

HUMANE CARE FOR ANIMALS ACT

(Ill. Compiled Statutes, Ch. 510, Par. 70/1 et seq.)

AN ACT in relation to the humane care and treatment of animals and to provide penalties for violations thereof. P.A. 78-905, approved Sept. 21, 1973, eff. Oct. 1, 1973.

70/1. Short title

§ 1. This Act shall be known and may be cited as the "Humane Care for Animals Act".

70/2. Definitions

§ 2. As used in this Act, unless the context otherwise requires, the terms specified in Sections 2.01 through 2.07 have the meanings ascribed to them in those Sections.

70/2.01. Animal

§ 2.01. "Animal" means every living creature, domestic or wild, but does not include man.

70/2.01a. Companion Animal

§ 2.01a. "Companion animal" means an animal commonly considered to be, or to be used as, a pet. "Companion animal" includes but is not limited to canines, felines, and equines.

Added by P.A. 88-600, §10, eff. Sept. 1, 1994.

70/2.02. Department

§ 2.02. "Department" means the Department of Agriculture.

70/2.03. Department investigator--Approved humane investigator

§ 2.03. "Department investigator" or "approved humane investigator" means a person employed by or approved by the Department to determine whether there has been a violation of this Act or an animal control warden or animal control administrator appointed under the Animal Control Act.

Amended by P.A. 87-157, § 3, eff. Jan. 1, 1992.

70/2.04. Director

§ 2.04. "Director" means the Director of Agriculture, or his duly appointed representative.

70/2.05. Humane society

§ 2.05. "Humane society" means any chartered, not for profit organization authorized to do business in this State and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

70/2.05a. Livestock management facility

§ 2.05a. "Livestock management facility" means any on-farm animal feeding operation, on-farm livestock shelter, or on-farm milking and accompanying milk handling area.

Added by P.A. 83-140, § 1, eff. Jan. 1, 1984.

70/2.06. Owner

§ 2.06. "Owner" means any person who (a) has a right of property in an animal, (b) keeps or harbors an animal, (c) has an animal in his care, or (d) acts as custodian of an animal.

70/2.07. Person

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

70/2.08. Police Animal

§ 2.08. Police animal. "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.

Amended by P.A. 90-80, § 5, eff. July 10, 1997.

70/3. Owner's duties

§ 3. 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.

70/3.01. Cruel treatment

§ 3.01. 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.

Added by P.A. 84-466, § 1, eff. Jan. 1, 1986.

70/3.02. Aggravated cruelty

§3.02. 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.

Added by P.A. 88-600, §10, eff. Sept. 1, 1994.

70/4. Prohibited acts

§ 4. 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 in any game of chance.

Amended by P.A. 86-172, § 1, eff. Jan. 1, 1990.

**70/4.01. Animals for use in entertainment--
Prohibited acts**

§ 4.01. (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) No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. This subsection (h) shall apply only when such dog is intended to be used in a dog fight.

Amended by P.A. 87-819, § 2, eff. July 1, 1992.

70/4.02. Arrests--Possession of dogs, paraphernalia, implements, etc. --Veterinarian's report

§ 4.02. (a) Any law enforcement officer making an arrest for an offense involving one or more dogs under Section 4.01 of this Act shall lawfully take

possession of all dogs and all paraphernalia, implements, or other property or things used or employed, or about to be employed in the violation of any of the provisions of Section 4.01 of this Act. Such officer, after taking possession of such dogs, paraphernalia, implements or other property or things, shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in such complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed, or was about to be used or employed, in such violation of Section 4.01 of this Act. He shall thereupon deliver the property so taken to the court, which shall, by order, place the same in custody of an officer or other proper person named and designated in such order, to be kept by him until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the State's attorney of the county and the Department. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial. Upon the conviction of the person so charged, all property so seized shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In the event of the acquittal or final discharge without conviction of the person so charged such court shall, on demand,

direct the delivery of such property so held in custody to the owner thereof.

(b) 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 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 makes a report, as required by this subsection (b), shall have immunity from any liability, civil, criminal or that otherwise might result by reason of such actions. For the purposes of any proceedings, civil or criminal, the good faith of any such veterinarian shall be presumed.

Added by P.A. 84-723, § 1, eff. Jan. 1, 1986.

70/4.03. Teasing, striking or tampering with police animals prohibited

§ 4.03. Teasing, striking or tampering with Police Animals 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 any animal used by a law enforcement officer in the performance of his functions or duties, or when placed in confinement off duty; or to interfere or meddle with any such 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.

Added by P.A. 85-800, §1, eff. Jan. 1, 1988.

Amended by P.A. 90-80, § 5, eff. July 10, 1997.

70/4.04. Injury or killing police animals prohibited

§ 4.04. Injury or Killing Police Animals Prohibited. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any animal used by a law enforcement department or agency in the performance of the functions or duties of such department or when placed in confinement off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.

Added by P.A. 85-800, §1, eff. Jan. 1, 1988.

Amended by P.A. 90-80, § 5, eff. July 10, 1997.

70/5. Horses--Acts prohibited

§ 5. No person shall 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, unless the equidae is being sold, transported, or housed with the intent that it will be moved in an expeditious and humane manner to an approved slaughtering establishment. Such equidae may be conveyed to a proper place for medical or surgical treatment, for humane keeping or euthanasia, or for slaughter in an approved slaughtering establishment.

Amended by P.A. 87-157, § 3, eff. Jan. 1, 1992.

70/5.01 Horse poling or tripping

§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.

Added by P.A. 89-455, §5, eff. May 20, 1996.

70/6. Poisoning dogs or other domestic animals prohibited--Exception

§ 6. 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. Any drug used for euthanasia shall be by or under the direction of a licensed veterinarian.

70/7. Transportation of animals

§ 7. 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, and shall have a lien upon the animal until all expenses resulting therefrom 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.

Amended by P.A. 87-1094, § 1, eff. Sept. 15, 1992.

70/7.1. Confinement in motor vehicle

§ 7.1. 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 person.

Added by P.A. 86-1325, §1, eff. Sept. 6, 1990.

70/7.5. Downed animals

§ 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 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.

Amended by P.A. 88-66, §5, eff. July 7, 1993.

70/7.15. Guide, hearing, and support dogs.

§ 7.15. (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.

Added by P.A. 89-689, § 55, eff. Dec. 31, 1996.

70/8. Administration of Act--Rules and regulations

§ 8. The Department shall administer this Act and shall promulgate such rules and regulations as are necessary to effectuate the purposes of this Act. Such rules and regulations are subject to the approval of the Advisory Board of Livestock Commissioners.

The Director may, in formulating rules and regulations pursuant to this Act, seek the advice and recommendations of humane societies in this State.

70/9. Humane investigators--Qualifications

§ 9. The Department shall, by rule or regulation, establish reasonable qualifications for approved humane investigators and shall maintain a current listing of all approved humane investigators which shall be available for public inspection. These qualifications shall include, but need not be limited to, a knowledge of the provisions of this Act and its rules and regulations and expertise in the investigation of complaints relating to the care and treatment of animals. Persons designated as humane investigators shall cooperate, when requested, in completing routine investigations and filing reports of violations of this Act received by the Department.

Employees of the Department may be assigned as Department investigators.

Amended by P.A. 88-600, §10, eff. Sept. 1, 1994.

70/10. Entry upon premises for investigation of complaints-- Exemption--Assistance of State's Attorneys and law enforcement officials

§ 10. Upon receiving a complaint of a suspected violation of this Act, a Department investigator, any law enforcement official, or an approved humane investigator may, for the purpose of investigating the allegations of the complaint, enter during normal business hours upon any premises where the animal or animals described in the complaint are housed or kept, provided such entry shall not be made into any building which is a person's residence, except by search warrant or court order. Institutions operating under federal license to conduct laboratory experimentation utilizing animals for research or medical purposes are, however, exempt from the provisions of this Section. State's

Attorneys and law enforcement officials shall provide such assistance as may be required in the conduct of such investigations. Any such investigation requiring legal procedures shall be immediately reported to the Department. No employee or representative of the Department shall enter a livestock management facility unless sanitized footwear is used, or unless the owner or operator of the facility waives this requirement. The employee or representative must also use any other reasonable disease prevention procedures or equipment provided by the owner or operator of the facility. The animal control administrator and animal control wardens appointed under the Animal Control Act¹ shall be authorized to make investigations complying with this Section for alleged violations of Sections 3 and 3.01 pertaining to small companion animals. If impoundments are made by wardens, public pounds operated by a political entity shall be utilized. The animals impounded shall remain under the jurisdiction of the animal control administrator and be held in an animal pound licensed under the Animal Welfare Act². All litigation, appeal, and disposition of the animals so held will remain with the governmental agency operating the facility.

Amended by P.A. 87-157, § 3, eff. Jan. 1, 1992.

¹ 510 ILCS 5/1 et seq.

² 225 ILCS 605/1 et seq.

Article II of P.A. 83-1362, the First 83rd General Assembly Combining Revisory Act, resolved multiple actions in the 83rd General Assembly.

70/11. Notification to violator--Impoundment upon refusal or failure to take corrective action

§ 11. (a) If an investigation under Section 10 discloses that a violation of this Act has been

committed, the approved humane investigator shall furnish the violator, if known, with a notice of violation, and state what action is necessary to come into compliance with this Act and that a maximum of 48 hours may be granted in which to take corrective action.

(b) If the violator fails or refuses to take corrective action necessary for compliance or if the violator is still unknown after an attempt to identify ownership, the humane investigator shall contact the Department and request authorization to impound the animal or animals. The Department will authorize impoundment if a review of facts gathered by the humane investigator indicates a violation of Section 3 of this Act has occurred and the violator, if known, has failed or refused to take corrective action necessary for compliance.

This Section shall not apply to violations committed under Section 4.01 of this Act.

Amended by P.A. 83-649, § 1, eff. Jan. 1, 1984.

70/12. Impounding animals--Notice of impoundment

§ 12. (a) When an approved humane investigator, a Department investigator or a veterinarian finds that a violation of this Act has rendered an animal in such a condition that no remedy or corrective action by the owner is possible or the violator fails or refuses to take corrective action necessary for compliance pursuant to Section 11 of this Act, the Department may impound the animal. The animal shall be impounded in a facility which will provide the elements of good care as set forth in Section 3 of this Act, where such animals shall be examined by a licensed veterinarian.

(b) A notice of impoundment shall be given by the humane investigator to the violator, if known,

in person or sent by certified or registered mail. A copy of the notice shall be retained by the investigator and a copy forwarded immediately to the Department. The notice of impoundment shall include the following:

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

(2) Listing of deficiencies noted.

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

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

(5) Signature of the investigator.

(6) A statement that: "The violator may request a hearing to appeal the impoundment. A person desiring a hearing shall contact the Department of Agriculture within 7 days from the date of impoundment" and the Department will hold an administrative hearing within 7 days after receiving a request to appeal the impoundment. If the hearing cannot be held prior to the expiration of the 7-day impoundment period, the Department shall notify the impounding facility that it cannot sell, offer for adoption or dispose of the animal or animals until a final decision is rendered and all of the appeal processes have expired.

If a hearing is requested by any owner of impounded animals, the Hearing Officer shall have the authority after hearing the testimony of all affected parties, to render a decision as to the disposition of the impounded animals. This decision by the Hearing Officer shall have no effect on the criminal charges that may be filed with the appropriate authorities.

Any expense incurred in such impoundment becomes a lien on the animal impounded and must be

discharged before the animal is released from the facility. When the animal is not claimed by its owner and all impoundment costs satisfied within 7 days, it may be sold at public or private sale for fair consideration to a person capable of providing care consistent with this Act, with the proceeds of that sale applied first to discharge the lien and any balance to be paid over to the owner. If no purchaser is found, the animal may be offered for adoption or disposed of in a manner not inconsistent with this or any other Act.

Amended by P.A. 83-649, § 1, eff. Jan. 1, 1984.

Amended by P.A. 88-600, §10, eff. Sept. 1, 1994.

70/13. Normal husbandry practices--Construction with other Acts

§ 13. Nothing in this Act affects normal, good husbandry practices utilized by any person in the production of food, companion or work animals, or in the extermination of undesirable pests. In case of any alleged conflict between this Act, or regulations adopted hereunder, and the "Wildlife Code of Illinois"¹ or "An Act to define and require the use of humane methods in the handling, preparation for slaughter, and slaughter of livestock for meat or meat products to be offered for sale", approved July 26, 1967, as amended,² the provisions of those Acts shall prevail.

Amended by P.A. 81-358, § 4, eff. Jan. 1, 1980.

¹ 520 ILCS 5/ 1.1 et seq.

² 510 ILCS 75/1 et seq.

70/14. Review under Administrative Review Law-- Certification of record

§ 14. Any person affected by a final administrative decision of the Department may have such decision 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 the review proceeding is not a resident of this State, the venue shall be in Sangamon County. The Administrative Review Law, and all amendments and modifications thereof,¹ and the rules adopted pursuant thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.²

The Department may not be required to certify the record of the proceeding unless the plaintiff in the review proceedings first pays the sum of 75¢ per page of such record. Exhibits shall be certified without cost.

Amended by P.A. 82-783, Art. XI, § 15, eff. July 13, 1982.

¹ 735 ILCS, 5/3-101 et seq.

² 735 ILCS, 5/3-101.

70/15. Effect of invalid provision or application of Act

§ 15. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, by a court of competent jurisdiction, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

70/16. Violations--Punishment--Injunctions

§ 16. (a) Any person convicted of violating Sections 5, 5.01, or 6 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class C misdemeanor.

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

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

(3) A second or subsequent offense involving the violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.

(4) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor.

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

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

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

(3) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant

thereto is guilty of Class A misdemeanor, if such person knew or should have known that the device or equipment under subsection (d) or (e) of that Section or the site, structure or facility under subsection (f) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, the penalty shall be same as that provided for in paragraph (4) of subsection (b).

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

(5) A second or subsequent violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class 3 felony. A second or subsequent violation of subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class 3 felony, if in each violation the person knew or should have known that the device or equipment under subsection (d) or (e) of that Section or the site, structure or facility under subsection (f) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, a second or subsequent violation of subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class A misdemeanor. A second or subsequent violation of subsection (g) is a Class B misdemeanor.

(6) Any person convicted of violating Section

3.01 of this Act is guilty of a Class C misdemeanor. A second conviction for a violation of Section 3.01 is a Class B misdemeanor. A third or subsequent conviction for a violation of Section 3.01 is a Class A misdemeanor.

(7) Any person convicted of violating Section 4.03 is guilty of a Class B misdemeanor.

(8) Any person convicted of violating Section 4.04 is guilty of a Class A misdemeanor where the animal is not killed or totally disabled, but if the animal is killed or totally disabled such person shall be guilty of a Class 4 felony.

(8.5) A person convicted of violating subsection (a) of Section 7.15 is guilty of a Class B misdemeanor. A person convicted of violating subsection (b) or (c) of Section 7.15 is (i) guilty of a Class A misdemeanor if the dog is not killed or totally disabled and (ii) if the dog is killed or totally disabled, guilty of a Class 4 felony 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.

(9) Any person convicted of violating any other provision of this Act, or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class C misdemeanor with every day that a violation continues constituting a separate offense.

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

(e) Any person convicted of violating Section 3.02 is guilty of a Class A misdemeanor.

The Department may enjoin a person from a continuing violation of this Act.

Amended by P.A. 86-1325, §1, eff. Sept. 6, 1990.

Amended by P.A. 88-66, §5, eff. July 7, 1993.
Amended by P.A. 88-600, §10, eff. Sept. 1, 1994.
Amended by P.A. 89-455, §5, eff. May 20, 1996.
Amended by P.A. 89-689, §55, eff. Dec. 31, 1996.
Amended by P.A. 90-80, § 5, eff. July 10, 1997.