

**DANGEROUS AND VICIOUS DOG TASK FORCE**  
**McHenry County Government Center**  
**Administration Building**  
**667 Ware Road**  
**Woodstock, IL 60098**

MINUTES OF MONDAY, DECEMBER 19, 2005

Chairman Koehler called the Dangerous and Vicious Dog Task Force meeting to order at 3:33p.m. The following members were present: Ken Koehler; Ann Gilman; Nick Provenzano; Anna May Miller; John Jung, Jr.; Jamie Rein, (as representative for States Attorney Lou Bianchi); Pat McNulty, Health Department; Dr. Richard Gorski, Board of Health; Gene Lowery (Representing the Sheriff); and Jerry Rivard, Animal Control Supervisor. Sandra Salgado, Dr. Brain Sager, Tracey Odishoo and Dr. Mehanovic were absent. Also in attendance: interested public; and the press.

Kenneth D. Koehler, Chairman	
Lou Bianchi	Ann Gilman
Dr. Richard Gorski	John Jung, Jr.
Pat McNulty	Dr. Edin Mehanovic
Anna May Miller	Sheriff Keith Nygren
Tracey Odishoo	Nick Provenzano
Jerry Rivard	Dr. Brian Sager
Sandra Salgado	

MINUTES

Ms. Gilman made a motion, seconded by Ms. Miller to approve the minutes of the December 19, 2005 meeting. The minutes were approved as submitted with a unanimous voice vote of all ayes.

PUBLIC PARTICIPATION

Chairman Koehler explained that anyone wishing to address the Committee would be allowed three minutes to make their statement. Marc Wanagas from Spring Grove addressed the Committee and provided information on current legislation. He stated he supported non-breed specific legislation. Bridgette Anderson from Lake Villa addressed the Committee and stated she felt education is the best prevention and noted that fees for dog ownership could be increased to support such a program in the schools. She went on to question if the County passed a signage requirement how would it be enforced. She added the breeders should also be accountable for the puppies they produce that do not get sold or adopted. Bona Bradbury from Harvard addressed the Committee stated she was asked to attend this meeting by Representative Tryon as well as Senator Althoff. She stated that this is a very important issue. She reviewed proposed legislation and stated that anyone interested in receiving periodic updates on these issues could sign-up to receive this information. With no other persons wishing to speak, Chairman Koehler closed this part of the meeting.

NEW BUSINESS/OLD BUSINESS

*Discussion of public comments and consideration of recommendations for proposed legislation:* Ms. Rein stated she has distributed information on current legislation addressing the issue of dog fighting. She then introduced Mr. Rob Beaderstadt and Mr. Mark Facchini, Assistant State's Attorneys from the Criminal Division, who were asked to attend today's meeting to discuss and answer questions regarding dog fighting and the use of dogs as a deadly weapon or as part of criminal activity. Mr. Sacchini reviewed the charge of aggravated battery noting that this charge is more serious than a misdemeanor. The use of a canine would be considered an aggravated battery by one of two situations: (1) where the dog causes great bodily harm to an individual by someone "sicking the dog on that person intentionally" or (2) where the animal is used as a deadly weapon. The Illinois Legislature has left the definition of a deadly weapon "open" in the statutes and it is left to the courts to decide. He stated he is aware of one case in our County where during the arrest of an individual for a warrant, that individual instructed his dog to "sic him, sic him" and the dog bit the officer on the leg. In that case, the individual was charged with a count of aggravated battery for great bodily harm and aggravated battery with a deadly weapon and another count of aggravated because the victim was a police officer. He stated that currently there is legislation addressing the use of a dog as a deadly weapon when an individual acts knowingly or intentionally. With that information in mind, Ms. Rein asked if the members feel this covers the issue of using a dog as part of a criminal act or if there is something more to add or if they have any questions. Ms. Gilman commented that if dog fighting is illegal and if someone raises a dog for fighting purposes, how do we restrict that from happening. It was noted that this would probably be covered under a civil negligence law. Chairman Koehler commented that although dog fighting is illegal, it is an underground activity and there are many issues and problems in just putting a case together to be able to prosecute. He asked if there legislation that not only disallows the fighting but also disallows the training of the animal for fighting purposes. Ms. Rein responded that such training is also included in current statutes.

Ms. Gilman stated that if we register breeders and they are be required to keep a records of their sales would this give us some idea of if they were actually raising the dogs for fighting purposes. Mr. Beaderstadt noted that he is unaware of any charges of dog fighting in the County. He stated that if someone is in the business of raising fighting dogs, they would not be registered under a County program and there would be no way of knowing until there was some kind of complaint. Dr. Gorski stated that owners of firearms must register that weapon and felt attack dogs should also be registered in much the same way since they could also be considered a deadly weapon. He stated there should be some method to track the ownership of a dangerous dog. Mr. Provenzano stated he could own a wonderful, mild mannered dog, but if his children were being attacked he would hope that his dog would guard his children against such an attacker. He asked if that action would considered a criminal act as the intent would be difficult to identify. Ms. Rein commented that a gun is inherently dangerous, but a dog is not necessarily dangerous. If an owner trains the dog to attack with the intent to use that animal as a dangerous weapon then the intent is there. Chairman Koehler stated that from the State's Attorney's standpoint the current laws are strict enough, yet we have seen owners get off with just a light sentence or "just a slap of the hand." Mr. Beaderstadt suggested that the Members may want to consider "beefing up" sentencing factors of legislation to add that when a dog is used as a weapon, it should be considered as an aggravating circumstance. Under that law, the sentencing could be doubled and would run concurrently. Chairman Koehler asked how a case in which an officer was killed by the attacking animal would be handled. Mr. Beaderstadt stated that the Courts would look at the intent and circumstances, it would be done on a case by case basis. After further discussion, Dr. Gorski made a motion, seconded by Mr. Jung, to recommend amending the sentencing statutes to add language to double the sentence for anyone who uses an animal as a protective device during a criminal act as an aggravating circumstance. The motion carried with a unanimous voice vote of all ayes.

Dr. Gorski provided a one-page draft document of information and classifications of dog bites that could be used by the medical community to quickly grade and evaluate bite wounds. Mr. McNulty stated that the Health Department currently collects data, but this document is more specific and would provide statistics for future use. Chairman Koehler thanked Dr. Gorski for putting this information together noting that it provides the beginning criteria for assessing a dog bite. Dr. Gorski stated that severity of a wound can also depend on the location and age of the injured person. He stated that all data must be considered, but this document provides a first step. He suggested asking the Animal Control Advisory Committee to review this document. Ms. Rein stated that all dog bites must be reported to the Health Department. Mr. McNulty agreed, but noted that many go unreported since medical treatment is not always necessary. Members agreed that this document should be presented to the Animal Control Advisory Committee for their consideration.

As directed by the Committee during the previous meeting, Ms. Rein provided language that could be used regarding authorizing an Administrative Hearing Officer to hear cases involving vicious dogs. After a review, Ms. Gilman made a motion, seconded by Mr. Jung, to recommend our legislator's consider these amendments to the Animal Control Act 510 ILCS 5/2.01.01 (Administrative Hearing Officer) and 510 ILCS 5/15 (Vicious dog determination). The motion carried with all members present voting aye on a voice vote.

Ms. Rein then read the following proposed wording providing for the authority to seize and impound animal posing immediate threat to public safety: " If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the dog pending the hearing to be held pursuant to this Act. The owner or custodian of the dog shall be liable for the costs and expenses of keeping the dog impounded if the dog is later deemed dangerous or vicious. Such costs and expenses shall be paid prior to the release of the dog. When a dog has been impounded pursuant to this Act pursuant to the Illinois Administrative Procedures Act and the director of the department of animal care and control shall permit the animal to be confined at the owner's expense in a department approved kennel or veterinary facility." Dr. Gorski made a motion, seconded by Ms. Gilman, to recommend our legislators consider adopting the above language to give an animal control officer or law enforcement officer the ability to seize an animal immediately if there is a threat to public safety. Ms. Miller asked if the animal is found not to be dangerous or vicious will to the County cover any costs involved with the seizing and impounding of the animal? Ms. Rein responded "yes." On a voice vote, the motion passed with all members present voting aye.

The members reviewed legislation on dogs running at large and after a discussion, Ms. Miller made a motion, seconded by Mr. McNulty, to recommend removing "unincorporated areas of the" and the last sentence which currently reads, "No fine or penalty may exceed \$50 for any one offense." Ms. Rein stated that by eliminating this

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wording fines could then be increased to \$1,000. The motion carried with all members present voting aye on a voice vote.

Ms. Rein presented a proposed amendment to the Armstrong Act that is being considered by the State. The amendment makes it a Class 4 felony for an owner of an intact dog to knowingly allows the dog to run at large and the dog inflicts serious physical injury to a person. Chairman Koehler stated that the members had previously voted to support this legislation as the amendments will strengthen this Bill. Ms. Miller asked how an altered dog would be handled under the same scenario. Chairman Koehler stated the fine would be increased.

Legislation is currently being proposed regarding a data base identifying those dogs that have been deemed dangerous or vicious. After a discussion, Mr. McNulty made a motion, seconded by Dr. Gorski, to support a database listing of all dangerous dogs which would include a picture of the dog, when the dog is located, the breed and the date the dog was declared dangerous. The motion carried with a unanimous voice vote of all ayes.

Chairman Koehler stated that the recommended legislation will be presented to the County Board on January 3, 2006 for their consideration and input. He stated that the Task Force will meet on Monday, January 9, 2006 at 3:30 P.M. to discuss and consider what can be done to improve animal control enforcement and educational components that could be promoted.

Executive Session

None

Adjournment

Noting no further business, Ms. Gilman made a motion, seconded by Mr. Jung to adjourn the meeting at 5:15 p.m. The motion carried with a unanimous voice vote.

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**MOTIONS APPROVED:**

Recommend amending the sentencing statutes to add language to double the sentence for anyone who uses an animal as a protective device during a criminal act as an aggravating circumstance

Recommend our legislator's consider these amendments to the Animal Control Act 510 ILCS 5/2.01.01 (Administrative Hearing Officer) and 510 ILCS 5/15 (Vicious dog determination)

Recommend our legislators consider adopting the above language to give an animal control officer or law enforcement officer the ability to seize an animal immediately if there is a threat to public safety

Recommend removing the last sentence which currently reads, "No fine or penalty may exceed \$50 for any one offense."

Support a database / website listing of all dangerous dogs which would include a picture of the dog, when the dog is located, the breed and the date the dog was declared dangerous