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Animal Cruelty: The Law in Illinois

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Animal Cruelty: The Law in Illinois

I. Introduction

Investigating and prosecuting animal cruelty cases involve all of the usual issues that arise in criminal cases, along with a few special considerations. One of the most basic difficulties for police and prosecutors is the location of the statutes relating to animals. Although violations are clearly criminal, most animal related statutes are located in their own chapters rather than contained in the criminal code (Chapter 720 of the Illinois Compiled Statutes [hereinafter ILCS]). Two recent exceptions are the relocation of dog-fighting offenses from the Humane Care for Animals Act to the criminal code (720 ILCS 5/26-5), and the addition of a new offense, Sexual Conduct or Sexual Contact with an Animal (720 ILCS 5/12-35). While this is helpful in dog-fighting and bestiality cases, it also serves to confuse people who find only these offenses in the criminal code and logically conclude that these are the only criminal offenses related to the mistreatment of animals. The primary statute involved in cases of animal cruelty is the Humane Care for Animals Act. (510 ILCS 70/1 *et seq.*)

Another area of difficulty is the fact that animal control functions are frequently handled by an agency separate from the police or sheriff's department. Law enforcement officers are often anxious to remove the involved animals from the scene. The officer's concern for, or fear of, the animal sometimes causes him or her to disturb the crime scene before the situation is fully documented. Animal control officers are generally not called upon to preserve and document evidence, and unless the police and animal control officers work well together and communicate effectively, vital evidence is likely to be lost. While the safety of the people and animals is always paramount, consideration should be given to the preservation of evidence whenever possible.

It is also possible, in Illinois, for an investigation to be conducted without law enforcement involvement at all. The Department of Agriculture Bureau of Animal Welfare employs investigators who are charged with enforcement of various animal related statutes, including the

investigation of animal cruelty allegations. Unfortunately, the small number of investigators combined with the large area of the state and the substantial responsibility of each investigator, which includes licensing and monitoring of commercial animal facilities, makes it impossible for the Department to handle all of the cases of animal cruelty. The Department is also authorized to conduct testing and to designate approved humane investigators. These individuals must be associated with and sponsored by recognized animal shelters. The term animal shelter is broadly defined to include any non-profit agency designed to provide for and promote the humane care of animals. (510 ILCS 70/2.01h & 2.05) Many prosecutors will be reluctant to proceed to court with only the work of a volunteer investigator from the local shelter. The lack of formal training in evidence-gathering standards and procedures is obviously a problem, and cooperation between the humane investigator, animal control and law enforcement would be the ideal situation. The Humane Care for Animals Act recognizes that cooperation is necessary, and actually requires police and prosecutors to assist in investigations of violations (510 ILCS 70/10(a)), although it is doubtful that this provision is widely known or followed.

One additional complication is the fact that there has been recent and extensive modification of the statutes relating to animal care. While this is clearly a good thing for the animals, it makes keeping up with the law more difficult for the police and prosecutors charged with enforcement. There is also little to no guidance from the appellate courts on proper procedures.

With all of these *caveats* in mind, enforcement of laws relating to animal cruelty is still an essential component of a successful and effective justice system. In the past few years, there has been a noticeable increase in interest in animal cruelty cases. The public has expressed concern, and many law enforcement agencies have made a sincere effort to educate their personnel about the law and the procedures. Legislators have added new offenses and raised the level of punishment for most of the existing offenses. These developments are encouraging for all members of the community. Perhaps coincidentally, there seems to be a more widespread recognition of the link between cruelty to animals and the potential for violence to people. It has

been well documented that a high percentage of serial sexual offenders has a history of cruelty to animals that precedes their “graduation” to human victims. (See *Cruelty to Animals and Interpersonal Violence*. Lockwood and Ascione, Purdue University Press, 1998, for thorough documentation of historical and recent studies demonstrating the connection between cruelty to animals and violence to people). More recently, a significant number of the young people who have carried out school shootings have also been found to have a history of animal cruelty, most notably Luke Woodham, of Pearl Mississippi, who reported in his diary torturing and killing his own pet dog; and Kip Kinkel, of Springfield, Oregon, who was described by classmates as “Most Likely to Start World War III,” at least in part based on his known acts of animal cruelty. What is significant, and disturbing, is the fact that in many of these cases other people were aware of the animal cruelty and no one intervened.

II. Investigation of Cruelty Complaints

A. Definitions (510 ILCS 70/2.01 *et seq.*)

Animal means any living creature, domestic or wild, not including humans.

Animal Control Facility means any facility operated by or under contract for the state, county or any municipal corporation or political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats and other animals.

Animal Control Warden means any person appointed by the Administrator and approved by the Board to perform duties as assigned by the Administrator to effectuate the Animal Control Act.

Animal Shelter means a facility operated, owned or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals; or any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act which operates for the above-described purpose in addition to the customary purposes.

Companion Animal means an animal that is commonly considered to be, or is considered by the owner to be, a pet. Companion animal includes, but is not limited to, canines, felines and equines.

Companion Animal Hoarder means a person who possesses a large number of companion animals and who fails or is unable to provide what he or she is required to provide under the Humane Care for Animals Act *and* who keeps the animals in a severely overcrowded environment *and* who displays an inability to recognize or understand the nature of *or* has a reckless disregard for the conditions under which the animals are living and the deleterious impact the conditions have on the animals' and the owner's health and well-being.

Department means the Department of Agriculture.

Department Investigator or **Approved Humane Investigator** means a person employed or approved by the Department to determine whether there has been a violation of the Humane Care for Animals Act, or an animal control warden or administrator appointed under the Animal Control Act.

Director means the Director of the Department of Agriculture or his or her designee.

Exigent Circumstances, for purposes of determining whether euthanasia is appropriate, means that a veterinarian cannot be secured without undue delay and, in the opinion of the officer the animal is so severely injured, diseased or suffering that it is unfit for any useful purpose and to delay humane euthanasia would continue to cause the animal extreme suffering. In such cases, a lethal gunshot is an appropriate means of ending the animal's suffering. Please note that this applies only "in the field," not in a shelter or pound.

Humane Society means any chartered, not for profit organization authorized to do business in Illinois, and organized for the purpose of preventing cruelty to animals and promoting the humane care and treatment of animals.

Humanely Euthanized means the painless administration of a lethal dose of an agent or method of euthanasia as prescribed in the Report of the American Veterinary Medical Association Panel

on Euthanasia published in the Journal of the American Veterinary Medical Association, March 1, 2001 (or any successor version of that report), that causes the painless death of an animal. Prior to the administration of the agent or method of euthanasia, animals must be handled in such a manner as to avoid undue stress to the animal.

Livestock Management Facility means any on-farm animal feeding operation, livestock shelter or milking and milk handling area.

Owner means any person who has a right of property in an animal *or* who keeps or harbors an animal *or* who has an animal in his/her care *or* acts as a custodian of an animal. Note that ownership is not a defense to any animal cruelty charge (510 ILCS 70/16.1). Given the broad definition of ownership, the lack of legal title is also not a defense, if the person meets the criteria set out in the statute.

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

Police Animal means any animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

Service Animal means an animal trained in obedience and task skills to meet the needs of a disabled person.

Search and Rescue Dog means any dog that is trained or is certified to locate persons lost on land or in water.

B. Searches

All law enforcement officers have the authority and the responsibility to investigate allegations of animal cruelty. Officers have the usual authority, and the concomitant responsibility, to seek out evidence and, where appropriate, to make arrests for criminal offenses occurring in their jurisdictions. In addition, officers, wardens and humane investigators have a very valuable tool in the investigation of animal mistreatment. The Humane Care for Animals Act permits searches on most private property, with the exception of the residential portion of the property, without a search warrant during normal business hours (510 ILCS 70/10). Please note that federally licensed laboratory facilities are exempt from this provision. Officers may also enter a motor vehicle by any reasonable means if there is probable cause to believe an animal is in a life or health threatening situation (510 ILCS 71/7.1).

As with any other criminal investigation, searches may be conducted from any place the officer may legally go. Visual inspections may, of course, be made from publicly accessible

property. In addition to entry on to the owner's premises, you may obtain consent to enter upon adjoining property and use that vantage point to observe conditions on the owner's property. Finally, if you have probable cause to believe that the circumstances are such that the animal's life or health are in imminent danger, you may enter the premises, including residential premises to secure the safety of the animal. *People v. Thornton*, 286 Ill. App. 3d 624; 676 N.E.2d 1024; 222 Ill. Dec. 60 (2d Dist., 1997). As in any other case, once the emergency has been resolved, further entry will require a court order or warrant.

C. Arrest

Arrest powers are reserved to peace officers. The standards and procedures for taking persons into custody for a violation of animal care laws are the same as for any other criminal offense. It is important to determine who is the responsible party or parties. Remember that "owner" is broadly defined in the Humane Care for Animals Act and that more than one person or entity may be subject to criminal liability. Remember also that ownership is not a defense. (510 ILCS 70/16.1).

D. Seizure of Animals by Law Enforcement

Upon arrest for a violation of the cruelty, torture or animal fighting provisions of the Humane Care for Animals Act, (sections 3.01, 3.02, 3.03 or 4.01) or of the dog fighting provisions of the Criminal Code (section 26-5) a law enforcement officer is authorized to seize any or all of the companion animals in the possession of the person or persons arrested. Procedurally, if it is safe for the people and the animals present, every effort should be made to legally process the crime scene prior to the removal of the animals. If a warrant or court order is necessary, it should be obtained as expeditiously as possible.

Since many law enforcement agencies are not equipped to provide transportation or shelter for animals, it may be necessary to call in animal control agencies or humane societies to assist in the actual transportation and sheltering of the animals. This is particularly true in the event of a large scale seizure, such as a companion animal hoarding case. It will, of course, be

much easier to coordinate this process if the involved agencies have already developed a good working relationship.

After seizing the animals, the officer should leave a notice with the owner or on the premises if the owner is not available (See **Appendix A** for a sample form). The officer must file an affidavit with the court containing a the name of the person(s) arrested, a description of the animals seized and the condition of the animals, the time and place the animals were taken, the name of the person from whom the animals were taken (if different from the person charged), and the name of any alleged owner not charged (See **Appendix B**). The officer must also file an inventory of the animals seized (See **Appendix C**).

The animals must be placed in the custody of animal control or an animal shelter, and the custodian must maintain the animals until their disposition is determined by the Court. The State's Attorney's Office may file within 14 days a Petition for Forfeiture Prior to Trial seeking permanent forfeiture of the animals. The Petition must be served on all known owners. A hearing on the issue of forfeiture should be held within 5 business days. In order to prevail on the Petition for Forfeiture, the People must prove a violation of the Humane Care for Animals Act by a preponderance of the evidence (510 ILCS 70/3.04). The Court may require, and the Petition should request, the posting of a bond sufficient to provide for the care of the animals for 30 days. Failure to post the bond within 5 days should result in automatic forfeiture (See **Appendix D**). If a bond is posted and the case continues beyond the 30 day period, the impounding organization may seek the posting of an additional bond (510 ILCS 70/3.05). The impounding agency may access funds up to the amount of actual expenses, and any unspent portion must be returned to the owner at the conclusion of the case. Please note that in the event of an acquittal, the statute requires the return of the entire bond. Upon conviction, all seized animals are forfeited, if an order has not already been entered. After forfeiture, the impounding agency is free to dispose of the animals by adoption or, if appropriate, by humane euthanasia as set forth in the Humane Euthanasia in Animal Shelters Act (510 ILCS 72 et seq.). The owner is legally responsible for the expenses incurred by the impounding agency until the date of forfeiture (510 ILCS 70/3.06).

E. Seizure of Animals by Department or Humane Investigators

Department Investigators and Approved Humane Investigators are also authorized to impound animals. If the situation does not warrant immediate seizure, the investigator may issue a notice of violation and give the owner up to 48 hours to take corrective action (510 ILCS 70/11). If the situation warrants immediate seizure for the protection of the animal, or if the owner fails to take the prescribed corrective action, the investigator may impound the animal. Prior to taking the animal, the investigator must, if circumstances permit, contact the Department for authorization and the assignment of an impoundment number. If the circumstances do not permit the issuance of an impoundment number before the seizure, the investigator must contact the Department as soon as possible.

The investigator must give the owner a notice of impoundment on a Department issued form, or on a form which contains all the required information. If the owner cannot be found, notice may be given by certified mail or publication (510 ILCS 70/12). The owner then has 7 days to file a written request for a hearing on the disposition of the animal before a Department Hearing Officer. Court proceedings may also be initiated as a result of the Hearing Officer's determination or independently by the owner or the custodian (i.e. the shelter or agency holding the impounded animal) (510 ILCS 70/12).

F. Photographing and Documenting Evidence

No matter who is conducting the investigation, the documentation and preservation of the evidence is essential to successful prosecution. The first and most important item of evidence is the animal itself. What is the condition of the animal? How does the animal behave? Is the animal fearful, aggressive or too ill to move? If it is at all possible, have the animal and the scene examined by a veterinarian. While funding for such an examination is always an issue, it helps to be creative, and to find veterinarians who are willing to work with you. One tactic that has been successful is to utilize the prosecutor's witness funds to pay for the examination, with the veterinarian agreeing to testify without further compensation. This is also possible if the animal is

dead and the cause of death is not immediately apparent. A necropsy (animal autopsy) may be required to file charges. If that is the case, it should be done as soon as possible. The body should be refrigerated, if necessary, but not frozen. Another source of valuable evidence may be an animal behaviorist, who can testify about the significance of the animal's behavior.

The next best item of evidence is the photograph. Photograph everything that seems significant. Make sure that there is a clearly identifiable full body photo of each animal that accurately depicts its condition. Photograph the body from several angles, you may be surprised at how much better a top down photo shows the emaciation, or a side view shows the ribs and pelvis prominently. Photograph what is present, such as injuries, filth, dead animals. Also, remember to photograph what isn't present—a yard or kennel with no food, water or shelter.

Consider using a tape recorder if there is significant auditory evidence. If there are animals crying, whimpering or whining, get it on tape. When taping, do try to ensure that others on scene are aware that you are taping and that no one makes inappropriate comments.

Your written reports should completely and accurately describe the scene. As always, the reports should contain facts, rather than opinions, but if it is a fact that the stench made you retch or your eyes water, write it down. It is okay to be descriptive, just don't overdo it. If the animal has a collar grown into the neck, a huge heavy chain around the neck or there is some other physical evidence on the animal, photograph it, safely remove it and photograph it again after it is removed. Remember that items contaminated with blood or other biological material should be dried thoroughly or they will continue to deteriorate.

Get statements from witnesses. Ask neighbors, family and friends about the situation. Try to determine how fast this family goes through animals. Do the neighbors report that the owner brings home new dogs every couple of months, and that no one seems to know what happens to them? Or is this an elderly animal that has lived there a long time and only recently begun to deteriorate? If there are children in the family, how do they treat the animal? Children model adult behavior and are less likely to moderate their behavior in front of an audience. Get a statement from the owner/suspect. It is easy to overlook this very basic investigative step in the chaos of

investigating and seizing the animals, but the statements provide essential information that we need to verify or disprove in the presentation of our case. Confirm that the person meets the definition of owner, and ask about any other potential owners/suspects. Ask the owner about veterinary treatment he or she has obtained for the animal and follow up with the vet.

Finally, it can be tremendously helpful to do follow up investigations on these cases. Is that emaciated, injured animal now a happy healthy house pet? Take more pictures, or at least have the new caretaker provide more recent photos. If, on the other hand, the animal is showing no improvement in spite of well documented excellent care, you may need to rethink your case. Is the owner really at fault here?

G. Charging vs. Educating: Exercising Your Discretion

Now that you've made your case, you have a decision to make. Do you charge the owner or educate the owner? The ultimate goal in handling animal cruelty cases should be to improve the situation for the animals. Not every case of mistreatment of animals is the result of intentional cruelty. Law enforcement officers, prosecutors and humane investigators have a fair amount of discretion in determining how to proceed in each case. Traditionally, and not surprisingly, law enforcement is more interested in seeking criminal prosecution, animal control officers and humane investigators are more interested in bargaining with the owner— forfeiture of the animal in return for no further action. Prosecutors are often completely unaware of any potential case until one of the investigators brings it to their attention.

In general, given that forfeiture is a very real option if the case goes to court, animal control officers and humane investigators should probably be less willing to negotiate and more willing to present the case to law enforcement or prosecutors for action. Law enforcement officers should at least consider the option of educating owners.

The following is a list of factors to consider. It is not exhaustive, and the individuals charged with making these decisions should also consider consulting with someone who has familiarity with these types of cases.

- What is the history of this individual with respect to treatment of animals? Have there been prior valid reports of mistreatment? Have other agencies received complaints also?
- What is the overall condition of the animal? Consider the physical condition as well as the social/emotional condition. Is the animal basically healthy & friendly, or is it sickly, extremely thin and/or fearful of people?
- What is the age of the animal, and how long has the owner had it? An older animal may suffer health problems that the owner cannot improve, or that the owner reasonably chooses not to treat because of the potential side effects. It is worth noting that few abusive owners have older animals, or keep animals for an extended period of time.
- What is the overall attitude of the owner? Is the owner embarrassed and upset about the condition of the animal, or angry and defiant? Is the owner amenable to discussing and correcting the situation, and cooperative about permitting you to follow up to ensure that the situation improves?
- What is the relationship between the animal and the owner? Does there appear to be a genuine bond? Does the owner treat the animal affectionately and does the animal respond with similar affection? Or, does it appear to you that the owner is putting on a show by treating the animal with kindness in your presence, and that the animal is responding with confusion or fear?

This comes down to a judgment call based on gut feelings as much as anything else. Remember that you must apply objective criteria, and not base your decision on how you personally feel that animals should be treated. We are considering minimum standards here, not the absolute ideal. If you opt for education, you must arrange for follow up to ensure that the conditions are indeed improved. You should also ensure that a record of the situation is made. If there is a future report, the investigator must be able to determine that there has been a prior opportunity to correct the situation. In all cases where charges are sought, records should be checked for relevant prior convictions that may enhance the classification of the current offense. Alternative charges should also be considered. It may be appropriate to charge similar misdemeanor and felony offenses in some cases.

III. Animal Cruelty

A. Violation of Owner's Duties

Once the decision is made to seek charges, you must determine what offense applies. There are a few options for pursuing charges at the misdemeanor level. The first offense to consider in most cases is the Class B Misdemeanor offense of Violation of Owners Duties. This offense is essentially a neglect type of offense. No malice is required. Any person (or corporation) who meets the definition of owner is a potential defendant, and any owned animal is covered. Legally, the statute recognizes no justification for the failure to comply. The owner has an affirmative obligation to provide the necessary care, and failure to do so constitutes an offense. Practically speaking, this is the type of offense where the investigator and prosecutor can most reasonably consider the circumstances when making charging decisions.

Bear in mind that the vagueness of the language allows for a fair amount of leeway. That is true of the initial decision of the investigator and the prosecutor to charge, as well as that of the judge or juror who may ultimately decide the case. Therefore, while these are among the least serious charges, they may require the best investigation and the best presentation in court. The evidence must clearly show why the charged conduct violates the law, and why the judge or juror should convict.

Punishment for a violation of this section includes the option of Court Supervision, incarceration for a period not to exceed 6 months, probation or conditional discharge not to exceed a period of 2 years and/or a fine up to \$1,500.00. Prosecutors should also consider filing a motion to designate the offender as a companion animal hoarder if the situation meets the definition as set out in section 2.10. (See **Appendix E**). In addition to any other orders, Prosecutors should consider asking the Court to order a psychological evaluation for the defendant, limit the number of animals the defendant may own or care for in the future, as well as restitution to any individual or agency that paid veterinary bills and provided care for any involved

animals. Forfeiture of any involved animals is also an option. Note that a second or subsequent violation is a Class 4 Felony.

510 ILCS 70/3

Sec. 3. Owner's duties. Each owner shall provide for each of his animals:

- (a) sufficient quantity of good quality, wholesome food and water;
- (b) adequate shelter and protection from the weather;
- (c) veterinary care when needed to prevent suffering; and
- (d) humane care and treatment.

A person convicted of violating this Section is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony with every day that a violation continues constituting a separate offense. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

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

B. Cruelty to Animals

The next step up is the Class A Misdemeanor offense of Cruel Treatment to Animals. Again, no specific mental state is required. The commission of the described act is sufficient. Some of the language overlaps with the Violation of Owner's Duties offense above. It is up to the investigator and prosecutor, and then the judge or jury, to determine when failure to provide adequate food or water crosses the line to starvation, and when failure to provide humane care becomes cruelly treating an animal. Note that ownership is a requirement only for the abandonment part of this section, and that any animal is protected. Enforcement is not limited to companion animals.

Because the deciding factor in seeking charges under this section is likely to be the significant physical impact on the animal, it is harder to justify the behavior and somewhat easier to present the case in court. Still, you must guard against the judge or juror who feels that "it's just an animal" or even that beating animals is perfectly alright.

Punishment for this section does NOT include the option of Court Supervision. (730 ILCS 5/5-6-1). A defendant convicted of Cruel Treatment to Animals is subject to incarceration not to exceed one year, probation or conditional discharge not to exceed two years, a fine not to exceed \$2,500.00. Prosecutors should also consider the appropriateness of seeking designation of the offender as a companion animal hoarder, as defined in section 2.10, requiring a psychological evaluation for the defendant, limiting the number of animals the defendant may own or care for in the future, as well as restitution to any individual or agency that paid veterinary bills and provided care for any involved animals. Forfeiture of any involved animals is also an option. Note that a second or subsequent violation is a Class 4 Felony.

510 ILCS 70/3.01

Sec. 3.01. Cruel treatment. No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure. A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of this Section is a Class 4 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a

psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evidence. If the convicted person is a juvenile or companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

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

C. Depiction of Animal Cruelty

Depiction of Animal Cruelty is a Class A Misdemeanor. This section covers those offenses where a video, audio or photographic record is made of cruelty to animals. This applies even where the animal is not located, and/or where the offender cannot be identified. Like child pornography, the recording itself is illegal, and it does not matter where the acts depicted took place. Punishment for this section does NOT include the option of Court Supervision. (730 ILCS 5/5-6-1). A defendant convicted of Depiction of Animal Cruelty is subject to incarceration not to exceed one year, probation or conditional discharge not to exceed two years, a fine not to exceed \$2,500.00. Prosecutors should also consider the requirement of a psychological evaluation for the defendant, limiting the number of animals the defendant may own or care for in the future, as well as restitution to any individual or agency that paid veterinary bills and provided care for any involved animals. Forfeiture of any involved animals is also an option. Note that a second or subsequent violation is a Class 4 Felony.

510 ILCS 70/3.03-1

Sec. 3.03-1. Depiction of animal cruelty.

- (a) "Depiction of animal cruelty" means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image, or sound recording, that would constitute a violation of Section 3.01, 3.02, 3.03, or 4.01 of the Humane Care for Animals Act or Section 26-5 of the Criminal Code of 1961.
- (b) No person may knowingly create, sell, market, offer to market or sell, or possess a depiction of animal cruelty. No person may place that depiction in commerce for commercial gain or entertainment. This Section does not apply when the depiction has religious, political, scientific, educational, law enforcement or humane investigator training, journalistic, artistic, or historical value; or involves rodeos, sanctioned livestock events, or normal husbandry practices. The creation, sale, marketing, offering to sell or market, or possession of the depiction of animal cruelty is illegal regardless of whether the maiming, mutilation, torture, wounding, abuse, killing, or any other conduct took place in this State.
- (c) Any person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile, the court shall order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 92-776, eff. 1-1-03.)

D. Poisoning Animals

Poisoning of domestic animals is prohibited by this section except as specifically set out below. A violation is a Class A Misdemeanor, a second or subsequent violation is a Class 4 Felony. Poisoning cases are difficult to prove. Some successful prosecutions have involved gathering fingerprints from dishes or bowls that contained the poison.

(510 ILCS 70/6)

Sec. 6. Poisoning prohibited. No person may knowingly poison or cause to be poisoned any dog or other domestic animal. The only exception will be by written permit from the Department for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a written permit shall name the person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved, and specify the precautionary measures to be employed to insure the safety of humans and other animals. This Section does not prohibit the use of a euthanasia drug by a euthanasia agency for the purpose of animal euthanasia, provided that the euthanasia drug is used by or under the direction of a licensed veterinarian or certified euthanasia technician, all as defined in and subject to the Humane Euthanasia in Animal Shelters Act. A person convicted of violating this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

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

E. Horse Poling or Tripping

These events are often present at Mexican Rodeos. It is a Class A Misdemeanor to pole or trip a horse for entertainment or training purposes. The prohibited behavior is set out in the text of the statute below. A second or subsequent violation is a Class 4 Felony.

(510 ILCS 70/5.01)

Sec. 5.01. Horse poling or tripping.

(a) As used in this Section:

"Pole" means to use a method of training a horse that consists of

- (i) forcing, persuading, or enticing a horse to jump so that one or more of its legs contacts an obstruction consisting of any kind of wire, or a pole, stick, rope, or other object in which is embedded brads, nails, tacks, or other sharp points or
- (ii) raising, throwing, or moving a pole, stick, wire, rope, or other object against one or more legs of a horse while it is jumping an obstruction so that the horse, in either case, is induced to raise its leg or legs higher in order to clear the obstruction.

"Trip" means to use a wire, rope, pole, stick, or other object or apparatus to cause a horse to fall or lose its balance.

- (b) No person may knowingly pole or trip a horse by any means for entertainment or sport purposes.
- (c) This Section does not prohibit the lawful laying down of a horse for medical or identification purposes.
- (d) A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.

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

F. Using Animals as Prizes or Novelties

It is a Class B Misdemeanor to dye rabbits, baby chicks, ducklings or other fowl or use them as prizes or “gifts” in games. Baby chicks and ducklings may not be sold, bartered or given away for use as pets or novelties, and rabbits, ducklings and baby chicks may not be given as prizes. Punishment for a violation of this section includes the option of Court Supervision, incarceration for a period not to exceed 6 months, probation or conditional discharge not to exceed a period of 2 years and/or a fine up to \$1,500.00. Forfeiture of any involved animals is also an option. Note that a second or subsequent violation is a Class 4 Felony.

510 ILCS 70/4

Sec. 4. Prohibited acts. No person may sell, offer for sale, barter, or give away as a pet or a novelty any rabbit or any baby chick, duckling or other fowl which has been dyed, colored, or otherwise treated to impart an artificial color thereto. Baby chicks or ducklings shall not be sold, offered for sale, bartered, or given away as pets or novelties. Rabbits, ducklings or baby chicks shall not be awarded as prizes. A person convicted of violating this Section is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense.

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

G. Safe Transportation of Animals

All persons responsible for the transportation of animals, including common carriers, must ensure that the animals are adequately cared for. The animals shall be provided food, water, rest and exercise as required. A violation of this section is a Class B Misdemeanor, a second or subsequent violation is a Class 4 Felony.

(510 ILCS 70/7)

Sec. 7. Confinement or detention during transportation. No owner, railroad or other common carrier may, when transporting any animal, allow that animal to be confined in any type of conveyance more than 28 consecutive hours without being exercised as necessary for that particular type of animal and without being properly rested, fed and watered; except that a reasonable extension of this time limit shall be granted when a storm or accident causes a delay. In the case of default of the owner or consignee, the company transporting the animal shall exercise the animal, when necessary for the particular type of animal and for the proper resting, feeding, watering and sheltering of such animal [*sic*], and shall have a lien upon the animal until all expenses resulting there from have been paid. Any person who intentionally or negligently without jurisdiction of law detains a shipment of livestock long enough to endanger the health or safety of the livestock is liable to the owner for any diminution in the value or death of the livestock. Authorities detaining a livestock shipment shall give priority to the health and safety of the animals and shall expeditiously handle any legal violation so that the intact shipment may safely reach its designated destination. A person convicted of violating this Section or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense.

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

H. Downed Animals

Downed animals, or animals incapable of walking without assistance, must be treated humanely. Veterinary care must be provided to alleviate suffering or the animal must be humanely euthanized. Anyone having custody or control of the animal is obligated to treat the animal humanely, and any costs incurred may be recovered from the owner.

510 ILCS 70/7.5

Sec. 7.5. Downed animals.

- (a) For the purpose of this Section a downed animal is one incapable of walking without assistance.
- (b) No downed animal shall be sent to a stockyard, auction, or other facility where its impaired mobility may result in suffering. An injured animal other than those of the equine genus may be sent directly to a slaughter facility.
- (c) A downed animal sent to a stockyard, auction, or other facility in violation of this Section shall be humanely euthanized, the disposition of such animal shall be the responsibility of the owner, and the owner shall be liable for any expense incurred. If an animal becomes downed in transit it shall be the responsibility of the carrier.
- (d) A downed animal shall not be transported unless individually segregated.
- (e) A person convicted of violating this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense.

(Source: P.A. 92-650, eff. 7-11-02, P.A. 95-0002, eff. 5-24-2007.)

I. Animals Confined in Motor Vehicles

It is illegal to confine any animal in a motor vehicle under conditions that pose a risk to the life or health of the animal. If there is probable cause to believe that this section is being violated, a law enforcement officer, animal control officer or Department Investigator is required to make a reasonable effort to locate the owner, and is then authorized to use any reasonable means to enter the vehicle. Reasonable efforts to locate the owner will be dependant upon the circumstances. If the animal is in imminent danger, entry may be made immediately.

510 ILCS 70/7.1

Sec. 7.1. Confinement in motor vehicle. No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible. A person convicted of violating this Section is guilty of a Class C misdemeanor. A second or subsequent violation is a Class B misdemeanor.

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

J. Prohibition of Intact Dogs by Felons

According to a 2002 Texas severe animal bite survey, 81% of the dogs involved in severe attacks were unsterilized. Eighty percent of dogs seen for dominance aggression by veterinary behaviorists are intact male dogs. According to Karen Delise of the National Canine Research Council in 2006, ninety-seven percent (97%) of the dogs involved in fatal attacks on humans were not sterilized. In order to prevent dogs from being used as weapons, 720 ILCS 5/12-36 makes it a Class A misdemeanor for a convicted felon to own an unsterilized dog. They can own any breed of dog they wish but it must be fixed. The dog must also be microchipped for permanent identification.

720 ILCS 5/12-36

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.

(Source: P.A. 94-818, eff. 1-1-07.)

K. Lamé or Disabled Horses.

No person can sell, offer to sell, lead, ride, transport, or drive on any public way any equidae which, because of debility, disease, lameness or any other cause, could not be worked in this State without violating this Act. Such equidae may be conveyed to a proper place for medical or surgical treatment or for humane keeping or euthanasia.

The penalty for violating this section is a Class A misdemeanor for the first offense, a Class 4 Felony for a second or subsequent offense.

(PA 95-0002, eff. May 24, 2007)

IV. Felony Animal Cruelty (First Offense)

A. Aggravated Cruelty

The lowest level felony offense to consider is Aggravated Cruelty to Animals. Aggravated Cruelty is a Class 4 Felony. There are two factors that separate Aggravated Cruelty from the misdemeanor offenses. The first is the element of intent. Aggravated Cruelty requires that the offender act with intent and the charging document must include that mental state as an element. The second consideration is the extent of the injury to the animal. Aggravated Cruelty requires serious injury or death. In other words, if a person just doesn't know that an animal requires a specific diet, and feeds the animal inappropriately, the element of intent is probably lacking and one of the misdemeanor charges will be more appropriate (e.g., feeding cats milk and canned tuna instead of a commercial cat food). On the other hand, if the person just doesn't feed the animal, the extent of the injury may dictate the charge. If the animal suffers significant health problems or dies, the felony charge may be more appropriate. This, again, will be a judgment call based on the totality of the circumstances.

Punishment for a violation of this section includes probation or conditional discharge not to exceed 30 months, a fine of up to \$25,000.00 (\$50,000.00 if the defendant is a corporation), incarceration from 1 to 3 years. Prosecutors should also consider the requirement of a psychological evaluation for the defendant, limiting the number of animals the defendant may own or care for in the future, as well as restitution to any individual or agency that paid veterinary bills and provided care for any involved animals. Forfeiture of any involved animals is also an option.

510 ILCS 70/3.02

Sec. 3.02. Aggravated cruelty. No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture. A person convicted of violating Section 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the

convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

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

B. Animal Torture

Animal Torture is a Class 3 Felony. The required mental state is knowingly or intentionally. This section requires the infliction of extreme pain or suffering as an essential element of the offense. Exceptions are made for acts which are otherwise legal, such as neutering, declawing, hunting, fishing, trapping, grooming, etc. Animal Torture cases should generally be treated seriously by the legal system. The offenders are motivated by the pain and suffering they are able to inflict.

Punishment for a violation of this section includes probation or conditional discharge not to exceed 30 months, a fine of up to \$25,000.00 (\$50,000.00 if the defendant is a corporation), incarceration from 2 to 5 years. A psychological evaluation for the defendant is required, as is cooperation with any recommended treatment. It is important in these cases that the evaluator has access to reports and, if available photographs, relating to the offense. Offenders will frequently minimize the offense, and if they are the sole source of information for the evaluator, the treatment recommendations are likely to be completely inadequate.

There should be a prohibition on owning or caring for animals for at least the duration of the probation period, if not permanently. The Prosecutor should also include restitution to any individual or agency that paid veterinary bills and provided care for any involved animals. Forfeiture of any involved animals is also highly recommended.

510 ILCS 70/3.03

Sec. 3.03. Animal torture.

- (a) A person commits animal torture when that person without legal justification knowingly or intentionally tortures an animal. For purposes of this Section, and subject to subsection (b), "torture" means infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the animal.
- (b) For the purposes of this Section, "animal torture" does not include any death, harm, or injury caused to any animal by any of the following activities:
 - (1) any hunting, fishing, trapping, or other activity allowed under the Wildlife Code, the Wildlife Habitat Management Areas Act, or the Fish and Aquatic Life Code;
 - (2) any alteration or destruction of any animal done by any person or unit of government pursuant to statute, ordinance, court order, or the direction of a licensed veterinarian;
 - (3) any alteration or destruction of any animal by any person for any legitimate purpose, including, but not limited to: castration, culling, declawing, defanging, ear cropping,

euthanasia, gelding, grooming, neutering, polling, shearing, shoeing, slaughtering, spaying, tail docking, and vivisection; and
(4) any other activity that may be lawfully done to an animal.

- (c) A person convicted of violating this Section is guilty of a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 91-351, eff. 7-29-99; 92-650, eff. 7-11-02.)

C. Animal Fighting--Animals Other Than Dogs

Animal Fighting, in any form, is illegal in Illinois. This includes fights between animals and humans, as well as fights between animals. If the animals are not dogs, e.g. cock fighting, the offenses are felonies and in some cases misdemeanors. Any person who participates at any stage of the process may be criminally liable. The mental state required is known or should have known. Note that veterinarians are required to report suspected violations. Also, any animals involved or items used must be seized (see 510 ILCS 70/4.02) and may be subject to forfeiture. See Section II C above "Investigation, Seizure of Animals" and related appendices for procedures.

A violation of Sections (a), (b), (c) is a Class 4 felony for the first offense. A second or subsequent offense involving those subsections is a Class 3 Felony. A violation of Sections (d), (e), or (f) is a Class A misdemeanor for the first offense. A second or subsequent violation is a Class 4 felony. Punishment for these sections does NOT include the option of Court Supervision. (730 ILCS 5/5-6-1).

Prosecutors should also consider the requirement of a psychological evaluation for the defendant, limiting the number of animals the defendant may own or care for in the future, as well as restitution to any individual or agency that paid veterinary bills and provided care for any involved animals. Forfeiture of any involved animals is highly recommended

A violation of section (l) is a Class A Misdemeanor. Punishment is as above, however, there is no enhancement for a second or subsequent violation. A violation of section (g) is a Class C Misdemeanor. Punishment includes Court Supervision, incarceration for up to 30 days, and/or a fine of up to \$1,500.00. Again, a psychological evaluation and treatment should be considered.

(510 ILCS 70/4.01)

Sec.4.01. Animals in entertainment. This Section does not apply when the only animals involved are dogs. (Section 26-5 of the Criminal Code of 1961, rather than this Section, applies when the only animals involved are dogs)

- (a) No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.
- (b) No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between 2 or more animals or any animal and human, or the intentional killing of any animal.
- (c) No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.
- (d) No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any human and animal, or the intentional killing of any animal for purposes of sport, wagering or entertainment.
- (e) No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.
- (f) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal.
- (g) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.
- (h) (Blank).
- (i) Any animals or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 by the Department when located at any show, exhibition, program, or other activity featuring or otherwise involving an animal fight for the purposes of sport, wagering, or entertainment.
- (j) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff's department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the county where the violation took place.
- (k) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department and cooperate by furnishing the owners' names, dates, and descriptions of the animal or animals involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

- (l) No person shall solicit a minor to violate this Section.
- (m) The penalties for violations of this Section shall be as follows:
 - (1) A person convicted of violating subsection (a), (b), or (c) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class 4 Felony for the first offense. A second or subsequent offense involving the violation of subsection (a), (b), or (c) of this Section or any rule, regulation, or order of the Department pursuant thereto is a Class 3 felony.
 - (2) A person convicted of violating subsection (d), (e), or (f) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor for the first offense. A second or subsequent violation is a Class 4 felony.
 - (3) A person convicted of violating subsection (g) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.
 - (4) A person convicted of violating subsection (l) of this Section is guilty of a Class A misdemeanor.

(Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 92-651, eff. 7-11-02, 095-0560, eff. 8-30-07)

D. Dog Fighting

Dog fighting is one of two offenses currently included in the criminal code. Most of the violations of this section are felony offenses, although there are some misdemeanor offenses. Like the provisions relating to animal fighting in general, anyone who participates at any stage of the process may be subject to criminal prosecution. The required mental state is known or should have known. The statute set out below includes the types of conduct that constitute an offense, the classifications and the factors that will enhance the classification. Forfeiture of any involved animals is required by 510 ILCS 70/4.02 and it is recommended that any animals in the possession of the offender be seized as well. Restitution for care and treatment of any seized animals should be sought.

Temperament testing of any seized animals is also recommended to determine suitability for adoption. While caution should be exercised in the placement of any animals seized from dog fighting defendants, keep in mind that some animals are used only as breeding, bait or training animals and are not at all aggressive. In addition, many amateur dog fighters use dogs that are not really bred or trained for fighting. Remember that all items or property used in the commission of a dog fighting offense can be seized and forfeited pursuant to 720 ILCS 5/36.

720 ILCS 5/26-5

Sec. 26-5. Dog fighting. (For other provisions that may apply to dog fighting, see the Humane Care for Animals Act [510 ILCS 70/1 et seq.]. For provisions similar to this Section that apply to animals other than dogs, see in particular Section 4.01 of the Humane Care for Animals Act [510 ILCS 70/4.01].)

- (a) No person may own, capture, breed, train, or lease any dog which he or she knows is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between the dog and any other animal or human, or the intentional killing of any dog for the purpose of sport, wagering, or entertainment.
- (b) No person may promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment of any show, exhibition, program, or other activity involving a fight between 2 or more dogs or any dog and human, or the intentional killing of any dog.
- (c) No person may sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any dog which he or she knows has been captured, bred, or trained, or will be used, to fight another dog or human or be intentionally killed for purposes of sport, wagering, or entertainment. (c-5) No person may solicit a minor to violate this Section.
- (d) No person may manufacture for sale, shipment, transportation, or delivery any device or equipment which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or

- more dogs, or any human and dog, or the intentional killing of any dog for purposes of sport, wagering, or entertainment.
- (e) No person may own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which he or she knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering or entertainment.
 - (f) No person may knowingly make available any site, structure, or facility, whether enclosed or not, that he or she knows is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog or knowingly manufacture, distribute, or deliver fittings to be used in a fight between 2 or more dogs or a dog and human.
 - (g) No person may attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering, or entertainment.
 - (h) No person may tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing the animal to be pursued by a dog or dogs. This subsection (h) applies only when the dog is intended to be used in a dog fight.
 - (i) Penalties for violations of this Section shall be as follows:
 - (1) Any person convicted of violating subsection (a), (b), or (c) of this Section is guilty of a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation, and may be fined an amount not to exceed \$ 50,000.
 - (1.5) A person who knowingly owns a dog for fighting purposes or for producing a fight between 2 or more dogs or a dog and human or who knowingly offers for sale or sells a dog bred for fighting is guilty of a Class 3 felony and may be fined an amount not to exceed \$ 50,000, if the dog participates in a dogfight and any of the following factors is present:
 - (i) the dogfight is performed in the presence of a person under 18 years of age;
 - (ii) the dogfight is performed for the purpose of or in the presence of illegal wagering activity; or
 - (iii) the dogfight is performed in furtherance of street gang related activity as defined in Section 10 of the Illinois Street gang Terrorism Omnibus Prevention Act [[740 ILCS 147/10](#)].
 - (1.7) A person convicted of violating subsection (c-5) of this Section is guilty of a Class A ~~misdemeanor~~ 4 felony.
 - (2) Any person convicted of violating subsection (d) or (e) of this Section is guilty of a Class A misdemeanor for a first violation. A second or subsequent violation of subsection (d) or (e) of this Section is a Class 3 felony.
 - (2.5) Any person convicted of violating subsection (f) of this Section is guilty of a Class 4 felony.
 - (3) Any person convicted of violating subsection (g) of this Section is guilty of a Class ~~C~~ A misdemeanor for a first violation. A second or subsequent violation of subsection (g) of this Section is a Class ~~B~~ B-misdemeanor. 4 felony. If a person under 13 years of age is present at any show, exhibition, program, or other activity prohibited in subsection (g) the parent, legal guardian, or other person who is 18 years of age or older who brings that person under 13 years of age to that show, exhibition, program, or other activity is guilty of a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation.
 - (j) Any dog or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 of the Humane Care for Animals Act [[510 ILCS 70/12](#)]

- when located at any show, exhibition, program, or other activity featuring or otherwise involving a dog fight for the purposes of sport, wagering, or entertainment.
- (k) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff's department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the county where the violation took place.
 - (l) Any veterinarian in this State who is presented with a dog for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the dog was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department of Agriculture and cooperate by furnishing the owners' names, dates, and descriptions of the dog or dogs involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.
 - (m) In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order that the convicted person and persons dwelling in the same household as the convicted person who conspired, aided, or abetted in the unlawful act that was the basis of the conviction, or who knew or should have known of the unlawful act, may not own, harbor, or have custody or control of any dog or other animal for a period of time that the court deems reasonable.
 - (n) a violation of subsection (a) of this Section may be inferred from evidence that the accused possessed any device or equipment described in subsection (d), (e), or (h) of this Section, and also possessed any dog.
 - (o) When no longer required for investigations or court proceedings relating to the events described or depicted therein, evidence relating to convictions for violations of this Section shall be retained and made available for use in training peace officers in detecting and identifying violations of this Section. Such evidence shall be made available upon request to other law enforcement agencies and to schools certified under the Illinois Police Training Act.

(Source: P.A. 94-0820, P.A. 92-425, § 10; 92-650, § 15.)

E. Sexual Conduct or Contact with Animals

It is illegal for a person to have sexual contact or commit sexual acts with an animal. This section covers all animals - alive or dead. A violation is a Class 4 Felony, unless the offense is committed in the presence of a person under 18 years of age, or the animal suffers serious injury or death, in which case it is a Class 3 Felony. The same evidence collection techniques used in sexual assault cases should apply. For a Class 4 Felony punishment options include probation or conditional discharge not to exceed 30 months, a fine of up to \$25,000.00, and/or incarceration from 1 to 3 years. For a Class 3 Felony punishment options include probation or conditional discharge not to exceed 30 months, a fine of up to \$25,000.00, and/or incarceration from 2 to 5 years.

For any of these offenses prosecutors should also consider the requirement of a psychological evaluation for the defendant and completion of any recommended treatment. It is essential for the treatment provider to obtain specific information regarding the offense. If the defendant is the sole source of information, minimization is likely, and treatment is unlikely to be effective. The defendant should be prohibited from owning, caring for or residing in the home with any animals, and should be ordered to pay restitution to any individual or agency that paid veterinary bills and provided care for any involved animals. Forfeiture of any involved animals and any additional animals residing in the defendant's household is also strongly recommended.

720 ILCS 5/12-35 (2003)

Sec. 12-35. Sexual conduct or sexual contact with an animal.

- (a) A person may not knowingly engage in any sexual conduct or sexual contact with an animal.
- (b) A person may not knowingly cause, aid, or abet another person to engage in any sexual conduct or sexual contact with an animal.
- (c) A person may not knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control.
- (d) A person may not knowingly engage in, promote, aid, or abet any activity involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose.
- (e) Sentence. A person who violates this Section is guilty of a Class 4 felony. A person who violates this Section in the presence of a person under 18 years of age or causes the animal serious physical injury or death is guilty of a Class 3 felony.
- (f) In addition to the penalty imposed in subsection (e), the court may order that the defendant do any of the following:

- (1) Not harbor animals or reside in any household where animals are present for a reasonable period of time or permanently, if necessary.
 - (2) Relinquish and permanently forfeit all animals residing in the household to a recognized or duly organized animal shelter or humane society.
 - (3) Undergo a psychological evaluation and counseling at defendant's expense.
 - (4) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of the animal involved in the sexual conduct or sexual contact in addition to any animals relinquished to the animal shelter or humane society.
- (g) Nothing in this Section shall be construed to prohibit accepted animal husbandry practices or accepted veterinary medical practices by a licensed veterinarian or certified veterinary technician.
- (h) If the court has reasonable grounds to believe that a violation of this Section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation of this Section.
- (i) In this Section:

"Animal" means every creature, either alive or dead, other than a human being.

"Sexual conduct" means any touching or fondling by a person, either directly or through clothing, of the sex organs or anus of an animal or any transfer or transmission of semen by the person upon any part of the animal, for the purpose of sexual gratification or arousal of the person.

"Sexual contact" means any contact, however slight, between the sex organ or anus of a person and the sex organ, mouth, or anus of an animal, or any intrusion, however slight, of any part of the body of the person into the sex organ or anus of an animal, for the purpose of sexual gratification or arousal of the person. Evidence of emission of semen is not required to prove sexual contact.

(Source: P.A. 92-721, § 5)

F. Animal Fighting - Forfeiture

720 ILCS 5/37.5-5

To deter animal and dog fighting the General Assembly passed a law that would allow the forfeiture of real property that is used or intended to be used in connection with any show, exhibition, program or other activity featuring or otherwise involving a fight between an animal and any other animal or human or the intentional killing of any animal for the purpose of sport, wagering or entertainment, will have a significant beneficial effect in deterring the rising incidence of those activities within this State, as well as other crimes that frequently occur in partnership with animal fighting, such as illegal gambling, possession of narcotics, and weapons violations.

(Source: P.A. 93-192, eff. 7-14-03.)

720 ILCS 5/37.5-10

Sec. 37.5-10. Applicability. A person who commits a felony violation of Section 4.01 of the Humane Care for Animals Act or a felony violation of Section 26-5 of this Code shall forfeit (i) any moneys, profits, or proceeds the person acquired in whole or in part, as a result of committing the violation and (ii) any real property or interest in real property that the sentencing court determines the person acquired in whole or in part, as a result of committing the violation or the person maintained or used in whole or in part, to facilitate, directly or indirectly, the commission of the violation. The person shall forfeit any interest in, securities, or claim against, or contractual right of any kind that affords the person a source of influence over, any enterprise that the person has established, operated, controlled, conducted, or participated in conducting if the person's relations to or connection with the interest, security, or claim, or contractual right, directly or indirectly, in whole or in part, is traceable to any thing or benefit that the person has obtained or acquired as a result of a felony violation of Section 4.01 of the Humane Care for Animals Act or a felony violation of Section 26-5 of this Code.

(Source: P.A. 93-192, eff. 7-14-03.)

720 ILCS 5/37.5-15

Sec. 37.5-15. Real property forfeiture.

- (a) Following the arrest of a person or persons for any felony offense under Section 4.01 of the Humane Care for Animals Act or a felony offense under Section 26-5 of this Code, the State's Attorney of the county in which it occurred or the Attorney General may seek forfeiture of the real property associated with the offense, whether the real property belongs to the person organizing the show, exhibition, program, or other such activity described in subsections (a) through (g) of Section 4.01 of the Humane Care for Animals Act or Section 26-5 of this Code or to any other person participating in the activity described in subsections (a) through (g) of Section 4.01 of the Humane Care for Animals Act or Section 26-5 of this Code, who is related to the organization and operation of the

activity or to any person who knowingly allowed the activities to occur on his or her premises.

- (b) Real property includes any land, home, house, apartment, building, garage, site, structure, or facility, whether enclosed or not, and any part or section of any land, home, house, apartment, building, garage, site, structure, or facility and any right title, or interest in the whole of any lot or tract of land and any appurtenances or improvements on the land. Real property includes, but is not limited to, any leasehold or possessory interest or beneficial interest in a land trust.

(Source: P.A. 93-192, eff. 7-14-03.)

720 ILCS 5/37.5-20

Sec. 37.5-20. Procedure. Proceedings instituted under this Article shall be subject to and conducted in accordance with the procedures set forth in this Section.

- (a) Notice to owner or interest holder. Whenever notice of pending forfeiture or service of a lis pendens is required under the provisions of this Article, the notice or service shall be given _____ as _____ follows:
 - (1) If the owner's or interest holder's name and current address are known, then by either personal service or mailing a copy of the notice by certified mail, return receipt requested, to that address. For purposes of notice under this Section if a person has been arrested for the conduct giving rise to the forfeiture, then the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the notice of pending forfeitures, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeitures, the owner or interest holder shall promptly notify the State's Attorney or Attorney General of the change in address; or
 - (2) If the owner's or interest holder's address is not known, and is not on record as provided in paragraph (1), then by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred; or
 - (3) Notice served under this Article is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.
- (b) Probable cause hearing. In an action brought by the People of the State of Illinois under this Section, in which a restraining order, injunction, prohibition, lis pendens, or other action in connection with any property or interest subject to forfeiture under this Article is sought, the circuit court presiding over the trial of the person charged with a felony violation of Section 4.01 of the Humane Care for Animals Act or a felony offense under Section 26-5 of this Code shall first determine whether there is probable cause to believe that the person so charged has committed a felony offense under Section 4.01 of the Humane Care for Animals Act or a felony offense under Section 26-5 of this Code and whether the property or interest, is subject to forfeiture under this Article. To make that determination before entering an order in connection with that property or interest, the court shall conduct a hearing without a jury, at which the People must establish that there is: (i) probable cause that the person charged committed a felony offense under Section 4.01 of the Humane Care for Animals Act or a felony offense under Section 26-5 of this

Code and (ii) probable cause that the property or interest may be subject to forfeiture under this Article. The hearing may be conducted simultaneously with a preliminary hearing, if the prosecution is commenced by information or complaint or by motion of the People at any stage in the proceedings. The court may accept, at a preliminary hearing, (i) the filing of an information charging that the defendant committed a felony offense under Section 4.01 of the Humane Care for Animals Act or a felony offense under Section 26-5 of this Code or (ii) the return of an indictment by a grand jury charging that the defendant committed a felony offense under Section 4.01 of the Humane Care for Animals Act or a felony offense under Section 26-5 of this Code as sufficient evidence of probable cause that the person committed the offense.

(1) Upon making a finding of probable cause, the circuit court shall enter a restraining order, injunction, lis pendens, or prohibition or shall take other action in connection with the property or other interest subject to forfeiture under this Article as is necessary to insure that the property is not removed from the jurisdiction of the court, concealed, destroyed, or otherwise disposed of by the owner of that property or interest before a forfeiture hearing under this Article. The State's Attorney shall file a certified copy of the restraining order, injunction, or other prohibition with the recorder or registrar of title of each county in which the property may be located. An injunction, restraining order, or other prohibition issued under this Section does not affect the rights of any bonafide purchaser, mortgagee, judgment creditor, or other lien holder that arose before the date the certified copy is filed.

(2) The court may at any time, on verified petition by the defendant, conduct a hearing to determine whether all or any portion of the property or interest, which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, lis pendens, prohibition, or other action, should be released. The court may in its discretion release the property to the defendant for good cause shown.

(Source: P.A. 93-192, eff. 7-14-03.)

720 ILCS 5/37.5-25

Sec. 37.5-25. Forfeiture hearing. If real property is subject to seizure for felony violations under Section 4.01 of the Humane Care for Animals Act or felony violations under Section 26-5 of this Code, upon conviction, the State's Attorney or Attorney General may commence an action by petition in the sentencing court anytime following sentencing of the defendant. The sentencing court shall conduct a hearing to determine whether any property or property interest of the defendant, profits, or proceeds is subject to forfeiture under this Article. At the forfeiture hearing the People have the burden of establishing, by a preponderance of the evidence, that the property or property interest is subject to forfeiture.

(1) All property declared forfeited under this Article vests in this State on the date of the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Any such property or proceeds subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited unless the transferee claims and establishes in a hearing under the provisions of this Article that the transferee's interest is exempt.

(2) If the State does not show by a preponderance of the evidence or a claimant has established by preponderance of evidence that the claimant has an interest that is exempt under this Article, the court shall order the interest in the property returned or

conveyed to the claimant and shall order all other property forfeited to the State. If the State does show by a preponderance of the evidence that the property interest is subject to forfeiture, and the claimant does not establish by a preponderance of evidence that the claimant has an interest that is exempt under this Article, the court shall order all real property forfeited to the State.

(3) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Article regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(Source: P.A. 93-192, eff. 7-14-03.)

720 ILCS 5/37.5-30

Sec. 37.5-30. Exemptions from forfeiture.

- (a) A property interest is exempt from forfeiture under this Article if its owner or interest holder establishes by a preponderance of evidence that the owner or interest holder:
- (1) in the case of real property is not legally accountable for the conduct giving rise to the forfeiture, or did not solicit, conspire, or attempt to commit the conduct giving rise to the forfeiture; and
 - (2) had not acquired and did not stand to acquire proceeds from the conduct giving rise to its forfeiture other than as an interest holder in an arms length commercial transaction; and
 - (3) does not hold the property for the benefit of or as a nominee for any person whose conduct gave rise to its forfeiture, and, if the owner or interest holder acquired the interest through any such person, the owner or interest holder acquired it as a bona fide purchaser for value without knowingly taking part in the conduct giving rise to the forfeiture; and
 - (4) that the owner or interest holder acquired the interest:
 - (i) before the commencement of the conduct giving rise to its forfeiture and the person whose conduct gave rise to its forfeiture did not have the authority to convey the interest to a bona fide purchaser for value at the time of the conduct; or
 - (ii) after the commencement of the conduct giving rise to its forfeiture, and the owner or interest holder acquired the interest as a mortgagee, secured creditor, lienholder, or bona fide purchaser for value without knowledge of the conduct which gave rise to the forfeiture; and
 - (iii) in the case of real estate, before the filing in the office of the recorder of the county in which the real estate is located of a notice of a lis pendens notice.
 - (5)
 - (A) With respect to a property interest in existence at the time the illegal conduct giving rise to the forfeiture took place,
 - (i) did not know of the conduct giving rise to forfeiture; or
 - (ii) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.
 - (B)(i) For the purposes of this paragraph (5), ways in which a person may show that he or she did all that reasonably could be expected may include demonstrating that he or she, to the extent permitted by law:
 - (I) gave timely notice to an appropriate law enforcement agency of information that led the person to know the conduct giving rise to a forfeiture would occur or has occurred; and

(II) in a timely fashion revoked or made a good faith attempt to revoke permission for those engaging in such conduct to use the property or took reasonable actions in consultation with a law enforcement agency to discourage or prevent the illegal use of the property(ii) A person is not required by this subparagraph to take steps that the person reasonably believes would be likely to subject any person (other than the person whose conduct gave rise to the forfeiture) to physical danger. (b) If the court determines, in accordance with this Section, that an innocent owner has a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in that property, the court may enter an appropriate order:

(1) severing the property;

(2) transferring the property to the State with a provision that the State compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

(3) permitting the innocent owner to retain the property subject to a lien in favor of the State to the extent of the forfeitable interest in the property.

(c) In this Section, the term "owner":

(1) means a person with an ownership interest in the specific property sought to be forfeited, including a leasehold, lien, mortgage, recorded security interest, or valid assignment of an ownership interest; and

(2) does not include:

(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

(iii) a nominee who exercises no dominion or control over the property.

(Source: P.A. 93-192, eff. 7-14-03.)

720 ILCS 5/37.5-35

Sec. 37.5-35. Settlement of claims. Notwithstanding other provisions of this Article, the State's Attorney and a claimant of seized property may enter into an agreed upon settlement concerning the property subject to forfeiture in such an amount and upon such terms as are set out in writing in a settlement agreement.

(Source: P.A. 93-192, eff. 7-14-03.)

720 ILCS 5/37.5-40

Sec. 37.5-40. Judicial review. If property has been declared forfeited under this Article,

any person who has an interest in the property declared forfeited may, within 30 days of the effective date of the notice of the declaration of forfeiture, file a claim and cost bond and apply to the court for reconsideration based upon his or her interest in the property.

(Source: P.A. 93-192, eff. 7-14-03.)

720 ILCS 5/37.5-45

Sec. 37.5-45. Disposal of property. Real property taken or detained under this Section is not subject to replevin, but is deemed to be in the custody of the Director of State Police subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney or Attorney General under this Article.

- (1) When property is forfeited under this Article, the Director of State Police shall sell all such property and shall distribute the proceeds of the sale, together with any moneys forfeited or seized in accordance with paragraph (2).
- (2) All monies and the sale proceeds of all other property forfeited and seized under this Article shall be distributed as follows:

(A) 65% shall be distributed to the local, municipal, county, or State law enforcement agency or agencies that conducted or participated in the investigation resulting in the forfeiture. The distributions shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based.

(B) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted for use in the enforcement of laws, including animal fighting.

(C) 12.5% shall be distributed to the Illinois Department of Agriculture for use of expenses incurred in the investigation, prosecution, and appeal of cases arising under laws governing animal fighting.

(D) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(Source: P.A. 93-192, eff. 7-14-03.)

V. Offenses Involving Police, Search and Rescue or Service Animals

Interfering with or causing injury or death to police, search and rescue, or service animals is prohibited. These sections cover animals that are at work, off duty or in training. The mental state required is “willfully and maliciously.” Offenses under these sections are Class 4 felonies unless the animal is totally disabled or killed, in which case the offense is a Class 3 Felony. Again, a psychological evaluation may be appropriate, and restitution for any medical care for the animal should be sought.

510 ILCS 70/4.03

Sec. 4.03. Teasing, striking or tampering with police animals, service animals, or search and rescue dogs prohibited. It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drugs, chemicals or substance to (i) any animal used by a law enforcement officer in the performance of his or her functions or duties, or when placed in confinement off duty, (ii) any service animal, (iii) any search and rescue dog, or any police, service, or search and rescue animal in training.

It is unlawful for any person to interfere or meddle with (i) any animal used by a law enforcement department or agency or any handler thereof in the performance of the functions or duties of the department or agency, (ii) any service animal, (iii) any search and rescue dog, or (iv) any law enforcement, service, or search and rescue animal in training.

Any person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

510 ILCS 70/4.04

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

A person convicted of violating this Section is guilty of a Class 4 felony if the animal is not killed or totally disabled; if the animal is killed or totally disabled, the person is guilty of a Class 3 felony.

(Source: P.A. 91-357, eff. 7-29-99; 92-454, eff. 1-1-02; 92-650, eff. 7-11-02., 095-0560, eff. 8-30-07)

510 ILCS 70/7.15

Sec. 7.15. Guide, hearing, and support dogs.

- (a) A person may not willfully and maliciously annoy, taunt, tease, harass, torment, beat, or strike a guide, hearing, or support dog or otherwise engage in any conduct directed toward a guide, hearing, or support dog that is likely to impede or interfere with the dog's performance of its duties or that places the blind, hearing impaired, or physically handicapped person being served or assisted by the dog in danger of injury.
- (b) A person may not willfully and maliciously torture, injure, or kill a guide, hearing, or support dog.
- (c) A person may not willfully and maliciously permit a dog that is owned, harbored, or controlled by the person to cause injury to or the death of a guide, hearing, or support dog while the guide, hearing, or support dog is in discharge of its duties.
- (d) A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony. A person convicted of violating subsection (b) or (c) of this Section is guilty of a Class 4 felony if the dog is killed or totally disabled, and may be ordered by the court to make restitution to the disabled person having custody or ownership of the dog for veterinary bills and replacement costs of the dog.

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

VI. Remedies

A. Criminal

510 ILCS 70/16 Repealed by 095-0560, eff. 8/30/07

B. Civil

510 ILCS 70/16.3

Sec. 16.3. Civil actions. Any person who has a right of ownership in an animal that is subjected to an act of aggravated cruelty under Section 3.02 or torture under Section 3.03 in violation of this Act or in an animal that is injured or killed as a result of actions taken by a person who acts in bad faith under subsection (b) of Section 3.06 or under Section 12 of this Act may bring a civil action to recover the damages sustained by that owner. Damages may include, but are not limited to, the monetary value of the animal, veterinary expenses incurred on behalf of the animal, any other expenses incurred by the owner in rectifying the effects of the cruelty, pain, and suffering of the animal, and emotional distress suffered by the owner. In addition to damages that may be proven, the owner is also entitled to punitive or exemplary damages of not less than \$500 but not more than \$25,000 for each act of abuse or neglect to which the animal was subjected. In addition, the court must award reasonable attorney's fees and costs actually incurred by the owner in the prosecution of any action under this Section.

The remedies provided in this Section are in addition to any other remedies allowed by law. In an action under this Section, the court may enter any injunctive orders reasonably necessary to protect animals from any further acts of abuse, neglect, or harassment by a defendant. The statute of limitations for cruelty to animals is 2 years.

(Source: P.A. 92-454, eff. 1-1-02.)

Sec. 16.1. Defenses. It is not a defense to violations of this Act for the person committing the violation to assert that he or she had rights of ownership in the animal that was the victim of the violation.

(Source: P.A. 92-454, eff. 1-1-02.)

Sec. 16.2. Corporations. Corporations may be charged with violations of this Act for the acts of their employees or agents who violate this Act in the course of their employment or agency.

(Source: P.A. 92-454, eff. 1-1-02.)

Sec. 16.4. Illinois Animal Abuse Fund. The Illinois Animal Abuse Fund is created as a special fund in the State treasury. Moneys in the Fund may be used, subject to appropriation, by the Department of Agriculture to investigate animal abuse and neglect under this Act.

(Source: P.A. 92-454, eff. 1-1-02.)

Sec. 17 Penalties.

- (a) Any person convicted of any act of abuse or neglect or of violating any other provision of this act, for which a penalty is not otherwise provided, or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony with every day that a violation continues constituting a separate offense.
- (b) The Department may enjoin a person from a continuing violation of this Act.

(Source P.A. 095-0560, eff. 8-30-07)

VII. Potentially Dangerous, Dangerous and Vicious Dogs

Potentially Dangerous, Dangerous and Vicious dogs are defined in the Illinois Animal Control Act, 510 ILCS 5 et seq. Felony penalties can attach to owners of dogs deemed "dangerous" by the county animal control administrator or "vicious" by a court.

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.)

Sec. 2.17c. "Potentially dangerous dog" means a dog that is unsupervised and found running at large with 3 or more other dogs.

(Source: P.A. 95-550, eff. 6-1-08.)

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.

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

The definition of "owner" is different from the definition contained in the Humane Care for Animals Act.

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.)

In order to protect the public, law enforcement officers should start proceedings to have dogs declared dangerous or vicious under state not local laws so felony provisions can apply if the dog is not properly controlled and injures someone.

510 ILCS 5/1 – 5/2

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

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.)

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.)

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.)

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.)

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.)

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.)

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

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

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.)

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.)

Sec. 2.06. "Department" means the Department of Agriculture of the State of Illinois. (Source: P. A. 78-795.)

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.)

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.)

Sec. 2.09. "District" means a geographic area consisting of 2 or more counties in their entirety. (Source: P. A. 78-795.)

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.)

Sec. 2.11. "Dog" means all members of the family Canidae. (Source: P. A. 78-795.)

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.)

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.)

Sec. 2.11c. "Intact animal" means an animal that has not been spayed or neutered. (Source: P.A. 94-639, eff. 8-22-05.)

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.)

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.)

Sec. 2.13. "Inoculation against rabies" means the injection of an antirabies vaccine approved by the Department. (Source: P. A. 78-795.)

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.)

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.)

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.)

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.)

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.)

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.)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 2.17c. "Potentially dangerous dog" means a dog that is unsupervised and found running at large with 3 or more other dogs.

(Source: P.A. 95-550, eff. 6-1-08.)

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.)

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

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

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.)

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.)

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.

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

(510 ILCS 5/3) (from Ch. 8, par. 353)

Sec. 3. The County Board Chairman with the consent of the County Board shall appoint an Administrator. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Wardens to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board. The Administrator may be removed from office by the County Board Chairman, with the consent of the County Board.

The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program and may establish a county animal population control program.

The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Act.

The Board is authorized by ordinance to require the registration and may require microchipping of dogs and cats. The Board shall impose an individual dog or cat registration fee with a minimum differential of \$10 for intact dogs or cats. Ten dollars of the differential shall be placed either in a county animal population control fund or in the State's Pet Population Control Fund. If the money is placed in the county animal population control fund it shall be used to (i) spay, neuter, or sterilize adopted dogs or cats or (ii) spay or neuter dogs or cats owned by low income county residents who are eligible for the Food Stamp Program. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. If microchips are required, the microchip number may serve as the county animal control registration number.

In obtaining information required to implement this Act, the Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law for civil cases in courts of this State.

The Director shall have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

This Section does not apply to feral cats.

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

(510 ILCS 5/4) (from Ch. 8, par. 354)

Sec. 4. When the Boards of 2 or more counties, through mutual agreement, wish to join to effectuate any part or all of this Act, they shall make written request to the Director, setting forth the geographical area and the Sections of this Act involved. Whenever, as ascertained from investigation, hearing, or otherwise, the Director determines it is advisable that these counties form a District, he may designate and establish such District. A District Board shall be formed and shall effectuate this Act as set forth for an individual county.

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

(510 ILCS 5/5) (from Ch. 8, par. 355)

Sec. 5. Duties and powers.

- (a) It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies and to exercise dog and cat overpopulation control. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of this Act.
- (b) Counties may by ordinance determine the extent of the police powers that may be exercised by the Administrator, Deputy Administrators, and Animal Control Wardens,

which powers shall pertain only to this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have been specifically authorized to carry weapons by county ordinance. Animal Control Wardens, however, may use tranquilizer guns and other nonlethal weapons and equipment without specific weapons authorization.

A person authorized to carry firearms by county ordinance under this subsection must have completed the training course for peace officers prescribed in the Peace Officer Firearm Training Act. The cost of this training shall be paid by the county.

- (c) The sheriff and all sheriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Act.
- (d) The Administrator and animal control wardens shall aid in the enforcement of the Humane Care for Animals Act and have the ability to impound animals and apply for security posting for violation of that Act.

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

(510 ILCS 5/7) (from Ch. 8, par. 357)

Sec. 7. All registration fees collected shall be remitted to the County Treasurer, who shall place the monies in an Animal Control Fund. This fund shall be set up by him for the purpose of paying costs of the Animal Control Program. All fees collected shall be used for the purpose of paying claims for loss of livestock or poultry as set forth in Section 19 of this Act and for the following purposes as established by ordinance of the County Board: funds may be utilized by local health departments or county nurse's offices for the purchase of human rabies anti-serum, human vaccine, the cost for administration of serum or vaccine, minor medical care, and for paying the cost of stray dog control, impoundment, education on animal control and rabies, and other costs incurred in carrying out the provisions of this Act or any county or municipal ordinance concurred in by the Department relating to animal control, except as set forth in Section 19. Counties of 100,000 inhabitants or more may assume self-insurance liability to pay claims for the loss of livestock or poultry.

(Source: P.A. 87-151.)

Sec. 7.1. In addition to any other fees provided for under this Act, any county may charge a reasonable fee for the pickup and disposal of dead animals from private for-profit animal hospitals. This fee shall be sufficient to cover the costs of pickup and delivery and shall be deposited in the county's animal control fund.

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

(510 ILCS 5/8) (from Ch. 8, par. 358)

Sec. 8. Every owner of a dog 4 months or more of age shall have each dog inoculated against rabies by a licensed veterinarian. Every dog shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall contain the microchip number of the animal if it has one and which shall be signed by the licensed veterinarian administering the vaccine. Veterinarians who inoculate a dog shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. Only one dog shall be included

on each certificate. The veterinarian immunizing or microchipping an animal shall provide the Administrator of the county in which the animal resides with a certificate of immunization and microchip number. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.

Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture.

If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies shot requirement, but the owner must still be responsible for the fees.

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

(510 ILCS 5/9) (from Ch. 8, par. 359)

(Text of Section before amendment by P.A. 95-550)

Sec. 9. Any dog found running at large contrary to provisions of this Act may be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter. The dog's owner shall pay a \$25 public safety fine, \$20 of which shall be deposited into the Pet Population Control Fund and \$5 of which shall be retained by the county or municipality. A dog found running at large contrary to the provisions of this Act a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment.

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

(Text of Section after amendment by P.A. 95-550)

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A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog. A dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.

(Source: P.A. 94-639, eff. 8-22-05; 95-550, eff. 6-1-08.)

(510 ILCS 5/10) (from Ch. 8, par. 360)

Sec. 10. Impoundment; redemption. When dogs or cats are apprehended and impounded, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as defined by Section 2.16 as soon as possible. The Administrator shall give notice of not less than 7 business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of

the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of the animal.

In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so by doing the following:

- (a) Presenting proof of current rabies inoculation
- (b) Paying for the rabies inoculation of the dog or cat and registration, if applicable.
- (c) Paying the pound for the board of the dog or cat for the period it was impounded.
- (d) Paying into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense.
- (e) Paying a \$25 public safety fine to be deposited into the Pet Population Control Fund; the fine shall be waived if it is the dog or cat's first impoundment and the owner has the animal spayed or neutered within 14 days.
- (f) Paying for microchipping and registration if not already done.

The payments required for redemption under this Section shall be in addition to any other penalties invoked under this Act and the Illinois Public Health and Safety Animal Population Control Act. An animal control agency shall assist and share information with the Director of Public Health in the collection of public safety fines.

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

(510 ILCS 5/11) (from Ch. 8, par. 361)

(Text of Section before amendment by P.A. 95-550)

Sec. 11. When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dogs or cats deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been rendered incapable of reproduction and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the Pet Population Control Fund on a yearly basis. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has been licensed or has a foster care permit issued by the Illinois Department of Agriculture or is a representative of a not-for-profit out-of-state organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section or that fails to report its intake and euthanasia statistics each year.

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

(Text of Section after amendment by P.A. 95-550)

Sec. 11. When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dogs or cats deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. An animal pound or animal shelter shall not adopt or release any dog or cat to anyone other than the owner unless the animal has been rendered incapable of reproduction and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the Pet Population Control Fund on a yearly basis. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has been licensed or has a foster care permit issued by the Illinois Department of Agriculture or is a representative of a not-for-profit out-of-state organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section or that fails to report its intake and euthanasia statistics each year.

(Source: P.A. 94-639, eff. 8-22-05; 95-550, eff. 6-1-08.)

(510 ILCS 5/12) (from Ch. 8, par. 362)

Sec. 12. The owner of any animal which exhibits clinical signs of rabies, whether or not the animal has been inoculated against rabies, shall immediately notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, and shall promptly confine the animal, or have it confined, under suitable observation, for a period of at least 10 days, unless officially authorized by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, in writing, to release it sooner. Any animal that has had direct contact with the animal and that has not been inoculated against rabies, shall be confined as recommended by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator.

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

(510 ILCS 5/13) (from Ch. 8, par. 363)

Sec. 13. Dog or other animal bites; observation of animal.

- (a) Except as otherwise provided in subsection (b) of this Section, when the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an animal, the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of 10 days. The Department may permit such confinement to be reduced to a period of less than 10 days. A veterinarian shall report the clinical condition of the animal immediately, with confirmation in writing to the Administrator or, if the Administrator is not

a veterinarian, the Deputy Administrator within 24 hours after the animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of the animal, and whether the animal has been spayed or neutered, on appropriate forms approved by the Department. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator advising him or her of the final disposition of the animal on appropriate forms approved by the Department. When evidence is presented that the animal was inoculated against rabies within the time prescribed by law, it shall be confined in a house, 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. Re 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 reasonable expenses include, but are not limited to, estimated medical care and boarding of 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.)

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.)

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)

(Text of Section before amendment by P.A. 95-550)

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.)

(Text of Section after amendment by P.A. 95-550)

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 a preponderance of the 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. 95-550, eff. 6-1-08.)

(510 ILCS 5/15.4)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 15.4. Potentially dangerous dog. A dog found running at large and unsupervised with 3 or more other dogs may be deemed a potentially dangerous dog by the animal control warden or administrator. Potentially dangerous dogs shall be spayed or neutered and microchipped within 14 days of reclaim. The designation of "potentially dangerous dog" shall expire 12 months after the most recent violation of this Section. Failure to comply with this Section will result in impoundment of the dog or a fine of \$500.

(Source: P.A. 95-550, eff. 6-1-08.)

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

Sec. 16. Animal attacks or injuries. If a dog or other animal, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby.

(Source: P.A. 94-819, eff. 5-31-06.)

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.)

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.)

(510 ILCS 5/19) (from Ch. 8, par. 369)

Sec. 19. Any owner having livestock, poultry, or equidae killed or injured by a dog shall, according to the provisions of this Act and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund; provided, he or she is a resident of this State and such injury or killing is reported to the Administrator within 24 hours after such injury or killing occurs, and makes affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the owner of the dog causing such killing or injury, if known.

The damages referred to in this Section shall be substantiated by the Administrator through prompt investigation and by not less than 2 witnesses. The Administrator shall determine whether the provisions of this Section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.

The Administrator shall file a written report with the County Treasurer as to the right of an owner of livestock, poultry, or equidae to be paid out of the Animal Control Fund, and the amount of such damages claimed. The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry the amount of damages to which he or she is entitled. The county board, by ordinance, shall establish a schedule for damages reflecting the current market value.

If there are funds in excess of amounts paid for such claims for damage in that portion of the Animal Control Fund set aside for this purpose, this excess shall be used for other costs of the program as set forth in this Act.

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

(510 ILCS 5/20) (from Ch. 8, par. 370)

Sec. 20. The payment to any owner of sheep, goats, cattle, horses, mules, swine, or poultry of monies out of the Animal Control Fund for damages resulting from loss or injury to any such animals, shall not be a bar to an action by such owner against the owner of the dog committing such injury or causing such loss for the recovery of damages therefor. The court or jury, before which such action is tried, shall ascertain from evidence what portion, if any, of the damages sought to be recovered in such action has been paid to the plaintiff in such action by the County Treasurer, and in case the plaintiff in such action recovers damages, the court shall enter judgment against the defendant, in the name of the plaintiff for the use of the county, for the amount which the plaintiff has received on account of such damages from the County Treasurer, if such recovery shall equal or exceed the amount so received by such plaintiff from the County Treasurer; and the residue of such recovery, if any there be, shall be entered in the name of the plaintiff in such action to his own use. If the amount of the recovery in such action shall not equal the amount previously paid the plaintiff on account of such damages by the County Treasurer, then the judgment shall be entered as heretofore stated for the use of the Animal Control Fund, for the full amount of such recovery. The judgment shall show on its face what portion of the judgment is to be paid to the Animal Control Fund, and what portion is to be paid to the plaintiff in such action, and the judgment when collected shall be paid over to the parties entitled thereto in their proper proportions.

(Source: P.A. 83-346.)

(510 ILCS 5/22) (from Ch. 8, par. 372)

Sec. 22. The Department shall have general supervision of the administration of this Act and may make reasonable rules and regulations, not inconsistent with this Act, for the enforcement of this Act and for the guidance of Administrators, including revoking a license issued under the Animal Welfare Act for noncompliance with any provision of this Act.

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

(510 ILCS 5/24) (from Ch. 8, par. 374)

Sec. 24. Nothing in this Act shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this Act be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision provided that no regulation or ordinance is specific to breed.

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

(510 ILCS 5/25) (from Ch. 8, par. 375)

Sec. 25. The invalidity of any Section or parts of any Section of this Act or any rule or regulation pursuant thereto shall not affect the validity of the remainder of this Act, or any rule or regulation.

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

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

Sec. 26.

- (a) Except as otherwise provided in this Act, any person violating or aiding in or abetting the violation of any provision of this Act, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Act, or

resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Act, or refusing to produce for inoculation any dog in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor for a first offense and for a subsequent offense, is guilty of a Class B misdemeanor.

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

- (b) If the owner of a vicious dog subject to enclosure:
1. fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog within the time period prescribed; and
 2. the dog inflicts serious physical injury upon any other person or causes the death of another person; and
 3. the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be; the owner shall be guilty of a Class 3 felony, 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. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.
- (c) 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, the owner shall be guilty of a Class 4 felony. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 3 felony.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05; 94-819, eff. 5-31-06.)

(510 ILCS 5/27) (from Ch. 8, par. 377)

Sec. 27. Any officer failing, refusing, or neglecting to carry out the provisions of this Act shall be guilty of a petty offense and shall be fined not less than \$25 nor more than \$100 for each offense.

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

510 ILCS 5/30)

Sec. 30. Rules. The Department shall administer this Act and shall promulgate rules necessary to effectuate the purposes of this Act. The Director may, in formulating rules pursuant to this Act, seek the advice and recommendations of humane societies and societies for the protection of animals.

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

(510 ILCS 5/35)

Sec. 35. Liability.

- (a) Any municipality or political subdivision allowing feral cat colonies and trap, sterilize, and return programs to help control cat overpopulation shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from a feral cat. Any municipality or political subdivision allowing dog parks shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from occurrences in the dog park.
- (b) Any veterinarian or animal shelter who in good faith contacts the registered owner of a microchipped animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.
- (c) Any veterinarian who sterilizes feral cats and any feral cat caretaker who traps cats for a trap, sterilize, and return program shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.
- (d) Any animal shelter worker who microchips an animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

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

LEGAL NOTICE OF IMPOUNDMENT OF ANIMALS

Legal notice is hereby given to _____ that the below described animal(s) have been seized pursuant to the Illinois Humane Care for Animals Act. The animals have been seized as a result of an investigation into the Offense(s) of _____.

Impounded Animal(s): (Physical Description)

Impoundment # or Case # _____

ANY OWNER OR PERSON HAVING A LEGAL RESPONSIBILITY FOR OR INTEREST IN THE ABOVE DESCRIBED ANIMAL(S) IS HEREBY GIVEN NOTICE

Animals seized shall be examined and treated by a licensed veterinarian, or if it is determined that the animal is severely injured, diseased or suffering, the animal may be humanely euthanized. Any expense incurred in the impoundment remains the responsibility of the owner or responsible person, and shall become a lien on the animal, which must be satisfied before the animal may be released to the owner or responsible person.

The animal control office or animal shelter having custody of the animal may file a petition with the Court requesting that the person from whom the animals are seized be ordered to post security. The security must be in an amount sufficient to ensure payment of all reasonable expenses expected to be incurred by the custodian in caring and providing for the animal(s) pending disposition of the charges. Upon receipt of the petition, the Court must set a hearing on the petition within 5 business days after the petition is filed.

If the Court orders the posting of security, the security must be posted with the Clerk of Court within 5 business days after the hearing. Failure to post security as ordered by the Court will result in the forfeiture of the animal(s) and the custodian may dispose of the animal(s) through adoption or euthanasia.

The State's Attorney may file a Petition for Forfeiture Prior to Trial before the Court having criminal jurisdiction over the criminal case, asking for permanent forfeiture of the animal(s) seized. If the Court makes a determination that the People have proven a violation of the Humane Care for Animals Act by a preponderance of the evidence, then the Court shall order the animal(s) forfeited and the custodian may dispose of the animals by adoption or euthanasia.

The Owner may voluntarily surrender any and all rights in the animal at any time, and such surrender shall serve to terminate the Owner's rights and responsibilities as of the date of the surrender, but the Owner may remain responsible for any expenses incurred by the custodian prior to the date of the surrender.

The impounded animal is being held at _____
The phone number is _____.

STATE OF ILLINOIS
COUNTY OF

AFFIDAVIT

I, _____, _____ Department, do hereby state and affirm as follows:

1. That I am a _____ with the _____ Department and I have been with the department for _____ years;

2. That on or about _____, 20_____, the _____ Department received a report from a neighbor that animals had been left inside the residence at _____, _____, _____ County, Illinois, for at least four days with no one providing food or water for them, and with no utilities to the home, the temperatures being in excess of 90 degrees each of those days;

3. That attempts have been made by members of the _____ Department to make contact with the resident at _____, _____, Illinois and those attempts have been unsuccessful;

4. That the Humane Care for Animals Act provides that owners are responsible for providing adequate food, water, shelter and humane care for animals, and that failure to do so constitutes a violation of Illinois law;

5. That after investigation of this report the following individual(s) was/were arrested: _____ (Name & DOB)
_____ (Name & DOB)

6. That on the ___ day of _____, 20_____, the following animals were seized from _____ (address): (Give physical description and condition)

7. The following persons were present on the property when the animals were seized:

8. The following persons are identified as owners of the seized animals: (If other than persons arrested)

Further the Affiant sayeth not.

Affiant

Subscribed and sworn to before me this ____ day of _____, 200_.

STATE OF ILLINOIS
COUNTY OF

Inventory of Animals Seized

In conjunction with the investigation of _____

(offense) conducted at, _____ (address),

_____ County, Illinois, the following animals were seized:

(physical description and condition)

The animals are being held at: _____

Defendants Charged: _____

Police Report Number: _____

Officer
Department

IN THE CIRCUIT COURT _____

JUDICIAL CIRCUIT _____

COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

VS

PETITION FOR FORFEITURE HEARING

PRIOR TO TRIAL

**NOW COME the People of the State of Illinois, by
State's Attorney in and for the County of _____, State of Illinois, and
hereby move this Honorable Court for an Order of permanent forfeiture of the
animal(s) seized during the investigation of the above-styled cause pursuant to 510
ILCS 70/3.04(a). In support thereof, the People state:**

1. That the above-named defendant is charged with the offense(s) of
_____»
2. That during the course of the investigation that resulted in the filing of
said charge(s), the _____ Police Department seized the
following animals:

3. That the Humane Care for Animals Act, 510 ILCS 70/1 et sea.
provides for the forfeiture of seized animals prior to trial if the Court
finds by a preponderance of the evidence that the defendant has
committed a violation of the Humane Care for Animals Act;
4. That because the property seized is alive and in need of ongoing care,
the People request that this matter be set for hearing within 5 business
days as provided in 510 ILCS 70/3.04, and further request that in
accordance with 510 ILCS 70/3.05, any interested party who wishes to
contest the removal of the above-described animal(s) be required to
post a security bond with the court in an amount sufficient to provide
for the care of the animal(s) during the pendency of this proceeding,

Wherefore, the People respectfully request that this Court enter an Order requiring that any interested party be required to post a bond sufficient to provide for the care of the animal(s) seized, and setting a date for a forfeiture hearing; and enter a

permanent Order forfeiting the animal(s) described herein to a licensed animal shelter for disposition in accordance with the Humane Care for Animals Act.

Respectfully Submitted,

State's Attorney _____

County, Illinois

By:

Assistant State's Attorney

IN THE CIRCUIT COURT _____

JUDICIAL CIRCUIT _____

COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

ORDER ON PEOPLE'S PETITION FOR FORFEITURE

**It is hereby Ordered that this matter is set for hearing on _____ at _____
am / pm in Courtroom _____. It is further Ordered that the above named
defendant shall post the sum of \$ _____ as a security for the care of the animal
no later than _____. Failure to post the security shall result in the forfeiture of
the animal described herein without further proceedings. Clerk to provide a copy of
this order to attorneys of record and to the defendant at his last known address.**

Entered this _____ day of _____, 20__

Judge

IN THE CIRCUIT COURT _____

JUDICIAL CIRCUIT _____

COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

Motion for Designation as a Companion Animal Hoarder

**NOW COME the People of the State of Illinois, by
State's Attorney in and for the County of _____, State of Illinois, and
hereby move this Honorable Court for an Order of designating the above-named
defendant be designated as a companion animal hoarder pursuant to 510 ILCS
70/2.10. In support thereof, the People state:**

- 1. That the above-named defendant possesses a large number of companion animals;**
- 2. That said defendant does not, or is unable to, provide the care required by the Humane Care for Animals Act;**

3. That the companion animals are kept in a severely overcrowded environment; and
4. That said defendant demonstrates an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animals and owner's health and well-being.

Wherefore, the People respectfully request that this Court enter an Order designating the above-named defendant as a companion animal hoarder.

Respectfully Submitted,

State's Attorney _____
County, Illinois

By:
Assistant State's Attorney

720 ILCS 5/37.5-10

Real Property Forfeiture for Animal Fighters

This law allows law enforcement officers to go after the proceeds of animal fighting through the civil forfeiture laws. Police can seize real property of animal fighters including bank accounts. Money and sale proceeds will be distributed as follows:

(A) 65% to the local, municipal, county or state law enforcement agency that conducted or participated in the investigation. Distributions shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort.

(B) 12.5 % shall be distributed to the State's Attorney

(C) 12.5% shall be distributed to the Illinois Dept of Agriculture

(D) 10% shall be retained by the State Police.

Illinois Animal Control Act, 510 ILCS 5/1 *et seq.*

Illinois Dangerous Animals Act, 720 ILCS 585/0.1 *et seq.*

Illinois Animal Welfare Act, 225 ILCS 605/1 *et seq.*

Illinois Dead Animal Disposal Act, 225 ILCS 610 *et seq.*

Horse Mutilation Act, 720 ILCS 315/1 *et seq.*

Animal Registration Under False Pretenses Act, 720ILCS 210/.01 *et seq.*

Companion Animal Cremation Act,

Illinois Domestic Animals Running at Large Act, 510 ILCS 55/1 *et seq.*

Illinois Brand Act, 510 ILCS 40/1 *et seq.*

Illinois Humane Euthanasia in Animal Shelters Act, 510 ILCS 72

See Also Chapter 510 of the Illinois Compiled Statutes

Forms for Medical Evaluation of Animal Victims of Neglect and Abuse Live Animal

*Dr. Robert Reisman Medical Coordinator of
Abuse Cases Bergh Memorial Animal
Hospital / ASPCA (212) 876-7700 ext. 4348*

All forms are in Microsoft Excel, or Microsoft Word format. The forms can therefore be easily customized for use by your organization.

The ASPCA's Bergh Memorial Animal Hospital is the hospital listed at the top of the page. This will obviously need to be changed to your organization's name. The animal identification goes in the top left box. At the ASPCA we use an animal identification label generated by our computer system.

Forms

Forml *Intake-SOAP*

This is the intake form for all cases. It is similar to other physical exam forms, but with a few differences specific to its use as a form for neglect/abuse cases.

- a. Identification - The animal must be properly identified on the intake form. Animal misidentification is grist for the criminal defense lawyer's mill. The veterinarian is the expert and most capable of properly identifying the animal (i.e., breed, coat color, age and sex) and must take that responsibility. Note: It is common for multiple animals to be part of one abuse case. Eventually the animals will go their separate ways, so each animal should have a unique hospital or shelter identification number.
- b. There is a box that specifically asks if the animal is pain.
- c. The TACC (Tufts Animal Care and Condition) scoring system is used to document an animal's presenting body condition. Definitions of the terms are on a separate form (*Body condition assessment*), which should be included in the medical record. This system was developed by Dr. Gary Patronek and is referenced on the *Body condition assessment form*. This system also includes parts for scoring of the animal's environment (useful for anyone evaluating the animal's living conditions), and scoring for physical condition (skin, haircoat and nails). At the ASPCA we use the latter scoring system when appropriate (See forms 6 and 7)
- d. The recommended clinical laboratory work-up is included as a check-off list near the bottom of the form. We routinely find that starved animals are anemic, and have low blood albumin and/or low blood protein values. We also find a very high percentage of neglect cases with intestinal parasitisms.
- e. Because we use these forms for medical evaluation of animals seized by our humane law department, and, many of these animals are surrendered by the owner to the ASPCA at the time of seizure, many of the animals do not return to their

owners. These animals therefore need to be prepared for eventual adoption to new homes. Vaccines, which are frequently not given at the time the animal presents to the hospital, are nonetheless recorded on the intake page as a courtesy to our Animal placement staff (i.e., The staff doesn't have to page through the record to find the vaccine documentation). Microchip bar-code labels are also put on this page. After a fecal sample is obtained and submitted we deworm all animals regardless of test results.

The SOAP form is presented as a checklist. Detailed explanation of the checked abnormal systems should be recorded in the space below the checklist. In addition there is a SOAP continuation form available if needed.

Form 2 Intake - SOAP continuation

Form 3 Weight change

This is a simple, but important form. Confirmation of the accuracy of body condition scores is demonstrated by weight gain following hospitalization. Weights are taken weekly. In the final veterinary statement significant weight gains are emphasized. We calculate the percentage of admitting weight that the animal gains during hospitalization. Between 4-6 weeks post-hospitalization we have a good idea of the animal's ideal mature body weight.

We use a different color paper for this form and place it as the first or second page in the medical record to make it easy to find for the technicians who do the weekly weights.

Form 4 Body condition assessment

The body condition definition form should be included with the record and with the veterinary statement. This form is a modification of Dr. Patronek's scoring system (TACC). There are no pictures. The feeling is that during court testimony it is better to refer to a verbal description of the score as opposed to a picture. These definitions are included in veterinary statements used for the legal case. It is frequently the case that these definitions have been used verbatim in the criminal complaint filed by the district attorney's office.

An example of how the body condition definition has been used in the veterinary statement.

The dog's prominent abnormality at presentation was an emaciated body condition (Tufts Care and Condition Score number 5. Ideal body condition has a score of 1. The scale is from 1-5 with 5 being the worst score - see attached form).

The definition for emaciation is;

- 1) Visual prominence of skeletal structures (ribs, vertebral spines, pelvic bones, spine of scapula and femur) from a distance,*
- 2) Obvious loss of muscle mass and*
- 3) No discernible body fat and,*
- 4) Severe abdominal tuck and extreme hourglass shape.*

Skeletal structures are prominent because of the loss of fat and muscle. Fat is stored energy, muscle is not. Muscle is structural. When weight loss proceeds to the point of muscle tissue being used as an energy source, an extreme, abnormal state of metabolism exists.

Form 5a & 5b Condition of skin (separate forms for cat and dog) All skin problems should be carefully documented (Note: Haircoat and toenail abnormalities are separately documented on the Physical Condition form, forms 6 and 7). This includes embedded collars, wounds and external parasites. Because the animal's skin is visible to the animal's caretaker, unattended abnormalities are proof of neglect and/or abuse. So, number and type of wounds, estimate of number of parasites, and type of collar should also be included. In the case of an embedded collar, the length of the embedded part of the collar and the circumference of the neck where the collar is embedded (which is greater than the collar length) should be recorded. In cases where a very heavy chain is attached to the collar the length and weight of the chain are recorded. Photographs should also be used for documenting skin abnormalities.

The following bite wound classification is recommended (Griffin, Greg M., MVB MRCVS, David E. Holt, BVSc, Dog-Bite Wounds: Bacteriology and Treatment Outcome in 37 Cases, J Am An Hosp Assoc, Sept/Oct. 2001, Voi. 37),

- Class 1 - partial-thickness laceration (without penetration of the dermis)
- » Class 2 - full-thickness laceration (with penetration of the dermis)
- Class 3 - full-thickness puncture wound
- Class 4 - foil-thickness puncture or laceration with avulsion of underlying tissues and dead space

Form 6a & 6b Condition of haircoat and nails (Separate forms for cat and dog) This is a slight modification of the TACC physical care scale. The difference is that embedded collar injuries are included on the *Condition of skin* form. Similar to the body condition definitions, we use a *Physical care scale* definitions form when this form is used. This is an excellent scoring system, because it gives you the language you need to describe an animal whose haircoat is neglected.

Form 7 Physical Care Scale definitions

Form 8 Radiology form

This form may or may not work for you. We have a large radiology label that we routinely use in our medical records, but for the sake of better documentation we use this separate form for our abuse cases. In situations where we are not comfortable with our radiological interpretation we submit radiographs for a radiologist to read. In these cases we are careful not to write anything in the medical record that might differ from the radiologist's report. Conflicting interpretations are a defense attorney's dream.

Form 9 Preliminary veterinary statement cover sheet

This is the cover page to the initial veterinary statement. The statement should be typed and attached to this sheet. The typed statement should be dated, the case should be identified (by case number) and signed. A preliminary statement is written because law enforcement needs a veterinary statement to make an arrest and/or submit the case to the district attorney's office. This must be written within days of the case being presented to the veterinarian. I always recommend that clinical laboratory work results be available before the statement is written.

Form 10 Final veterinary statement cover sheet - This is the cover page for the final veterinary statement. All medical issues should be resolved at the time this statement is written. It is in this statement that complete weight gains to Ideal body condition are included to support neglect cases.

Form 11 Medical record certification - All medical records that are submitted as evidence in a court case must be certified as accurate records of the medical management of the case. A hospital owner or director, or office manager can certify the records.

A note about medical records of neglect/abuse cases - These are documents that have a likelihood of being part of a criminal trial. Medical records are not uncommonly misplaced. When the medical issues pertaining to the neglect or abuse are resolved these medical records should be filed separately from other hospital records. In our situation at the ASPCA, these animals are eventually adopted to new homes. Copies of the original record are made and these copies are used for additional medical record keeping while the animals are in the Adoptions department and after they are adopted. The original records are kept in a locked file cabinet for use during a trial.

Also included: **Current reference lists**

Forms for Medical Evaluation of Animal Victims of Neglect and Abuse Necropsy

*Dr. Robert Reisman Medical Coordinator of
Abuse Cases Bergh Memorial Animal
Hospital /ASPCA (212) 876-7700 ext. 4348*

All forms are in Microsoft Excel, or Microsoft Word format. The forms can therefore be easily customized for use by your organization.

The ASPCA's Bergh Memorial Animal Hospital is the hospital listed at the top of the page. This will obviously need to be changed to your organization's name. The animal identification goes in the top left box. At the ASPCA we use an animal identification label generated by our computer system.

Forms

Form 1 *History/Cover Sheet*

This form is used to state the historical circumstances of the animals's death.

Form 2 *Gross Examination Worksheet*

This form should be used to record all findings during the necropsy.

Forms 3a & 3b *External wounds form* (Separate forms for cats and dogs)

This form is similar to the condition of skin form for live animals and allows location and types of wounds to be easily diagrammed.

Form 4 *Body condition assessment*

The body condition definition form should be included with the record and with the veterinary statement. This form is a modification of Dr. Patronek's scoring system (TACC). There are no pictures. The feeling is that during court testimony it is better to refer to a verbal description of the score as opposed to a picture. These definitions are included in veterinary statements used for the legal case. It is frequently the case that these definitions have been used verbatim in the criminal complaint filed by the district attorney's office.

Form 5 *Fixed tissue checklist*

This is a very useful form because it helps direct a thorough post-mortem evaluation. The recommendation for all post-mortem tissue submissions is that they include all tissues. Partial tissue submission may result in a missed diagnosis, or leave the veterinarian open to questions about post-mortem findings that are missing.

Form 6 *Preliminary veterinary statement - Necropsy*

I am reluctant to write this statement because histopathology findings are usually not available. But, law enforcement frequently asks for a statement before the histopathology findings are available. Write this statement carefully so as not to contradict possible final conclusions. We submit our histopathology samples to a veterinary school diagnostic laboratory. We feel that for the purposes of the type of information we are looking for for these cases that we get a more appropriate report than we would if we used our commercial lab.

Form 7 *Final veterinary statement - Necropsy*

Write this when the histopathology findings are available.

Form 8 *Medical record certification* - All medical records that are submitted as evidence in a court case must be certified as accurate records of the medical management of the case. A hospital owner or director, or office manager can certify the records.

**The Bergh Memorial
Animal Hospital of the ASPCA**
424 E 92nd Street, New York, N.Y. 10128
(212) 876-7700

Doctor _____

Necropsy of Humane Law Case

History

Time of necropsy AM PM

Time dog last seen alive AM PM

Time animal found dead AM PM

Describe circumstances of death below

Preliminary conclusion

Physical Findings on following pages

Histopathology pending? N

Toxicology pending? N

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Animal Hospital of the ASPCA**
424 E 92nd Street, New York, N.Y. 10128
(212) 876-7700

Doctor _____

Medical Evaluation of Humane Law Enforcement Seizure

Medical History

Exam

Weight

Behavior - Assess strength, activity and interaction with people and animals

Sensorium	N Abn	<u>Integ.</u>	N Abn	Ears	N Abn	Heart	N Abn	MuscSkel	N Abn
Pain	Yes No	L. nodes	N Abn	Nose	N Abn	<u>Lungs</u>	N Abn	<u>Neurol.</u>	N Abn
<u>Hydration</u>	<u>N Abn</u>	<u>Eyes</u>	N Abn	Mouth	N Abn NE	Abdomen	N Abn	<u>Urogen.</u>	N Abn

Body Condition: Ideal (1) Underweight/Lean (2) Thin (3) Very Underweight (4) Emaciated (5)

Record abnormal findings below

Attach skin/haircoat forms if appropriate

Physical Findings continued on second page

Assessment

Plan

CBC/Chem **DA** **Dscal** **Q-DAG** **CaQeLV/FIV** **n**
Rabies / / **DHPP** / / **B. bronchisep.** / / **FVRCP** /

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LIM

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Animal Hospital of the ASPCA**
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(212) 876-7700

Doctor _____

Medical Evaluation of Humane Law Enforcement Seizure

Continuation of physical findings

Assessment and Plan - see first page

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ASPCA®
Appendix G - ASPCA® Animal Abuse
Reporting Forms

**The Bergh Memorial
Animal Hospital of the ASPCA**
424 E 92nd Street, New York, N.Y. 10128
(212) 876-7700

Weight Change

Weight (#)

Date

Date

Date

Date

Date

Date

Date

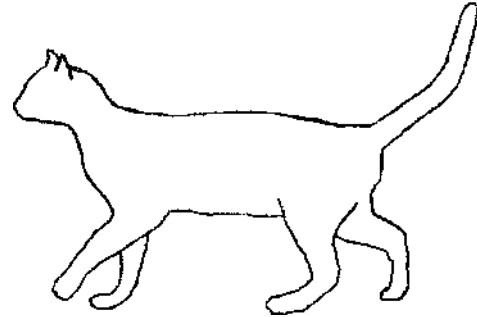
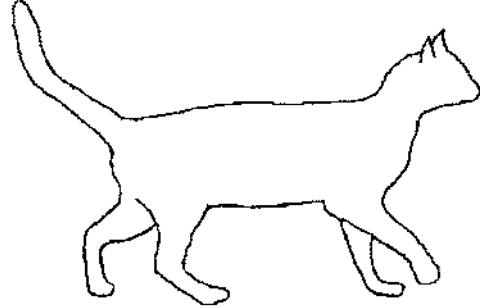
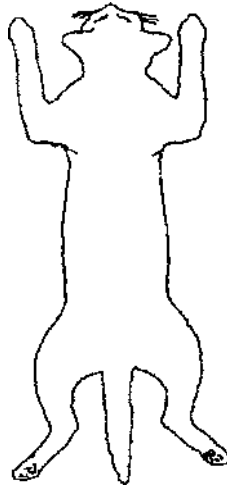
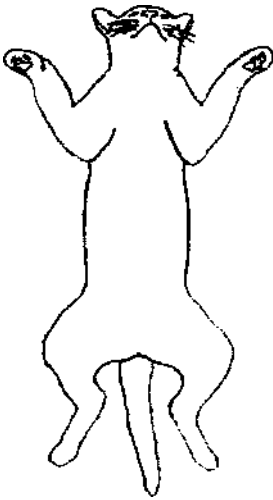
Date

Date

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Necropsy of Humane Law Case External Wounds/Lesions

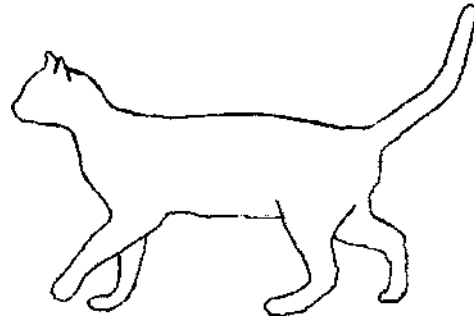
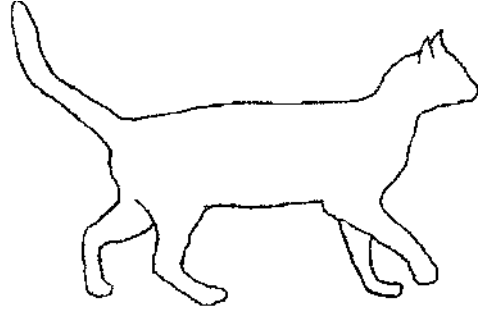
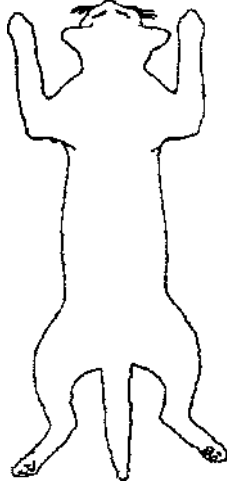
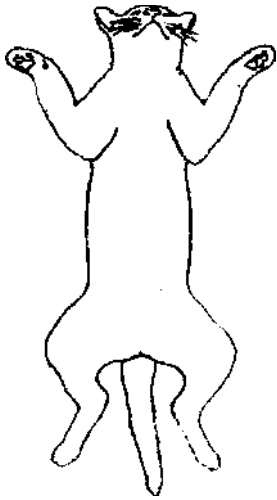
- 1) Show location, size, and distribution of skin wounds or lesions (Describe on diagram or in Comments section)
- 2) External parasites Yes No (Describe in comments section or next to diagram. Include estimate of numbers)



COMMENTS

Condition of skin

- 1) Show location, size, and distribution of skin wounds or lesions (Describe on diagram or in Comments section)
- 2) External parasites Yes No (Describe in comments section or next to diagram. Include estimate of numbers)

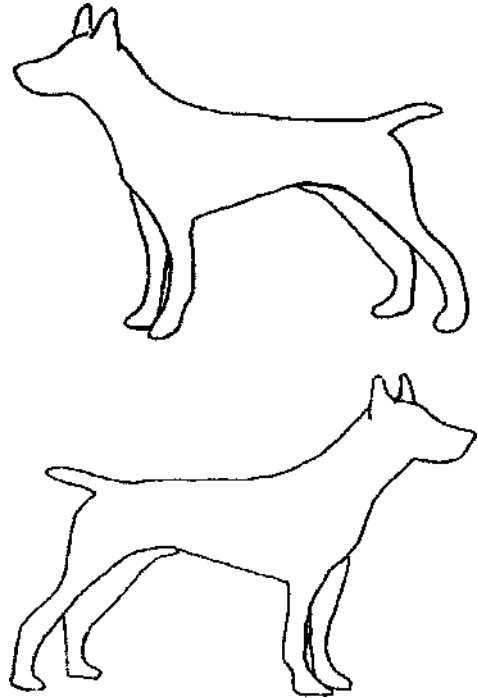
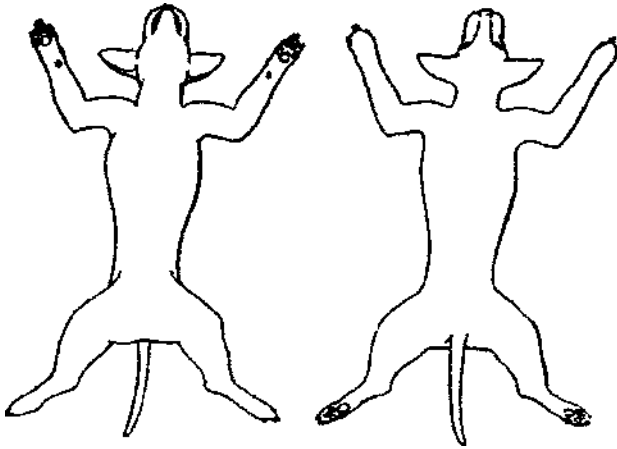


COMMENTS

separate page for description of hair and nails

Condition of skin

- 1) Show location, size, and distribution of skin wounds or lesions (Describe on diagram or in Comments section)
- 2) External parasites Yes No (Describe in comments section or next to diagram. Include estimate of numbers)



COMMENTS

separate page for description of hair and nails

Condition of haircoat, and nails

Physical care scale (see definitions next page)

1) Adequate

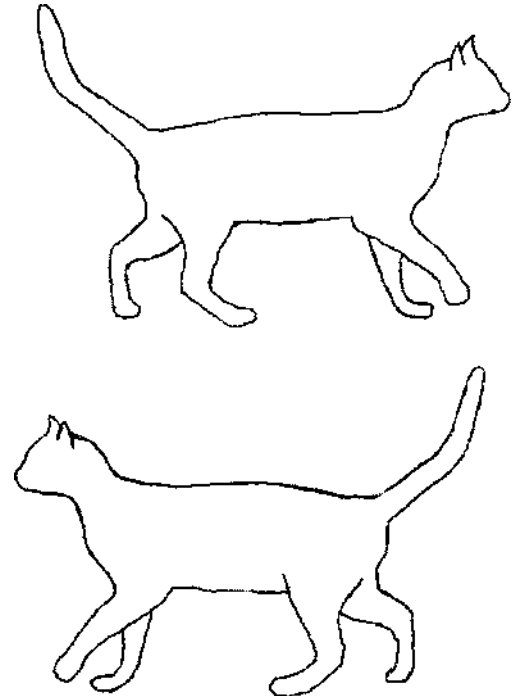
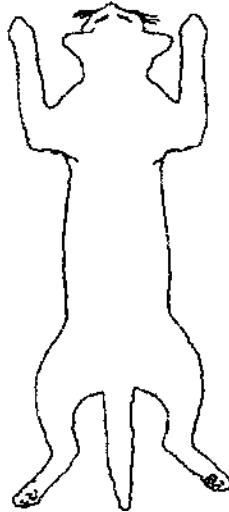
2) Lapsed

3) Borderline

4) Poor

5) Terrible

After Dr. G. Patronek, Tufts Care and Condition Scoring Scales, American Humane Association, 1998,



COMMENTS

The Bergh Memorial

424 E 92nd Street, New York, N.Y. 10128
(212)876-7700

Final Veterinarian Statement - NECROPSY

On / / I performed a post-mortem evaluation on a . (age, breed, species)
found the . (species) to be (general appearance)

List specific findings below

Attach External wound form Y NA Internal wound form Y NA Histopathology results Y NA

Attach Radiology interpretation Y NA Radiology consult Y NA Toxicology results Y NA

Body condition at presentation: Ideal (1) Underweight/Lean (2) Thin (3) Very Underweight (4) Emaciated (5)

Description of body condition on next page Weight at Presentation

Conclusion

The above statement is an accurate summary of my findings

Stamp of veterinarian

Signature of veterinarian

/ /
Date

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Physical care scale - Haircoat and Nails

After Dr. G. Patronek, Tufts Care and Condition Scoring Scales, American Humane Association, 1998.

- | | |
|---------------------|---|
| 5 Terrible | Haircoat a single mat that prevents normal movement and interferes with vision. Soiling of hind end and legs with trapped urine and feces.
A complete clipdown required.
Nails extremely overgrown into circles and may be penetrating pads causing pain and infection. Nails interfering with normal gait. |
| 4 Poor | Substantial matting of haircoat. Large sections of hair matted together. Occasional foreign material embedded in mats. Much of the hair will need to be clipped. Fecal and urine soiling of hind end and legs. Long nails that interfere with normal gait. |
| 3 Borderline | Numerous mats, but animal can still be groomed without a total clip down. No significant fecal or urine soiling. Nails are overgrown which may alter gait. |
| 2 Lapsed | Haircoat may be somewhat dirty or have a few mats present that are easily removed. Remainder of coat can be easily brushed or combed. Nails need a trim. |
| 1 Adequate | Dog clean. Hair can be easily brushed or combed. Nails okay. |

Preliminary Veterinary Statement

Brief summary of animal's condition at presentation. Include description of animal.

List specific findings below

Body condition at presentation: Ideal (1) Underweight/Lean (2) Thin (3) Very Underweight (4) Emaciated (5) Weight

at presentation _____ #

Veterinary statement attached

Other attachments

Body condition definitions

Skin and or haircoat form Y NA

Radiology Y NA

Histopathology Y NA

Other

Pending **Blood tests** **Urinalysis** **D Fecal** **Radiographs** **n**

The above statement including all attachments is an accurate summary of my findings

Stamp of veterinarian

Signature of veterinarian

Date

Final Veterinary Statement

Brief summary of animal's condition at presentation. Include description of animal.

List specific findings below

Body condition at presentation: Ideal (1) Underweight/Lean (2) Thin (3) Very Underweight (4) Emaciated (5) Weight
at presentation _____ #

Veterinary statement attached

Other attachments

Body condition definitions

Skin and or haircoat form Y NA

Radiology Y NA

Histopathology Y NA

Other

The above statement is an accurate summary of my findings

Stamp of veterinarian

Signature of veterinarian

Date

Certification of Medical Record

I, *Dr. Robert Reisman*, the Medical Coordinator of Abuse Cases at, the Henry Bergh Memorial Hospital of The American Society for the Prevention of Cruelty to Animals, 424 East 92nd Street, New York, New York, 10128, certify that the attached document is a true and accurate copy of the medical record of;

ANIMAL IDENTIFICATION Humane

Law Enforcement AO200_Bergh

Memorial Animal Hospital

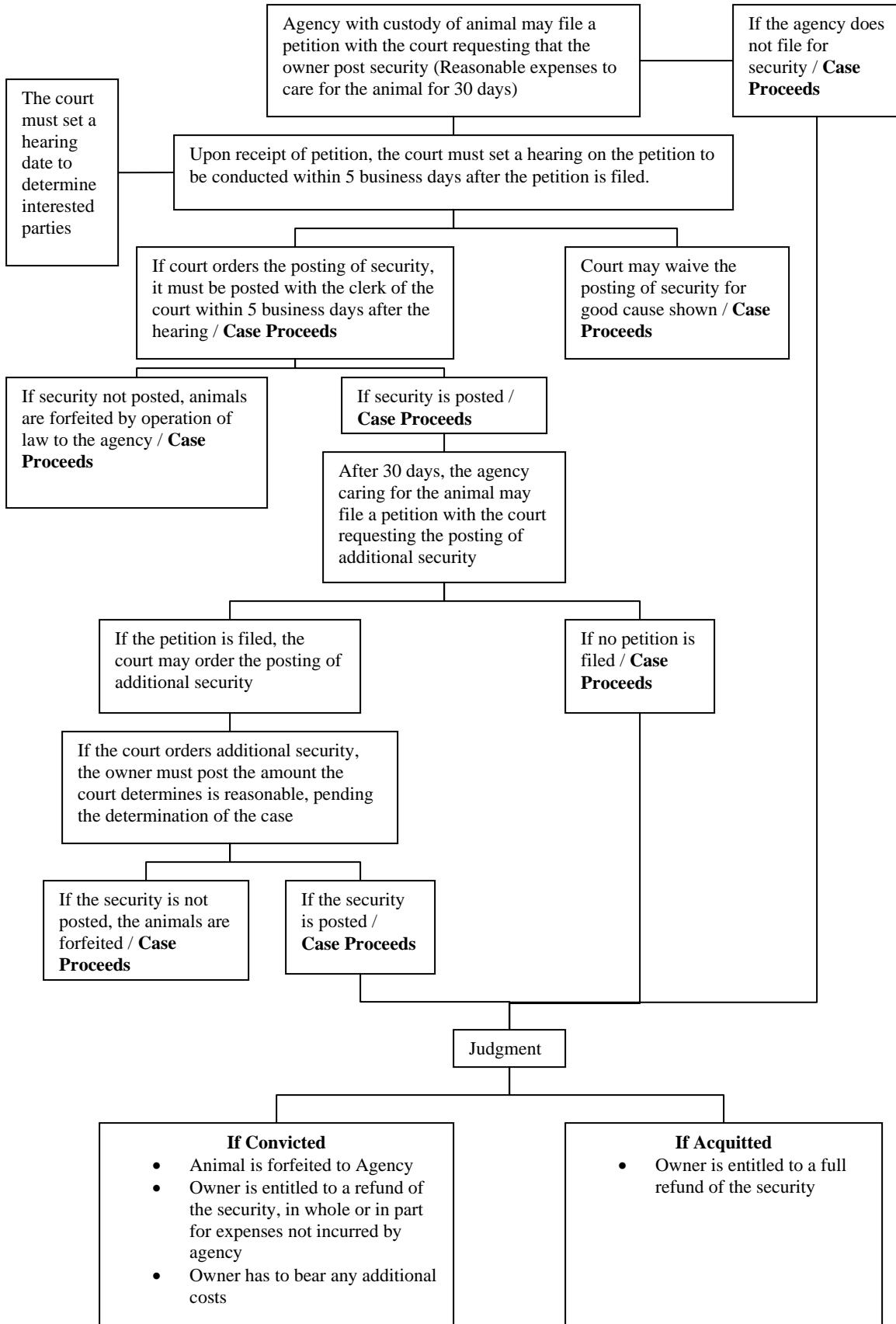
Animal Placement A01

I also certify that this record was made in the regular course of business of this Hospital. That, it is the regular business of this Hospital to make and keep such a record, and that the record was made upon the dates set forth or within a reasonable time of the condition, act, transaction, occurrence, or event.

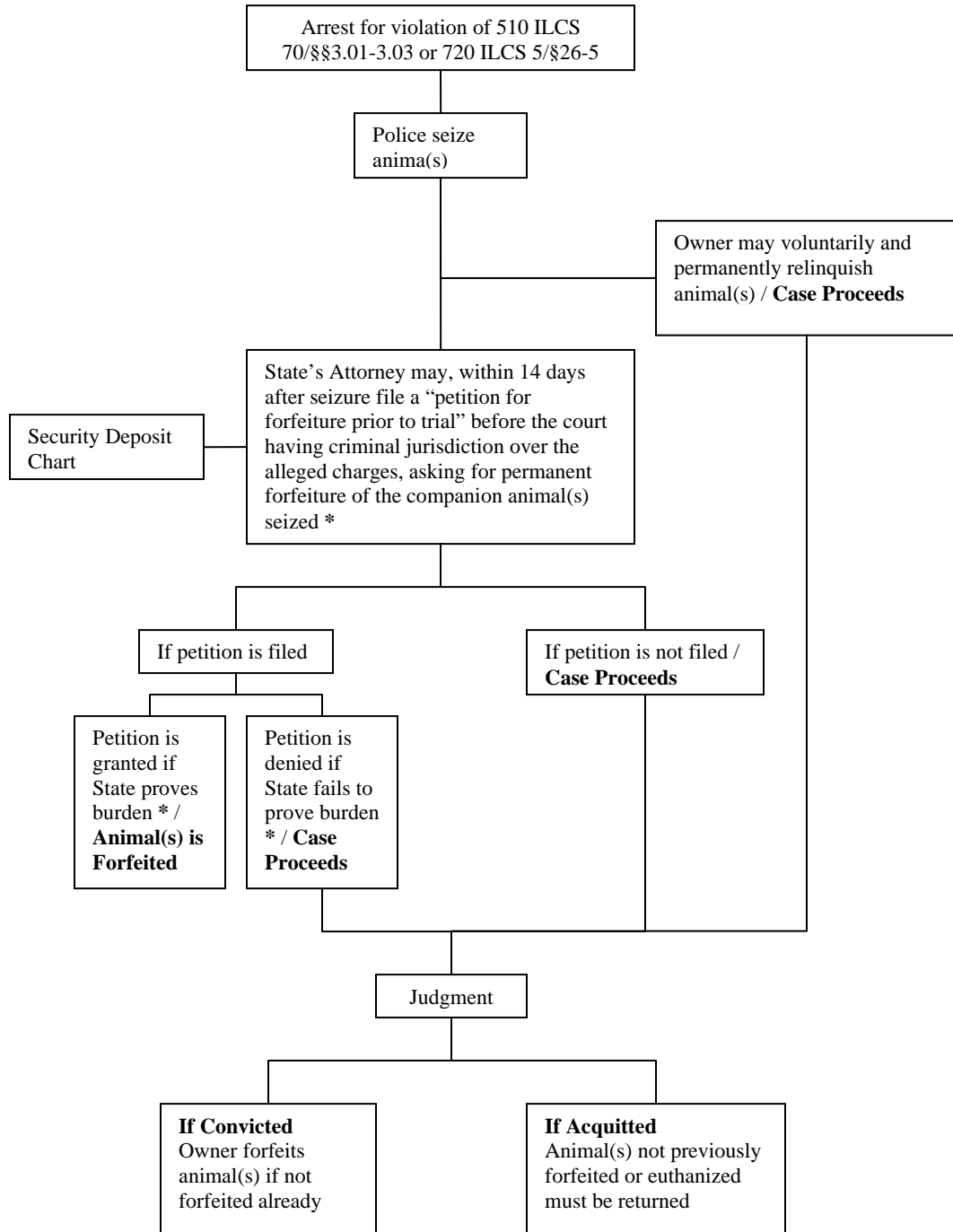
Signature:

Date:

Posting Security



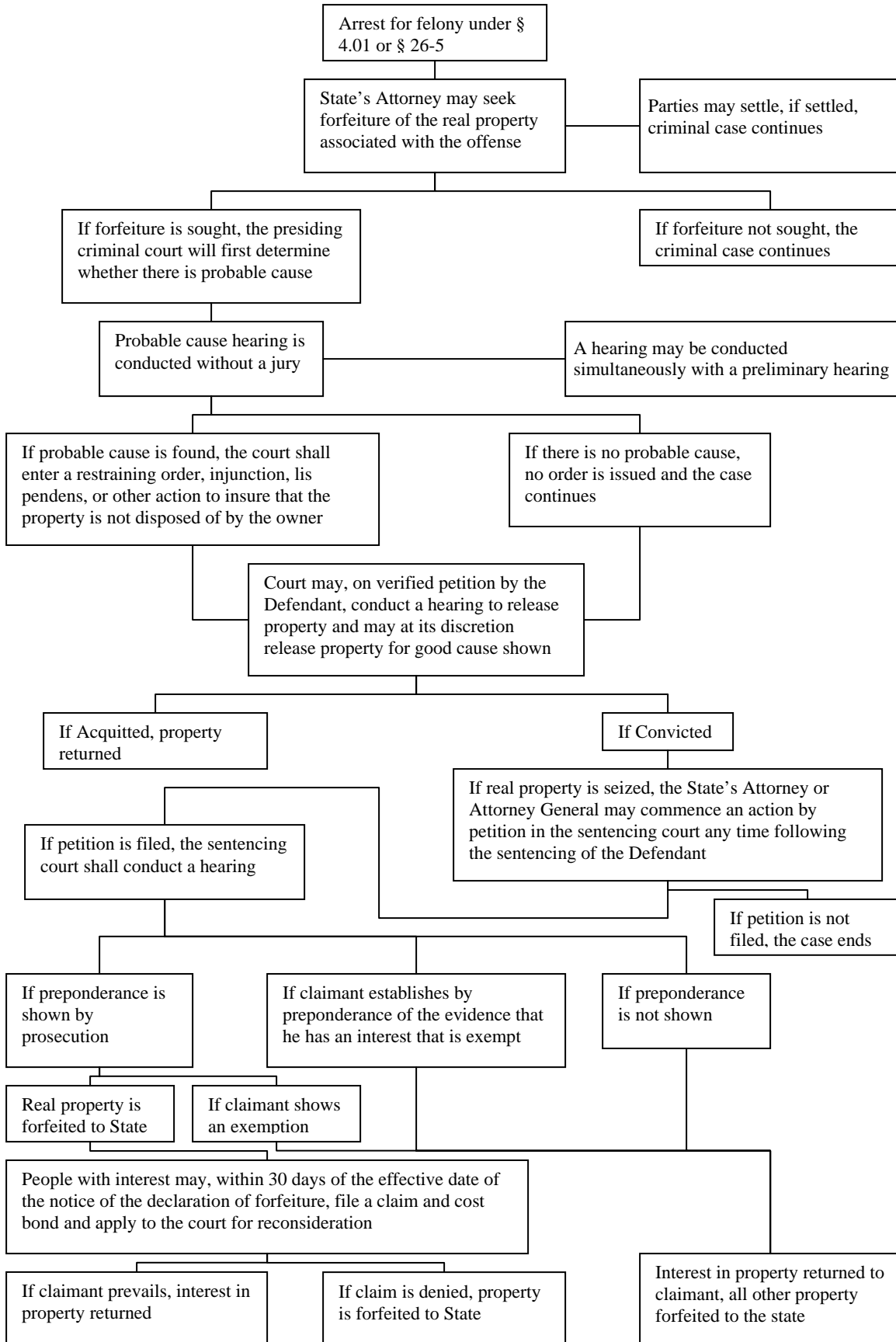
Forfeiture of Animal



* **Note:** The hearing on the forfeiture petition is like a civil proceeding. Although it is held in the criminal court, the standard is "a preponderance of the evidence."

Forfeiture of Real Property

720 ILCS 5/37.5-15





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Animal Cruelty: The Law in Illinois

Rev. 3 – December 2007

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Dr. Robert Reisman

Bergh Memorial Hospital, ASPCA, 424 E. 92nd St., New York, N.Y. 10128

RobertR@ASPCA.org

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Please contact the IL Department of Agriculture, Bureau of Animal Welfare at (217) 782-6657.

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U.S. Department of Health and Human Services: The Administration for Health and Human Services

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National Institute of Justice

ELDER JUSTICE: Medical Forensic Issues Concerning Abuse and Neglect (Draft Report)

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Animal Cruelty Law

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Emergency Care of Trauma Patients

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Crime Scene Investigator Bookstore <http://www.crime-scene-investigator.net/csi-bookstore.html>

DePaul College of Law
<http://www.law.depaul.edu/>
Click on "Criminal" for Criminal Science section

Federal Bureau of Investigation
<http://www.fbi.gov/>

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Zeno's Forensic Site <http://forensic.to/forensic.html>

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Crime Scene and Evidence Photography <http://www.crime-scene-investigator.net/csi-photo.html>

International Association for Identification
Scientific Working Group on Imaging Technologies (SWGIT)
<http://www.theiai.org/swgit/mdex.html>

Flow Charts

D.A.W.G. (Dog Advisory Work Group – Chicago) <http://www.dawgsite.org/>