



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0206

Introduced 1/31/2023, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.990 new

510 ILCS 5/2.05a

510 ILCS 5/2.19-1 new

510 ILCS 5/2.19b

510 ILCS 5/15

from Ch. 8, par. 365

510 ILCS 5/15.1

510 ILCS 5/15.6 new

Amends the Animal Control Act. Provides that "dangerous dog" and "vicious dog" include dogs that attack companion animals. Requires the owner of a dog that has been deemed dangerous or vicious to place a sign by the owner's front door with a notice that a dangerous or vicious dog is kept or maintained at the residence and maintain a liability insurance policy insuring against liability involving a dog-related incident for injury to a person or injury to or destruction of property. Requires the Department of Agriculture to establish and maintain the Illinois Dangerous Dog Registry. Provides that the Registry shall include registration information on a statewide basis. Specifies the information that the Registry shall include about each dangerous or vicious dog. Provides that the address of the owner, the name and breed of the dog, and the acts that resulted in the dog being deemed vicious or dangerous shall be made available to the public on the Department's website. Requires the Department to make the public information searchable via a mapping system that identifies all locations where vicious or dangerous dogs are kept or maintained within 5 miles of an identified address. Requires the Department to set fees for the annual registration of dangerous and vicious dogs. Creates the Dangerous Dog Registry Fund, and provides that any funds collected shall be deposited into the Fund and used by the Department to maintain the Registry and the searchable mapping system on the Department's website. Makes a corresponding change in the State Finance Act.

LRB103 25107 RJT 51442 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 State Finance Act is amended by adding
5 Section 5.990 as follows:

6 (30 ILCS 105/5.990 new)

7 Sec. 5.990. The Dangerous Dog Registry Fund.

8 Section 10. The Animal Control Act is amended by changing
9 Sections 2.05a, 2.19b, 15, and 15.1 and adding Sections 2.19-1
10 and 15.6 as follows:

11 (510 ILCS 5/2.05a)

12 Sec. 2.05a. "Dangerous dog" means (i) any individual dog
13 anywhere other than upon the property of the owner or
14 custodian of the dog and unmuzzled, unleashed, or unattended
15 by its owner or custodian that behaves in a manner that a
16 reasonable person would believe poses a serious and
17 unjustified imminent threat of serious physical injury or
18 death to a person or a companion animal or (ii) a dog that,
19 without justification, (A) bites a person and does not cause
20 serious physical injury or (B) bites a companion animal and
21 causes physical injury, other than serious physical injury.

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

2 (510 ILCS 5/2.19-1 new)

3 Sec. 2.19-1. Registry. "Registry" means the Illinois
4 Dangerous Dog Registry.

5 (510 ILCS 5/2.19b)

6 Sec. 2.19b. "Vicious dog" means (i) a dog that, without
7 justification, (A) attacks a person and causes serious
8 physical injury or death or (B) attacks a companion animal and
9 causes serious physical injury or death or (ii) any individual
10 dog that has been found to be a "dangerous dog" upon 2 ~~3~~
11 separate occasions.

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

13 (510 ILCS 5/15) (from Ch. 8, par. 365)

14 Sec. 15. (a) In order to have a dog deemed "vicious", the
15 Administrator, Deputy Administrator, or law enforcement
16 officer must give notice of the infraction that is the basis of
17 the investigation to the owner, conduct a thorough
18 investigation, interview any witnesses, including the owner,
19 gather any existing medical records, veterinary medical
20 records or behavioral evidence, and make a detailed report
21 recommending a finding that the dog is a vicious dog and give
22 the report to the State's Attorney's Office and the owner. The
23 Administrator, State's Attorney, Director or any citizen of

1 the county in which the dog exists may file a complaint in the
2 circuit court in the name of the People of the State of
3 Illinois to deem a dog to be a vicious dog. Testimony of a
4 certified applied behaviorist, a board certified veterinary
5 behaviorist, or another recognized expert may be relevant to
6 the court's determination of whether the dog's behavior was
7 justified. The petitioner must prove the dog is a vicious dog
8 by clear and convincing evidence. The Administrator shall
9 determine where the animal shall be confined during the
10 pendency of the case.

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

13 (1) the threat, injury, or death was sustained by a
14 person who at the time was committing a crime or offense
15 upon the owner or custodian of the dog, or was committing a
16 willful trespass or other tort upon the premises or
17 property owned or occupied by the owner of the animal;

18 (2) the injured, threatened, or killed person was
19 abusing, assaulting, or physically threatening the dog or
20 its offspring, or has in the past abused, assaulted, or
21 physically threatened the dog or its offspring; or

22 (3) the dog was responding to pain or injury, or was
23 protecting itself, its owner, custodian, or member of its
24 household, kennel, or offspring.

25 No dog shall be deemed "vicious" if it is a professionally
26 trained dog for law enforcement or guard duties. Vicious dogs

1 shall not be classified in a manner that is specific as to
2 breed.

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

5 If a dog is found to be a vicious dog, the owner shall pay
6 a \$100 public safety fine to be deposited into the county
7 animal control fund, and the dog shall be spayed or neutered
8 within 10 days of the finding at the expense of its owner and
9 microchipped, if not already. The ~~, and the~~ dog shall be kept
10 in a full is subject to enclosure and the owner shall place a
11 sign by the owner's front door with a notice that a vicious dog
12 is kept or maintained at the residence. If an owner fails to
13 comply with these requirements, the animal control agency
14 shall impound the dog and the owner shall pay a \$500 fine plus
15 impoundment fees to the animal control agency impounding the
16 dog. The judge has the discretion to order a vicious dog be
17 euthanized. A dog found to be a vicious dog shall not be
18 released to the owner until the Administrator, an Animal
19 Control Warden, or the Director approves the enclosure. No
20 owner or keeper of a vicious dog shall sell or give away the
21 dog without approval from the Administrator or court. Whenever
22 an owner of a vicious dog relocates, he or she shall notify
23 both the Administrator of County Animal Control where he or
24 she has relocated and the Administrator of County Animal
25 Control where he or she formerly resided.

26 (a-5) The owner of a dog deemed to be vicious shall

1 maintain a liability insurance policy insuring against
2 liability involving a dog-related incident for injury to a
3 person or injury to or destruction of property. No insurer
4 other than an insurer authorized to do business in this State
5 shall issue a policy pursuant to this subsection. Nothing in
6 this subsection shall deprive an insurer of any policy defense
7 available under common law.

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

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

23 If the owner of the dog has not appealed the impoundment
24 order to the circuit court in the county in which the animal
25 was impounded within 15 working days, the dog may be
26 euthanized.

1 Upon filing a notice of appeal, the order of euthanasia
2 shall be automatically stayed pending the outcome of the
3 appeal. The owner shall bear the burden of timely notification
4 to animal control in writing.

5 Guide dogs for the blind or hearing impaired, support dogs
6 for persons with physical disabilities, accelerant detection
7 dogs, and sentry, guard, or police-owned dogs are exempt from
8 this Section; provided, an attack or injury to a person occurs
9 while the dog is performing duties as expected. To qualify for
10 exemption under this Section, each such dog shall be currently
11 inoculated against rabies in accordance with Section 8 of this
12 Act. It shall be the duty of the owner of such exempted dog to
13 notify the Administrator of changes of address. In the case of
14 a sentry or guard dog, the owner shall keep the Administrator
15 advised of the location where such dog will be stationed. The
16 Administrator shall provide police and fire departments with a
17 categorized list of such exempted dogs, and shall promptly
18 notify such departments of any address changes reported to
19 him.

20 (c) If the animal control agency has custody of the dog,
21 the agency may file a petition with the court requesting that
22 the owner be ordered to post security. The security must be in
23 an amount sufficient to secure payment of all reasonable
24 expenses expected to be incurred by the animal control agency
25 or animal shelter in caring for and providing for the dog
26 pending the determination. Reasonable expenses include, but

1 are not limited to, estimated medical care and boarding of the
2 animal for 30 days. If security has been posted in accordance
3 with this Section, the animal control agency may draw from the
4 security the actual costs incurred by the agency in caring for
5 the dog.

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

10 (e) If the court orders the posting of security, the
11 security must be posted with the clerk of the court within 5
12 business days after the hearing. If the person ordered to post
13 security does not do so, the dog is forfeited by operation of
14 law and the animal control agency must dispose of the animal
15 through adoption or humane euthanization.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-642, eff. 7-28-16;
17 100-787, eff. 8-10-18.)

18 (510 ILCS 5/15.1)

19 Sec. 15.1. Dangerous dog determination.

20 (a) After a thorough investigation including: sending,
21 within 10 business days of the Administrator or Director
22 becoming aware of the alleged infraction, notifications to the
23 owner of the alleged infractions, the fact of the initiation
24 of an investigation, and affording the owner an opportunity to
25 meet with the Administrator or Director prior to the making of

1 a determination; gathering of any medical or veterinary
2 evidence; interviewing witnesses; and making a detailed
3 written report, an animal control warden, deputy
4 administrator, or law enforcement agent may ask the
5 Administrator, or his or her designee, or the Director, to
6 deem a dog to be "dangerous". No dog shall be deemed a
7 "dangerous dog" unless shown to be a dangerous dog by a
8 preponderance of evidence. The owner shall be sent immediate
9 notification of the determination by registered or certified
10 mail that includes a complete description of the appeal
11 process.

12 (b) A dog shall not be declared dangerous if the
13 Administrator, or his or her designee, or the Director
14 determines the conduct of the dog was justified because:

15 (1) the threat was sustained by a person who at the
16 time was committing a crime or offense upon the owner or
17 custodian of the dog or was committing a willful trespass
18 or other tort upon the premises or property occupied by
19 the owner of the animal;

20 (2) the threatened person was abusing, assaulting, or
21 physically threatening the dog or its offspring;

22 (3) the injured, threatened, or killed companion
23 animal was attacking or threatening to attack the dog or
24 its offspring; or

25 (4) the dog was responding to pain or injury or was
26 protecting itself, its owner, custodian, or a member of

1 its household, kennel, or offspring.

2 (c) Testimony of a certified applied behaviorist, a board
3 certified veterinary behaviorist, or another recognized expert
4 may be relevant to the determination of whether the dog's
5 behavior was justified pursuant to the provisions of this
6 Section.

7 (d) If deemed dangerous, the Administrator, or his or her
8 designee, or the Director shall order (i) the dog's owner to
9 pay a \$50 public safety fine to be deposited into the county
10 animal control fund, (ii) the dog to be spayed or neutered
11 within 14 days at the owner's expense and microchipped, if not
12 already, (iii) the dog's owner to place a sign by the owner's
13 front door with a notice that a dangerous dog is kept or
14 maintained at the residence, and (iv) ~~(iii)~~ one or more of the
15 following as deemed appropriate under the circumstances and
16 necessary for the protection of the public:

17 (1) evaluation of the dog by a certified applied
18 behaviorist, a board certified veterinary behaviorist, or
19 another recognized expert in the field and completion of
20 training or other treatment as deemed appropriate by the
21 expert. The owner of the dog shall be responsible for all
22 costs associated with evaluations and training ordered
23 under this subsection; or

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

26 (d-5) The owner of a dog deemed to be dangerous shall

1 maintain a liability insurance policy insuring against
2 liability involving a dog-related incident for injury to a
3 person or injury to or destruction of property. No insurer
4 other than an insurer authorized to do business in this State
5 shall issue a policy pursuant to this subsection. Nothing in
6 this subsection shall deprive an insurer of any policy defense
7 available under common law.

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

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

1 (g) An animal control agency has the right to impound a
2 dangerous dog if the owner fails to comply with the
3 requirements of this Act.

4 (Source: P.A. 99-143, eff. 7-27-15; 100-787, eff. 8-10-18.)

5 (510 ILCS 5/15.6 new)

6 Sec. 15.6. Illinois Dangerous Dog Registry.

7 (a) The Department shall establish and maintain the
8 Illinois Dangerous Dog Registry. The Registry shall include
9 registration information provided by the owner of a dog deemed
10 to be vicious under Section 15 or dangerous under Section 15.1
11 on a statewide basis.

12 (b) The Registry shall include the following information
13 about each dog deemed to be vicious under Section 15 or
14 dangerous under Section 15.1:

15 (1) name;

16 (2) sex;

17 (3) whether spayed or neutered;

18 (4) age;

19 (5) weight;

20 (6) primary breed;

21 (7) secondary breed;

22 (8) color and markings;

23 (9) the acts that resulted in the dog being deemed
24 vicious or dangerous;

25 (10) microchip or tattoo number;

1 (11) address where the dog is kept or maintained;

2 (12) name, address, and telephone number of the dog's
3 owner; and

4 (13) a statement whether the owner has complied with
5 the provisions of the vicious or dangerous dog order.

6 If a vicious or dangerous dog is moved to a different
7 location or the owner's contact information changes, the owner
8 shall submit a renewal containing the new location and any
9 other updated information to the Department within 10 days of
10 the change. There shall be no charge to the owner for providing
11 updated information between renewals.

12 (c) The address of the owner, the name and breed of the
13 vicious or dangerous dog, and the acts that resulted in the dog
14 being deemed vicious or dangerous shall be available to the
15 public on the Department's website. The Department shall make
16 the public information searchable via a mapping system that
17 identifies all locations where vicious or dangerous dogs are
18 kept or maintained within 5 miles of an identified address.

19 (d) Each owner of a dog deemed to be vicious under Section
20 15 or dangerous under Section 15.1 shall initially register
21 the dog with the Department and pay any fee required for
22 initial registration. The owner shall renew the registration
23 annually with the Department and pay any fee required for a
24 renewal. The Department shall adopt fee amounts for the
25 initial and renewal registration of a dog deemed to be vicious
26 or dangerous. Any funds collected pursuant to this subsection

1 shall be deposited into the Dangerous Dog Registry Fund, a
2 special fund that is created in the State treasury. Money in
3 the Dangerous Dog Registry Fund shall be used by the
4 Department to maintain the Registry and the searchable mapping
5 system on the Department's website.