



Sen. Pamela J. Althoff

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09900SB1735sam001

LRB099 08074 MGM 34123 a

1 AMENDMENT TO SENATE BILL 1735

2 AMENDMENT NO. _____. Amend Senate Bill 1735 by replacing
3 everything after the enacting clause with the following:

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

1 companion animals taken, and the time and place the companion
2 animal or companion animals were taken, together with the name
3 of the person from whom the companion animal or companion
4 animals were taken and name of the person who claims to own the
5 companion animal or companion animals if different from the
6 person from whom the companion animal or companion animals were
7 seized. He or she must at the same time deliver an inventory of
8 the companion animal or companion animals taken to the court of
9 competent jurisdiction. The officer must place the companion
10 animal or companion animals in the custody of an animal control
11 or animal shelter and the agency must retain custody of the
12 companion animal or companion animals subject to an order of
13 the court adjudicating the charges on the merits and before
14 which the person complained against is required to appear for
15 trial. If the animal control or animal shelter owns no facility
16 capable of housing the companion animals, has no space to house
17 the companion animals, or is otherwise unable to house the
18 companion animals or the health or condition of the animals
19 prevents their removal, the animals shall be impounded at the
20 site of the violation pursuant to a court order authorizing the
21 impoundment, provided that the person charged is an owner of
22 the property. Employees or agents of the animal control or
23 animal shelter or law enforcement shall have the authority to
24 access the on-site impoundment property for the limited purpose
25 of providing care and veterinary treatment for the impounded
26 animals and ensuring their well-being and safety. For an

1 on-site impoundment, a petition for posting of security may be
2 filed under Section 3.05 of this Act. Disposition of the
3 animals shall be controlled by Section 3.06 of this Act. The
4 State's Attorney may, within 14 days after the seizure, file a
5 "petition for forfeiture prior to trial" before the court
6 having criminal jurisdiction over the alleged charges, asking
7 for permanent forfeiture of the companion animals seized. The
8 petition shall be filed with the court, with copies served on
9 the impounding agency, the owner, and anyone claiming an
10 interest in the animals. In a "petition for forfeiture prior to
11 trial", the burden is on the prosecution to prove by a
12 preponderance of the evidence that the person arrested violated
13 Section 3.01, 3.02, 3.03, or 4.01 of this Act or Section 26-5
14 or 48-1 of the Criminal Code of 1961 or the Criminal Code of
15 2012.

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

25 (c) In addition to any other penalty provided by law, upon
26 conviction for violating Sections 3, 3.01, 3.02, or 3.03 the

1 court may order the convicted person to forfeit to an animal
2 control or animal shelter the animal or animals that are the
3 basis of the conviction. Upon an order of forfeiture, the
4 convicted person is deemed to have permanently relinquished all
5 rights to the animal or animals that are the basis of the
6 conviction. The forfeited animal or animals shall be adopted or
7 humanely euthanized. In no event may the convicted person or
8 anyone residing in his or her household be permitted to adopt
9 the forfeited animal or animals. The court, additionally, may
10 order that the convicted person and persons dwelling in the
11 same household as the convicted person who conspired, aided, or
12 abetted in the unlawful act that was the basis of the
13 conviction, or who knew or should have known of the unlawful
14 act, may not own, harbor, or have custody or control of any
15 other animals for a period of time that the court deems
16 reasonable.

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