



**Filed: 3/20/2007**

09500HB0822ham001

LRB095 04192 CMK 33438 a

1 AMENDMENT TO HOUSE BILL 822

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 822 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Animal Control Act is amended by changing  
5 Sections 9, 11, and 15.3 and by adding Sections 2.17c and 15.4  
6 as 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 5/9) (from Ch. 8, par. 359)

11 Sec. 9. Any dog found running at large contrary to  
12 provisions of this Act may be apprehended and impounded. For  
13 this purpose, the Administrator shall utilize any existing or  
14 available animal control facility or licensed animal shelter.  
15 The dog's owner shall pay a \$25 public safety fine, \$20 of

1 which shall be deposited into the Pet Population Control Fund  
2 and \$5 of which shall be retained by the county or  
3 municipality. A dog found running at large contrary to the  
4 provisions of this Act a second or subsequent time must be  
5 spayed or neutered within 30 days after being reclaimed unless  
6 already spayed or neutered; failure to comply shall result in  
7 impoundment.

8 A dog that is actively engaged in a legal hunting activity,  
9 including training, is not considered to be running at large if  
10 the dog is on land that is open to hunting or on land on which  
11 the person has obtained permission to hunt or to train a dog. A  
12 dog that is in a dog-friendly area or dog park is not  
13 considered to be running at large if the dog is monitored or  
14 supervised by a person.

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

16 (510 ILCS 5/11) (from Ch. 8, par. 361)

17 Sec. 11. When not redeemed by the owner, agent, or  
18 caretaker, a dog or cat must be scanned for a microchip. If a  
19 microchip is present, the registered owner must be notified.  
20 After contact has been made or attempted, dogs or cats deemed  
21 adoptable by the animal control facility shall be offered for  
22 adoption, or made available to a licensed humane society or  
23 rescue group. If no placement is available, it shall be  
24 humanely dispatched pursuant to the Humane Euthanasia in Animal  
25 Shelters Act. An animal pound or animal shelter shall not adopt

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

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

1 (510 ILCS 5/15.3)

2 Sec. 15.3. Dangerous dog; appeal.

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

16 (b) The owner of a dog found to be a dangerous dog pursuant  
17 to this Act by the Director may, within 14 days of receipt of  
18 notification of the determination, request an administrative  
19 hearing to appeal the determination. The administrative  
20 hearing shall be conducted pursuant to the Department of  
21 Agriculture's rules applicable to formal administrative  
22 proceedings, 8 Ill. Adm. Code Part 1, SubParts A and B. An  
23 owner desiring a hearing shall make his or her request for a  
24 hearing to the Illinois Department of Agriculture. The final  
25 administrative decision of the Department may be reviewed  
26 judicially by the circuit court of the county wherein the

1 person resides or, in the case of a corporation, the county  
2 where its registered office is located. If the plaintiff in a  
3 review proceeding is not a resident of Illinois, the venue  
4 shall be in Sangamon County. The Administrative Review Law and  
5 all amendments and modifications thereof, and the rules adopted  
6 thereto, apply to and govern all proceedings for the judicial  
7 review of final administrative decisions of the Department  
8 hereunder.

9 (c) Until the order has been reviewed and at all times  
10 during the appeal process, the owner shall comply with the  
11 requirements set forth by the Administrator, the court, or the  
12 Director.

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

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

17 (510 ILCS 5/15.4 new)

18 Sec. 15.4. Potentially dangerous dog. A dog found running  
19 at large with 3 or more other dogs may be deemed a potentially  
20 dangerous dog by the animal control warden or administrator.  
21 Potentially dangerous dogs shall be spayed or neutered and  
22 microchipped within 14 days of reclaim. Failure to comply with  
23 this Section will result in impoundment of the dog or a fine of  
24 \$500."