certificate of veterinary inspection.

19 (e) Nothing in this Section limits an animal shelter and an
20 animal control facility that, through mutual agreement, wish to
21 enter into an agreement for animal control, boarding, holding,
22 or other services, provided that the agreement requires that
23 the parties adhere to the provisions of the Animal Control Act,
24 the Humane Euthanasia in Animal Shelters Act, and the Humane
25 Care for Animals Act.

26 (Source: P.A. 96-314, eff. 8-11-09.)

1 (225 ILCS 605/10) (from Ch. 8, par. 310)

2 Sec. 10. Grounds for discipline. The Department may refuse
3 to issue or renew or may suspend or revoke a license on any one
4 or more of the following grounds:

5 a. Material misstatement in the application for original
6 license or in the application for any renewal license under
7 this Act;

8 b. A violation of this Act or of any regulations or rules
9 issued pursuant thereto;

10 c. Aiding or abetting another in the violation of this Act
11 or of any regulation or rule issued pursuant thereto;

12 d. Allowing one's license under this Act to be used by an
13 unlicensed person;

14 e. Conviction of any crime an essential element of which is
15 misstatement, fraud or dishonesty or conviction of any felony,
16 if the Department determines, after investigation, that such
17 person has not been sufficiently rehabilitated to warrant the
18 public trust;

19 f. Conviction of a violation of any law of Illinois except
20 minor violations such as traffic violations and violations not
21 related to the disposition of dogs, cats and other animals or
22 any rule or regulation of the Department relating to dogs or
23 cats and sale thereof;

24 g. Making substantial misrepresentations or false promises
25 of a character likely to influence, persuade or induce in

1 connection with the business of a licensee under this Act;

2 h. Pursuing a continued course of misrepresentation of or
3 making false promises through advertising, salesman, agents or
4 otherwise in connection with the business of a licensee under
5 this Act;

6 i. Failure to possess the necessary qualifications or to
7 meet the requirements of the Act for the issuance or holding a
8 license; or

9 j. Proof that the licensee is guilty of gross negligence,
10 incompetency, or cruelty with regard to animals.

11 The Department may refuse to issue or may suspend the
12 license of any person who fails to file a return, or to pay the
13 tax, penalty or interest shown in a filed return, or to pay any
14 final assessment of tax, penalty or interest, as required by
15 any tax Act administered by the Illinois Department of Revenue,
16 until such time as the requirements of any such tax Act are
17 satisfied.

18 The Department may order any licensee to cease operation
19 for a period not to exceed 72 hours to correct deficiencies in
20 order to meet licensing requirements.

21 If the Department revokes a license under this Act at an
22 administrative hearing, the licensee shall be prohibited from
23 applying for or obtaining a license under this Act for at least
24 3 years after the revocation.

25 (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;
26 90-403, eff. 8-15-97.)

1 Section 10. The Humane Care for Animals Act is amended by
2 changing Section 9 as follows:

3 (510 ILCS 70/9) (from Ch. 8, par. 709)

4 Sec. 9. Humane investigators; qualifications. The
5 Department shall, by rule or regulation, establish reasonable
6 qualifications for approved humane investigators and shall
7 maintain a current listing of all approved humane investigators
8 which shall be available for public inspection. These
9 qualifications shall include, but need not be limited to, a
10 knowledge of the provisions of this Act and its rules and
11 regulations and expertise in the investigation of complaints
12 relating to the care and treatment of animals. Persons
13 designated as humane investigators shall cooperate, when
14 requested, in completing routine investigations and filing
15 reports of violations of this Act received by the Department.
16 Persons designated as humane investigators shall notify local
17 law enforcement or the local animal control agency prior to
18 conducting an investigation into a complaint within the
19 jurisdiction of such law enforcement or animal control agency.

20 Employees of the Department may be assigned as Department
21 investigators.

22 A person designated as a humane investigator may have his
23 or her approval suspended or revoked if:

24 (1) the person identifies himself or herself as a

1 government employee and not as an approved humane
2 investigator sponsored by a licensed animal shelter or
3 humane society;

4 (2) the person gives false or misleading information to
5 a State's Attorney, law enforcement official, licensed
6 animal control agency, or the Department;

7 (3) the person impounds an animal without obtaining the
8 required impoundment number and approval from the
9 Department; or

10 (4) the person identifies a violation of Section 3 or
11 other Section of this Act and fails to give proper
12 notification to correct the violation.

13 The animal shelter or humane society sponsoring a person
14 designated as a humane investigator shall be fined and is
15 subject to have its license suspended or revoked if the person
16 designated as a humane investigator is found to have committed
17 one of the infractions listed in this Section in an
18 administrative hearing by the Department.

19 (Source: P.A. 88-600, eff. 9-1-94.)