

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

August 3, 2001

To the Honorable Members of  
The Illinois Senate  
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex rel. Klinger v. Howlett, 50 Ill.2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill.2d 387 (1979), People ex rel. City of Canton v. Crouch, 79 Ill.2d 356 (1980), and County of Kane v. Carlson, 116 Ill.2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return Senate Bill 653, "AN ACT in relation to animals" with my specific recommendations for change.

Senate Bill 653 amends the Animal Control Act to provide that if a dog is found to be a dangerous dog, the dog must be both muzzled and leashed whenever it is upon a street, sidewalk, or other public place or grounds. It also provides that if the owner of a dangerous dog fails to keep the dog muzzled and leashed as required, and the dog attacks another person, the owner is guilty of a Class 4 felony, except that if the owner acted recklessly, the owner is guilty of a Class 3 felony. Current law provides for civil and administrative action with respect to dangerous dogs. It provides that if the owner of a vicious dog subject to enclosure fails to keep the dog enclosed or as otherwise required by law, and the dog attacks a person, the owner is guilty of a Class 4 felony (currently a Class A misdemeanor), except that if the owner acted recklessly, the owner is guilty of a Class 3 felony (currently a Class 4 felony).

There is big difference between a dog found to be vicious and a dog found to be dangerous. A vicious dog is one that has without provocation bitten someone before, attacked a person or domestic animal before, is a breed with a known propensity to attack without provocation or has been found to be a dangerous dog on three separate occasions. The current criminal penalties apply only to a dog found to be vicious which the owner fails to enclose and the dog inflicts great bodily harm or permanent disability on another person.

A dangerous dog is a separate category under the Act and is an unmuzzled, unleashed or unattended dog that approaches someone on public property in an apparent attack attitude, but does not attack or bite. There is not a current provision for finding a dog to be a dangerous dog similar to the vicious dog provision; except for a provision allowing a nuisance complaint to be filed in court to require a dangerous dog to be kept on the owner's property.

This bill imposes a felony penalty on a person who has taken reasonable steps to keep the vicious dog in an enclosure, but the dog still manages to escape and injure someone. Current law makes this felony only if the keeper knowingly failed to take steps to keep the dog enclosed, which I believe is appropriate. Current law also allows full civil liability for damages. I also question equalizing the penalty for keepers of dangerous dogs with those of vicious dogs, and believe the General Assembly should reconsider this issue.

Therefore, for these reasons I make the following recommendations for change:

- on page 5, line 31, by deleting "4 felony, except that if" and
- on page 5, line 32, by replacing "~~A-misdemeanor, unless~~" with "A misdemeanor, unless"; and
- on page 6, line 3, by replacing "3 4" with "4"; and
- on page 6, line 16, by replacing "4 felony" with "A misdemeanor"; and

on page 6, line 18, by replacing "3" with "4".

With these changes, Senate Bill 653 will have my approval. I respectfully request your concurrence.

Sincerely,  
George H. Ryan  
GOVERNOR