



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4195

by Rep. Patrick J. Verschoore

SYNOPSIS AS INTRODUCED:

510 ILCS 70/3.04

Amends the Humane Care for Animals Act. Provides that upon conviction of improper care, cruel treatment, aggravated cruelty, or animal torture, the court shall order the convicted person to forfeit to an animal control or animal shelter the animal or animals that are the basis of the conviction. Effective immediately.

LRB098 15764 MGM 50796 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 3.01, 3.02, or 3.03 of this Act may lawfully take possession of
11 some or all of the companion animals in the possession of the
12 person arrested. The officer, after taking possession of the
13 companion animals, must file with the court before whom the
14 complaint is made against any person so arrested an affidavit
15 stating the name of the person charged in the complaint, a
16 description of the condition of the companion animal or
17 companion animals taken, and the time and place the companion
18 animal or companion animals were taken, together with the name
19 of the person from whom the companion animal or companion
20 animals were taken and name of the person who claims to own the
21 companion animal or companion animals if different from the
22 person from whom the companion animal or companion animals were
23 seized. He or she must at the same time deliver an inventory of

1 the companion animal or companion animals taken to the court of
2 competent jurisdiction. The officer must place the companion
3 animal or companion animals in the custody of an animal control
4 or animal shelter and the agency must retain custody of the
5 companion animal or companion animals subject to an order of
6 the court adjudicating the charges on the merits and before
7 which the person complained against is required to appear for
8 trial. The State's Attorney may, within 14 days after the
9 seizure, file a "petition for forfeiture prior to trial" before
10 the court having criminal jurisdiction over the alleged
11 charges, asking for permanent forfeiture of the companion
12 animals seized. The petition shall be filed with the court,
13 with copies served on the impounding agency, the owner, and
14 anyone claiming an interest in the animals. In a "petition for
15 forfeiture prior to trial", the burden is on the prosecution to
16 prove by a preponderance of the evidence that the person
17 arrested violated Section 3.01, 3.02, 3.03, or 4.01 of this Act
18 or Section 26-5 or 48-1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012.

20 (b) An owner whose companion animal or companion animals
21 are removed by a law enforcement officer under this Section
22 must be given written notice of the circumstances of the
23 removal and of any legal remedies available to him or her. The
24 notice must be posted at the place of seizure, or delivered to
25 a person residing at the place of seizure or, if the address of
26 the owner is different from the address of the person from whom

1 the companion animal or companion animals were seized,
2 delivered by registered mail to his or her last known address.

3 (c) In addition to any other penalty provided by law, upon
4 conviction for violating Sections 3, 3.01, 3.02, or 3.03 the
5 court shall ~~may~~ order the convicted person to forfeit to an
6 animal control or animal shelter the animal or animals that are
7 the basis of the conviction. Upon an order of forfeiture, the
8 convicted person is deemed to have permanently relinquished all
9 rights to the animal or animals that are the basis of the
10 conviction. The forfeited animal or animals shall be adopted or
11 humanely euthanized. In no event may the convicted person or
12 anyone residing in his or her household be permitted to adopt
13 the forfeited animal or animals. The court, additionally, may
14 order that the convicted person and persons dwelling in the
15 same household as the convicted person who conspired, aided, or
16 abetted in the unlawful act that was the basis of the
17 conviction, or who knew or should have known of the unlawful
18 act, may not own, harbor, or have custody or control of any
19 other animals for a period of time that the court deems
20 reasonable.

21 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

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