

HB4033



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4033

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

510 ILCS 70/3

from Ch. 8, par. 703

Amends the Humane Care for Animals Act. Provides that certain requirements must be met in order for an owner to lawfully tether a dog outdoors. Creates certain exemptions from that requirement. Provides penalties for violations. Defines "tether".

LRB097 16039 CEL 61192 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 Humane Care for Animals Act is amended by
5 changing Section 3 as follows:

6 (510 ILCS 70/3) (from Ch. 8, par. 703)

7 Sec. 3. Owner's duties.

8 (a) Each owner shall provide for each of his or her
9 animals:

10 (1) a ~~(a)~~ sufficient quantity of good quality,
11 wholesome food and water;

12 (2) ~~(b)~~ adequate shelter and protection from the
13 weather;

14 (3) ~~(c)~~ veterinary care when needed to prevent
15 suffering; and

16 (4) ~~(d)~~ humane care and treatment.

17 (b) To lawfully tether a dog outdoors, an owner must ensure
18 that the dog:

19 (1) does not suffer from a condition that is known, by
20 that person, to be exacerbated by tethering;

21 (2) is tethered in a manner that will prevent it from
22 becoming entangled with other tethered dogs;

23 (3) is not tethered with a lead that (i) exceeds

1 one-eighth of the dog's body weight or (ii) is a tow chain
2 or a log chain, either of which is any chain that is more
3 than one-fourth of an inch in width;

4 (4) is tethered with a lead that measures, when rounded
5 to the nearest whole foot, at least 10 feet in length;

6 (5) is tethered with a properly fitting harness or
7 collar other than the lead or a pinch, prong, or choke-type
8 collar;

9 (6) is not tethered in a manner that will allow it to
10 reach within the property of another person, a public
11 walkway, or a road; and

12 (7) when tethered between 10 p.m. and 6 a.m., is
13 tethered for no more than 15 minutes or has access to
14 adequate shelter and protection from the weather as
15 required under subsection (a) of this Section.

16 (c) Subsection (b) of this Section shall not be construed
17 to prohibit:

18 (1) a person from walking a dog with a hand-held leash;

19 (2) conduct that is directly related to the cultivating
20 of agricultural products, including shepherding or herding
21 cattle or livestock, if the restraint is reasonably
22 necessary for the safety of the dog; or

23 (3) the tethering of a dog while at an organized and
24 lawful animal function, such as hunting, obedience
25 training, performance and conformance events, or law
26 enforcement training, or while in the pursuit of working or

1 competing in those endeavors.

2 (d) A person convicted of violating subsection (a) of this
3 Section is guilty of a Class B misdemeanor. A second or
4 subsequent violation of subsection (a) of this Section is a
5 Class 4 felony with every day that a violation continues
6 constituting a separate offense. In addition to any other
7 penalty provided by law, upon conviction for violating
8 subsection (a) of this Section, the court may order the
9 convicted person to undergo a psychological or psychiatric
10 evaluation and to undergo any treatment at the convicted
11 person's expense that the court determines to be appropriate
12 after due consideration of the evaluation. If the convicted
13 person is a juvenile or a companion animal hoarder, the court
14 must order the convicted person to undergo a psychological or
15 psychiatric evaluation and to undergo treatment that the court
16 determines to be appropriate after due consideration of the
17 evaluation.

18 (e) A person convicted of violating subsection (b) of this
19 Section is guilty of a Class B misdemeanor.

20 (f) As used in this Section, "tether" means to restrain by
21 tying to an object or structure, including, without limitation,
22 a house, tree, fence, post, garage, shed, or clothes line at a
23 person's residence or business, by any means, including,
24 without limitation, a chain, rope, cord, leash, or running
25 line.

26 (Source: P.A. 92-650, eff. 7-11-02.)