



Sen. Ira I. Silverstein

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09900SB2847sam001

LRB099 18128 SLF 46051 a

1 AMENDMENT TO SENATE BILL 2847

2 AMENDMENT NO. _____. Amend Senate Bill 2847 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. If,
4 upon seizure of the companion animal and the filing of charges,
5 the person complained against refuses to relinquish the
6 companion animal, the court having criminal jurisdiction over
7 the alleged charges shall schedule a hearing on the disposition
8 of the companion animal. The hearing shall be held within 30
9 days after the companion animal's seizure. At the hearing, the
10 State's Attorney shall ask for permanent forfeiture of the
11 companion animal seized. Notice of the hearing shall be served
12 on the impounding agency, the owner, and anyone claiming an
13 interest in the companion animal. At the hearing for forfeiture
14 prior to trial ~~The State's Attorney may, within 14 days after~~
15 ~~the seizure, file a "petition for forfeiture prior to trial"~~
16 ~~before the court having criminal jurisdiction over the alleged~~
17 ~~charges, asking for permanent forfeiture of the companion~~
18 ~~animals seized. The petition shall be filed with the court,~~
19 ~~with copies served on the impounding agency, the owner, and~~
20 ~~anyone claiming an interest in the animals. In a "petition for~~
21 ~~forfeiture prior to trial", the burden is on the prosecution to~~
22 ~~prove by a preponderance of the evidence that the person~~
23 ~~arrested violated Section 3.01, 3.02, 3.03, or 4.01 of this Act~~
24 ~~or Section 26-5 or 48-1 of the Criminal Code of 1961 or the~~
25 ~~Criminal Code of 2012. If the prosecution fails to meet this~~
26 ~~burden, the court shall order the owner to post security~~

1 pursuant to Section 3.05.

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

11 (c) In addition to any other penalty provided by law, upon
12 conviction for violating Sections 3, 3.01, 3.02, or 3.03 the
13 court may order the convicted person to forfeit to an animal
14 control or animal shelter the animal or animals that are the
15 basis of the conviction. Upon an order of forfeiture, the
16 convicted person is deemed to have permanently relinquished all
17 rights to the animal or animals that are the basis of the
18 conviction. The forfeited animal or animals shall be adopted or
19 humanely euthanized. In no event may the convicted person or
20 anyone residing in his or her household be permitted to adopt
21 the forfeited animal or animals. The court, additionally, may
22 order that the convicted person and persons dwelling in the
23 same household as the convicted person who conspired, aided, or
24 abetted in the unlawful act that was the basis of the
25 conviction, or who knew or should have known of the unlawful
26 act, may not own, harbor, or have custody or control of any

1 other animals for a period of time that the court deems
2 reasonable.

3 (Source: P.A. 99-321, eff. 1-1-16.)".