



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0822

Introduced 2/7/2007, by Rep. Jerry L. Mitchell

SYNOPSIS AS INTRODUCED:

510 ILCS 5/2.17c new

510 ILCS 5/11

510 ILCS 5/15.3

510 ILCS 5/15.4 new

from Ch. 8, par. 361

Amends the Animal Control Act. Defines "potentially dangerous dog". Changes the burden of proof, on appeal from a finding of dangerous dog, to preponderance of the evidence (now clear and convincing evidence). Provides that a dog found running at large with 3 or more dogs may be deemed a potentially dangerous dog by the animal control warden or administrator. Requires potentially dangerous dogs to be spayed or neutered and microchipped within 14 days of reclaim. Provides penalties for violation of the Act.

LRB095 04192 CMK 24230 b

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 11 and 15.3 and by adding Sections 2.17c and 15.4 as
6 follows:

7 (510 ILCS 5/2.17c new)

8 Sec. 2.17c. "Potentially dangerous dog" means a dog that is
9 found running at large with 3 or more other dogs.

10 (510 ILCS 5/11) (from Ch. 8, par. 361)

11 Sec. 11. When not redeemed by the owner, agent, or
12 caretaker, a dog or cat must be scanned for a microchip. If a
13 microchip is present, the registered owner must be notified.
14 After contact has been made or attempted, dogs or cats deemed
15 adoptable by the animal control facility shall be offered for
16 adoption, or made available to a licensed humane society or
17 rescue group. If no placement is available, it shall be
18 humanely dispatched pursuant to the Humane Euthanasia in Animal
19 Shelters Act. An animal pound or animal shelter shall not
20 release any dog or cat ~~when not redeemed by the owner~~ unless
21 the animal has been rendered incapable of reproduction and
22 microchipped, or the person wishing to adopt an animal prior to

1 the surgical procedures having been performed shall have
2 executed a written agreement promising to have such service
3 performed, including microchipping, within a specified period
4 of time not to exceed 30 days. Failure to fulfill the terms of
5 the agreement shall result in seizure and impoundment of the
6 animal and any offspring by the animal pound or shelter, and
7 any monies which have been deposited shall be forfeited and
8 submitted to the Pet Population Control Fund on a yearly basis.
9 This Act shall not prevent humane societies from engaging in
10 activities set forth by their charters; provided, they are not
11 inconsistent with provisions of this Act and other existing
12 laws. No animal shelter or animal control facility shall
13 release dogs or cats to an individual representing a rescue
14 group, unless the group has been licensed or has a foster care
15 permit issued by the Illinois Department of Agriculture or is a
16 representative of a not-for-profit out-of-state organization.
17 The Department may suspend or revoke the license of any animal
18 shelter or animal control facility that fails to comply with
19 the requirements set forth in this Section or that fails to
20 report its intake and euthanasia statistics each year.

21 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

22 (510 ILCS 5/15.3)

23 Sec. 15.3. Dangerous dog; appeal.

24 (a) The owner of a dog found to be a dangerous dog pursuant
25 to this Act by an Administrator may file a complaint against

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

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

1 all amendments and modifications thereof, and the rules adopted
2 thereto, apply to and govern all proceedings for the judicial
3 review of final administrative decisions of the Department
4 hereunder.

5 (c) Until the order has been reviewed and at all times
6 during the appeal process, the owner shall comply with the
7 requirements set forth by the Administrator, the court, or the
8 Director.

9 (d) At any time after a final order has been entered, the
10 owner may petition the circuit court to reverse the designation
11 of dangerous dog.

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

13 (510 ILCS 5/15.4 new)

14 Sec. 15.4. Potentially dangerous dog. A dog found running
15 at large with 3 or more other dogs may be deemed a potentially
16 dangerous dog by the animal control warden or administrator.
17 Potentially dangerous dogs shall be spayed or neutered and
18 microchipped within 14 days of reclaim. Failure to comply with
19 this Section will result in impoundment of the dog or a fine of
20 \$500.