



Sen. Andy Manar

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1 AMENDMENT TO SENATE BILL 648

2 AMENDMENT NO. _____. Amend Senate Bill 648 by replacing
3 everything after the enacting clause with the following:

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

1 facility or law enforcement officer with jurisdiction the next
2 business day. Any animal shelter that impounds or accepts a
3 stray dog or cat and does not transfer the animal to the local
4 animal control or law enforcement official by the next business
5 day shall be in violation of this Act and shall be fined. An
6 animal shelter may only accept an animal from its owner if the
7 owner signs a relinquishment form that states he or she is the
8 owner of the animal, an animal shelter licensed under this Act,
9 or an out-of-state animal control facility, rescue group, or
10 animal shelter that is duly licensed in their state or is a
11 not-for-profit organization.

12 (c) No representative of an animal shelter may enter upon
13 private property and remove an animal, nor can any
14 representative of an animal shelter direct another person to
15 enter upon private property and remove an animal, without a
16 search warrant or court order. Any animal shelter that impounds
17 an animal without approval from the Department shall be fined
18 and is subject to a suspension or revocation of its license at
19 an administrative hearing by the Department.

20 (d) An animal shelter that accepts animals from animal
21 shelters or animal control facilities from out of state must
22 require a certificate of veterinary inspection from the state
23 where the animal originates. If the animal accepted is a dog
24 over the age of 4 months, it must be vaccinated for rabies and
25 listed as such on the certificate of veterinary inspection.

26 (e) Nothing in this Section limits an animal shelter and an

1 animal control facility that, through mutual agreement, wish to
2 enter into an agreement for animal control, boarding, holding,
3 or other services, provided that the agreement requires that
4 the parties adhere to the provisions of the Animal Control Act,
5 the Humane Euthanasia in Animal Shelters Act, and the Humane
6 Care for Animals Act.

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

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

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

12 a. Material misstatement in the application for original
13 license or in the application for any renewal license under
14 this Act;

15 b. A violation of this Act or of any regulations or rules
16 issued pursuant thereto;

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

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

21 e. Conviction of any crime an essential element of which is
22 misstatement, fraud or dishonesty or conviction of any felony,
23 if the Department determines, after investigation, that such
24 person has not been sufficiently rehabilitated to warrant the
25 public trust;

1 f. Conviction of a violation of any law of Illinois except
2 minor violations such as traffic violations and violations not
3 related to the disposition of dogs, cats and other animals or
4 any rule or regulation of the Department relating to dogs or
5 cats and sale thereof;

6 g. Making substantial misrepresentations or false promises
7 of a character likely to influence, persuade or induce in
8 connection with the business of a licensee under this Act;

9 h. Pursuing a continued course of misrepresentation of or
10 making false promises through advertising, salesman, agents or
11 otherwise in connection with the business of a licensee under
12 this Act;

13 i. Failure to possess the necessary qualifications or to
14 meet the requirements of the Act for the issuance or holding a
15 license; or

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

18 The Department may refuse to issue or may suspend the
19 license of any person who fails to file a return, or to pay the
20 tax, penalty or interest shown in a filed return, or to pay any
21 final assessment of tax, penalty or interest, as required by
22 any tax Act administered by the Illinois Department of Revenue,
23 until such time as the requirements of any such tax Act are
24 satisfied.

25 The Department may order any licensee to cease operation
26 for a period not to exceed 72 hours to correct deficiencies in

1 order to meet licensing requirements.

2 If the Department revokes a license under this Act at an
3 administrative hearing, the licensee shall be prohibited from
4 applying for or obtaining a license under this Act for at least
5 3 years after the revocation.

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

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

10 (510 ILCS 70/9) (from Ch. 8, par. 709)

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

1 conducting an investigation into a complaint within the
2 jurisdiction of such law enforcement or animal control agency.

3 Employees of the Department may be assigned as Department
4 investigators.

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

7 (1) the person identifies himself or herself as a
8 government employee and not as an approved humane
9 investigator sponsored by a licensed animal shelter or
10 humane society;

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

14 (3) the person impounds an animal without obtaining the
15 required impoundment number and approval from the
16 Department; or

17 (4) the person identifies a violation of Section 3 or
18 other Section of this Act and fails to give proper
19 notification to correct the violation.

20 The animal shelter or humane society sponsoring a person
21 designated as a humane investigator shall be fined and is
22 subject to have its license suspended or revoked if the person
23 designated as a humane investigator is found to have committed
24 one of the infractions listed in this Section in an
25 administrative hearing by the Department.

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