

## **New Law Affects Felons with Dogs**

In May 2006, the Governor signed House Bill 2946, which affects dogs living with, owned by, or in the custody of certain felons. This law was enacted as Public Act 94-0818 and became effective January 1, 2007.

### ***Which dogs are affected?***

All dogs over 12 weeks of age.

### ***What must be done to the dogs?***

Females must be spayed, males must be neutered, and both sexes must be microchipped.

### ***What felons are affected?***

Those convicted of certain felonies, including forcible felonies, drug felonies, weapons felonies, and felonies involving animals. Further, the law applies to the felon in the first 10 years after release from incarceration. For more precise advice, check the law (720 ILCS 5/12-36) or ask your parole or probation officer or your attorney.

### ***What is the penalty?***

This is a Class A misdemeanor. Someone being released from prison on parole could be found immediately in violation if other family members have dogs not in compliance with this law.

### ***Vicious Dog provision***

If a dog has been determined to be a vicious dog under Illinois law (510 ILCS 5/15(a)), the felon may not own, possess, have custody of, or reside with it even if the animal is microchipped and spayed or neutered.

### ***What is the law's effective date?***

January 1, 2007. Dog owners should plan well ahead as some clinics have waiting lists that are 2 months or longer for free or low-cost surgeries.

### ***What if the dog belongs to someone else in the household?***

The dog still must be spayed/neutered and microchipped. Ownership is only one factor. If the felon resides with the dog or is caring for the dog temporarily, the law still applies even when the animal's owner is not a felon.

### ***What if we cannot afford to get the dog fixed?***

Outside the City of Chicago, try contacting Spay USA by calling 1-800-248-SPAY (7729) for free or low-cost spay/neuter operations. Counselors are available Monday - Friday from 8 a.m. to 3:30 p.m. CST.

D.A.W.G. currently has a chart of information about available services in Chicago, including the size and age of eligible animals, the days the clinics do surgeries, as well as prices and conditions of eligibility for no-cost surgeries. We are working on a chart of suburban shelters that have programs.

### ***What if we don't have transportation?***

- 1) Contact your local humane organizations and ask about opportunities. There may be mobile spay/neuter units. Some may provide transportation, as PAWS Chicago's Lurie Clinic does.
- 2) Your local veterinarian may offer discounts or accept vouchers in February, which is Spay/Neuter Month.

### ***How do I prove my dog is in compliance with the law?***

You should keep proof of surgery and the microchip insertion from the licensed veterinarian who performs the work.

[Note: Dogs must have up-to-date rabies vaccinations and some municipalities require dog licenses.]

### ***What if I really don't want the dog then?***

You must turn in an unwanted animal to an animal shelter that has agreed to accept it or to your local animal control center. It is cruel treatment and a Class A misdemeanor under state law to abandon any animal (510 ILCS 70/3.01). County and municipal ordinances may also apply.

## From the Illinois Animal Control Act

## Excerpt from (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.

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