

1 AN ACT in relation to animals.

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

4 Section 5. The Animal Control Act is amended by changing
5 Sections 15 and 26 as follows:

6 (510 ILCS 5/15) (from Ch. 8, par. 365)

7 Sec. 15. (a) For purposes of this Section:

8 (1) "Vicious dog" means:

9 (i) Any individual dog that when unprovoked
10 inflicts bites or attacks a human being or other
11 animal either on public or private property.

12 (ii) Any individual dog with a known
13 propensity, tendency or disposition to attack
14 without provocation, to cause injury or to otherwise
15 endanger the safety of human beings or domestic
16 animals.

17 (iii) Any individual dog that has as a trait or
18 characteristic and a generally known reputation for
19 viciousness, dangerousness or unprovoked attacks
20 upon human beings or other animals, unless handled
21 in a particular manner or with special equipment.

22 (iv) Any individual dog which attacks a human
23 being or domestic animal without provocation.

24 (v) Any individual dog which has been found to
25 be a "dangerous dog" upon 3 separate occasions.

26 No dog shall be deemed "vicious" if it bites,
27 attacks, or menaces a trespasser on the property of
28 its owner or harms or menaces anyone who has
29 tormented or abused it or is a professionally
30 trained dog for law enforcement or guard duties.

31 Vicious dogs shall not be classified in a manner

1 that is specific as to breed.

2 If a dog is found to be a vicious dog, the dog
3 shall be subject to enclosure.

4 (2) "Dangerous Dog" means any individual dog which
5 when either unmuzzled, unleashed, or unattended by its
6 owner, or a member of its owner's family, in a vicious or
7 terrorizing manner, approaches any person in an apparent
8 attitude of attack upon streets, sidewalks, or any public
9 grounds or places. If a dog is found to be a dangerous
10 dog, the dog must be both muzzled and leashed whenever
11 it is upon a street, sidewalk, or other public place or
12 grounds.

13 (3) "Enclosure" means a fence or structure of at
14 least 6 feet in height, forming or causing an enclosure
15 suitable to prevent the entry of young children, and
16 suitable to confine a vicious dog in conjunction with
17 other measures which may be taken by the owner or keeper,
18 such as tethering of a vicious dog within the enclosure.
19 Such enclosure shall be securely enclosed and locked and
20 designed with secure sides, top and bottom and shall be
21 designed to prevent the animal from escaping from the
22 enclosure.

23 (4) "Impounded" means taken into the custody of the
24 public pound in the city or town where the vicious dog is
25 found.

26 (5) "Found to be vicious dog" means (i) that the
27 Administrator, an Animal Control Warden, or a law
28 enforcement officer has conducted an investigation and
29 made a finding in writing that the dog is a vicious dog
30 as defined in paragraph (1) of subsection (a) and, based
31 on that finding, the Administrator, an Animal Control
32 Warden, or the Director has declared in writing that the
33 dog is a vicious dog or (ii) that the circuit court has
34 found the dog to be a vicious dog as defined in paragraph

1 (1) of subsection (a) and has entered an order based on
2 that finding.

3 (b) It shall be unlawful for any person to keep or
4 maintain any dog which has been found to be a vicious dog
5 unless such dog is at all times kept in an enclosure. The
6 only times that a vicious dog may be allowed out of the
7 enclosure are (1) if it is necessary for the owner or keeper
8 to obtain veterinary care for the dog or (2) to comply with
9 the order of a court of competent jurisdiction, provided that
10 the dog is securely muzzled and restrained with a chain
11 having a tensile strength of 300 pounds and not exceeding 3
12 feet in length, and shall be under the direct control and
13 supervision of the owner or keeper of the dog.

14 Any dog which has been found to be a vicious dog and
15 which is not confined to an enclosure shall be impounded by
16 the Administrator, an Animal Control Warden, or the law
17 enforcement authority having jurisdiction in such area and
18 shall be turned over to a licensed veterinarian for
19 destruction by lethal injection.

20 If the owner of the dog has not appealed the impoundment
21 order to the circuit court in the county in which the animal
22 was impounded within 7 working days, the dog may be humanely
23 dispatched. A dog found to be a vicious dog shall not be
24 released to the owner until the Administrator, an Animal
25 Control Warden, or the Director approves the enclosure as
26 defined in this Section.

27 No owner or keeper of a vicious dog shall sell or give
28 away the dog.

29 (b-5) If a vicious dog is impounded under subsection
30 (b), it must be either spayed or neutered within 30 days
31 after the impoundment. The owner of the dog is liable for
32 the cost of the spaying or neutering.

33 (c) It is unlawful for any person to maintain a public
34 nuisance by permitting any dangerous dog or other animal to

1 leave the premises of its owner when not under control by
2 leash or other recognized control methods.

3 Guide dogs for the blind or hearing impaired, support
4 dogs for the physically handicapped, and sentry, guard, or
5 police-owned dogs are exempt from this Section; provided, an
6 attack or injury to a person occurs while the dog is
7 performing duties as expected. To qualify for exemption
8 under this Section, each such dog shall be currently
9 inoculated against rabies in accordance with Section 8 of
10 this Act. It shall be the duty of the owner of such exempted
11 dog to notify the Administrator of changes of address. In
12 the case of a sentry or guard dog, the owner shall keep the
13 Administrator advised of the location where such dog will be
14 stationed. The Administrator shall provide police and fire
15 departments with a categorized list of such exempted dogs,
16 and shall promptly notify such departments of any address
17 changes reported to him.

18 The Administrator, the State's Attorney, or any citizen
19 of the county in which a dangerous dog or other animal exists
20 may file a complaint in the name of the People of the State
21 of Illinois to enjoin all persons from maintaining or
22 permitting such, to abate the same, and to enjoin the owner
23 of such dog or other animal from permitting same to leave his
24 premises when not under control by leash or other recognized
25 control methods. Upon the filing of a complaint in the
26 circuit court, the court, if satisfied that this nuisance may
27 exist, shall grant a preliminary injunction with bond in such
28 amount as the court may determine enjoining the defendant
29 from maintaining such nuisance. If the existence of the
30 nuisance is established, the owner of such dog or other
31 animal shall be in violation of this Act, and in addition,
32 the court shall enter an order restraining the owner from
33 maintaining such nuisance and may order that such dog or
34 other animal be humanely dispatched.

1 (Source: P.A. 86-1460; 87-456.)

2 (510 ILCS 5/26) (from Ch. 8, par. 376)

3 Sec. 26. (a) Any person violating or aiding in or
4 abetting the violation of any provision of this Act, or
5 counterfeiting or forging any certificate, permit, or tag, or
6 making any misrepresentation in regard to any matter
7 prescribed by this Act, or resisting, obstructing, or
8 impeding the Administrator or any authorized officer in
9 enforcing this Act, or refusing to produce for inoculation
10 any dog in his possession not confined at all times to an
11 enclosed area, or who removes a tag from a dog for purposes
12 of destroying or concealing its identity, is guilty of a
13 petty offense for a first or second offense and shall be
14 fined not less than \$25 nor more than \$200, and for a third
15 and subsequent offense, is guilty of a Class C misdemeanor.

16 Each day a person fails to comply constitutes a separate
17 offense. Each State's Attorney to whom the Administrator
18 reports any violation of this Act shall cause appropriate
19 proceedings to be instituted in the proper courts without
20 delay and to be prosecuted in the manner provided by law.

21 (b) If the owner of a dog subject to enclosure:

22 (1) fails to maintain or keep the dog in an
23 enclosure or otherwise fails to maintain or keep the dog
24 as required under subsection (b) of Section 15; and

25 (2) the dog inflicts great bodily harm, permanent
26 disfigurement, or permanent physical disability upon any
27 other person or causes the death of another person; and

28 (3) the attack is unprovoked in a place where such
29 person is peaceably conducting himself and where such
30 person may lawfully be;

31 the owner shall be guilty of a Class 4 felony, except that if
32 ~~A--misdemeanor~~, unless the owner knowingly allowed the dog to
33 run at large or failed to take steps to keep the dog in an

1 enclosure or otherwise maintain or keep the dog as required
 2 under subsection (b) of Section 15, then the owner shall be
 3 guilty of a Class 3 4 felony. The penalty provided in this
 4 paragraph shall be in addition to any other criminal or civil
 5 sanction provided by law.

6 (c) If the owner of a dog found to be a dangerous dog:

7 (1) fails to maintain or keep the dog both muzzled
 8 and leashed when it is upon a street, sidewalk, or other
 9 public place or grounds; and

10 (2) the dog inflicts great bodily harm, permanent
 11 disfigurement, or permanent physical disability upon any
 12 other person or causes the death of another person; and

13 (3) the attack is unprovoked in a place where the
 14 other person is peaceably conducting himself or herself
 15 and where that person may lawfully be;

16 the owner is guilty of a Class 4 felony, except that if the
 17 owner knowingly failed to maintain or keep the dog both
 18 muzzled and leashed, then the owner is guilty of a Class 3
 19 felony. The penalty provided in this subsection (c) is in
 20 addition to any other criminal or civil sanction provided by
 21 law.

22 (Source: P.A. 87-456.)

23 Section 99. Effective date. This Act takes effect upon
 24 becoming law.