

1 AN ACT concerning animals, which may be referred to as the
2 Anna Cieslewicz Act.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Short title. This Act may be cited as the
6 Illinois Public Health and Safety Animal Population Control
7 Act.

8 Section 5. Findings. The General Assembly finds the
9 following:

10 (1) Controlling the dog and cat population would have a
11 significant benefit to the public health and safety by
12 aiding in the prevention of dog attacks, reducing the
13 number of dog and cat bite cases involving children, and
14 decreasing the number of automobile accidents caused by
15 stray dogs and cats.

16 (2) Increasing the number of rabies-vaccinated, owned
17 pets in low-income areas will reduce potential threats to
18 public health and safety from rabies.

19 (3) Controlling the dog and cat population will save
20 taxpayer dollars by reducing the number of dogs and cats
21 handled by county and municipal animal control agencies.
22 Targeted low-cost spay or neuter programs for dogs and cats
23 in select Illinois counties and other states have proven to
24 save taxpayers money.

25 (4) This Act is established to provide a variety of
26 means by which population control and rabies vaccinations
27 may be financed.

28 Section 10. Definitions. As used in this Act:

29 "Director" means the Director of Public Health.

30 "Department" means the Department of Public Health.

31 "Companion animal" means any domestic dog (canis lupus

1 familiaris) or domestic cat (felis catus).

2 "Fund" means the Pet Population Control Fund established in
3 this Act.

4 Section 15. Income tax checkoff. Each individual income tax
5 payer may contribute to the Pet Population Control Fund through
6 the income tax checkoff described in Section 507EE of the
7 Illinois Income Tax Act.

8 Section 20. Program established. The Department shall
9 establish and implement an Illinois Public Health and Safety
10 Animal Population Control Program by December 31, 2005. The
11 purpose of this program is to reduce the population of unwanted
12 and stray dogs and cats in Illinois by encouraging the owners
13 of dogs and cats to have them permanently sexually sterilized
14 and vaccinated, thereby reducing potential threats to public
15 health and safety. The program shall begin collecting funds on
16 January 1, 2006 and shall begin distributing funds for
17 vaccinations or spaying and neutering operations on January 1,
18 2007. No dog or cat imported from another state is eligible to
19 be sterilized or vaccinated under this program. Beginning June
20 30, 2007, the Director must make an annual written report
21 relative to the progress of the program to the President of the
22 Senate, the Speaker of the House of Representatives, and the
23 Governor.

24 Section 25. Eligibility to participate. A resident of the
25 State who owns a dog or cat and who is eligible for the Food
26 Stamp Program or the Disability Insurance Benefits Program
27 shall be eligible to participate in the program at a reduced
28 rate if the owner signs a consent form certifying that he or
29 she is the owner of the dog or cat or is authorized by the
30 eligible owner to present the dog or cat for the procedure. An
31 owner must submit proof of eligibility to the Department. Upon
32 approval, the Department shall furnish an eligible owner with
33 an eligibility voucher to be presented to a participating

1 veterinarian. A resident of this State who is managing a feral
2 cat colony and who humanely traps feral cats for spaying or
3 neutering and return is eligible to participate in the program
4 provided the trap, sterilize, and return program is recognized
5 by the municipality or by the county, if it is located in an
6 unincorporated area. The sterilization shall be performed by a
7 voluntarily participating veterinarian or veterinary student
8 under the supervision of a veterinarian. The co-payment for the
9 cat or dog sterilization procedure and vaccinations shall be
10 \$15.

11 Section 30. Veterinarian participation. Any veterinarian
12 may participate in the program established under this Act. A
13 veterinarian shall file with the Director an application, on
14 which the veterinarian must supply, in addition to any other
15 information requested by the Director, a fee schedule listing
16 the fees charged for dog and cat sterilization, examination,
17 and the presurgical immunizations specified in this Act in the
18 normal course of business. The dog or cat sterilization fee may
19 vary with the animal's weight, sex, and species. The Director
20 shall compile the fees and establish reasonable reimbursement
21 rates for the State.

22 The Director shall reimburse, to the extent funds are
23 available, participating veterinarians for each dog or cat
24 sterilization procedure administered. To receive this
25 reimbursement, the veterinarian must submit a certificate
26 approved by the Department on a form approved by the Director
27 that must be signed by the veterinarian and the owner of the
28 dog or cat or the feral cat caretaker. At the same time, the
29 veterinarian must submit the eligibility voucher provided by
30 the Department to the eligible owner. The Director shall notify
31 all participating veterinarians if the program must be
32 suspended for any period due to a lack of revenue and shall
33 also notify all participating veterinarians when the program
34 will resume. Veterinarians who voluntarily participate in this
35 sterilization and vaccination program may decline to treat

1 feral cats if they choose.

2 For all dogs and cats sterilized under this Act, the
3 Director shall also reimburse, to the extent funds are
4 available, participating veterinarians for (1) an examination
5 fee and the presurgical immunization of dogs against rabies and
6 other diseases pursuant to Department rules or (2) examination
7 fees and the presurgical immunizations of cats against rabies
8 and other diseases pursuant to Department rules. Reimbursement
9 for the full cost of the covered presurgical immunizations
10 shall be made by the Director to the participating veterinarian
11 upon the written certification, signed by the veterinarian and
12 the owner of the companion animal or the feral cat caretaker,
13 that the immunization has been administered. There shall be no
14 additional charges to the owner of a dog or cat sterilized
15 under this Act or feral cat caretaker for examination fees or
16 the presurgical immunizations.

17 Section 35. Rulemaking. The Director shall adopt rules
18 relative to:

- 19 (1) Other immunizations covered.
- 20 (2) Format and content of all forms required under this
21 Act.
- 22 (3) Proof of eligibility.
- 23 (4) Administration of the Fund.
- 24 (5) The percentage of fines to be allocated to
25 education of the public concerning spaying and neutering of
26 dogs and cats.
- 27 (6) Any other matter necessary for the administration
28 of this Act.

29 Section 40. Enforcement; administrative fine. Any person
30 who knowingly falsifies proof of eligibility for or
31 participation in any program under this Act, knowingly
32 furnishes any licensed veterinarian with inaccurate
33 information concerning the ownership of a dog or cat submitted
34 for a sterilization procedure, or violates any provision of

1 this Act may be subject to an administrative fine not to exceed
2 \$500 for each violation.

3 Section 45. Pet Population Control Fund. The Pet Population
4 Control Fund is established as a special fund in the State
5 treasury. The moneys generated from the public safety fines
6 collected as provided in the Animal Control Act, from Pet
7 Friendly license plates under Section 3-653 of the Illinois
8 Vehicle Code, from Section 507EE of the Illinois Income Tax
9 Act, and from voluntary contributions must be kept in the Fund
10 and shall be used only to sterilize and vaccinate dogs and cats
11 in this State pursuant to the program, to promote the
12 sterilization program, to educate the public about the
13 importance of spaying and neutering, and for reasonable
14 administrative and personnel costs related to the Fund.

15 Section 905. The State Finance Act is amended by changing
16 Sections 5.568 and 8h as follows:

17 (30 ILCS 105/5.568)

18 Sec. 5.568. The Pet Population ~~Overpopulation~~ Control
19 Fund.

20 (Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

21 (30 ILCS 105/8h)

22 Sec. 8h. Transfers to General Revenue Fund.

23 (a) Except as provided in subsection (b), notwithstanding
24 any other State law to the contrary, the Governor may, through
25 June 30, 2007, from time to time direct the State Treasurer and
26 Comptroller to transfer a specified sum from any fund held by
27 the State Treasurer to the General Revenue Fund in order to
28 help defray the State's operating costs for the fiscal year.
29 The total transfer under this Section from any fund in any
30 fiscal year shall not exceed the lesser of (i) 8% of the
31 revenues to be deposited into the fund during that fiscal year
32 or (ii) an amount that leaves a remaining fund balance of 25%

1 of the July 1 fund balance of that fiscal year. In fiscal year
2 2005 only, prior to calculating the July 1, 2004 final
3 balances, the Governor may calculate and direct the State
4 Treasurer with the Comptroller to transfer additional amounts
5 determined by applying the formula authorized in Public Act
6 93-839 to the funds balances on July 1, 2003. No transfer may
7 be made from a fund under this Section that would have the
8 effect of reducing the available balance in the fund to an
9 amount less than the amount remaining unexpended and unreserved
10 from the total appropriation from that fund estimated to be
11 expended for that fiscal year. This Section does not apply to
12 any funds that are restricted by federal law to a specific use,
13 to any funds in the Motor Fuel Tax Fund, the Hospital Provider
14 Fund, the Medicaid Provider Relief Fund, or the Reviewing Court
15 Alternative Dispute Resolution Fund, or to any funds to which
16 subsection (f) of Section 20-40 of the Nursing and Advanced
17 Practice Nursing Act applies. No transfers may be made under
18 this Section from the Pet Population Control Fund.

19 Notwithstanding any other provision of this Section, for fiscal
20 year 2004, the total transfer under this Section from the Road
21 Fund or the State Construction Account Fund shall not exceed
22 the lesser of (i) 5% of the revenues to be deposited into the
23 fund during that fiscal year or (ii) 25% of the beginning
24 balance in the fund. For fiscal year 2005 through fiscal year
25 2007, no amounts may be transferred under this Section from the
26 Road Fund, the State Construction Account Fund, the Criminal
27 Justice Information Systems Trust Fund, the Wireless Service
28 Emergency Fund, or the Mandatory Arbitration Fund.

29 In determining the available balance in a fund, the
30 Governor may include receipts, transfers into the fund, and
31 other resources anticipated to be available in the fund in that
32 fiscal year.

33 The State Treasurer and Comptroller shall transfer the
34 amounts designated under this Section as soon as may be
35 practicable after receiving the direction to transfer from the
36 Governor.

1 (b) This Section does not apply to any fund established
2 under the Community Senior Services and Resources Act.

3 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
4 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
5 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
6 1-15-05.)

7 Section 910. The Illinois Income Tax Act is amended by
8 adding Section 507EE as follows:

9 (35 ILCS 5/507EE new)

10 Sec. 507EE. Pet Population Control Fund checkoff. The
11 Department must print on its standard individual income tax
12 form a provision indicating that if the taxpayer wishes to
13 contribute to the Pet Population Control Fund, as established
14 in the Illinois Public Health and Safety Animal Population
15 Control Act, he or she may do so by stating the amount of the
16 contribution (not less than \$1) on the return and that the
17 contribution will reduce the taxpayer's refund or increase the
18 amount of payment to accompany the return. Failure to remit any
19 amount of increased payment reduces the contribution
20 accordingly. This Section does not apply to any amended return.

21 The Department of Revenue shall determine annually the
22 total amount contributed to the Fund pursuant to this Section
23 and shall notify the State Comptroller and the State Treasurer
24 of the amount to be transferred to the Pet Population Control
25 Fund, and upon receipt of the notification the State
26 Comptroller shall transfer the amount.

27 Section 915. The Animal Control Act is amended by changing
28 Sections 2.04a, 2.05a, 2.11a, 2.11b, 2.16, 2.19a, 3, 5, 8, 9,
29 10, 11, 13, 15, 15.1, and 26 and by adding Sections 2.11c, 30,
30 and 35 as follows:

31 (510 ILCS 5/2.04a)

32 Sec. 2.04a. "Cat" means Felis catus ~~all members of the~~

1 ~~family Felidae.~~

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

3 (510 ILCS 5/2.05a)

4 Sec. 2.05a. "Dangerous dog" means (i) any individual dog
5 anywhere other than upon the property of the owner or custodian
6 of the dog and ~~when~~ unmuzzled, unleashed, or unattended by its
7 owner or custodian that behaves in a manner that a reasonable
8 person would believe poses a serious and unjustified imminent
9 threat of serious physical injury or death to a person or a
10 companion animal or (ii) a dog that, without justification,
11 bites a person and does not cause serious physical injury ~~in a~~
12 ~~public place.~~

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

14 (510 ILCS 5/2.11a)

15 Sec. 2.11a. "Enclosure" means a fence or structure of at
16 least 6 feet in height, forming or causing an enclosure
17 suitable to prevent the entry of young children, and suitable
18 to confine a vicious dog in conjunction with other measures
19 that may be taken by the owner or keeper, such as tethering of
20 the vicious dog within the enclosure. The enclosure shall be
21 securely enclosed and locked and designed with secure sides,
22 top, and bottom and shall be designed to prevent the animal
23 from escaping from the enclosure. If the enclosure is a room
24 within a residence, it cannot have direct ingress from or
25 egress to the outdoors unless it leads directly to an enclosed
26 pen and the door must be locked. A vicious dog may be allowed
27 to move about freely within the entire residence if it is
28 muzzled at all times.

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

30 (510 ILCS 5/2.11b)

31 Sec. 2.11b. "Feral cat" means a cat that (i) is born in the
32 wild or is the offspring of an owned or feral cat and is not
33 socialized, ~~or~~ (ii) is a formerly owned cat that has been

1 abandoned and is no longer socialized, or (iii) lives on a
2 farm.

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

4 (510 ILCS 5/2.11c new)

5 Sec. 2.11c. Intact animal. "Intact animal" means an animal
6 that has not been spayed or neutered.

7 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

8 Sec. 2.16. "Owner" means any person having a right of
9 property in an animal, or who keeps or harbors an animal, or
10 who has it in his care, or acts as its custodian, or who
11 knowingly permits a dog to remain on any premises occupied by
12 him or her. "Owner" does not include a feral cat caretaker
13 participating in a trap, spay/neuter, return or release
14 program.

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

16 (510 ILCS 5/2.19a)

17 Sec. 2.19a. "Serious physical injury" means a physical
18 injury that creates a substantial risk of death or that causes
19 death, serious ~~or protracted~~ disfigurement, protracted
20 impairment of health, impairment of the function of any bodily
21 organ, or plastic surgery.

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

23 (510 ILCS 5/3) (from Ch. 8, par. 353)

24 Sec. 3. The County Board Chairman with the consent of the
25 County Board shall appoint an Administrator. Appointments
26 shall be made as necessary to keep this position filled at all
27 times. The Administrator may appoint as many Deputy
28 Administrators and Animal Control Wardens to aid him or her as
29 authorized by the Board. The compensation for the
30 Administrator, Deputy Administrators, and Animal Control
31 Wardens shall be fixed by the Board. The Administrator may be
32 removed from office by the County Board Chairman, with the

1 consent of the County Board.

2 The Board shall provide necessary personnel, training,
3 equipment, supplies, and facilities, and shall operate pounds
4 or contract for their operation as necessary to effectuate the
5 program. The Board may enter into contracts or agreements with
6 persons to assist in the operation of the program and may
7 establish a county animal population control program.

8 The Board shall be empowered to utilize monies from their
9 General Corporate Fund to effectuate the intent of this Act.

10 The Board is authorized by ordinance to require the
11 registration and may require microchipping of dogs and cats.
12 ~~and~~ The Board shall impose an individual dog or cat ~~animal and~~
13 ~~litter~~ registration fee with a minimum differential of \$15 for
14 intact dogs or cats. Ten dollars of the differential shall be
15 placed either in a county animal population control fund or in
16 the State's Pet Population Control Fund. If the money is placed
17 in the county animal population control fund it shall be used
18 to (i) spay, neuter, or sterilize adopted dogs or cats or (ii)
19 spay or neuter dogs or cats owned by low income county
20 residents who are eligible for the Food Stamp Program. All
21 persons selling dogs or cats or keeping registries of dogs or
22 cats shall cooperate and provide information to the
23 Administrator as required by Board ordinance, including sales,
24 number of litters, and ownership of dogs and cats. If
25 microchips are required, the microchip number may ~~shall~~ serve
26 as the county animal control registration number. ~~All~~
27 ~~microchips shall have an operating frequency of 125 kilohertz.~~

28 In obtaining information required to implement this Act,
29 the Department shall have power to subpoena and bring before it
30 any person in this State and to take testimony either orally or
31 by deposition, or both, with the same fees and mileage and in
32 the same manner as prescribed by law for civil cases in courts
33 of this State.

34 The Director shall have power to administer oaths to
35 witnesses at any hearing which the Department is authorized by
36 law to conduct, and any other oaths required or authorized in

1 any Act administered by the Department.

2 This Section does not apply to feral cats.

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

4 (510 ILCS 5/5) (from Ch. 8, par. 355)

5 Sec. 5. Duties and powers.

6 (a) It shall be the duty of the Administrator or the Deputy
7 Administrator, through sterilization, humane education, rabies
8 inoculation, stray control, impoundment, quarantine, and any
9 other means deemed necessary, to control and prevent the spread
10 of rabies and to exercise dog and cat overpopulation control.
11 It shall also be the duty of the Administrator to investigate
12 and substantiate all claims made under Section 19 of this Act.

13 (b) Counties may by ordinance determine the extent of the
14 police powers that may be exercised by the Administrator,
15 Deputy Administrators, and Animal Control Wardens, which
16 powers shall pertain only to this Act. The Administrator,
17 Deputy Administrators, and Animal Control Wardens may issue and
18 serve citations and orders for violations of this Act. The
19 Administrator, Deputy Administrators, and Animal Control
20 Wardens may not carry weapons unless they have been
21 specifically authorized to carry weapons by county ordinance.
22 Animal Control Wardens, however, may use tranquilizer guns and
23 other nonlethal weapons and equipment without specific weapons
24 authorization.

25 A person authorized to carry firearms by county ordinance
26 under this subsection must have completed the training course
27 for peace officers prescribed in the Peace Officer Firearm
28 Training Act. The cost of this training shall be paid by the
29 county.

30 (c) The sheriff and all sheriff's deputies and municipal
31 police officers shall cooperate with the Administrator and his
32 or her representatives in carrying out the provisions of this
33 Act.

34 (d) The Administrator and animal control wardens shall aid
35 in the enforcement of the Humane Care for Animals Act and have

1 the ability to impound animals and apply for security posting
2 for violation of that Act.

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

4 (510 ILCS 5/8) (from Ch. 8, par. 358)

5 Sec. 8. Every owner of a dog 4 months or more of age shall
6 have each dog inoculated against rabies by a licensed
7 veterinarian. Every dog shall have a second rabies vaccination
8 within one year of the first. Terms of subsequent vaccine
9 administration and duration of immunity must be in compliance
10 with USDA licenses of vaccines used. Evidence of such rabies
11 inoculation shall be entered on a certificate the form of which
12 shall be approved by the Board and which shall contain the
13 microchip number of the animal if it has one and which shall be
14 signed by the licensed veterinarian administering the vaccine.
15 Veterinarians who inoculate a dog shall procure from the County
16 Animal Control in the county where their office is located
17 serially numbered tags, one to be issued with each inoculation
18 certificate. Only one dog shall be included on each
19 certificate. The veterinarian immunizing or microchipping an
20 animal shall provide the Administrator of the county in which
21 the animal resides with a certificate of immunization and
22 microchip number. The Board shall cause a rabies inoculation
23 tag to be issued, at a fee established by the Board for each
24 dog inoculated against rabies.

25 Rabies vaccine for use on animals shall be sold or
26 distributed only to and used only by licensed veterinarians.
27 Such rabies vaccine shall be licensed by the United States
28 Department of Agriculture.

29 If a licensed veterinarian determines in writing that a
30 rabies inoculation would compromise an animal's health, then
31 the animal shall be exempt from the rabies shot requirement,
32 but the owner must still be responsible for the fees.

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

34 (510 ILCS 5/9) (from Ch. 8, par. 359)

1 Sec. 9. Any dog found running at large contrary to
2 provisions of this Act may be apprehended and impounded. For
3 this purpose, the Administrator shall utilize any existing or
4 available animal control facility or licensed animal shelter.
5 The dog's owner shall pay a \$25 public safety fine, \$20 of
6 which shall be deposited into the Pet Population Control Fund
7 and \$5 of which shall be retained by the county or
8 municipality. A dog found running at large contrary to the
9 provisions of this Act a second or subsequent time must be
10 spayed or neutered within 30 days after being reclaimed unless
11 already spayed or neutered; failure to comply shall result in
12 impoundment.

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

14 (510 ILCS 5/10) (from Ch. 8, par. 360)

15 Sec. 10. Impoundment; redemption. When dogs or cats are
16 apprehended and impounded ~~by the Administrator,~~ they must be
17 scanned for the presence of a microchip. The Administrator
18 shall make every reasonable attempt to contact the owner as
19 defined by Section 2.16 as soon as possible. The Administrator
20 shall give notice of not less than 7 business days to the owner
21 prior to disposal of the animal. Such notice shall be mailed to
22 the last known address of the owner. Testimony of the
23 Administrator, or his or her authorized agent, who mails such
24 notice shall be evidence of the receipt of such notice by the
25 owner of the animal.

26 In case the owner of any impounded dog or cat desires to
27 make redemption thereof, he or she may do so by doing ~~on~~ the
28 following ~~conditions~~:

29 a. Presenting ~~present~~ proof of current rabies
30 inoculation~~7~~ and registration, if applicable.~~7~~ ~~or~~

31 b. Paying ~~pay~~ for the rabies inoculation of the dog or
32 cat~~7~~ and registration, if applicable.~~7~~ ~~and~~

33 c. Paying ~~pay~~ the pound for the board of the dog or cat
34 for the period it was impounded.~~7~~

35 d. Paying ~~pay~~ into the Animal Control Fund an

1 additional impoundment fee as prescribed by the Board as a
2 penalty for the first offense and for each subsequent
3 offense. ~~and~~

4 e. Paying a \$25 public safety fine to be deposited into
5 the Pet Population Control Fund; the fine shall be waived
6 if it is the dog's or cat's first impoundment and the owner
7 has the animal spayed or neutered within 14 days.

8 f. ~~e.~~ Paying pay for microchipping and registration if
9 not already done.

10 ~~Animal control facilities that are open to the public 7~~
11 ~~days per week for animal reclamation are exempt from the~~
12 ~~business day requirement.~~

13 The payments required for redemption under this Section
14 shall be in addition to any other penalties invoked under this
15 Act and the Illinois Public Health and Safety Animal Population
16 Control Act. An animal control agency shall assist and share
17 information with the Director of Public Health in the
18 collection of public safety fines.

19 (Source: P.A. 93-548, eff. 8-19-03; revised 10-9-03.)

20 (510 ILCS 5/11) (from Ch. 8, par. 361)

21 Sec. 11. When not redeemed by the owner, agent, or
22 caretaker, a dog or cat must be scanned for a microchip. If a
23 microchip is present, the registered owner must be notified.
24 After contact has been made or attempted, dogs or cats deemed
25 adoptable by the animal control facility shall be offered for
26 adoption, or made available to a licensed humane society or
27 rescue group. If no placement is available, it ~~that has been~~
28 ~~impounded~~ shall be humanely dispatched pursuant to the Humane
29 Euthanasia in Animal Shelters Act ~~or offered for adoption~~. An
30 animal pound or animal shelter shall not release any dog or cat
31 when not redeemed by the owner unless the animal has been
32 ~~surgically~~ rendered incapable of reproduction ~~by spaying or~~
33 ~~neutering~~ and microchipped, or the person wishing to adopt an
34 animal prior to the surgical procedures having been performed
35 shall have executed a written agreement promising to have such

1 service performed, including microchipping, within a specified
2 period of time not to exceed 30 days. Failure to fulfill the
3 terms of the agreement shall result in seizure and impoundment
4 of the animal and any offspring by the animal pound or shelter,
5 and any monies which have been deposited shall be forfeited and
6 submitted to the Pet Population Control Fund on a yearly basis.

7 This Act shall not prevent humane societies from engaging in
8 activities set forth by their charters; provided, they are not
9 inconsistent with provisions of this Act and other existing
10 laws. No animal shelter or animal control facility shall
11 release dogs or cats to an individual representing a rescue
12 group, unless the group has been licensed or has a foster care
13 permit issued by the Illinois Department of Agriculture or is a
14 representative of ~~incorporated as~~ a not-for-profit
15 out-of-state organization. The Department may suspend or
16 revoke the license of any animal shelter or animal control
17 facility that fails to comply with the requirements set forth
18 in this Section or that fails to report its intake and
19 euthanasia statistics each year.

20 (Source: P.A. 92-449, eff. 1-1-02; 93-548, eff. 8-19-03.)

21 (510 ILCS 5/13) (from Ch. 8, par. 363)

22 Sec. 13. Dog or other animal bites; observation of animal.

23 (a) Except as otherwise provided in subsection (b) of this
24 Section, when the Administrator or, if the Administrator is not
25 a veterinarian, the Deputy Administrator receives information
26 that any person has been bitten by an animal, the Administrator
27 or, if the Administrator is not a veterinarian, the Deputy
28 Administrator, or his or her authorized representative, shall
29 have such dog or other animal confined under the observation of
30 a licensed veterinarian for a period of 10 days. The Department
31 may permit such confinement to be reduced to a period of less
32 than 10 days. A veterinarian shall report the clinical
33 condition of the animal immediately, with confirmation in
34 writing to the Administrator or, if the Administrator is not a
35 veterinarian, the Deputy Administrator within 24 hours after

1 the animal is presented for examination, giving the owner's
2 name, address, the date of confinement, the breed, description,
3 age, and sex of the animal, and whether the animal has been
4 spayed or neutered, on appropriate forms approved by the
5 Department. The Administrator or, if the Administrator is not a
6 veterinarian, the Deputy Administrator shall notify the
7 attending physician or responsible health agency. At the end of
8 the confinement period, the veterinarian shall submit a written
9 report to the Administrator or, if the Administrator is not a
10 veterinarian, the Deputy Administrator advising him or her of
11 the final disposition of the animal on appropriate forms
12 approved by the Department. When evidence is presented that the
13 animal was inoculated against rabies within the time prescribed
14 by law, it shall be confined in a house, or in a manner which
15 will prohibit it from biting any person for a period of 10
16 days, if a licensed veterinarian adjudges such confinement
17 satisfactory. The Department may permit such confinement to be
18 reduced to a period of less than 10 days. At the end of the
19 confinement period, the animal shall be examined by a licensed
20 veterinarian.

21 Any person having knowledge that any person has been bitten
22 by an animal shall notify the Administrator or, if the
23 Administrator is not a veterinarian, the Deputy Administrator
24 promptly. It is unlawful for the owner of the animal to
25 euthanize, sell, give away, or otherwise dispose of any animal
26 known to have bitten a person, until it is released by the
27 Administrator or, if the Administrator is not a veterinarian,
28 the Deputy Administrator, or his or her authorized
29 representative. It is unlawful for the owner of the animal to
30 refuse or fail to comply with the reasonable written or printed
31 instructions made by the Administrator or, if the Administrator
32 is not a veterinarian, the Deputy Administrator, or his
33 authorized representative. If such instructions cannot be
34 delivered in person, they shall be mailed to the owner of the
35 animal by regular mail. Any expense incurred in the handling of
36 an animal under this Section and Section 12 shall be borne by

1 the owner. The owner of a biting animal must also remit to the
2 Department of Public Health, for deposit into the Pet
3 Population Control Fund, a \$25 public safety fine within 30
4 days after notice.

5 (b) When a person has been bitten by a police dog that is
6 currently vaccinated against rabies, the police dog may
7 continue to perform its duties for the peace officer or law
8 enforcement agency and any period of observation of the police
9 dog may be under the supervision of a peace officer. The
10 supervision shall consist of the dog being locked in a kennel,
11 performing its official duties in a police vehicle, or
12 remaining under the constant supervision of its police handler.
13 (Source: P.A. 93-548, eff. 8-19-03.)

14 (510 ILCS 5/15) (from Ch. 8, par. 365)

15 Sec. 15. (a) In order to have a dog deemed "vicious", the
16 Administrator, Deputy Administrator, ~~animal control warden,~~ or
17 law enforcement officer must give notice of the infraction that
18 is the basis of the investigation to the owner, conduct a
19 thorough investigation, interview any witnesses, including the
20 owner, gather any existing medical records, veterinary medical
21 records or behavioral evidence, and make a detailed report
22 recommending a finding that the dog is a vicious dog and give
23 the report to the States Attorney's Office and the owner. The
24 Administrator, State's Attorney, Director or any citizen of the
25 county in which the dog exists may file a complaint in the
26 circuit court in the name of the People of the State of
27 Illinois to deem a dog to be a vicious dog. Testimony of a
28 certified applied behaviorist, a board certified veterinary
29 behaviorist, or another recognized expert may be relevant to
30 the court's determination of whether the dog's behavior was
31 justified. The petitioner must prove the dog is a vicious dog
32 by clear and convincing evidence. The Administrator shall
33 determine where the animal shall be confined during the
34 pendency of the case.

35 A dog may ~~shall~~ not be declared vicious if the court

1 determines the conduct of the dog was justified because:

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

8 (2) the injured, threatened, or killed person was
9 ~~tormenting,~~ abusing, assaulting, or physically threatening
10 the dog or its offspring, or has in the past ~~tormented,~~
11 abused, assaulted, or physically threatened the dog or its
12 offspring; or

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

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

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

22 If a dog is found to be a vicious dog, the owner shall pay a
23 \$100 public safety fine to be deposited into the Pet Population
24 Control Fund, the dog shall be spayed or neutered within 10
25 days of the finding at the expense of its owner and
26 microchipped, if not already, and the dog is subject to
27 enclosure. If an owner fails to comply with these requirements,
28 the animal control agency shall impound the dog and the owner
29 shall pay a \$500 fine plus impoundment fees to the animal
30 control agency impounding the dog. The judge has the discretion
31 to order a vicious dog be euthanized. A dog found to be a
32 vicious dog shall not be released to the owner until the
33 Administrator, an Animal Control Warden, or the Director
34 approves the enclosure. No owner or keeper of a vicious dog
35 shall sell or give away the dog without ~~court~~ approval from the
36 Administrator or court. Whenever an owner of a vicious dog

1 relocates, he or she shall notify both the Administrator of
2 County Animal Control where he or she has relocated and the
3 Administrator of County Animal Control where he or she formerly
4 resided.

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

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

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

24 Upon filing a notice of appeal, the order of euthanasia
25 shall be automatically stayed pending the outcome of the
26 appeal. The owner shall bear the burden of timely notification
27 to animal control in writing.

28 Guide dogs for the blind or hearing impaired, support dogs
29 for the physically handicapped, and sentry, guard, or
30 police-owned dogs are exempt from this Section; provided, an
31 attack or injury to a person occurs while the dog is performing
32 duties as expected. To qualify for exemption under this
33 Section, each such dog shall be currently inoculated against
34 rabies in accordance with Section 8 of this Act. It shall be
35 the duty of the owner of such exempted dog to notify the
36 Administrator of changes of address. In the case of a sentry or

1 guard dog, the owner shall keep the Administrator advised of
2 the location where such dog will be stationed. The
3 Administrator shall provide police and fire departments with a
4 categorized list of such exempted dogs, and shall promptly
5 notify such departments of any address changes reported to him.

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

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

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

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

29 (510 ILCS 5/15.1)

30 Sec. 15.1. Dangerous dog determination.

31 (a) After a thorough investigation including: sending,
32 within 10 business ~~3~~ days of the Administrator or Director
33 becoming aware of the alleged infraction, notifications to the
34 owner of the alleged infractions, the fact of the initiation of
35 an investigation, and affording the owner an opportunity to

1 meet with the Administrator or Director prior to the making of
2 a determination; gathering of any medical or veterinary
3 evidence; interviewing witnesses; and making a detailed
4 written report, an animal control warden, deputy
5 administrator, or law enforcement agent may ask the
6 Administrator, or his or her designee, or the Director, to deem
7 a dog to be "dangerous". No dog shall be deemed a "dangerous
8 dog" unless shown to be a dangerous dog by a preponderance of
9 evidence ~~without clear and convincing evidence~~. The owner shall
10 be sent immediate notification of the determination by
11 registered or certified mail that includes a complete
12 description of the appeal process.

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

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

21 (2) the threatened person was ~~tormenting,~~ abusing,
22 assaulting, or physically threatening the dog or its
23 offspring;

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

27 (4) the dog was responding to pain or injury or was
28 protecting itself, its owner, custodian, or a member of its
29 household, kennel, or offspring.

30 (c) Testimony of a certified applied behaviorist, a board
31 certified veterinary behaviorist, or another recognized expert
32 may be relevant to the determination of whether the dog's
33 behavior was justified pursuant to the provisions of this
34 Section.

35 (d) If deemed dangerous, the Administrator, or his or her
36 designee, or the Director shall order (i) the dog's owner to

1 pay a \$50 public safety fine to be deposited into the Pet
2 Population Control Fund, (ii) the dog to be spayed or neutered
3 within 14 days at the owner's expense and microchipped, if not
4 already, and (iii) one or more of the following as deemed
5 appropriate under the circumstances and necessary for the
6 protection of the public:

7 (1) evaluation of the dog by a certified applied
8 behaviorist, a board certified veterinary behaviorist, or
9 another recognized expert in the field and completion of
10 training or other treatment as deemed appropriate by the
11 expert. The owner of the dog shall be responsible for all
12 costs associated with evaluations and training ordered
13 under this subsection; or

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

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

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

35 (g) An animal control agency has the right to impound a
36 dangerous dog if the owner fails to comply with the

1 requirements of this Act.

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

3 (510 ILCS 5/26) (from Ch. 8, par. 376)

4 Sec. 26. (a) Any person violating or aiding in or abetting
5 the violation of any provision of this Act, or counterfeiting
6 or forging any certificate, permit, or tag, or making any
7 misrepresentation in regard to any matter prescribed by this
8 Act, or resisting, obstructing, or impeding the Administrator
9 or any authorized officer in enforcing this Act, or refusing to
10 produce for inoculation any dog in his possession, or who
11 removes a tag from a dog for purposes of destroying or
12 concealing its identity, is guilty of a Class C misdemeanor for
13 a first offense and for a subsequent offense, is guilty of a
14 Class B misdemeanor.

15 Each day a person fails to comply constitutes a separate
16 offense. Each State's Attorney to whom the Administrator
17 reports any violation of this Act shall cause appropriate
18 proceedings to be instituted in the proper courts without delay
19 and to be prosecuted in the manner provided by law.

20 (b) If the owner of a vicious dog subject to enclosure:

21 (1) fails to maintain or keep the dog in an enclosure
22 or fails to spay or neuter the dog within the time period
23 prescribed; and

24 (2) the dog inflicts serious physical injury upon any
25 other person or causes the death of another person; and

26 (3) the attack is unprovoked in a place where such
27 person is peaceably conducting himself or herself and where
28 such person may lawfully be;

29 the owner shall be guilty of a Class 4 felony, unless the owner
30 knowingly allowed the dog to run at large or failed to take
31 steps to keep the dog in an enclosure then the owner shall be
32 guilty of a Class 3 felony. The penalty provided in this
33 paragraph shall be in addition to any other criminal or civil
34 sanction provided by law.

35 (c) If the owner of a dangerous dog knowingly fails to

1 comply with any order ~~of the court~~ regarding the dog and the
2 dog inflicts serious physical injury on a person or a companion
3 animal, the owner shall be guilty of a Class A misdemeanor. If
4 the owner of a dangerous dog knowingly fails to comply with any
5 order regarding the dog and the dog kills a person the owner
6 shall be guilty of a Class 4 felony.

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

8 (510 ILCS 5/30 new)

9 Sec. 30. Rules. The Department shall administer this Act
10 and shall promulgate rules necessary to effectuate the purposes
11 of this Act. The Director may, in formulating rules pursuant to
12 this Act, seek the advice and recommendations of humane
13 societies and societies for the protection of animals.

14 (510 ILCS 5/35 new)

15 Sec. 35. Liability.

16 (a) Any municipality or political subdivision allowing
17 feral cat colonies and trap, sterilize, and return programs to
18 help control cat overpopulation shall be immune from criminal
19 liability and shall not be civilly liable, except for willful
20 and wanton misconduct, for damages that may result from a feral
21 cat. Any municipality or political subdivision allowing dog
22 parks shall be immune from criminal liability and shall not be
23 civilly liable, except for willful and wanton misconduct, for
24 damages that may result from occurrences in the dog park.

25 (b) Any veterinarian or animal shelter who in good faith
26 contacts the registered owner of a microchipped animal shall be
27 immune from criminal liability and shall not, as a result of
28 his or her acts or omissions, except for willful and wanton
29 misconduct, be liable for civil damages.

30 (c) Any veterinarian who sterilizes feral cats and any
31 feral cat caretaker who traps cats for a trap, sterilize, and
32 return program shall be immune from criminal liability and
33 shall not, as a result of his or her acts or omissions, except
34 for willful and wanton misconduct, be liable for civil damages.

1 (d) Any animal shelter worker who microchips an animal
2 shall be immune from criminal liability and shall not, as a
3 result of his or her acts or omissions, except for willful and
4 wanton misconduct, be liable for civil damages.

5 Section 920. The Illinois Vehicle Code is amended by
6 changing Section 3-653 as follows:

7 (625 ILCS 5/3-653)

8 Sec. 3-653. Pet Friendly license plates.

9 (a) The Secretary, upon receipt of an application made in
10 the form prescribed by the Secretary, may issue special
11 registration plates designated as Pet Friendly license plates.
12 The special plates issued under this Section shall be affixed
13 only to passenger vehicles of the first division, motor
14 vehicles of the second division weighing not more than 8,000
15 pounds, and recreational vehicles as defined in Section 1-169
16 of this Code. Plates issued under this Section shall expire
17 according to the multi-year procedure established by Section
18 3-414.1 of this Code.

19 (b) The design and color of the plates is wholly within the
20 discretion of the Secretary, except that the phrase "I am pet
21 friendly" shall be on the plates. The Secretary may allow the
22 plates to be issued as vanity plates or personalized plates
23 under Section 3-405.1 of the Code. The Secretary shall
24 prescribe stickers or decals as provided under Section 3-412 of
25 this Code.

26 (c) An applicant for the special plate shall be charged a
27 \$40 fee for original issuance in addition to the appropriate
28 registration fee. Of this additional fee, \$25 shall be
29 deposited into the Pet Population ~~Overpopulation~~ Control Fund
30 and \$15 shall be deposited into the Secretary of State Special
31 License Plate Fund, to be used by the Secretary to help defray
32 the administrative processing costs.

33 For each registration renewal period, a \$27 fee, in
34 addition to the appropriate registration fee, shall be charged.

1 Of this additional fee, \$25 shall be deposited into the Pet
2 Population ~~Overpopulation~~ Control Fund and \$2 shall be
3 deposited into the Secretary of State Special License Plate
4 Fund.

5 ~~(d) The Pet Overpopulation Control Fund is created as a~~
6 ~~special fund in the State treasury. All moneys in the Pet~~
7 ~~Overpopulation Control Fund shall be paid, subject to~~
8 ~~appropriation by the General Assembly and approval by the~~
9 ~~Secretary, as grants to humane societies exempt from federal~~
10 ~~income taxation under Section 501(c)(3) of the Internal Revenue~~
11 ~~Code to be used solely for the humane sterilization of dogs and~~
12 ~~eats in the State of Illinois. In approving grants under this~~
13 ~~subsection (d), the Secretary shall consider recommendations~~
14 ~~for grants made by a volunteer board appointed by the Secretary~~
15 ~~that shall consist of 5 Illinois residents who are officers or~~
16 ~~directors of humane societies operating in different regions in~~
17 ~~Illinois.~~

18 (Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

19 Section 995. The State Mandates Act is amended by adding
20 Section 8.29 as follows:

21 (30 ILCS 805/8.29 new)

22 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
23 of this Act, no reimbursement by the State is required for the
24 implementation of any mandate created by this amendatory Act of
25 the 94th General Assembly.

26 Section 999. Effective date. This Act takes effect upon
27 becoming law.