

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 Humane Care for Animals Act is amended by  
5 changing Section 3.04 as follows:

6 (510 ILCS 70/3.04)

7 Sec. 3.04. Arrests and seizures; penalties.

8 (a) Any law enforcement officer making an arrest for an  
9 offense involving one or more companion animals under Section  
10 3.01, 3.02, or 3.03 of this Act may lawfully take possession of  
11 some or all of the companion animals in the possession of the  
12 person arrested. The officer, after taking possession of the  
13 companion animals, must file with the court before whom the  
14 complaint is made against any person so arrested an affidavit  
15 stating the name of the person charged in the complaint, a  
16 description of the condition of the companion animal or  
17 companion animals taken, and the time and place the companion  
18 animal or companion animals were taken, together with the name  
19 of the person from whom the companion animal or companion  
20 animals were taken and name of the person who claims to own the  
21 companion animal or companion animals if different from the  
22 person from whom the companion animal or companion animals were  
23 seized. He or she must at the same time deliver an inventory of

1 the companion animal or companion animals taken to the court of  
2 competent jurisdiction. The officer must place the companion  
3 animal or companion animals in the custody of an animal control  
4 or animal shelter and the agency must retain custody of the  
5 companion animal or companion animals subject to an order of  
6 the court adjudicating the charges on the merits and before  
7 which the person complained against is required to appear for  
8 trial. If the animal control or animal shelter owns no facility  
9 capable of housing the companion animals, has no space to house  
10 the companion animals, or is otherwise unable to house the  
11 companion animals or the health or condition of the animals  
12 prevents their removal, the animals shall be impounded at the  
13 site of the violation pursuant to a court order authorizing the  
14 impoundment, provided that the person charged is an owner of  
15 the property. Employees or agents of the animal control or  
16 animal shelter or law enforcement shall have the authority to  
17 access the on-site impoundment property for the limited purpose  
18 of providing care and veterinary treatment for the impounded  
19 animals and ensuring their well-being and safety. For an  
20 on-site impoundment, a petition for posting of security may be  
21 filed under Section 3.05 of this Act. Disposition of the  
22 animals shall be controlled by Section 3.06 of this Act. The  
23 State's Attorney may, within 14 days after the seizure, file a  
24 "petition for forfeiture prior to trial" before the court  
25 having criminal jurisdiction over the alleged charges, asking  
26 for permanent forfeiture of the companion animals seized. The

1 petition shall be filed with the court, with copies served on  
2 the impounding agency, the owner, and anyone claiming an  
3 interest in the animals. In a "petition for forfeiture prior to  
4 trial", the burden is on the prosecution to prove by a  
5 preponderance of the evidence that the person arrested violated  
6 Section 3.01, 3.02, 3.03, or 4.01 of this Act or Section 26-5  
7 or 48-1 of the Criminal Code of 1961 or the Criminal Code of  
8 2012.

9 (b) An owner whose companion animal or companion animals  
10 are removed by a law enforcement officer under this Section  
11 must be given written notice of the circumstances of the  
12 removal and of any legal remedies available to him or her. The  
13 notice must be posted at the place of seizure, or delivered to  
14 a person residing at the place of seizure or, if the address of  
15 the owner is different from the address of the person from whom  
16 the companion animal or companion animals were seized,  
17 delivered by registered mail to his or her last known address.

18 (c) In addition to any other penalty provided by law, upon  
19 conviction for violating Sections 3, 3.01, 3.02, or 3.03 the  
20 court may order the convicted person to forfeit to an animal  
21 control or animal shelter the animal or animals that are the  
22 basis of the conviction. Upon an order of forfeiture, the  
23 convicted person is deemed to have permanently relinquished all  
24 rights to the animal or animals that are the basis of the  
25 conviction. The forfeited animal or animals shall be adopted or  
26 humanely euthanized. In no event may the convicted person or

1 anyone residing in his or her household be permitted to adopt  
2 the forfeited animal or animals. The court, additionally, may  
3 order that the convicted person and persons dwelling in the  
4 same household as the convicted person who conspired, aided, or  
5 abetted in the unlawful act that was the basis of the  
6 conviction, or who knew or should have known of the unlawful  
7 act, may not own, harbor, or have custody or control of any  
8 other animals for a period of time that the court deems  
9 reasonable.

10 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)