



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB1790

Introduced 2/25/2005, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

510 ILCS 5/2.05a  
510 ILCS 5/15.1  
510 ILCS 5/15.3  
30 ILCS 805/8.29 new

Amends the Animal Control Act. Requires owners of certain breeds of dogs to license the dogs as dangerous dogs and to maintain canine liability insurance. Requires a dog licensed as a dangerous dog to wear an orange tag issued along with the license whenever the dog is dwelling or roaming in a public place. Provides for the renewal of the license and the tag every 3 years and on and after July 1, 2006, makes issuance or renewal of a license contingent upon maintenance of canine liability insurance. Requires the Division of Insurance of the Department of Financial and Professional Regulation to cooperate with insurance companies to develop a plan for canine liability insurance and requires implementation of the plan by July 1, 2006. Authorizes the imposition of reasonable fines and imposes criminal penalties for violation of the licensing and canine liability insurance requirements. Authorizes impoundment of the dog until all fines are paid and the owner is in compliance with the licensing and insurance provisions. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 11281 MKM 42066 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning 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 2.05a, 15.1, and 15.3 as follows:

6 (510 ILCS 5/2.05a)

7 Sec. 2.05a. "Dangerous dog" means (i) any individual dog  
8 when unmuzzled, unleashed, or unattended by its owner or  
9 custodian that behaves in a manner that a reasonable person  
10 would believe poses a serious and unjustified imminent threat  
11 of serious physical injury or death to a person or a companion  
12 animal in a public place and (ii) any dog of a breed required  
13 to be licensed as a dangerous dog under subsection (c-5) of  
14 Section 15.1.

15 (Source: P.A. 93-548, eff. 8-19-03.)

16 (510 ILCS 5/15.1)

17 Sec. 15.1. Dangerous dog determination.

18 (a) After a thorough investigation including: sending,  
19 within 3 days of the Administrator or Director becoming aware  
20 of the alleged infraction, notifications to the owner of the  
21 alleged infractions, the fact of the initiation of an  
22 investigation, and affording the owner an opportunity to meet  
23 with the Administrator or Director prior to the making of a  
24 determination; gathering of any medical or veterinary  
25 evidence; interviewing witnesses; and making a detailed  
26 written report, an animal control warden, deputy  
27 administrator, or law enforcement agent may ask the  
28 Administrator, or his or her designee, or the Director, to deem  
29 a dog to be "dangerous". No dog shall be deemed a "dangerous  
30 dog" under this subsection without clear and convincing  
31 evidence. The owner shall be sent immediate notification of the

1 determination by registered or certified mail that includes a  
2 complete description of the appeal process.

3 (b) A dog shall not be declared dangerous under subsection  
4 (a) if the Administrator, or his or her designee, or the  
5 Director determines the conduct of the dog was justified  
6 because:

7 (1) the threat was sustained by a person who at the  
8 time was committing a crime or offense upon the owner or  
9 custodian of the dog;

10 (2) the threatened person was tormenting, abusing,  
11 assaulting, or physically threatening the dog or its  
12 offspring;

13 (3) the injured, threatened, or killed companion  
14 animal was attacking or threatening to attack the dog or  
15 its offspring; or

16 (4) the dog was responding to pain or injury or was  
17 protecting itself, its owner, custodian, or a member of its  
18 household, kennel, or offspring.

19 (c) Testimony of a certified applied behaviorist, a board  
20 certified veterinary behaviorist, or another recognized expert  
21 may be relevant to the determination of whether the dog's  
22 behavior was justified pursuant to the provisions of this  
23 Section.

24 (c-5) Any dog that is of any of the following breeds shall  
25 be deemed to be a dangerous dog by the Administrator or  
26 Director and shall be registered by its owner as a dangerous  
27 dog:

28 (1) Pit bull.

29 (2) Rottweiler.

30 (3) German shepherd.

31 (4) Huskies.

32 (5) Alaskan malamute.

33 (6) Doberman pinscher.

34 (7) Chow chow.

35 (8) Great Dane.

36 (9) St. Bernard.

1           (10) Akita.

2           Upon registration, the Administrator or Director shall  
3 issue a dangerous dog license to the owner and may require the  
4 owner to pay a reasonable fee. Each dog licensed under this  
5 subsection shall also be issued an orange tag that shall be  
6 worn by the dog whenever it is dwelling or roaming in a public  
7 place. The license and the tag shall be renewed by the owner 3  
8 years after the date of issuance and every 3 years thereafter  
9 for the life of the dog. The Administrator or Director shall  
10 maintain a registry of all dogs licensed under this subsection.

11           On and after July 1, 2006, the owner of any dog required to  
12 be licensed under this subsection shall maintain canine  
13 liability insurance for the life of the dog and no license  
14 shall be issued or renewed under this subsection unless the  
15 owner provides proof of canine liability insurance. The  
16 Division of Insurance of the Department of Financial and  
17 Professional Regulation shall, in cooperation with insurance  
18 companies authorized to do business in this State, create a  
19 program of canine liability insurance. On or before February 1,  
20 2006, the Division shall report to the General Assembly  
21 concerning its plan for canine liability insurance and shall  
22 recommend action necessary to implement that plan. The Division  
23 shall implement the plan no later than July 1, 2006.

24           The Administrator or Director may impose a reasonable fine  
25 against any person that fails to register or renew an existing  
26 license or fails to maintain canine liability insurance in  
27 accordance with this subsection and may impound the dog until  
28 the fine is paid and the owner is in compliance with this  
29 subsection. Any person found to be in violation of this  
30 subsection is guilty of a Class C misdemeanor for the first  
31 offense and a Class B misdemeanor for the second or any  
32 subsequent offense.

33           (d) If deemed dangerous under subsection (a) or licensed as  
34 a dangerous dog under subsection (c-5), the Administrator, or  
35 his or her designee, or the Director shall order the dog to be  
36 spayed or neutered within 14 days at the owner's expense and

1 microchipped, if not already, and one or more of the following  
2 as deemed appropriate under the circumstances and necessary for  
3 the protection of the public:

4 (1) evaluation of the dog by a certified applied  
5 behaviorist, a board certified veterinary behaviorist, or  
6 another recognized expert in the field and completion of  
7 training or other treatment as deemed appropriate by the  
8 expert. The owner of the dog shall be responsible for all  
9 costs associated with evaluations and training ordered  
10 under this subsection; or

11 (2) direct supervision by an adult 18 years of age or  
12 older whenever the animal is on public premises.

13 (e) The Administrator may order a dangerous dog to be  
14 muzzled whenever it is on public premises in a manner that will  
15 prevent it from biting any person or animal, but that shall not  
16 injure the dog or interfere with its vision or respiration.

17 (f) Guide dogs for the blind or hearing impaired, support  
18 dogs for the physically handicapped, and sentry, guard, or  
19 police-owned dogs are exempt from this Section; provided, an  
20 attack or injury to a person occurs while the dog is performing  
21 duties as expected. To qualify for exemption under this  
22 Section, each such dog shall be currently inoculated against  
23 rabies in accordance with Section 8 of this Act and performing  
24 duties as expected. It shall be the duty of the owner of the  
25 exempted dog to notify the Administrator of changes of address.  
26 In the case of a sentry or guard dog, the owner shall keep the  
27 Administrator advised of the location where such dog will be  
28 stationed. The Administrator shall provide police and fire  
29 departments with a categorized list of the exempted dogs, and  
30 shall promptly notify the departments of any address changes  
31 reported to him or her.

32 (Source: P.A. 93-548, eff. 8-19-03.)

33 (510 ILCS 5/15.3)

34 Sec. 15.3. Dangerous dog; appeal.

35 (a) The owner of a dog found to be a dangerous dog pursuant

1 to this Act by an Administrator may file a complaint against  
2 the Administrator in the circuit court within 35 days of  
3 receipt of notification of the determination, for a de novo  
4 hearing on the determination. The proceeding shall be conducted  
5 as a civil hearing pursuant to the Illinois Rules of Evidence  
6 and the Code of Civil Procedure, including the discovery  
7 provisions. After hearing both parties' evidence, the court may  
8 make a determination of dangerous dog if the Administrator  
9 meets his or her burden of proof of clear and convincing  
10 evidence. The final order of the circuit court may be appealed  
11 pursuant to the civil appeals provisions of the Illinois  
12 Supreme Court Rules.

13 (b) The owner of a dog found to be a dangerous dog pursuant  
14 to this Act by the Director may, within 14 days of receipt of  
15 notification of the determination, request an administrative  
16 hearing to appeal the determination. The administrative  
17 hearing shall be conducted pursuant to the Department of  
18 Agriculture's rules applicable to formal administrative  
19 proceedings, 8 Ill. Adm. Code Part 1, SubParts A and B. An  
20 owner desiring a hearing shall make his or her request for a  
21 hearing to the Illinois Department of Agriculture. The final  
22 administrative decision of the Department may be reviewed  
23 judicially by the circuit court of the county wherein the  
24 person resides or, in the case of a corporation, the county  
25 where its registered office is located. If the plaintiff in a  
26 review proceeding is not a resident of Illinois, the venue  
27 shall be in Sangamon County. The Administrative Review Law and  
28 all amendments and modifications thereof, and the rules adopted  
29 thereto, apply to and govern all proceedings for the judicial  
30 review of final administrative decisions of the Department  
31 hereunder.

32 (c) Until the order has been reviewed and at all times  
33 during the appeal process, the owner shall comply with the  
34 requirements set forth by the Administrator, the court, or the  
35 Director.

36 (d) At any time after a final order has been entered, the

1 owner may petition the circuit court to reverse the designation  
2 of dangerous dog.

3 (e) The provisions of this Section do not apply to the  
4 owner of a dog required to be licensed as a dangerous dog under  
5 subsection (c-5) of Section 15.1.

6 (Source: P.A. 93-548, eff. 8-19-03.)

7 Section 90. The State Mandates Act is amended by adding  
8 Section 8.29 as follows:

9 (30 ILCS 805/8.29 new)

10 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
11 of this Act, no reimbursement by the State is required for the  
12 implementation of any mandate created by this amendatory Act of  
13 the 94th General Assembly.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.