

1 AN ACT in relation to 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 Sections 15 and 26 as follows:

6 (510 ILCS 5/15) (from Ch. 8, par. 365)

7 Sec. 15. (a) For purposes of this Section:

8 (1) "Vicious dog" means:

9 (i) Any individual dog that when unprovoked  
10 inflicts bites or attacks a human being or other  
11 animal either on public or private property.

12 (ii) Any individual dog with a known  
13 propensity, tendency or disposition to attack  
14 without provocation, to cause injury or to otherwise  
15 endanger the safety of human beings or domestic  
16 animals.

17 (iii) Any individual dog that has as a trait or  
18 characteristic and a generally known reputation for  
19 viciousness, dangerousness or unprovoked attacks  
20 upon human beings or other animals, unless handled  
21 in a particular manner or with special equipment.

22 (iv) Any individual dog which attacks a human  
23 being or domestic animal without provocation.

24 (v) Any individual dog which has been found to  
25 be a "dangerous dog" upon 3 separate occasions.

26 No dog shall be deemed "vicious" if it bites,  
27 attacks, or menaces a trespasser on the property of  
28 its owner or harms or menaces anyone who has  
29 tormented or abused it or is a professionally  
30 trained dog for law enforcement or guard duties.

31 Vicious dogs shall not be classified in a manner

1           that is specific as to breed.

2           If a dog is found to be a vicious dog, the dog  
3           shall be subject to enclosure.

4           (2) "Dangerous Dog" means any individual dog which  
5           when either unmuzzled, unleashed, or unattended by its  
6           owner, or a member of its owner's family, in a vicious or  
7           terrorizing manner, approaches any person in an apparent  
8           attitude of attack upon streets, sidewalks, or any public  
9           grounds or places. If a dog is found to be a dangerous  
10          dog, the dog must be both muzzled and leashed whenever  
11          it is upon a street, sidewalk, or other public place or  
12          grounds.

13          (3) "Enclosure" means a fence or structure of at  
14          least 6 feet in height, forming or causing an enclosure  
15          suitable to prevent the entry of young children, and  
16          suitable to confine a vicious dog in conjunction with  
17          other measures which may be taken by the owner or keeper,  
18          such as tethering of a vicious dog within the enclosure.  
19          Such enclosure shall be securely enclosed and locked and  
20          designed with secure sides, top and bottom and shall be  
21          designed to prevent the animal from escaping from the  
22          enclosure.

23          (4) "Impounded" means taken into the custody of the  
24          public pound in the city or town where the vicious dog is  
25          found.

26          (5) "Found to be vicious dog" means (i) that the  
27          Administrator, an Animal Control Warden, or a law  
28          enforcement officer has conducted an investigation and  
29          made a finding in writing that the dog is a vicious dog  
30          as defined in paragraph (1) of subsection (a) and, based  
31          on that finding, the Administrator, an Animal Control  
32          Warden, or the Director has declared in writing that the  
33          dog is a vicious dog or (ii) that the circuit court has  
34          found the dog to be a vicious dog as defined in paragraph

1 (1) of subsection (a) and has entered an order based on  
2 that finding.

3 (b) It shall be unlawful for any person to keep or  
4 maintain any dog which has been found to be a vicious dog  
5 unless such dog is at all times kept in an enclosure. The  
6 only times that a vicious dog may be allowed out of the  
7 enclosure are (1) if it is necessary for the owner or keeper  
8 to obtain veterinary care for the dog or (2) to comply with  
9 the order of a court of competent jurisdiction, provided that  
10 the dog is securely muzzled and restrained with a chain  
11 having a tensile strength of 300 pounds and not exceeding 3  
12 feet in length, and shall be under the direct control and  
13 supervision of the owner or keeper of the dog.

14 Any dog which has been found to be a vicious dog and  
15 which is not confined to an enclosure shall be impounded by  
16 the Administrator, an Animal Control Warden, or the law  
17 enforcement authority having jurisdiction in such area and  
18 shall be turned over to a licensed veterinarian for  
19 destruction by lethal injection.

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 7 working days, the dog may be humanely  
23 dispatched. A dog found to be a vicious dog shall not be  
24 released to the owner until the Administrator, an Animal  
25 Control Warden, or the Director approves the enclosure as  
26 defined in this Section.

27 No owner or keeper of a vicious dog shall sell or give  
28 away the dog.

29 (c) It is unlawful for any person to maintain a public  
30 nuisance by permitting any dangerous dog or other animal to  
31 leave the premises of its owner when not under control by  
32 leash or other recognized control methods.

33 Guide dogs for the blind or hearing impaired, support  
34 dogs for the physically handicapped, and sentry, guard, or

1 police-owned dogs are exempt from this Section; provided, an  
2 attack or injury to a person occurs while the dog is  
3 performing duties as expected. To qualify for exemption  
4 under this Section, each such dog shall be currently  
5 inoculated against rabies in accordance with Section 8 of  
6 this Act. It shall be the duty of the owner of such exempted  
7 dog to notify the Administrator of changes of address. In  
8 the case of a sentry or guard dog, the owner shall keep the  
9 Administrator advised of the location where such dog will be  
10 stationed. The Administrator shall provide police and fire  
11 departments with a categorized list of such exempted dogs,  
12 and shall promptly notify such departments of any address  
13 changes reported to him.

14 The Administrator, the State's Attorney, or any citizen  
15 of the county in which a dangerous dog or other animal exists  
16 may file a complaint in the name of the People of the State  
17 of Illinois to enjoin all persons from maintaining or  
18 permitting such, to abate the same, and to enjoin the owner  
19 of such dog or other animal from permitting same to leave his  
20 premises when not under control by leash or other recognized  
21 control methods. Upon the filing of a complaint in the  
22 circuit court, the court, if satisfied that this nuisance may  
23 exist, shall grant a preliminary injunction with bond in such  
24 amount as the court may determine enjoining the defendant  
25 from maintaining such nuisance. If the existence of the  
26 nuisance is established, the owner of such dog or other  
27 animal shall be in violation of this Act, and in addition,  
28 the court shall enter an order restraining the owner from  
29 maintaining such nuisance and may order that such dog or  
30 other animal be humanely dispatched.

31 (Source: P.A. 86-1460; 87-456.)

32 (510 ILCS 5/26) (from Ch. 8, par. 376)

33 Sec. 26. (a) Any person violating or aiding in or

1 abetting the violation of any provision of this Act, or  
 2 counterfeiting or forging any certificate, permit, or tag, or  
 3 making any misrepresentation in regard to any matter  
 4 prescribed by this Act, or resisting, obstructing, or  
 5 impeding the Administrator or any authorized officer in  
 6 enforcing this Act, or refusing to produce for inoculation  
 7 any dog in his possession not confined at all times to an  
 8 enclosed area, or who removes a tag from a dog for purposes  
 9 of destroying or concealing its identity, is guilty of a  
 10 petty offense for a first or second offense and shall be  
 11 fined not less than \$25 nor more than \$200, and for a third  
 12 and subsequent offense, is guilty of a Class C misdemeanor.

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

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

19 (1) fails to maintain or keep the dog in an  
 20 enclosure or otherwise fails to maintain or keep the dog  
 21 as required under subsection (b) of Section 15; and

22 (2) the dog inflicts great bodily harm, permanent  
 23 disfigurement, or permanent physical disability upon any  
 24 other person or causes the death of another person; and

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

28 the owner shall be guilty of a Class 4 felony, except that if  
 29 ~~A-misdemeanor~~, unless the owner recklessly knowingly allowed  
 30 the dog to run at large or failed to take steps to keep the  
 31 dog in an enclosure or otherwise maintain or keep the dog as  
 32 required under subsection (b) of Section 15, then the owner  
 33 shall be guilty of a Class 3 4 felony. The penalty provided  
 34 in this paragraph shall be in addition to any other criminal

1 or civil sanction provided by law.

2 (c) If the owner of a dog found to be a dangerous dog:

3 (1) fails to maintain or keep the dog both muzzled  
4 and leashed when it is upon a street, sidewalk, or other  
5 public place or grounds; and

6 (2) the dog inflicts great bodily harm, permanent  
7 disfigurement, or permanent physical disability upon any  
8 other person or causes the death of another person; and

9 (3) the attack is unprovoked in a place where the  
10 other person is peaceably conducting himself or herself  
11 and where that person may lawfully be;

12 the owner is guilty of a Class 4 felony, except that if the  
13 owner recklessly failed to maintain or keep the dog both  
14 muzzled and leashed, then the owner is guilty of a Class 3  
15 felony. The penalty provided in this subsection (c) is in  
16 addition to any other criminal or civil sanction provided by  
17 law.

18 (Source: P.A. 87-456.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.