Animal Law Awareness for Law Enforcement and Other Governmental Agencies

You Can Successfully Enforce Laws Pertaining to Humane Care and Animal Welfare
Illinois Department of Agriculture
Introduction

The Illinois Department of Agriculture’s Bureau of Animal Health and Welfare administers acts and regulations pertaining to animals.
REMEMBER:

- As a law enforcement entity, you have the authority to enforce these acts.
- The Bureau of Animal Health and Welfare is not required to be involved in every investigation.
- The Bureau of Animal Health and Welfare is available to assist you and answer questions.
- It is everyone’s responsibility: state, county, and local municipality, to provide for the enforcement of these acts.
Administers the following acts:

- Humane Care for Animals Act
- Animal Welfare Act
- Diseased Animals Act
- Domestic Animals Running at Large Act
- Dead Animal Disposal Act

Additional Information provided:
- References
- Contact Information
- Case Examples with pictures

Clicking on the shortcut button will link you to each Act
Illinois Humane Care for Animals Act
510 ILCS 70/
The Illinois Humane Care for Animals Act provides for the humane care and treatment of all animals.

Law enforcement officials, state’s attorneys, and animal control officials have the authority to investigate humane care allegations.

Clicking on the shortcut button will link you to the Act:
Sec. 10. Investigation of complaints. (a) 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.
Common Complaint Allegations Requiring Investigation

- The following are common reasons for allegations that initiate investigations
- Not all allegations are founded
Owner’s Duties
(510 ILCS 70/3)

Each owner shall provide for each of their 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;
d) Humane care and treatment.
Companion Animal Hoarder
(510 ILCS 70/2.10)

- A person who possesses a large number of companion animals
- Fails to or is unable to provide what he or she is required to provide under Section 3 of this Act
- Keeps the companion animals in a severely overcrowded environment
- Displays 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.
Animal Hoarding

- If a person owns a lot of animals, but can provide proper care including vet care, food, water, and good living conditions for the animals, they are not considered a hoarder.

- The best case may be to have the owner relinquish the animals to the rescue, shelter, or animal control facility.

- Please be advised that there is a high rate of repeat offenders when dealing with animal hoarders.

- If the owner does relinquish the animals, or if the animals are impounded, the rescues/shelters/animal control facilities need to be prepared to care for numerous animals and have them all evaluated by a veterinarian.
Cruel Treatment
(510 ILCS 70/3.01)
No owner may abandon any animal where it may become a public charge or may suffer injury, hunger, or exposure.

Class A misdemeanor (first offense), Class 4 felony – second or subsequent conviction.
Cruel Treatment
(510 ILCS 70/3.01)

No person or owner may beat, cruelly treat, torment, starve, overwork, or otherwise abuse an animal.
Aggravated Cruelty
(510 ILCS 70/3.02)

No person may intentionally commit an act that causes a companion animal to suffer serious injury or death.

Class 4 felony if convicted. Class 3 felony on second or subsequent conviction.
A person commits animal torture when that person without legal justification knowingly or intentionally tortures an animal.

Torture means the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering or agony of the animal.
“Animal torture” does not include 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.
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.
Confinement in Motor Vehicle

(510 ILCS 70/7.1)

No owner or person shall confine any animals 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. 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.

Class C misdemeanor
Depiction of Animal Cruelty
(510 ILCS 70/3.03)

“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.

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.

Any person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.
Arrests and Seizures; Penalties  
(510 ILCS 70/3.04)

- Any law enforcement officer making an arrest for an offense involving one or more companion animals under Section 3.01, 3.02, or 3.03 of this Act may lawfully take possession of some or all of the companion animals in the possession of the person arrested.

- The officer must place the companion animal or companions 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.
Arrests and Seizures; Penalties
(510 ILCS 70/3.04)

The State’s Attorney may, within 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.

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, or 4.01 of this Act or Section 26-5 of the Criminal Code of 1961.
Animals in Entertainment
(510 ILCS 70/4.01)

- 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.)

- 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.
Animals in Entertainment
(510 ILCS 70/4.01)

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.
Animals in Entertainment
(510 ILCS 70/4.01)

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.
Animals in Entertainment
(510 ILCS 70/4.01)

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.
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.
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 an animal.
No person shall knowingly 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 humane, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.
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.
Animals in Entertainment
(510 ILCS 70/4.01)

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.
Security for Companion Animals and Animals Used for Fighting Purposes
(510 ILCS 70/3.05)

In the case of companion animals as defined in Section 2.01a or animals used for fighting purposes in violation of Section 4.01 of this Act or Section 26-5 of the Criminal Code of 1961, the animal control or animal shelter having custody of the animal or animals may file a petition with the court requesting that the person from whom the animal or animals are seized, or the owner of the animal or animals, 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 or animal shelter in caring for and providing for the animal or animals pending the disposition of the charges. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal or animals for 30 days.
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.

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 animal or animals are forfeited by operation of law and the animal control or animal shelter having control of the animal or animals must dispose of the animal or animals through adoption or must humanely euthanize the animal.
Injuring or killing police animals, service animals or search and rescue dogs prohibited

(510 ILCS 70/4.04)

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 animal is killed or totally disabled, the person is guilty of a Class 3 felony.
Prohibited Acts (510 ILCS 70/4)

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. Rabbits, ducklings or baby chicks shall not be awarded as prizes.

Poisoning Prohibited (510 ILCS 70/6)

No person may knowingly poison or cause to be poisoned any dog or other domestic animal.
Illinois Animal Welfare Act
225 ILCS 605/

Clicking on the shortcut button will link you to the Act:
Illinois Animal Welfare Act
225 ILCS 605/

The Bureau of Animal Health and Welfare administers the Animal Welfare Act

This act pertains to licensees of the Bureau

- Pet store
- Licensed dog/cat breeder
- Animal control facility
- Humane society / animal shelter
- Foster home
- Horse rescues
- Guard dog services
Bureau of Animal Health and Welfare animal and animal products investigators inspect licensees and conduct investigations of complaints against licensees.

Complaints against licensees of the Bureau should be referred to the Bureau for investigation.

Complaint referral numbers:
- 217/524-3006
- 217/782-4944
Clicking on the shortcut button will link you to the Act:
The Diseased Animals Act provides the Department with the authority to issue quarantines for a variety of disease situations. The Act provides a list of both contagious and infectious diseases and reportable diseases. The Act provides guidance for specific diseases. The Act provides for notification to the Department of animal swap meets.
Any organizer of a swap meet held within the State must provide the Department with information regarding the swap meet at least 30 days prior to the date on which the swap meet will be held. For each swap meet that he or she organizes, an organizer must maintain records for at least one year after the date on which the swap meet is held. The records must include information on each kind of animal present at the swap meet and information on any transfer of animals that takes place during the swap meet.

* Some of the people that bring animals to a swap meet may need to be licensed with the Department of Agriculture.
Persons who bring animals to swap meets must always comply with the provisions of the Humane Care for Animals Act.

Animals present at a swap meet must be in compliance with all animal disease acts that pertain to the species including testing requirements.

Most animals that enter Illinois are to be accompanied by a valid Certificate of Veterinary Inspection issued by a licensed and accredited veterinarian.

Dogs 4 months of age and older must be vaccinated against rabies.
Illinois Domestic Animals Running at Large Act
510 ILCS 55/

Clicking on the shortcut button will link you to the Act:
55/1. No person or owner of livestock shall allow livestock to run at large in the State of Illinois.

All owners of livestock shall provide the necessary restraints to prevent such livestock from so running at large and shall be liable in civil action for all damages occasioned by such animals running at large; provided, that no owner or keeper of such animals shall be liable for damages in any civil suit for injury to the person or property of another caused by the running at large thereof, without the knowledge of such owner or keeper, when such owner or keeper can establish that he used reasonable care in restraining such animals from so running at large.
Illinois Domestic Animals Running at Large
510 ILCS 55/

- A notice of violation of this Act shall be given to the person or owner of livestock running at large if known and a maximum of 24 hours may be granted in which to make the necessary corrections if the violation is an accidental occurrence and an investigation reveals no identifiable individual at fault.

- Any livestock allowed to run at large may be impounded at a facility capable of restraining such livestock. A notice of impoundment shall be delivered to the owner of such livestock in person or by certified mail.

- Law enforcement officials such as State Police, County Sheriffs, or municipal police officers, or authorized agents of the Illinois Department of Agriculture, or authorized agents of the Illinois Department of Natural Resources, or the owner or occupier of land may give notice and cause stray animals which trespass to be impounded.

Basic information:

- If you cannot make contact with the Dept., you can give notice to the owner for the animals running at large. If animals are impounded, they can be taken to a local sale barn, farm, or vet clinic.

- Owner has to be given notice of impoundment. The owner has 10 days to comply and pay all debts. If not, the livestock can be sold.
Illinois Dead Animal Disposal Act

225 ILCS 610/

Clicking on the shortcut button will link you to the Act:

Shortcut to act
No person caring for, acting as an agent for the owner of, or owning any animal, poultry or fish which has died shall allow the body or parts of the body to lie about the premises.

Such body or parts of the body shall be disposed of within 24 hours after death as prescribed by regulations of the Department.
No open burning
No dragging the dead animal down the hillside
Burying is allowed – as long as the location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds, or lakes (no less than 200 ft. from water source)
Rendering – owners can call a local rendering plant to pick up dead animals
Landfill disposal is an option
A person knowingly violating this Act or any rule, regulation, or order of the Department issued pursuant to this Act shall be guilty of a Class C misdemeanor.
Additional References

- Illinois Dangerous Animals Act
- Criminal code (720 ILCS 5/12-36) Possession of certain dogs by felons prohibited.
- Sexual conduct or Sexual Contact with an Animal (720 ILCS 5/12-35) – Criminal code
- Dog Fighting (720 ILCS 5/26 Criminal Code of 1961)
- Illinois Wildlife Code
Contact Information

Illinois Department of Agriculture
Bureau of Animal Health and Welfare
801 Sangamon Ave.
State Fairgrounds P.O. Box 19281
Springfield, IL 62794-9281
217/782-4944
217/524-3006
Case Examples

The following photographs are case examples involving the previously presented Acts.

All of the examples did not result in violations of the referenced Act.
Humane Care Examples
Good examples of food, water, & shelter

There is no fixed definition for shelter. Shelter must be adequate for the weather conditions at any given time.
Examples of extremes in body condition

Extremely thin

Obese
Body Condition Score - Horse

Extremely thin

Slightly overweight
Some examples of violations of Owner’s Duties:

Thin dog without food or water or shelter
Thin goats - with no food or water
Frozen water for horses is not an adequate water source
Rabbit without food or water – all bowls are empty
Dog without adequate shelter, snow on the ground
Rabbits in wire cages, no adequate shelter in hot temps (July).
Questionable shelter – crate has water in it

Possible solution: Talk to the owner/caretaker about wrapping the crate with a tarp or plastic to cover the open slits on the sides of the crate to make it a better shelter.
There is a tarp over the pen, but it is torn and not adequate shelter for the dog.
Inadequate shelter for the ducks
Veterinary care to prevent suffering

Dog’s face has been severely injured in a fight
Cat needing veterinary care
From a distance, the dog looks pretty healthy and has shelter.

As you get closer, you will notice that the dog’s front leg is dangling, has sores on it, and dog is not walking on paw.

Dog’s front leg was broken. Leg had to be amputated.
Pony needing veterinary care to prevent suffering

This pony was hit by a car
Horse with cancer of the eye
Humane care & treatment – numerous pups & mother in a filthy crate
Dirty, matted dogs crammed in a cage
Dogs outside in unsanitary conditions with inadequate shelter
Humane Care and Treatment

Horse standing in mud up to its knees and hocks
Halter is too tight

Halter has started to grow into this horse’s head
Several violations – inadequate shelter, thin dog, no water (bowls empty), and pen is filthy (lots of feces)
Another example of violation of owner’s duties: There is food, but the bowl is dirty. There is no water. Cat has discharge in eyes. Litter box is filthy.
Numerous dogs that are in crowded and filthy conditions
Potential hoarding situation: Numerous cats in a large cage in a barn, several with upper respiratory infection; most are feral

87 cats were relinquished, most were euthanized, a few were adopted
Hoarding does not just involve dogs and cats – this case involved chickens/ducks/guinea/sheep/goats
Hoardings – rabbits and reptiles
Be prepared for all types of animals that you may receive complaints on. It’s not just dogs, cats, & horses these days.
Know your farm animals...

Alpacas

Chickens

Jersey calves

Sheep
Goat staked out next to power pole with no access to water or shelter
Animal Welfare Licensee Examples
Illinois licensed kennel operator – dogs in cages with wire flooring

Cages are clean, dogs have food & water & are healthy looking
Illinois licensed dog kennel – dogs on concrete in runs
Sundowner building that holds breeder dogs and pups at a licensed kennel
Dead Animal Disposal Violation Examples
Dead Animal Disposal Violation

Improper disposal of dead swine
Horse that had not been disposed of within 24 hours of death
As a law enforcement entity, you have the authority to enforce these acts

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The Bureau of Animal Health and Welfare is available to assist you and answer questions

It is everyone’s responsibility: state, county, and local municipality, to provide for the enforcement of these acts