

**2007 DRAFTING REQUEST**

**Bill**

Received: **08/29/2006**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing: **John Wagnitz**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Adtl. Drafters: **btradewe**

Subject: **Criminal Law - sentencing  
Criminal Law - miscellaneous  
Agriculture - animals**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Prohibiting felons from owning dogs

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 10/25/2006 btradewe 10/30/2006	wjackson 11/10/2006		_____			S&L Crime
/P1	chanaman 01/11/2007	wjackson 01/11/2007	rschlue 11/10/2006	_____	lparisi 11/10/2006		S&L Crime
/1			nmatzke	_____	sbasford	sbasford	

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			01/11/2007 _____		01/11/2007	01/11/2007	

FE Sent For: "1" @ intro.  
2-14-2007

<END>

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/P1			rschluet 11/10/2006 nwn 1/11	_____	lparisi 11/10/2006 nwn 1/11		

JACKET  
FOR  
HANSEN'S  
OFFICE

FE Sent For:

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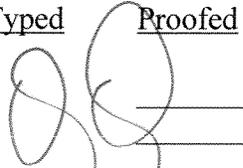
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/?	chanaman 10/25/2006 btradewe	/pl wij 11/9					S&L Crime

FE Sent For:

<END>

## Tradewell, Becky

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**From:** Wagnitz, John  
**Sent:** Tuesday, June 06, 2006 11:23 AM  
**To:** Tradewell, Becky  
**Subject:** prohibiting felons from owning vicious dogs

Becky,  
I am forwarding an email from a constituent of Senator Hansen's. Ms. Hensen would like Wisconsin to pass a law similar to Illinois House Bill 2946.

Could you please draft legislation to this effect? We would like to introduce this legislation early next session.

Thanks,

John Wagnitz  
Office of State Senator Dave Hansen  
319 South, State Capitol  
phone: (608) 266-5670

Governor Blagojevich signed into law two other pieces of public safety legislation, including the pioneering restrictions on dog ownership by felons.

House Bill 2946, sponsored by State Rep. Jerry Mitchell (R-Sterling) and State Sen. William Haine (D-Alton), prohibits felons convicted of forcible felonies, felonies under the Humane Care for Animals Act, Class 3 felonies under the Illinois Controlled Substances and Cannabis Act, Class 3 felonies under the Methamphetamine Control and Community Protection Act, and felonies under the Deadly Weapons Statue from owning a dog that has not been spayed or neutered. It also prohibits these felons from owning any dog that has been declared vicious or dangerous. Additionally, dogs owned by a felon must have a microchip inserted under their skin for identification. These prohibitions take effect upon the felon's release from custody and last for a period of ten years. Violations of this law are Class A misdemeanors.

"We in the legislature became aware of the problem of drug manufacturers keeping dangerous dogs in order to have those dogs attack law enforcement officers as they perform their duties. This bill will give law enforcement and prosecutors another tool to fight these criminals who hold no regard for others," said Senator Haine.

"This legislation makes sure that felons will no longer be able to turn man's best friend into a nightmare for law abiding citizens. I am very proud to be a part of its implementation and I think it will make a difference to all of us," said Representative Mitchell.

"HB 2946 prevents convicted felons, who already cannot possess firearms, from using intact or unsterilized dogs as weapons to terrorize their community," Ledy VanKavage, director of legal training, legislation and outreach for the American Society for the Prevention of Cruelty to Animals, said. "Unsterilized dogs were responsible for 89% of the fatal dog attacks last year. Studies have shown that intact canines also are responsible for the majority of bites nationwide. The ASPCA commends Gov. Blagojevich and the Illinois General Assembly for their proactive approach to addressing this important public safety issue."

---

**From:** Anteatersah@aol.com [mailto:Anteatersah@aol.com]  
**Sent:** Wednesday, May 31, 2006 10:33 PM  
**To:** Wagnitz, John  
**Subject:** From Green Bay police department

Dear Senator Hansen,

Please let me introduce myself. My name is Sharon Hensen and I am the humane officer for the city of Green Bay. Last year we passed a new ordinance for the city getting some control on the "Dangerous Dogs" within the city limits. To date I have declared 13 dogs dangerous and had them removed from the city. During the process of developing this ordinance I tried to get it also against the law to allow felons to own these type of animals. But unfortunately the city attorney did not agree. This new legislation from Illinois is exactly what this state needs desperately. The amount of not only dog fighting that goes on in this state but the use of dangerous dogs by gang members, drug dealers and felons puts any one in law enforcement and probation officers in great risk every time they have to deal with these characters. I know for a fact that all the law enforcement officers and probation officers, not to mention the officers from the domestic abuse center that I have dealt with all over the state would stand up and cheer if this legislation made it in Wisconsin. Please, please Sen. Hansen would you sponsor this bill here in Wisconsin??!!!! I will do anything that it takes to help you pass it. Like I said, there isn't anyone dealing with felons that would not try and help get it passed. Let me know what I can do. Thank you!

sincerely  
Sharon Hensen  
Humane animal control officer  
c/o Green Bay Police Department  
448-3201/448-3200

home 490-8508

<http://www.illinois.gov/PressReleases/ShowPressRelease.cfm?SubjectID=1&RecNum=4942>



OFFICE OF THE GOVERNOR  
 ROD R. BLAGOJEVICH • GOVERNOR

# NEWS

**FOR IMMEDIATE RELEASE**

May 31, 2006

**Gov. Blagojevich signs legislation toughening penalties against owners of vicious dogs that endanger the public**  
*Illinois becomes first state in the nation to ban felons from owning or possessing unaltered dogs that could be used as weapons*

SPRINGFIELD – Governor Rod R. Blagojevich today signed new laws toughening the penalties for owners of vicious and dangerous dogs if their pets attack someone. The laws also include the nation’s first restrictions banning convicted drug dealers and violent offenders from using dogs as weapons, and increased penalties for dog fighting.

“Dogs can make great companions, but if they’re not trained well or restrained, some dogs can also pose serious threats – especially to children. We’ve seen too many people seriously injured by dogs whose owners allow them to act more like wild predators than pets,” Gov. Blagojevich said. “I’m pleased to sign these new laws making it clear that dog owners will be held responsible for their pet’s actions – especially if the animal has been declared vicious or dangerous – and the consequences will be severe if an owner ignores their responsibility and someone gets hurt.”

House Bill 4238, sponsored by State Rep. Mike Boland (D-East Moline) and State Sen. Don Harmon (D-Oak Park), increases the criminal penalty to a Class 3 felony punishable by up to five years in prison if the owner of a vicious dog fails to keep their dog in an enclosure or fails to spay or neuter the animal and it gets loose and kills or seriously injures someone. If the owner knowingly allowed the dog to run loose or failed to take steps to keep the animal in an enclosure, the offense is a Class 2 felony, carrying a potential prison term of three to seven years. class H

The bill also makes it a Class 4 felony, carrying a sentence of 1-3 years, if the owner of a dangerous dog has not complied with orders regarding their dog and the dog inflicts serious physical injury on a person or other animal. If the owner of a dangerous dog fails to comply with any order regarding their dog and the dog kills a person, the owner will now be guilty of a Class 3 felony, punishable by 2-5 years in jail. Class 6

A dangerous dog, determined by the Illinois Department of Agriculture or local animal control, is a dog that poses a serious threat or has, without justification, bitten a person but does not cause serious physical injury. A vicious dog, determined by circuit courts, is a dog that, without justification, attacks a person and causes serious physical injury or death or has been found to be a “dangerous dog” on 3 separate occasions.

Dangerous and vicious dog attacks in Illinois have led to serious injuries and even death. In November, six children were reportedly attacked in Cary, Illinois by three pit bulls, and in 2005, a fourteen-year-old was killed after being mauled by four dogs near her home in the northwest town of Erie.

“This bill started nearly a year ago, with the death of a 14 year old girl named Lydia Chaplin who lived in a rural area near my district,” said Representative Boland. “This is a proposal to take a ‘bite’ out of

the root causes for violent dog attacks by holding dog owners responsible should their dog attack. I believe this legislation provides a solution that promises a better future for both the public and for pets.”

"Dangerous dogs are a threat to public safety. With this new law, we send the message that owners of dangerous dogs will face real consequences if their dogs threaten our children and families," said Senator Harmon.

“The tough, new penalties in this law should provide added incentive for dog owners to do the right thing and have their pets spayed or neutered,” Dr. Colleen O’Keefe, division manager of Food Safety and Animal Protection for the Illinois Department of Agriculture, said. “Dogs that have been ‘fixed’ generally are more docile and less likely to attack. Plus, sterilization helps to control the pet population, reducing the number of potential strays.”

HB 4238 also:

- Clarifies that pet owners may be held liable for damages in civil court if their pet, without provocation, attempts to attack, attacks, or injures someone.
- Removes a \$50 cap on the fine that counties may levy on the owners of dogs that are caught running at-large in unincorporated areas. Counties themselves now may decide the appropriate amount of those fines.
- Allows judges to impose an extended prison term if a defendant, while committing a felony offense, directed an animal to assault a policeman or used an animal to further the criminal activities of an organized gang.

Governor Blagojevich signed into law two other pieces of public safety legislation, including the pioneering restrictions on dog ownership by felons.

House Bill 2946, sponsored by State Rep. Jerry Mitchell (R-Sterling) and State Sen. William Haine (D-Alton), prohibits felons convicted of forcible felonies, felonies under the Humane Care for Animals Act, Class 3 felonies under the Illinois Controlled Substances and Cannabis Act, Class 3 felonies under the Methamphetamine Control and Community Protection Act, and felonies under the Deadly Weapons Statue from owning a dog that has not been spayed or neutered. It also prohibits these felons from owning any dog that has been declared vicious or dangerous. Additionally, dogs owned by a felon must have a microchip inserted under their skin for identification. These prohibitions take effect upon the felon’s release from custody and last for a period of ten years. Violations of this law are Class A misdemeanors.

"We in the legislature became aware of the problem of drug manufacturers keeping dangerous dogs in order to have those dogs attack law enforcement officers as they perform their duties. This bill will give law enforcement and prosecutors another tool to fight these criminals who hold no regard for others," said Senator Haine.

“This legislation makes sure that felons will no longer be able to turn man’s best friend into a nightmare for law abiding citizens. I am very proud to be a part of its implementation and I think it will make a difference to all of us,” said Representative Mitchell.

“HB 2946 prevents convicted felons, who already cannot possess firearms, from using intact or unsterilized dogs as weapons to terrorize their community,” Ledy VanKavage, director of legal

training, legislation and outreach for the American Society for the Prevention of Cruelty to Animals, said. "Unsterilized dogs were responsible for 89% of the fatal dog attacks last year. Studies have shown that intact canines also are responsible for the majority of bites nationwide. The ASPCA commends Gov. Blagojevich and the Illinois General Assembly for their proactive approach to addressing this important public safety issue."

House Bill 4711, sponsored by State Rep. Linda Chapa LaVia (D-Aurora) and State Sen. Iris Martinez (D-Chicago), increases various penalties for dog fighting. Attending a dog fight is now a Class A misdemeanor for a first offense, carrying a sentence of up to 1 year in jail and a Class 4 felony for any subsequent offenses, carrying a sentence of 1 - 3 years in prison. Bringing a child younger than 13 years old to a dog fight is now a Class 4 felony for the first violation, and a Class 3 felony thereafter, punishable by a sentence of 2-5 years in jail. The bill also permits criminal courts to infer that a dog fighting violation has occurred if a defendant possesses a dog and dog fighting equipment, and requires any evidence seized in dog fighting cases to be kept and provided to police agencies for training purposes.

"We've heard a lot about vicious dog attacks in the news recently, but we haven't heard about one of the underlying causes of dog attacks - dog fighting," Representative Linda Chapa LaVia said. "Frequently, dogs are trained to be vicious by owners who wish to use their animals in dog fights, and what's worse is that a lot of dog fights have connections to street gangs. I introduced this legislation to crack down on this cruel blood sport and to help eliminate an illegal revenue stream fueling violence in our community. I applaud Gov. Blagojevich for recognizing this severity of this problem by signing House Bill 4711 into law."

"Strengthening law enforcement's ability to intercede in dog fighting rings will make our streets more secure," said Senator Martinez. "Increasing the penalties for exposing children to such extreme violence will help ensure that children are shielded from such horror and not encouraged to watch it. I'm confident that our communities will be safer places to live and raise families when our concerns about dog fighting violence are alleviated."

HB 4238 becomes law immediately. The other two bills take effect January 1, 2007.

# THE HUMANE SOCIETY OF THE UNITED STATES

search



Pets



Wildlife



Farm Animals



Marine Mammals



Ani

- Action Alerts
- Federal Legislation
- State Legislation
- Ballot Initiatives
- Citizen Lobbyist Center
- HumaneLines
- Wayne Pacelle: The Animal Advocate

HSUS >> Legislation and Laws >> State Legislation >> Illinois



## IL H.B. 4238 Dangerous Dogs

ooo

**Bill Number: H.B. 4238**  
**Bill Sponsor(s): Rep. Mike Boland (D, 71)**  
**HSUS Position: Support**

**Last Action: 5/31/06:** Signed into law by the governor.  
**4/4/06:** House concurred with Senate amendments and it will now go to the governor.  
**3/30/06:** Amended and passed Senate.  
**3/3/06:** Passed House.

Increases penalties against owners of dangerous dogs:

- From a Class 4 to a Class 3 felony if the owner fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog within the time period prescribed and the dog inflicts serious physical injury upon any other person or causes the death of another person and the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 2 felony;
- From a Class A misdemeanor to a Class 4 felony if the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog inflicts serious physical injury on a person or a companion animal; and
- From a Class 4 to Class 3 Felony if the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person.

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Status and Text of H.B. 4238

Search State



**Public Act 094-0818**

HB2946 Enrolled

LRB094 05402 RLC 35447 b

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Criminal Code of 1961 is amended by adding Section 12-36 as follows:

(720 ILCS 5/12-36 new)

Sec. 12-36. Possession of certain dogs by felons prohibited.

(a) For a period of 10 years commencing upon the release of a person from incarceration, it is unlawful for a person convicted of a forcible felony, a felony violation of the Humane Care for Animals Act, a felony violation of Article 24 of the Criminal Code of 1961, a felony violation of Class 3 or higher of the Illinois Controlled Substances Act, a felony violation of Class 3 or higher of the Cannabis Control Act, or a felony violation of Class 2 or higher of the Methamphetamine Control and Community Protection Act, to knowingly own, possess, have custody of, or reside in a residence with, either:

(1) an unspayed or unneutered dog or puppy older than 12 weeks of age; or

(2) irrespective of whether the dog has been spayed or neutered, any dog that has been determined to be a vicious dog under Section 15 of the Animal Control Act.

(b) Any dog owned, possessed by, or in the custody of a person convicted of a felony, as described in subsection (a), must be microchipped for permanent identification.

(c) Sentence. A person who violates this Section is guilty of a Class A misdemeanor.

(d) It is an affirmative defense to prosecution under this Section that the dog in question is neutered or spayed, or that the dog in question was neutered or spayed within 7 days of the defendant being charged with a violation of this Section. Medical records from, or the certificate of, a doctor of veterinary medicine licensed to practice in the State of Illinois who has personally examined or operated upon the dog, unambiguously indicating whether the dog in question has been spayed or neutered, shall be prima facie true and correct, and shall be sufficient evidence of whether the dog in question has been spayed or neutered. This subsection (d) is not applicable to any dog that has been determined to be a vicious dog under Section 15 of the Animal Control Act.

**ANIMALS**  
**(510 ILCS 5/) Animal Control Act.**

(510 ILCS 5/1) (from Ch. 8, par. 351)

Sec. 1. This Act shall be known and may be cited as the Animal Control Act.

(Source: P.A. 78-795.)

(510 ILCS 5/2) (from Ch. 8, par. 352)

Sec. 2.

As used in this Act, unless the context otherwise requires, the terms specified in Sections 2.01 through 2.19 have the meanings ascribed to them in those Sections.

(Source: P. A. 78-795.)

(510 ILCS 5/2.01) (from Ch. 8, par. 352.01)

Sec. 2.01. "Administrator" means a veterinarian licensed by the State of Illinois and appointed pursuant to this Act, or in the event a veterinarian cannot be found and appointed pursuant to this Act, a non-veterinarian may serve as Administrator under this Act. In the event the Administrator is not a veterinarian, the Administrator shall defer to the veterinarian regarding all medical decisions.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.02) (from Ch. 8, par. 352.02)

Sec. 2.02. "Animal" means every living creature, other than man, which may be affected by rabies.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.03) (from Ch. 8, par. 352.03)

Sec. 2.03. "Animal Control Warden" means any person appointed by the Administrator to perform the duties set forth in this Act.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.03a)

Sec. 2.03a. "Business day" means any day including holidays that the animal control facility is open to the public for animal reclaims.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.04) (from Ch. 8, par. 352.04)

Sec. 2.04. "Board" means the county board in each county, as defined by Section 5-1004 of the Counties Code.

(Source: P.A. 86-1475.)

(510 ILCS 5/2.04a)

Sec. 2.04a. "Cat" means *Felis catus*.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

(510 ILCS 5/2.05) (from Ch. 8, par. 352.05)

Sec. 2.05. "Confined" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.05a)

Sec. 2.05a. "Dangerous dog" means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

(510 ILCS 5/2.06) (from Ch. 8, par. 352.06)

Sec. 2.06.

"Department" means the Department of Agriculture of the State of Illinois.

(Source: P. A. 78-795.)

(510 ILCS 5/2.07) (from Ch. 8, par. 352.07)

Sec. 2.07. "Deputy Administrator" means a veterinarian licensed by the State of Illinois, appointed by the Administrator.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.08) (from Ch. 8, par. 352.08)

Sec. 2.08.

"Director" means the Director of the Department of Agriculture of the State of Illinois, or his duly appointed representative.

(Source: P. A. 78-795.)

(510 ILCS 5/2.09) (from Ch. 8, par. 352.09)

Sec. 2.09.

"District" means a geographic area consisting of 2 or more counties in their entirety.

(Source: P. A. 78-795.)

(510 ILCS 5/2.10) (from Ch. 8, par. 352.10)

Sec. 2.10.

"District Board" means the governing body created to act as a single unit to effectuate this Act in a District and shall consist of 3 members of the Board of each county involved.

(Source: P. A. 78-795.)

(510 ILCS 5/2.11) (from Ch. 8, par. 352.11)

Sec. 2.11.

"Dog" means all members of the family Canidae.

(Source: P. A. 78-795.)

(510 ILCS 5/2.11a)

Sec. 2.11a. "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal

from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

(510 ILCS 5/2.11b)

Sec. 2.11b. "Feral cat" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (ii) is a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

(510 ILCS 5/2.11c)

Sec. 2.11c. Intact animal. "Intact animal" means an animal that has not been spayed or neutered.

(Source: P.A. 94-639, eff. 8-22-05.)

(510 ILCS 5/2.12) (from Ch. 8, par. 352.12)

Sec. 2.12.

"Has been bitten" means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

(Source: P. A. 78-795.)

(510 ILCS 5/2.12a)

Sec. 2.12a. "Impounded" means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.13) (from Ch. 8, par. 352.13)

Sec. 2.13.

"Inoculation against rabies" means the injection of an antirabies vaccine approved by the Department.

(Source: P. A. 78-795.)

(510 ILCS 5/2.14) (from Ch. 8, par. 352.14)

Sec. 2.14.

"Leash" means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

(Source: P. A. 78-795.)

(510 ILCS 5/2.15) (from Ch. 8, par. 352.15)

Sec. 2.15.

"Licensed veterinarian" means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine.

(Source: P. A. 78-795.)

(510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

Sec. 2.16. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or

who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

(510 ILCS 5/2.17) (from Ch. 8, par. 352.17)

Sec. 2.17. "Person" means any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.17a)

Sec. 2.17a. "Peace officer" has the meaning ascribed to it in Section 2-13 of the Criminal Code of 1961.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.17b)

Sec. 2.17b. "Police animal" means an animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.18) (from Ch. 8, par. 352.18)

Sec. 2.18. "Pound" or "animal control facility" may be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.18a)

Sec. 2.18a. "Physical injury" means the impairment of physical condition.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.19) (from Ch. 8, par. 352.19)

Sec. 2.19.

"Registration certificate" means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Act.

(Source: P. A. 78-795.)

(510 ILCS 5/2.19a)

Sec. 2.19a. "Serious physical injury" means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

(510 ILCS 5/2.19b)

Sec. 2.19b. "Vicious dog" means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions.

or in a manner which will prohibit it from biting any person for a period of 10 days, if a licensed veterinarian adjudges such confinement satisfactory. The Department may permit such confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian.

Any person having knowledge that any person has been bitten by an animal shall notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator promptly. It is unlawful for the owner of the animal to euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is released by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative. It is unlawful for the owner of the animal to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the animal by regular mail. Any expense incurred in the handling of an animal under this Section and Section 12 shall be borne by the owner. The owner of a biting animal must also remit to the Department of Public Health, for deposit into the Pet Population Control Fund, a \$25 public safety fine within 30 days after notice.

(b) When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

(510 ILCS 5/14) (from Ch. 8, par. 364)

Sec. 14.

Whenever a case of rabies has occurred in a locality, or when the proper officials of a government unit are apprehensive of the spread of rabies, the Department shall act to prevent its spread among dogs and other animals. The Department may order:

- a. That all dogs or other animals in the locality be:
  1. Kept confined within an enclosure, or
  2. Kept muzzled and restrained by leash.
- b. That all owners or keepers of dogs or other animals take prophylactic measures as it deems necessary to prevent the spread of rabies.
- c. Other measures as may be necessary to control the spread of rabies. The Department may determine the area of the locality in which, and the period of time during which, such orders shall be effective.

(Source: P. A. 78-795.)

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

Sec. 15. (a) In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, or law enforcement officer must give notice of the infraction that is the basis



of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney's Office and the owner. The Administrator, State's Attorney, Director or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

(1) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;

(2) the injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring; or

(3) the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

If a dog is found to be a vicious dog, the owner shall pay a \$100 public safety fine to be deposited into the Pet Population Control Fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(b) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it

is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 6 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area.

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 working days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

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

(c) If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

(d) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

(e) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

(510 ILCS 5/15.1)

## Sec. 15.1. Dangerous dog determination.

(a) After a thorough investigation including: sending, within 10 business days of the Administrator or Director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

(b) A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:

(1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;

(2) the threatened person was abusing, assaulting, or physically threatening the dog or its offspring;

(3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

(d) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order (i) the dog's owner to pay a \$50 public safety fine to be deposited into the Pet Population Control Fund, (ii) the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and (iii) one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

(1) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or

(2) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

(e) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or

respiration.

(f) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.

(g) An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this Act.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

(510 ILCS 5/15.2)

Sec. 15.2. Dangerous dogs; leash. It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/15.3)

Sec. 15.3. Dangerous dog; appeal.

(a) The owner of a dog found to be a dangerous dog pursuant to this Act by an Administrator may file a complaint against the Administrator in the circuit court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

(b) The owner of a dog found to be a dangerous dog pursuant to this Act by the Director may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, SubParts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the Department may be reviewed judicially by the circuit court of the county wherein the person resides or, in the case of a corporation, the county where its registered office is located. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto, apply to

and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

(c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director.

(d) At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/16) (from Ch. 8, par. 366)

Sec. 16.

If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained.

(Source: P. A. 78-795.)

(510 ILCS 5/16.5)

Sec. 16.5. Expenses of microchipping. A clinic for microchipping companion animals of county residents should be conducted at least once a year under the direction of the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator at the animal control facility, animal shelter, or other central location within the county. The maximum amount that can be charged for microchipping an animal at this clinic shall be \$15. Funds generated from this clinic shall be deposited in the county's animal control fund.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/17) (from Ch. 8, par. 367)

Sec. 17. For the purpose of making inspections hereunder, the Administrator, or his or her authorized representative, or any law enforcement officer may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or an animal thought to be infected with rabies. If, after request therefor, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Act.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/18) (from Ch. 8, par. 368)

Sec. 18. Any owner seeing his or her livestock, poultry, or equidae being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may kill such dog.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/18.1) (from Ch. 8, par. 368.1)

Sec. 18.1. The owner or keeper of a dog is liable to a person for all damages caused by the dog pursuing, chasing, worrying, wounding, injuring, or killing any sheep, goats, cattle, horses, mules, poultry, ratites, or swine belonging to that person.

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