

1 AN ACT concerning cruelty to 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 Sections 2.01a, 4.02, 4.03, 4.04, 10, 12 and 16 and
6 by adding Sections 2.01b, 2.01c, 2.01d, 2.10e, 2.09, 2.10,
7 3.04, 3.05, 3.06, 17, 18, 19, and 20 as follows:

8 (510 ILCS 70/2.01a)

9 Sec. 2.01a. Companion animal. "Companion animal" means
10 an animal that is commonly considered to be, or is considered
11 by the owner to be to-be-used-as, a pet. "Companion animal"
12 includes, but is not limited to, canines, felines, and
13 equines.

14 (Source: P.A. 88-600, eff. 9-1-94.)

15 (510 ILCS 70/2.01b new)

16 Sec. 2.01b. Exigent circumstances. "Exigent
17 circumstances" means a licensed veterinarian cannot be
18 secured without undue delay and, in the opinion of the animal
19 control or humane agency, the animal is so severely injured,
20 diseased, or suffering that it is unfit for any useful
21 purpose and to delay euthanasia would continue to cause the
22 animal extreme suffering.

23 (510 ILCS 70/2.01c new)

24 Sec. 2.01c. Livestock. "Livestock" means bison, cattle,
25 swine, sheep, goats, or poultry that are raised for
26 commercial or subsistence purposes.

27 (510 ILCS 70/2.01d new)

28 Sec. 2.01d. Service animal. "Service animal" means any

1 guide dog, signal dog, or other animal trained to do work or
2 to perform tasks for the benefit of an individual with a
3 disability, including, but not limited to, animals guiding
4 individuals with impaired vision, alerting individuals with
5 impaired hearing to intruders, providing minimal rescue or
6 protection work, pulling a wheelchair, or fetching dropped
7 items.

8 (510 ILCS 70/2.01e new)

9 Sec. 2.01e. Search and rescue dog. "Search and rescue
10 dog" means any dog that is trained or is certified to locate
11 persons lost on land, in water, or under rubble after
12 disasters, avalanches, or acts of terrorism, including, but
13 not limited to, dogs that can locate bodies on land, in
14 water, and under ice and dogs that are capable of assisting
15 law enforcement officers by locating bombs and narcotics,
16 finding evidence, or investigating possible arson.

17 (510 ILCS 70/2.09 new)

18 Sec. 2.09. Humanly dispatched or euthanized. "Humanely
19 dispatched" or "euthanized" means the painless administration
20 of a lethal dose of an agent as prescribed in the Journal of
21 the American Veterinary Medical Association, January 15,
22 1993, that causes the painless death of an animal. Animals
23 must be handled prior to administration of the agent in a
24 manner to avoid undue apprehension by the animal.

25 (510 ILCS 70/2.10 new)

26 Sec. 2.10. Animal hoarder. "Animal hoarder" means a
27 person who (i) possesses a large number of animals; (ii)
28 fails to or is unable to provide what he or she is required
29 to provide under Section 3 of this Act; (iii) keeps the
30 animals in a severely overcrowded environment; and (iv)
31 displays an inability to recognize or understand the nature

1 of the conditions under which the animals are living and the
2 deleterious impact they have on the animals' health and
3 well-being.

4 (510 ILCS 70/3.04 new)

5 Sec. 3.04. Arrests and seizures.

6 (a) Any law enforcement officer making an arrest for an
7 offense involving one or more animals under Sections 3, 3.01,
8 3.02, or 3.03 of this Act must lawfully take possession of
9 all animals in the possession of the person arrested. The
10 officer, after taking possession of the animals, must file
11 with the court before whom the complaint is made against any
12 person so arrested an affidavit stating the name of the
13 person charged in the complaint, a description of the
14 condition of the animal or animals taken, and the time and
15 place of the animal or animals were taken, together with the
16 name of the person from whom the animal or animals were taken
17 and name of the person who claims to own the animal or animal
18 if different from the person from whom the animal or animals
19 were seized. He or she must at the same time deliver an
20 inventory of the animal or animals taken to the court of
21 competent jurisdiction. The officer must place the animal or
22 animals in the custody of an animal control or humane agency
23 and the agency must retain custody of the animal or animals
24 subject to an order of the court adjudicating the charges on
25 the merits and before which the person complained against is
26 required to appear for trial. For the purposes of this
27 Section, "animal control or humane agency" includes any
28 foster home licensed by an animal control or humane agency.

29 (b) An owner whose animal or animals are removed by a
30 law enforcement officer under this Section must be given
31 written notice of the circumstances of the removal and of any
32 legal remedies available to him or her. The notice must be
33 posted at the place of seizure, or delivered to a person

1 residing at the place of seizure or, if the address of the
2 owner is different from the address of the person from whom
3 the animal or animals were seized, delivered by registered
4 mail to his or her last known address.

5 (510 ILCS 70/3.05 new)

6 Sec. 3.05. Security.

7 (a) The animal control or humane agency having custody
8 of the animal or animals may file a petition with the court
9 requesting that the person from whom the animal or animals
10 are seized, or the owner of the animal or animals, be ordered
11 to post a security. The security must be in an amount
12 sufficient to secure payment of all reasonable expenses
13 expected to be incurred by the animal control or humane
14 agency in caring for and providing for the animal or animals
15 pending the disposition of the charges. Reasonable expenses
16 include, but are not limited to, estimated medical care and
17 boarding of the animal or animals for 30 days. The amount of
18 the security shall be determined by the court after taking
19 into consideration all of the facts and circumstances of the
20 case, including, but not limited to, the recommendation of
21 the impounding organization having custody and care of the
22 seized animal or animals and the cost of caring for the
23 animal or animals. If a security has been posted in
24 accordance with this Section, the humane society or animal
25 control agency may draw from the security the actual costs
26 incurred by the organization in caring for the seized animal
27 or animals.

28 (b) Upon receipt of a petition the court must set a
29 hearing on the petition, to be conducted within 5 business
30 days after the petition is filed. The petitioner must serve
31 a true copy of the petition upon the defendant and the
32 State's attorney for the county in which the animal or
33 animals were seized. The petitioner must also serve a true

1 copy of the petition on any interested person. For the
2 purposes of this subsection, "interested person" means an
3 individual, partnership, firm, joint stock company,
4 corporation, association, trust, estate or other legal entity
5 that the court determines may have a pecuniary interest in
6 the animal or animals that are the subject of the petition.
7 The court must set a hearing date to determine any interested
8 parties. The court may waive for good cause shown the
9 posting of security.

10 (c) If the court orders the posting of a 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
13 post security does not do so, the animal or animals are
14 forfeited by operation of law and the animal control or
15 humane agency having control of the animal or animals must
16 dispose of the animal or animals through adoption or must
17 humanely euthanize the animal. In no event may the defendant
18 or any person residing in the defendant's household adopt the
19 animal or animals.

20 (d) In the case of livestock, if a person ordered to
21 post security fails to do so, the court may, in addition to
22 ordering the forfeiture of the livestock to animal control or
23 a humane agency, order that the livestock be sold; provided,
24 however, that all interested persons must first be provided
25 the opportunity to redeem their interest in the livestock and
26 to purchase the interest of the person ordered to post
27 security under subsection (b) of this Section. The sale of
28 livestock shall be subject to any conditions that the court
29 deems appropriate to assure the proper care and treatment of
30 the livestock. Any livestock determined by the court to be so
31 maimed, diseased, disabled, or infirm as to be unfit for sale
32 or for any useful purpose must be forfeited to the animal
33 control or humane agency and must be cared for and made
34 available for adoption or must be humanely dispatched

1 according to this Act. The court may reimburse the person
2 ordered to post security and any interested persons any money
3 earned by the sale of the livestock less any costs incurred
4 by the impounding facility including, but not limited to,
5 veterinary care and costs associated with custodial care.

6 (e) Nothing in this Section limits or restricts in any
7 way the rights of a secured party having a security interest
8 in any animal or animals or livestock described in this
9 Section. This Section does not impair or subordinate the
10 rights of a secured lender having a security interest in the
11 animal or animals or livestock or in the proceeds from the
12 sale of the livestock.

13 (f) The impounding organization may file a petition with
14 the court upon the expiration of the 30-day period requesting
15 the posting of additional security. The court may order the
16 person from whom the animal or animals were seized, or the
17 owner of the animal or animals, to post an additional
18 security with the clerk of the court to secure payment of
19 reasonable expenses for an additional period of time pending
20 a determination by the court of the charges against the
21 person from whom the animal or animals were seized.

22 (g) In no event may the security prevent the impounding
23 organization having custody and care of the animal or animals
24 from disposing of the animal or animals before the expiration
25 of the 30-day period covered by the security if the court
26 makes a determination of the charges against the person from
27 whom the animal or animals were seized. Upon the adjudication
28 of the charges, the person who posted the security is
29 entitled to a refund of the security, in whole or in part,
30 for any expenses not incurred by the impounding organization.

31 (h) Notwithstanding any other provision of this Section
32 to the contrary, the court may order a person charged with
33 any violation of this Act to provide necessary food, water,
34 shelter, and care for any animal or animals that are the

1 basis of the charge without the removal of the animal or
2 animals from its existing location and until the charges
3 against the person are adjudicated. Until a final
4 determination of the charges is made, any law enforcement
5 officer, animal control officer, Department investigator, or
6 an approved humane investigator may be authorized by an order
7 of the court to make regular visits to the place where the
8 animal or animals are being kept to ascertain if the animal
9 or animals are receiving necessary food, water, shelter, and
10 care. Nothing in this Section prevents any law enforcement
11 officer, Department investigator, or approved humane
12 investigator from applying for a warrant under this Section
13 to seize any animal or animals being held by the person
14 charged pending the adjudication of the charges if it is
15 determined that the animal or animals are not receiving the
16 necessary food, water, shelter, or care.

17 (510 ILCS 70/3.06 new)

18 Sec. 3.06. Disposition of seized animals.

19 (a) Upon the conviction of the person charged, all
20 animals seized, if not previously ordered forfeited or
21 previously forfeited by operation of law, are forfeited to
22 the facility impounding the animals and must be humanely
23 euthanized or adopted. Any outstanding costs incurred by the
24 impounding facility for boarding and treating the animals
25 pending the disposition of the case and any costs incurred in
26 disposing of the animals must be borne by the person
27 convicted. In the event of the acquittal or final discharge
28 without conviction of the person charged and when the animals
29 were not previously ordered forfeited by judicial order or
30 operation of law, the court shall, upon petition of the
31 State, animal control agency, or humane agency, hold a
32 hearing as to the disposition of the animals and other
33 property seized. If the court finds by a preponderance of

1 the evidence that the criminal allegations are true or that
2 the animals were neglected or abused, the animals are
3 forfeited to the impounding facility. If the court finds
4 that the State failed to prove the criminal allegations or
5 that the animals were neglected or abused, the court must
6 direct the delivery of the animals and other seized property
7 not previously forfeited to the owner of the animals and
8 property.

9 (b) Any person authorized by this Section to care for an
10 animal or animals, to treat an animal or animals, or to
11 attempt to restore an animal or animals to good health and
12 who is acting in good faith is immune from any civil or
13 criminal liability that may result from his or her actions.

14 (c) Any veterinarian in this State who is presented with
15 an animal or animals for the treatment of abuse must file a
16 report with the Department and cooperate with the Department
17 by furnishing the owner's name, the date of receipt of the
18 animal or animals and any treatment administered, and a
19 description of the animal or animals involved, including a
20 microchip number if applicable. Any veterinarian who in good
21 faith makes a report, as required by this subsection, has
22 immunity from any liability, civil, criminal, or otherwise,
23 that may result from his or her actions. For the purposes of
24 any proceedings, civil or criminal, the good faith of the
25 veterinarian shall be presumed.

26 An animal control or humane agency may humanely euthanize
27 severely injured, diseased, or suffering animals in exigent
28 circumstances.

29 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

30 Sec. 4.02. Arrests; reports.

31 (a) Any law enforcement officer making an arrest for an
32 offense involving one or more dogs under Section 4.01 of this
33 Act shall lawfully take possession of all dogs and all

1 paraphernalia, implements, or other property or things used
2 or employed, or about to be employed, in the violation of any
3 of the provisions of Section 4.01 of this Act. When a law
4 enforcement officer has taken ~~Such--officer,--after--taking~~
5 possession of such dogs, paraphernalia, implements or other
6 property or things, he or she shall file with the court
7 before whom the complaint is made against any person so
8 arrested an affidavit stating therein the name of the person
9 charged in the such complaint, a description of the property
10 so taken and the time and place of the taking thereof
11 together with the name of the person from whom the same was
12 taken and name of the person who claims to own such property,
13 if different from the person from whom the dogs were seized
14 and if known, and that the affiant has reason to believe and
15 does believe, stating the ground of the such belief, that the
16 dogs and property so taken were was used or employed, or were
17 was about to be used or employed, in a such violation of
18 Section 4.01 of this Act. He or she shall thereupon deliver
19 an inventory of the property so taken to the court of
20 competent jurisdiction. The officer must place the dogs in
21 the custody of an animal control or humane agency and the
22 agency must retain custody of the dogs pending an order of
23 the court adjudicating the charges on the merits and before
24 which the person complained against is required to appear for
25 trial. A law enforcement officer may humanely euthanize dogs
26 that are severely injured. For the purposes of this Section,
27 "animal control or humane agency" includes any foster home
28 licensed by an animal control or humane agency.

29 (a-5) An owner whose dogs are removed for a violation of
30 Section 4.01 of this Act must be given written notice of the
31 circumstances of the removal and of any legal remedies
32 available to him or her. The notice must be posted at the
33 place of seizure or delivered to a person residing at the
34 place of seizure or, if the address of the owner is different

1 from the address of the person from whom the dogs were
2 seized, delivered by registered mail to his or her last known
3 address.

4 (a-10) The animal control or humane agency having
5 custody of the dogs may file a petition with the court
6 requesting that the person from whom the dogs were seized or
7 the owner of the dogs be ordered to post a security. The
8 security must be in an amount sufficient to secure payment of
9 all reasonable expenses expected to be incurred by the animal
10 control or humane agency in caring for and providing for the
11 dogs pending the disposition of charges. Reasonable expenses
12 include, but are not limited to, estimated medical care and
13 boarding of the dogs for at least 30 days. The amount of the
14 security shall be determined by the court after taking into
15 consideration all of the facts and circumstances of the case,
16 including, but not limited to, the recommendation of the
17 impounding organization having custody and care of the seized
18 dogs and the cost of caring for the dogs. If a security has
19 been posted in accordance with this Section, the humane
20 society or animal control may draw from the security the
21 actual costs incurred by the organization in caring for the
22 seized dogs. The court may waive for good cause shown the
23 posting of security.

24 (a-15) Upon receipt of a petition, the court must set a
25 hearing on the petition to be conducted within 5 business
26 days after the petition is filed. The petitioner must serve
27 a true copy of the petition upon the defendant and the
28 State's attorney of the county in which the dogs were seized.
29 The petitioner must also serve a true copy of the petition on
30 any interested person. "Interested person" means an
31 individual, partnership, firm, joint stock company,
32 corporation, association, trust, estate, or other legal
33 entity that the court determines may have a pecuniary
34 interest in the dogs that are the subject of the petition.

1 The court must set a hearing date to determine any interested
2 parties.

3 (a-20) If the court orders the posting of a security,
4 the security must be posted with the clerk of the court
5 within 5 business days after the hearing. If the person
6 ordered to post security does not do so, the dogs are
7 forfeited by operation of law and the animal control or
8 humane agency having custody or control of the dogs must
9 dispose of the dogs through adoption or humane euthanasia. In
10 no event may the defendant or any person residing in the
11 defendant's household adopt the dogs.

12 (a-25) Upon receipt of a petition from the impounding
13 organization, the court may order the person from whom the
14 dogs were seized or the owner of the dogs to post an
15 additional security with the clerk of the court to secure
16 payment of reasonable expenses for an additional period of
17 time pending a determination by the court of the charges
18 against the person from whom the dogs were seized.

19 (a-30) In no event may the security prevent the
20 impounding organization having custody and care of the dogs
21 from disposing of the dogs before the expiration of the
22 30-day period covered by the security if the court makes a
23 determination of the charges against the person from whom the
24 dogs were seized. Upon the adjudication of the charges, the
25 person who posted the security is entitled to a refund of the
26 security, in whole or in part, for any expenses not incurred
27 by the impounding organization, which shall, by order, place
28 the same in custody of an officer or other proper person
29 named and designated in such order, to be kept by him until
30 the conviction or final discharge of such person complained
31 against, and shall send a copy of such order without delay to
32 the State's attorney of the county and the Department. The
33 officer or person so named and designated in such order shall
34 immediately thereupon assume the custody of such property and

1 shall--retain--the--same,--subject--to--the--order--of--the--court
2 before--which--such--person--so--complained--against--may--be
3 required--to--appear--for--trial.

4 (a-35) Upon the conviction of the person so charged, all
5 dogs and property so seized shall be adjudged by the court to
6 be forfeited and shall thereupon adopted or euthanized. Any
7 outstanding costs incurred by the impounding facility in
8 boarding and treating the dogs pending the disposition of the
9 case and disposing of the dogs upon a conviction must be
10 borne by the person convicted be--destroyed--or--otherwise
11 disposed--of--as--the--court--may--order. In the event of the
12 acquittal or final discharge without conviction of the person
13 so charged the such court shall, upon petition of the State,
14 animal control agency, or humane agency, hold a hearing as to
15 the disposition of the dogs and the other property seized.
16 If the court finds by a preponderance of the evidence that
17 the criminal allegations are true or that the dogs were
18 neglected or abused, the dogs are forfeited to the impounding
19 facility where the dogs must be adopted out or humanely
20 euthanized. In no event may the dogs be adopted by the
21 defendant or anyone residing in his or her household. If the
22 court finds that the State either failed to prove the
23 criminal allegations or that the dogs were neglected or
24 abused, the court must direct the delivery of the dogs and
25 the other property not previously forfeited to the owner of
26 the dogs and property.

27 (a-40) Any person authorized by this Section to care for
28 a dogs, to treat a dogs, or to attempt to restore a dogs to
29 good health and who is acting in good faith is immune from
30 any civil or criminal liability that may result from his or
31 her actions.

32 (a-45) An animal control or humane agency may euthanize
33 severely injured, diseased, or suffering dogs in exigent
34 circumstances,--on--demand,--direct--the--delivery--of--such

1 ~~property-so-held-in-custody-to-the-owner-thereof.~~

2 (b) Any veterinarian in this State who is presented with
3 an animal for treatment of injuries or wounds resulting from
4 fighting where there is a reasonable possibility that the
5 animal was engaged in or utilized for a fighting event shall
6 file a report with the Department and cooperate by furnishing
7 the owners' names, date of receipt of the animal or animals
8 and treatment administered, dates and descriptions of the
9 animal or animals involved. Any veterinarian who in good
10 faith makes a report, as required by this subsection (b), is
11 immune ~~shall--have--immunity~~ from any liability, civil,
12 criminal, ~~or that otherwise, resulting from his or her~~ might
13 ~~result--by--reason--of-such~~ actions. For the purposes of any
14 proceedings, civil or criminal, the good faith of any such
15 veterinarian shall be presumed.

16 (Source: P.A. 84-723.)

17 (510 ILCS 70/4.03) (from Ch. 8, par. 704.03)

18 Sec. 4.03. Teasing, striking or tampering with police
19 animals, service animals, or search and rescue dogs
20 prohibited. It shall be unlawful for any person to willfully
21 and maliciously taunt, torment, tease, beat, strike, or
22 administer or subject any desensitizing drugs, chemicals or
23 substance to (i) any animal used by a law enforcement officer
24 in the performance of his or her functions or duties, or when
25 placed in confinement off duty, (ii) any service animal,
26 (iii) any search and rescue dog, or (iv) any police, service,
27 or search and rescue animal in training. It is unlawful for
28 any person to ~~or to~~ interfere or meddle with (i) any such
29 animal used by a law enforcement department or agency or any
30 handler thereof in the performance of the functions or duties
31 of the department or agency, (ii) any service animal, (iii)
32 any search and rescue animal in or (iv) any law enforcement,
33 service, or search and rescue animal in training.

1 (Source: P.A. 90-80, eff. 7-10-97.)

2 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

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

15 (Source: P.A. 90-80, eff. 7-10-97; 91-357, eff. 7-29-99.)

16 (510 ILCS 70/10) (from Ch. 8, par. 710)

17 Sec. 10. Investigation of complaints.

18 (a) Upon receiving a complaint of a suspected violation
19 of this Act, a Department investigator, any law enforcement
20 official, or an approved humane investigator may, for the
21 purpose of investigating the allegations of the complaint,
22 enter during normal business hours upon any premises where
23 the animal or animals described in the complaint are housed
24 or kept, provided such entry shall not be made into any
25 building which is a person's residence, except by search
26 warrant or court order. Institutions operating under federal
27 license to conduct laboratory experimentation utilizing
28 animals for research or medical purposes are, however, exempt
29 from the provisions of this Section. State's Attorneys and
30 law enforcement officials shall provide such assistance as
31 may be required in the conduct of such investigations. Any
32 such investigation requiring legal procedures shall be

1 immediately reported to the Department. No employee or
2 representative of the Department shall enter a livestock
3 management facility unless sanitized footwear is used, or
4 unless the owner or operator of the facility waives this
5 requirement. The employee or representative must also use
6 any other reasonable disease prevention procedures or
7 equipment provided by the owner or operator of the facility.
8 The animal control administrator and animal control wardens
9 appointed under the Animal Control Act shall be authorized to
10 make investigations complying with this Section for alleged
11 violations of Sections 3, and 3.01, 3.02, and 3.03 pertaining
12 to small companion animals. If impoundments are made by
13 wardens, public pounds operated by a political entity shall
14 be utilized. The animals impounded shall remain under the
15 jurisdiction of the animal control administrator and be held
16 in an animal pound licensed under the Animal Welfare Act.
17 All litigation, appeal, and disposition of the animals so
18 held will remain with the governmental agency operating the
19 facility.

20 (b) Notwithstanding the provisions of subsection (a), a
21 law enforcement official, Department investigator, animal
22 control warden, approved humane investigator, animal control
23 administrator, or veterinarian licensed in this State may
24 take an animal into temporary protective custody if there is
25 reason to believe that the animal has been abused in
26 violation of this Act, there is serious and imminent danger
27 to the animal's health or well being, and there is no time to
28 obtain a court order of impoundment. The animal taken into
29 protective custody must immediately be taken to a
30 veterinarian for treatment. The person taking the animal
31 into protective custody must leave written notice of the
32 impoundment posted at the place of seizure or delivered to a
33 person residing at the place of seizure or, if the owner is
34 different from the address of the person from whom the animal

1 was seized, delivered by registered mail to his or her last
2 known address. The person taking the animal into protective
3 custody must seek a 7-day extension of protective custody or
4 permanent custody of the animal by filing written charges in
5 the criminal court.

6 Nothing in this subsection permits entry into a private
7 dwelling.

8 (c) Any law enforcement official, animal control or
9 humane agency, approved humane investigator, or veterinarian
10 acting in good faith is immune from any civil or criminal
11 liability that resulting from his or her actions under this
12 Section. The good faith on the part of the law enforcement
13 official, approved humane investigator, animal control or
14 humane agency, or veterinarian is presumed.

15 (Source: P.A. 87-157.)

16 (510 ILCS 70/12) (from Ch. 8, par. 712)

17 Sec. 12. Impounding animals; notice of impoundment.

18 (a) When an approved humane investigator, a Department
19 investigator or a veterinarian finds that a violation of this
20 Act has rendered an animal in such a condition that no remedy
21 or corrective action by the owner is possible ~~or the violator~~
22 ~~fails--or--refuses--to--take--corrective-action-necessary-for~~
23 ~~compliance-pursuant-to-Section-11-of-this-Act,~~ the Department
24 must may impound or order the impoundment of the animal. If
25 the violator fails or refuses to take corrective action
26 necessary for compliance with Section 11 of this Act, the
27 Department may impound the animal. If the animal is ordered
28 impounded, it shall be impounded in a facility that can which
29 will provide the elements of good care as set forth in
30 Section 3 of this Act, and where such animals shall be
31 examined and treated by a licensed veterinarian or, if the
32 animal is severely injured, diseased, or suffering, humanely
33 euthanized.

1 (b) A notice of impoundment shall be given by the
2 investigator to the violator, if known, in person or sent by
3 certified or registered mail. A copy of the notice shall be
4 retained by the investigator and a copy forwarded immediately
5 to the Department. The notice of impoundment shall include
6 the following:

7 (1) A number assigned by the Department which will
8 also be given to the impounding facility accepting the
9 responsibility of the animal or animals.

10 (2) Listing of deficiencies noted.

11 (3) An accurate description of the animal or
12 animals involved.

13 (4) Date on which the animal or animals were
14 impounded.

15 (5) Signature of the investigator.

16 (6) A statement that: "The violator may request a
17 hearing to appeal the impoundment. A person desiring a
18 hearing shall contact the Department of Agriculture
19 within 7 days from the date of impoundment" and the
20 Department must ~~will~~ hold an administrative hearing
21 within 7 business days after receiving a request to
22 appeal the impoundment. If the hearing cannot be held
23 prior to the expiration of the 7-day impoundment period,
24 the Department shall notify the impounding facility that
25 it cannot sell, offer for adoption, or dispose of the
26 animal or animals or, in the case of livestock, sell the
27 livestock until a final decision is rendered and all of
28 the appeal processes have expired.

29 If a hearing is requested by any owner of impounded
30 animals, the Hearing Officer shall, ~~have the authority~~ after
31 hearing the testimony of all interested affected parties, to
32 render a decision within 5 business days regarding as to the
33 disposition of the impounded animals. This decision by the
34 Hearing Officer shall have no effect on the criminal charges

1 that may be filed with the appropriate authorities.

2 If an owner requests a hearing, the animal control or
3 humane agency having control of the animal or animals may
4 file a petition with the court in the county where the
5 impoundment took place requesting that the person from whom
6 the animal or animals were seized or the owner of the animal
7 or animals be ordered to post a security. The security must
8 be in the amount sufficient to secure payment of all
9 reasonable expenses expected to be incurred by the animal
10 control or humane agency in caring for and providing for the
11 animal or animals pending the disposition of charges.
12 Reasonable expenses include, but are not limited to,
13 estimated medical care and boarding of the animal or animals
14 for 30 days. The amount of the security shall be determined
15 by the court after taking into consideration all of the facts
16 and circumstances of the case, including, but not limited to,
17 the recommendation of the impounding organization having
18 custody and care of the seized animal or animals and the cost
19 of caring for the animal or animals. If a security has been
20 posted in accordance with this Section, the humane society or
21 animal control agency may draw from the security the actual
22 reasonable costs to be incurred by the organization in caring
23 for the seized animal or animals.

24 Upon receipt of a petition for the posting of security,
25 the court must set a hearing to be conducted within 5
26 business days after the petition is filed. The petitioner
27 must serve a true copy of the petition upon the defendant and
28 the Department of Agriculture. The petitioner must also
29 serve a true copy of the petition on any interested person.
30 For purposes of this paragraph, "interested person" means an
31 individual, partnership, firm, joint stock company,
32 corporation, association, trust, estate, or other legal
33 entity that the court determines may have a pecuniary
34 interest in the animal or animals that are the subject of the

1 petition. The court must hold a hearing to determine any
2 interested parties. The court may waive for good cause shown
3 the posting of security.

4 If the court orders the posting of security, the security
5 must be posted with the clerk of the court within 5 business
6 days after the hearing. If the person ordered to post
7 security does not do so, the court must order the Department
8 of Agriculture to hold a hearing on the impoundment within 5
9 business days. If the Department determines that it is not
10 in the best interest of the animal or animals to be returned
11 to the person from whom it was seized, the animal or animals
12 are forfeited to the animal control or humane agency having
13 control of the animal or animals. If no petition for the
14 posting of a security is filed or a petition was filed and
15 granted but the person failed to post security, any expense
16 incurred in the impoundment shall remain outstanding until
17 satisfied by the owner or the person from whom the animal or
18 animals were impounded.

19 ~~Any expense incurred in such impoundment becomes a lien~~
20 ~~on the animal impounded and must be discharged before the~~
21 ~~animal is released from the facility. When the impoundment is~~
22 not appealed, the animal or animals are forfeited and the
23 animal control or humane agency in charge of animal or
24 animals may lawfully and without liability provide for
25 adoption of the animal or animals by a person other than the
26 person who forfeited the animal or animals, or any person or
27 persons dwelling in the same household as the person who
28 forfeited the animals or animals, or it may humanely
29 euthanize the animal or animals. In the case of livestock,
30 the livestock may be sold, subject to the provisions of
31 subsection (d) of Section 3.05 of this Act, at public or
32 private sale for fair consideration. The sale must be to a
33 person capable of providing care consistent with this Act.
34 The proceeds of that sale must be used to reimburse the

1 animal control or humane agency for any costs incurred,
2 including, but not limited to, the costs associated with
3 seizure of the animal, costs associated with veterinary and
4 custodial care, and any fines or penalties imposed by the
5 court. Any balance must be paid to the owner. In no case
6 may livestock be redeemed by the person who is the subject of
7 the forfeiture or by any person dwelling in the same
8 household as the animal that forfeited. ~~the animal is not~~
9 ~~claimed by its owner and all impoundment costs satisfied~~
10 ~~within 7 days, it may be sold at public or private sale for~~
11 ~~fair consideration to a person capable of providing care~~
12 ~~consistent with this Act, with the proceeds of that sale~~
13 ~~applied first to discharge the lien and any balance to be~~
14 ~~paid over to the owner. If no purchaser is found, the animal~~
15 ~~may be offered for adoption or disposed of in a manner not~~
16 ~~inconsistent with this or any other Act.~~

17 (Source: P.A. 88-600, eff. 9-1-94.)

18 (510 ILCS 70/16) (from Ch. 8, par. 716)

19 Sec. 16. Violations; punishment; injunctions.

20 (a) Any person convicted of violating Sections 5, 5.01,
21 or 6 of this Act or any rule, regulation, or order of the
22 Department pursuant thereto, or the first time is guilty of a
23 Class A € misdemeanor. A second or subsequent violation is a
24 Class 4 felony.

25 (b)(1) This subsection (b) does not apply where the
26 only animals involved in the violation are dogs.

27 (2) Any person convicted of violating subsection
28 (a), (b), (c) or (h) of Section 4.01 of this Act or any
29 rule, regulation, or order of the Department pursuant
30 thereto, is guilty of a Class A misdemeanor.

31 (3) A second or subsequent offense involving the
32 violation of subsection (a), (b) or (c) of Section 4.01
33 of this Act or any rule, regulation, or order of the

1 Department pursuant thereto is a Class 4 felony.

2 (4) Any person convicted of violating subsection
3 (d), (e) or (f) of Section 4.01 of this Act or any rule,
4 regulation, or order of the Department pursuant thereto
5 for the first time, is guilty of a Class A B misdemeanor.
6 A second or subsequent violation is a Class 4 felony.

7 (5) Any person convicted of violating subsection
8 (g) of Section 4.01 of this Act or any rule, regulation,
9 or order of the Department pursuant thereto is guilty of
10 a Class C misdemeanor.

11 (c)(1) This subsection (c) applies exclusively
12 where the only animals involved in the violation are
13 dogs.

14 (2) Any person convicted of violating subsection
15 (a), (b) or (c) of Section 4.01 of this Act or any rule,
16 regulation or order of the Department pursuant thereto is
17 guilty of a Class 4 felony and may be fined an amount not
18 to exceed \$50,000.

19 (3) Any person convicted of violating subsection
20 (d), (e) or (f) of Section 4.01 of this Act or any rule,
21 regulation or order of the Department pursuant thereto is
22 guilty of Class A misdemeanor, ~~if such person knew or~~
23 ~~should have known that the device or equipment under~~
24 ~~subsection (d) or (e) of that Section or the site,~~
25 ~~structure or facility under subsection (f) of that~~
26 ~~Section was to be used to carry out a violation where the~~
27 ~~only animals involved were dogs. Where such person did~~
28 ~~not know or should not reasonably have been expected to~~
29 ~~know that the only animals involved in the violation were~~
30 ~~dogs, the penalty shall be same as that provided for in~~
31 ~~paragraph (4) of subsection (b).~~

32 (4) Any person convicted of violating subsection
33 (g) of Section 4.01 of this Act or any rule, regulation
34 or order of the Department pursuant thereto is guilty of

1 a Class C misdemeanor.

2 (5) A second or subsequent violation of subsection
3 (a), (b) or (c) of Section 4.01 of this Act or any rule,
4 regulation or order of the Department pursuant thereto is
5 a Class 3 felony. A second or subsequent violation of
6 subsection (d), (e) or (f) of Section 4.01 of this Act or
7 any rule, regulation or order of the Department adopted
8 pursuant thereto is a Class 3 felony, if in each
9 violation the person knew or should have known that the
10 device or equipment under subsection (d) or (e) of that
11 Section or the site, structure or facility under
12 subsection (f) of that Section was to be used to carry
13 out a violation where the only animals involved were
14 dogs. Where such person did not know or should not
15 reasonably have been expected to know that the only
16 animals involved in the violation were dogs, a second or
17 subsequent violation of subsection (d), (e) or (f) of
18 Section 4.01 of this Act or any rule, regulation or order
19 of the Department adopted pursuant thereto is a Class 4
20 felony ~~A--misdemeanor~~. A second or subsequent violation
21 of subsection (g) is a Class B misdemeanor.

22 (6) Any person convicted of violating Section 3.01
23 of this Act is guilty of a Class A ~~C~~ misdemeanor. A
24 second or subsequent conviction for a violation of
25 Section 3.01 is a Class 4 felony ~~B-misdemeanor~~.
26 ~~er--subsequent-conviction-for-a-violation-of-Section-3.01~~
27 ~~is-a-Class-A-misdemeanor~~.

28 (7) Any person convicted of violating Section 4.03
29 for the first time is guilty of a Class A B misdemeanor.
30 A second or subsequent violation is a Class 4 felony.

31 (8) Any person convicted of violating Section 4.04
32 is guilty of a Class A misdemeanor where the animal is
33 not killed or totally disabled, but if the animal is
34 killed or totally disabled such person shall be guilty of

1 a Class 4 felony.

2 (8.5) A person convicted of violating subsection
3 (a) of Section 7.15 is guilty of a Class A B misdemeanor.
4 A person convicted of violating subsection (b) or (c) of
5 Section 7.15 is (i) guilty of a Class A misdemeanor if
6 the dog is not killed or totally disabled and (ii) if the
7 dog is killed or totally disabled, guilty of a Class 4
8 felony and may be ordered by the court to make
9 restitution to the disabled person having custody or
10 ownership of the dog for veterinary bills and replacement
11 costs of the dog. A second or subsequent violation is a
12 Class 4 felony.

13 (9) Any person convicted of any other act of abuse
14 or neglect or of violating any other provision of this
15 Act, or any rule, regulation, or order of the Department
16 pursuant thereto, is guilty of a Class A C misdemeanor.
17 A second or subsequent violation is a Class 4 felony with
18 every-day--that--a--violation--continues--constituting--a
19 separate-offense.

20 (d) (Blank). ~~Any person convicted of violating Section~~
21 ~~7.1 is guilty of a petty offense. A second or subsequent~~
22 ~~conviction for a violation of Section 7.1 is a Class C~~
23 ~~misdemeanor.~~

24 (e) Any person convicted of violating Section 3.02 is
25 guilty of a Class A misdemeanor. A second or subsequent
26 violation is a Class 4 felony.

27 (f) The Department may enjoin a person from a continuing
28 violation of this Act.

29 (g) Any person convicted of violating Section 3.03 is
30 guilty of a Class 4 felony. A second or subsequent offense
31 is a Class 3 felony. As a condition of the sentence imposed
32 under this Section, the court shall order the offender to
33 undergo a psychological or psychiatric evaluation and to
34 undergo treatment that the court determines to be appropriate

1 after due consideration of the evaluation.

2 (h) In addition to any other penalty provided by law,
3 upon a conviction for violating Section 3, 3.01, 3.02, or
4 3.03 the court may order the convicted person to undergo a
5 psychological or psychiatric evaluation and to undergo any
6 treatment at the convicted person's expense that the court
7 determines to be appropriate after due consideration of the
8 evaluation. If the convicted person is a juvenile or an
9 animal hoarder, the court must order the convicted person to
10 undergo a psychological or psychiatric evaluation and to
11 undergo treatment that the court determines to be appropriate
12 after due consideration of the evaluation.

13 (i) In addition to any other penalty provided by law,
14 upon conviction for violating Sections 3, 3.01, 3.02, or 3.03
15 the court may order the convicted person to forfeit to a
16 humane agency or animal control facility the animal or
17 animals that are the basis of the conviction. Upon an order
18 of forfeiture, the convicted person is deemed to have
19 permanently relinquished all rights to the animal or animals
20 that are the basis of the conviction. The forfeited animal
21 or animals shall be adopted or humanely euthanized. In no
22 event may the convicted person or anyone residing in his or
23 her household be permitted to adopt the forfeited animal or
24 animals. The court, additionally, may order that the
25 convicted person and persons dwelling in the same household
26 as the convicted person who conspired, aided, or abetted in
27 the unlawful act that was the basis of the conviction, or who
28 knew or should have known of the unlawful act, may not own,
29 harbor, or have custody or control of any other animals for a
30 period of time that the court deems reasonable.

31 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;
32 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
33 7-29-99; revised 8-30-99.)

1 (510 ILCS 70/17 new)

2 Sec. 17. Payment of the costs of violations. In addition
3 to the any other penalties under this Act, the convicted
4 person must pay all costs necessary to restore the injured
5 animal to good health or to otherwise ameliorate the effects
6 of the abuse or neglect. In addition, the court must order
7 the convicted person to pay all costs incurred in boarding
8 and caring for any animal abused or neglected by the
9 convicted person pending the disposition of the case and the
10 costs of the disposition of the animal after the conclusion
11 of the case. All costs paid by the convicted person must be
12 reimbursed to the humane organization, person, or legal
13 entity that incurred the costs. The court must also order
14 that an equitable portion of any fine received be paid to any
15 recognized humane organization that incurred costs in
16 investigating or prosecuting the offenses for which the
17 person paying the fine was convicted.

18 (510 ILCS 70/18 new)

19 Sec. 18. Defenses.

20 (a) It is not a defense to violations of this Act for
21 the person committing the violation to assert that he or she
22 had rights of ownership in the animal that was the victim of
23 the violation.

24 (b) Trespass is not a defense to a prosecution under
25 this Act.

26 (510 ILCS 70/19 new)

27 Sec. 19. Corporations. Corporations may be charged with
28 violations of this Act for the acts of their employees or
29 agents who violate this Act in the course of their employment
30 or agency.

31 (510 ILCS 70/20 new)

1 Sec. 20. Civil actions. Any person who has a right of
2 ownership in an animal that is subjected to an act of abuse
3 or neglect in violation of this Act may bring a civil action
4 to recover the damages sustained by that owner. Damages may
5 include, but are not limited to, the monetary value of the
6 animal, veterinary expenses incurred on behalf of the animal,
7 any other expenses incurred by the owner in rectifying the
8 effects of the cruelty, pain, and suffering of the animal,
9 and emotional distress suffered by the owner. In addition to
10 damages that may be proven, the owner is also entitled to
11 punitive or exemplary damages of not less than \$500 but not
12 more than \$25,000 for each act of abuse or neglect to which
13 the animal was subjected. In addition, the court must award
14 reasonable attorney's fees and costs actually incurred by the
15 owner in the prosecution of any action under this Section.

16 The remedies provided in this Section are in addition to
17 any other remedies allowed by law.

18 In an action under this Section, the court may enter any
19 injunctive orders reasonably necessary to protect animals
20 from any further acts of abuse, neglect, or harassment by a
21 defendant. Trespass is not a defense to any action under
22 this Section.

23 The statute of limitations for cruelty to animals is 2
24 years.

25 Section 99. Effective date. This Act takes effect on
26 January 1, 2002.