



HEARING SET FOR “VICIOUS” DOG & TETHERING LEGISLATION IN ILLINOIS

****HEARING SET FOR TUESDAY, FEB. 22nd****

The Issue:

Two pieces of legislation are set to be heard in the [House Agriculture and Conservation Committee](#) on Tuesday, February 22nd. House Bill 1080 sets to remove a “vicious” dog ban on ownership of specific breeds of dogs. House Bill 1247 provides outdoor tethering requirements for dog owners.

The Impact:

[HB 1080 – Vicious Dog Ban](#)

HB 1080 would remove current Illinois law that allows for a dog to be declared “vicious” solely based on breed. Under this legislation, in order to have a dog deemed “vicious”, a designated state official or law enforcement officer must conduct the following steps:

- 1) give notice of the infraction that is the basis of the investigation to the owner;
- 2) conduct a thorough investigation (i.e. interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence); and
- 3) formulate 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.

Also, a dog MAY NOT be declared vicious if the court determines the conduct of the dog was justified by one of the following:

- “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;
- 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
- the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.”

The bill bans any person from keeping or maintaining a dog that is declared vicious unless the dog is kept in an enclosure. A vicious dog may be allowed out of the enclosure in the following instances:

- it is necessary for the owner or keeper to obtain veterinary care for the dog;
- in the case of an emergency or natural disaster where the dog's life is threatened;
- to comply with a court order of competent jurisdiction (even in this case the dog must be securely muzzled and restrained with a leash not exceeding 6 feet in length, and be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence).

[HB 1247 – Tethering](#)

House Bill 1247 defines “tether” as “to restrain by tying to an object or structure, including, without limitation, a house, tree, fence, post, garage, shed, or clothes line at a person's residence or business, by any means, including, without limitation, a chain, rope, cord, leash, or running line.”

The bill proposes the following standards for dog owners to follow in order to tether a dog outdoors. An owner must ensure that the dog:

- does not suffer from a “known” condition that is exacerbated by tethering;
- is tethered in a manner that will prevent it from becoming entangled with other tethered dogs;
- is not tethered with a lead that exceeds 1/8 of the dog's body weight or is a tow chain or a log chain, either of which is any chain that is more than 1/4 of an inch in width;
- is tethered with a lead that measures, when rounded to the nearest whole foot, at least 10 feet in length;
- is tethered with a properly fitting harness or collar other than the lead or a pinch, prong, or choke-type collar;
- is not tethered in a manner that will allow it to reach within the property of another person, a public walkway, or a road; and
- when tethered between 10 p.m. and 6 a.m., is tethered for no more than 15 minutes or has access to adequate shelter and protection from the weather.

Exemptions include:

- walking a dog with a hand-held leash;
- conduct that is directly related to the cultivating of agricultural products; or
- the tethering of a dog while at an organized and lawful animal function, such as hunting, obedience training, performance and conformance events, or law enforcement training, or while in the pursuit of working or competing in those endeavors.

Violation of these standards will result in a Class B misdemeanor.

PIJAC Position:

[HB 1080](#)

PIJAC supports legislation removing restrictions on the ownership of dogs based on breed. PIJAC finds breed-specific laws as inappropriate and unnecessary. In its decades of dealing with dog legislation, PIJAC has found that measures which selectively target status rather than behavior are highly ineffective in addressing public health and safety concerns and tend to wastefully consume public resources in the process, as well as inappropriately invade the rights of citizens. As most behavioral experts recognize, the breed of a dog does not dictate its disposition. Rather, training and care of the animal is what will determine its tendency towards aggressiveness.

[HB 1247](#)

PIJAC is aware of issues associated with tethering an animal in a reckless manner, we question the advisability of adopting language that requires a person to make a series of calculations (i.e., a lead that exceeds 1/8 of the dog's body weight or is a tow chain or a log chain, either of which is any chain that is more than 1/4 of an inch in width) as a condition precedent to using a tether. Most tethers come in standard lengths and customizing a tether after purchase might result in a less than desirable unit. Similar legislation was introduced in Illinois year in the “Humane Care for Animals Act”, but it failed to make it out of committee. This legislation places many new responsibilities on dog owners; therefore, all dog owners in Illinois who keep dogs outside should read this bill carefully and contact committee members with concerns.

Recommended Action:

As stated above, [House Bill 1080](#) and [House Bill 1247](#) both sit in the [House Agriculture & Conservation Committee](#) and are set to be heard on February 22nd in Room 122B at 2:00 p.m. Anyone affected by either of these bills should contact the committee with questions and comments.

If you have any additional questions or concerns please contact PIJAC's Bambi Nicole Osborne at 202-452-1525, ext. 105 or via email at bambi@pijac.org.

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On behalf of pets, responsible pet owners, and the pet industry, we thank you!

