



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4669

by Rep. Thomas Holbrook

SYNOPSIS AS INTRODUCED:

510 ILCS 5/15	from Ch. 8, par. 365
510 ILCS 70/4.03	from Ch. 8, par. 704.03
510 ILCS 70/4.04	from Ch. 8, par. 704.04

Amends the Animal Control Act. Exempts accelerant detection dogs from regulation as vicious dogs if certain requirements are met. Amends the Humane Care for Animals Act. Makes it unlawful for any person to do any of the following to a canine used by a fire officer for arson investigations in the performance of his or her functions or while off duty: (i) to interfere or meddle with the canine, (ii) to willfully and maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drugs, chemicals, or substance to the canine, and (iii) to willfully or maliciously torture, mutilate, injure, disable, poison, or kill the canine. Effective immediately.

LRB096 15065 JDS 30064 b

CORRECTIONAL
BUDGET AND
IMPACT 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 Section 15 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. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

25 Section 10. The Humane Care for Animals Act is amended by

1 changing Sections 4.03 and 4.04 as follows:

2 (510 ILCS 70/4.03) (from Ch. 8, par. 704.03)

3 Sec. 4.03. Teasing, striking or tampering with police
4 animals, service animals, accelerant detection dogs, or search
5 and rescue dogs prohibited. It shall be unlawful for any person
6 to willfully and maliciously taunt, torment, tease, beat,
7 strike, or administer or subject any desensitizing drugs,
8 chemicals, or substance to (i) any animal used by a law
9 enforcement officer in the performance of his or her functions
10 or duties, or when placed in confinement off duty, (ii) any
11 service animal, (iii) any search and rescue dog, ~~or~~ (iv) any
12 police, service, or search and rescue animal in training, or
13 (v) any accelerant detection canine used by a fire officer for
14 arson investigations in the performance of his or her functions
15 or while off duty. It is unlawful for any person to interfere
16 or meddle with (i) any animal used by a law enforcement
17 department or agency or any handler thereof in the performance
18 of the functions or duties of the department or agency, (ii)
19 any service animal, (iii) any search and rescue dog, ~~or~~ (iv)
20 any law enforcement, service, or search and rescue animal in
21 training, or (v) any accelerant detection canine used by a fire
22 officer for arson investigations in the performance of his or
23 her functions or while off duty.

24 Any person convicted of violating this Section is guilty of
25 a Class A misdemeanor. A second or subsequent violation is a

1 Class 4 felony.

2 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

3 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

4 Sec. 4.04. Injuring or killing police animals, service
5 animals, accelerant detection dogs, or search and rescue dogs
6 prohibited. It shall be unlawful for any person to willfully
7 or maliciously torture, mutilate, injure, disable, poison, or
8 kill (i) any animal used by a law enforcement department or
9 agency in the performance of the functions or duties of the
10 department or agency or when placed in confinement off duty,
11 (ii) any service animal, (iii) any search and rescue dog, ~~or~~
12 (iv) any law enforcement, service, or search and rescue animal
13 in training, or (v) any accelerant detection canine used by a
14 fire officer for arson investigations in the performance of his
15 or her functions or while off duty. However, a police officer
16 or veterinarian may perform euthanasia in emergency situations
17 when delay would cause the animal undue suffering and pain.

18 A person convicted of violating this Section is guilty of a
19 Class 4 felony if the animal is not killed or totally disabled;
20 if the animal is killed or totally disabled, the person is
21 guilty of a Class 3 felony.

22 (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.