

AN ACT concerning animals.

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

Section 5. The Humane Care for Animals Act is amended by changing Section 3.04 as follows:

(510 ILCS 70/3.04)

Sec. 3.04. Arrests and seizures; penalties.

(a) Any law enforcement officer making an arrest for an offense involving one or more companion animals under Section 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6, 7.1, or 7.15 of this Act may lawfully take possession of some or all of the companion animals in the possession of the person arrested. The officer, after taking possession of the companion animals, must file with the court before whom the complaint is made against any person so arrested an affidavit stating the name of the person charged in the complaint, a description of the condition of the companion animal or companion animals taken, and the time and place the companion animal or companion animals were taken, together with the name of the person from whom the companion animal or companion animals were taken and name of the person who claims to own the companion animal or companion animals if different from the person from whom the companion animal or companion animals were seized. He or she

must at the same time deliver an inventory of the companion animal or companion animals taken to the court of competent jurisdiction. The officer must place the companion animal or companion animals in the custody of an animal control or animal shelter and the agency must retain custody of the companion animal or companion animals subject to an order of the court adjudicating the charges on the merits and before which the person complained against is required to appear for trial. If the animal control or animal shelter owns no facility capable of housing the companion animals, has no space to house the companion animals, or is otherwise unable to house the companion animals or the health or condition of the animals prevents their removal, the animals shall be impounded at the site of the violation pursuant to a court order authorizing the impoundment, provided that the person charged is an owner of the property. Employees or agents of the animal control or animal shelter or law enforcement shall have the authority to access the on-site impoundment property for the limited purpose of providing care and veterinary treatment for the impounded animals and ensuring their well-being and safety. Upon impoundment, a petition for posting of security may be filed under Section 3.05 of this Act. Disposition of the animals shall be controlled by Section 3.06 of this Act. The State's Attorney may, within 30 ~~14~~ days after the seizure, file a "petition for forfeiture prior to trial" before the court having criminal jurisdiction over the alleged charges,

asking for permanent forfeiture of the companion animals seized. The petition shall be filed with the court, with copies served on the impounding agency, the owner, and anyone claiming an interest in the animals. In a "petition for forfeiture prior to trial", the burden is on the prosecution to prove by a preponderance of the evidence that the person arrested violated Section 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6, 7.1, or 7.15 of this Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012. Upon receipt of a petition under this subsection, the court shall set a hearing on the petition. The hearing shall be conducted within 14 days after the filing of the petition, or as soon thereafter as practicable, but not more than 45 days after the filing of the petition.

(b) An owner whose companion animal or companion animals are removed by a law enforcement officer under this Section must be given written notice of the circumstances of the removal and of any legal remedies available to him or her. The notice must be delivered in person, posted at the place of seizure, or delivered to a person residing at the place of seizure or, if the address of the owner is different from the address of the person from whom the companion animal or companion animals were seized, delivered by registered mail to his or her last known address.

(c) In addition to any other penalty provided by law, upon conviction of or being placed on supervision for violating

Sections 3, 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6, 7.1, or 7.15 of this Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012, the court may order the person convicted or placed on supervision to forfeit to an animal control or animal shelter the animal or animals that are the basis of the conviction or order for supervision. Upon an order of forfeiture, the person convicted or placed on supervision is deemed to have permanently relinquished all rights to the animal or animals that are the basis of the conviction or order for supervision, if not already. The forfeited animal or animals shall be adopted or humanely euthanized. In no event may the person convicted or placed on supervision, or anyone residing in his or her household be permitted to adopt or otherwise possess the forfeited animal or animals. The court, additionally, may order that the person convicted or placed on supervision, and persons dwelling in the same household as the person convicted or placed on supervision who conspired, aided, or abetted in the unlawful act that was the basis of the conviction or order for supervision, or who knew or should have known of the unlawful act, may not own, possess, harbor, or have custody or control of any other animals for a period of time that the court deems reasonable, up to and including permanent relinquishment.

(d) In addition to any other penalty, the court may order that a person and persons dwelling in the same household may

not own, harbor, or have custody or control of any other animal if the person has been convicted of 2 or more of the following offenses:

- (1) a violation of Section 3.02 of this Act;
- (2) a violation of Section 4.01 of this Act; or
- (3) a violation of Section 48-1 of the Criminal Code of 2012.

(e) A person who violates the prohibition against owning, possessing, harboring, having custody, or having control of animals is subject to immediate forfeiture of any animal illegally owned in violation of subsection (c). A person who owns, possesses, harbors, has custody, or has control of an animal in violation of an order issued under subsection (c) is also subject to the civil and criminal contempt power of the court and, if found guilty of criminal contempt, may be subject to imprisonment for not more than 90 days, a fine of not more than \$2,500, or both.

(Source: P.A. 102-114, eff. 1-1-22; 103-490, eff. 8-4-23.)