



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1080

Introduced 02/03/11, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

510 ILCS 5/15	from Ch. 8, par. 365
510 ILCS 5/24	from Ch. 8, par. 374

Amends the Animal Control Act. Removes the ban on classifying vicious dogs based on breed. Effective immediately.

LRB097 06726 CEL 46814 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

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 15 and 24 as follows:

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

7 Sec. 15. (a) In order to have a dog deemed "vicious", the
8 Administrator, Deputy Administrator, or law enforcement
9 officer must give notice of the infraction that is the basis of
10 the investigation to the owner, conduct a thorough
11 investigation, interview any witnesses, including the owner,
12 gather any existing medical records, veterinary medical
13 records or behavioral evidence, and make a detailed report
14 recommending a finding that the dog is a vicious dog and give
15 the report to the States Attorney's Office and the owner. The
16 Administrator, State's Attorney, Director or any citizen of the
17 county in which the dog exists may file a complaint in the
18 circuit court in the name of the People of the State of
19 Illinois to deem a dog to be a vicious dog. Testimony of a
20 certified applied behaviorist, a board certified veterinary
21 behaviorist, or another recognized expert may be relevant to
22 the court's determination of whether the dog's behavior was
23 justified. The petitioner must prove the dog is a vicious dog

1 by clear and convincing evidence. The Administrator shall
2 determine where the animal shall be confined during the
3 pendency of the case.

4 A dog may not be declared vicious if the court determines
5 the conduct of the dog was justified because:

6 (1) the threat, injury, or death was sustained by a
7 person who at the time was committing a crime or offense
8 upon the owner or custodian of the dog, or was committing a
9 willful trespass or other tort upon the premises or
10 property owned or occupied by the owner of the animal;

11 (2) the injured, threatened, or killed person was
12 abusing, assaulting, or physically threatening the dog or
13 its offspring, or has in the past abused, assaulted, or
14 physically threatened the dog or its offspring; or

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

18 No dog shall be deemed "vicious" if it is a professionally
19 trained dog for law enforcement or guard duties. ~~Vicious dogs~~
20 ~~shall not be classified in a manner that is specific as to~~
21 ~~breed.~~

22 If the burden of proof has been met, the court shall deem
23 the dog to be a vicious dog.

24 If a dog is found to be a vicious dog, the owner shall pay a
25 \$100 public safety fine to be deposited into the Pet Population
26 Control Fund, the dog shall be spayed or neutered within 10

1 days of the finding at the expense of its owner and
2 microchipped, if not already, and the dog is subject to
3 enclosure. If an owner fails to comply with these requirements,
4 the animal control agency shall impound the dog and the owner
5 shall pay a \$500 fine plus impoundment fees to the animal
6 control agency impounding the dog. The judge has the discretion
7 to order a vicious dog be euthanized. A dog found to be a
8 vicious dog shall not be released to the owner until the
9 Administrator, an Animal Control Warden, or the Director
10 approves the enclosure. No owner or keeper of a vicious dog
11 shall sell or give away the dog without approval from the
12 Administrator or court. Whenever an owner of a vicious dog
13 relocates, he or she shall notify both the Administrator of
14 County Animal Control where he or she has relocated and the
15 Administrator of County Animal Control where he or she formerly
16 resided.

17 (b) It shall be unlawful for any person to keep or maintain
18 any dog which has been found to be a vicious dog unless the dog
19 is kept in an enclosure. The only times that a vicious dog may
20 be allowed out of the enclosure are (1) if it is necessary for
21 the owner or keeper to obtain veterinary care for the dog, (2)
22 in the case of an emergency or natural disaster where the dog's
23 life is threatened, or (3) to comply with the order of a court
24 of competent jurisdiction, provided that the dog is securely
25 muzzled and restrained with a leash not exceeding 6 feet in
26 length, and shall be under the direct control and supervision

1 of the owner or keeper of the dog or muzzled in its residence.

2 Any dog which has been found to be a vicious dog and which
3 is not confined to an enclosure shall be impounded by the
4 Administrator, an Animal Control Warden, or the law enforcement
5 authority having jurisdiction in such area.

6 If the owner of the dog has not appealed the impoundment
7 order to the circuit court in the county in which the animal
8 was impounded within 15 working days, the dog may be
9 euthanized.

10 Upon filing a notice of appeal, the order of euthanasia
11 shall be automatically stayed pending the outcome of the
12 appeal. The owner shall bear the burden of timely notification
13 to animal control in writing.

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

1 notify such departments of any address changes reported to him.

2 (c) If the animal control agency has custody of the dog,
3 the agency may file a petition with the court requesting that
4 the owner be ordered to post security. The security must be in
5 an amount sufficient to secure payment of all reasonable
6 expenses expected to be incurred by the animal control agency
7 or animal shelter in caring for and providing for the dog
8 pending the determination. Reasonable expenses include, but
9 are not limited to, estimated medical care and boarding of the
10 animal for 30 days. If security has been posted in accordance
11 with this Section, the animal control agency may draw from the
12 security the actual costs incurred by the agency in caring for
13 the dog.

14 (d) Upon receipt of a petition, the court must set a
15 hearing on the petition, to be conducted within 5 business days
16 after the petition is filed. The petitioner must serve a true
17 copy of the petition upon the defendant.

18 (e) If the court orders the posting of security, the
19 security must be posted with the clerk of the court within 5
20 business days after the hearing. If the person ordered to post
21 security does not do so, the dog is forfeited by operation of
22 law and the animal control agency must dispose of the animal
23 through adoption or humane euthanization.

24 (Source: P.A. 96-1171, eff. 7-22-10.)

25 (510 ILCS 5/24) (from Ch. 8, par. 374)

1 Sec. 24. Nothing in this Act shall be held to limit in any
2 manner the power of any municipality or other political
3 subdivision to prohibit animals from running at large, nor
4 shall anything in this Act be construed to, in any manner,
5 limit the power of any municipality or other political
6 subdivision to further control and regulate dogs, cats or other
7 animals in such municipality or other political subdivision
8 ~~provided that no regulation or ordinance is specific to breed.~~
9 (Source: P.A. 93-548, eff. 8-19-03.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.