



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4641

Introduced 1/21/2022, by Rep. Deb Conroy

SYNOPSIS AS INTRODUCED:

510 ILCS 70/3.04

Amends the Humane Care for Animals Act. Adds specified offenses of the Humane Care for Animals Act for which law enforcement making an arrest may take possession of a companion animal. Adds specified offenses of the Act for which a court may order the forfeiture of an animal. Provides that upon a violation (rather than conviction) of specified offenses, the court may order the person in violation to forfeit the animal or animals that are the basis of the violation. Provides that a court may order that the person in violation and certain persons in the person's household may not own, possess, harbor, or have custody or control of any other animals for a reasonable period of time, including permanent relinquishment. Provides that a person who violates such a prohibition is subject to immediate forfeiture of any animal and subject to imprisonment for not more than 90 days, a fine of not more than \$2,500, or both. Effective immediately.

LRB102 23278 NLB 32443 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 Humane Care for Animals Act is amended by
5 changing Section 3.04 as follows:

6 (510 ILCS 70/3.04)

7 Sec. 3.04. Arrests and seizures; penalties.

8 (a) Any law enforcement officer making an arrest for an
9 offense involving one or more companion animals under Section
10 3, 3.01, 3.02, 3.03, 4.01, 4.03, 4.04, 6, ~~or~~ 7.1, or 7.15 of
11 this Act may lawfully take possession of some or all of the
12 companion animals in the possession of the person arrested.
13 The officer, after taking possession of the companion animals,
14 must file with the court before whom the complaint is made
15 against any person so arrested an affidavit stating the name
16 of the person charged in the complaint, a description of the
17 condition of the companion animal or companion animals taken,
18 and the time and place the companion animal or companion
19 animals were taken, together with the name of the person from
20 whom the companion animal or companion animals were taken and
21 name of the person who claims to own the companion animal or
22 companion animals if different from the person from whom the
23 companion animal or companion animals were seized. He or she

1 must at the same time deliver an inventory of the companion
2 animal or companion animals taken to the court of competent
3 jurisdiction. The officer must place the companion animal or
4 companion animals in the custody of an animal control or
5 animal shelter and the agency must retain custody of the
6 companion animal or companion animals subject to an order of
7 the court adjudicating the charges on the merits and before
8 which the person complained against is required to appear for
9 trial. If the animal control or animal shelter owns no
10 facility capable of housing the companion animals, has no
11 space to house the companion animals, or is otherwise unable
12 to house the companion animals or the health or condition of
13 the animals prevents their removal, the animals shall be
14 impounded at the site of the violation pursuant to a court
15 order authorizing the impoundment, provided that the person
16 charged is an owner of the property. Employees or agents of the
17 animal control or animal shelter or law enforcement shall have
18 the authority to access the on-site impoundment property for
19 the limited purpose of providing care and veterinary treatment
20 for the impounded animals and ensuring their well-being and
21 safety. Upon impoundment, a petition for posting of security
22 may be filed under Section 3.05 of this Act. Disposition of the
23 animals shall be controlled by Section 3.06 of this Act. The
24 State's Attorney may, within 14 days after the seizure, file a
25 "petition for forfeiture prior to trial" before the court
26 having criminal jurisdiction over the alleged charges, asking

1 for permanent forfeiture of the companion animals seized. The
2 petition shall be filed with the court, with copies served on
3 the impounding agency, the owner, and anyone claiming an
4 interest in the animals. In a "petition for forfeiture prior
5 to trial", the burden is on the prosecution to prove by a
6 preponderance of the evidence that the person arrested
7 violated Section 3, 3.01, 3.02, 3.03, 4.01, 4.03, 4.04, 6, ~~or~~
8 7.1, or 7.15 of this Act or Section 26-5 or 48-1 of the
9 Criminal Code of 1961 or the Criminal Code of 2012.

10 (b) An owner whose companion animal or companion animals
11 are removed by a law enforcement officer under this Section
12 must be given written notice of the circumstances of the
13 removal and of any legal remedies available to him or her. The
14 notice must be delivered in person, posted at the place of
15 seizure, or delivered to a person residing at the place of
16 seizure or, if the address of the owner is different from the
17 address of the person from whom the companion animal or
18 companion animals were seized, delivered by registered mail to
19 his or her last known address.

20 (c) In addition to any other penalty provided by law, upon
21 a violation of Section ~~conviction for violating Sections~~ 3,
22 3.01, 3.02, 3.03, 4.01, 4.03, 4.04, 6, ~~or~~ 7.1, or 7.15 of this
23 Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, the court may order the ~~convicted~~
25 person in violation to forfeit to an animal control or animal
26 shelter the animal or animals that are the basis of the

1 ~~violation conviction~~. Upon an order of forfeiture, the
2 ~~convicted~~ person in violation is deemed to have permanently
3 relinquished all rights to the animal or animals that are the
4 basis of the violation conviction, if not already. The
5 forfeited animal or animals shall be adopted or humanely
6 euthanized. In no event may the ~~convicted~~ person in violation
7 or anyone residing in his or her household be permitted to
8 adopt or otherwise possess the forfeited animal or animals.
9 The court, additionally, may order that the ~~convicted~~ person
10 in violation and persons dwelling in the same household as the
11 ~~convicted~~ person in violation who conspired, aided, or abetted
12 in the unlawful act that was the basis of the violation
13 ~~conviction~~, or who knew or should have known of the unlawful
14 act, may not own, possess, harbor, or have custody or control
15 of any other animals for a period of time that the court deems
16 reasonable, up to and including permanent relinquishment.

17 (d) In addition to any other penalty, the court may order
18 that a person and persons dwelling in the same household may
19 not own, harbor, or have custody or control of any other animal
20 if the person has been convicted of 2 or more of the following
21 offenses:

- 22 (1) a violation of Section 3.02 of this Act;
23 (2) a violation of Section 4.01 of this Act; or
24 (3) a violation of Section 48-1 of the Criminal Code
25 of 2012.

26 (e) A person who violates the prohibition against owning,

1 possessing, harboring, having custody, or having control of
2 animals is subject to immediate forfeiture of any animal
3 illegally owned in violation of subsection (c). A person who
4 owns, possesses, harbors, has custody, or has control of an
5 animal in violation of an order issued under subsection (c) is
6 also subject to the civil and criminal contempt power of the
7 court and, if found guilty of criminal contempt, may be
8 subject to imprisonment for not more than 90 days, a fine of
9 not more than \$2,500, or both.

10 (Source: P.A. 102-114, eff. 1-1-22.)

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