



**Board of Commissioners of Cook County  
Law Enforcement Committee**

**Tuesday, May 10, 2016**

**11:45 AM**

**Cook County Building, Board Room  
118 North Clark Street, Chicago, Illinois**

**NOTICE AND AGENDA**

There will be a meeting of the Committee or Subcommittee of the Board of Commissioners of Cook County at the date, time and location listed above to consider the following:

**PUBLIC TESTIMONY**

Authorization as a public speaker shall only be granted to those individuals who have submitted in writing, their name, address, subject matter, and organization (if any) to the Secretary 24 hours in advance of the meeting. Duly authorized public speakers shall be called upon to deliver testimony at a time specified in the meeting agenda. Authorized public speakers who are not present during the specified time for public testimony will forfeit their allotted time to speak at the meeting. Public testimony must be germane to a specific item(s) on the meeting agenda, and the testimony must not exceed three minutes; the Secretary will keep track of the time and advise when the time for public testimony has expired. Persons authorized to provide public testimony shall not use vulgar, abusive, or otherwise inappropriate language when addressing the Board; failure to act appropriately; failure to speak to an item that is germane to the meeting, or failure to adhere to the time requirements may result in expulsion from the meeting and/or disqualify the person from providing future testimony.

**15-5209**

**COMMITTEE MINUTES**

Approval of the minutes from the meeting of 7/29/2015

**15-5683**

**COMMITTEE MINUTES**

Approval of the minutes from the meeting of 9/08/2015

**16-2631**

**Sponsored by:** JOHN A. FRITCHEY and LUIS ARROYO JR, County Commissioners

**PROPOSED ORDINANCE**

**COOK COUNTY ANIMAL ABUSER REGISTRY**

**WHEREAS**, the State of Illinois and the County of Cook have criminalized abuse and cruelty towards animals; and

**WHEREAS**, despite these laws against animal cruelty and abuse, animal cruelty continues to be a problem in Illinois and Cook County; and

**WHEREAS**, the number of cruelty cases reported daily on various media sources is not reflective of the actual number of cases, as most cases are never reported, and most animal suffering goes unrecognized and unabated; and

**WHEREAS**, further complicating this issue is the fact that, unlike violent crimes against people, information on reported cases of animal abuse have not been compiled by state and federal agencies, making it difficult to calculate the prevalence or trends in these crimes; and

**WHEREAS**, intentional cruelty to animals is strongly correlated with other crimes, including violence against people, and data on domestic violence and child abuse cases reveal that a staggering number of animals are victimized by abusive parents or partners each year; and

**WHEREAS**, in light of the above-mentioned link between animal abuse and crimes against people, including violent crimes and domestic violence, after a years-long lobbying effort and the backing of the National Sheriffs Association and the Animal Welfare Institute, in 2014, the FBI agreed to elevate animal cruelty to its own separate offense category defined as “Intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment.”; and

**WHEREAS**, 2016 marks the first time the FBI will collect data on animal crimes the way it does for other serious crimes such as homicide or rape by having their own organized category within the National Incident-Based Reporting System (NIBRS), the FBI’s public collection of national crime statistics; and

**WHEREAS**, the goal is that after several years of collecting statistics other law enforcement agencies will be able to see trends that will allow them to better allocate their resources to catching animal abusers and in the process hopefully better protect both animals and people; and

**WHEREAS**, it is in the best interest of the residents of Cook County and their animals that an online registry be established identifying individuals residing in Cook County convicted of animal abuse crimes that will prevent these individuals from adopting, purchasing, or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale, or other means.

**NOW, THEREFORE BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Article II, Division I, Sec. 46-38 through 46-45 of the Cook County Code, is hereby enacted as follows:

## **COOK COUNTY ANIMAL ABUSER REGISTRY**

### **Sec. 46-38. Short title.**

This article shall be known and may be cited as the "Ordinance Establishing the Cook County Animal Abuser Registry"

## **Sec. 46-39. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means any live vertebrate creature except man.

*Animal Abuse Crime* means any of the following crimes:

(a) A violation of any of the following provisions of the Illinois Humane Care for Animals Act (510ILCS 70/)

Section 3.01 - Cruel Treatment

Section 3.02 - Aggravated Cruelty

Section 3.03 - Animal Torture

Section 3.03-1 - Depiction of Animal Cruelty

(b) A violation of Criminal Offenses 720 ILCS 5/Sec. 48-1 - Dog Fighting

*Animal Abuser Registry* means the on-line registry established by this ordinance for registering any person residing in Cook County convicted of an Animal Abuse Crime.

*Animal Shelter* means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

*Conviction* means a plea or a verdict of guilty upon which a sentence of probation, conditional discharge, supervision or incarceration has been imposed. Two or more convictions of felonies charged in separate counts of one indictment or information shall be deemed one conviction.

*Owner* means any person who (a) has a right of property in an animal, (b) keeps or harbors an animal, (c) has an animal in his care, or (d) acts as custodian of an animal.

*Pet Seller* means any individual, person, partnership, firm, corporation or other entity, which offers animals for sale or is engaged in the sale, exchange, or other transfer of ownership of animals.

*Pet Shop Operator* means as provided in 225 ILCS 605/2 of the Animal Welfare Act.

*Rescue organization* means any not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits.

*Service Animal* means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

#### **Sec. 46-40. Establishing an Animal Abuser Registry.**

The Cook County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an on-line Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders living in Cook County who are convicted of an animal abuse crime on or after the effective date of this law. The on-line registry will be maintained by the Cook County Sheriff's Office and shall be listed on the Cook County official website within the Cook County Sheriff's Office web page. The on-line Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the state of Illinois, with such other county registries to be used as informational resources by Animal Shelters, Pet Shop Operators, Pet Sellers, Rescue Organizations or other persons or entities located in Cook County when they shall sell, exchange or otherwise transfer the ownership of an animal.

The registry shall contain the required information about each Animal Abuse Offender for a period of fifteen (15) years from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Offender convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuse Registry for life following the second conviction. Upon notification to the Cook County Sheriff's Office of a successful appeal of a conviction of an Animal Abuse Crime or the expiration of a fifteen (15) year period on the registry by an individual that has been required to register pursuant to this local law, the registration information for that individual shall be removed from the Cook County Animal Abuser Registry within five (5) days following the notification.

#### **Sec. 46-41. Animal Abuser Registry.**

(a) All Animal Abuse Offenders who reside in Cook County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Cook County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.

(b) When a person is convicted of an Animal Abuse Crime, the presiding judge shall notify the convicted individual of their requirement to register with the Animal Abuser Registry. The clerk of the court shall send notice of the conviction and the individual's name, address, date of birth and offense for which he or she has been convicted to the Cook County Sheriff's Office, thereby notifying the Sheriff's Office that the person is required to register with the Animal Abuser Registry.

(c) All Animal Abuse Offenders who have been convicted of an Animal Abuse Crime as defined in Section 46-30 of this chapter or any substantially similar federal, Uniform Code of Military Justice or sister county or state, and becomes a resident of Cook County is required to register with the Animal Abuser Registry within (5) days from the date of their established residency.

(d) Each person required to register with the Animal Abuser Registry shall submit to the Cook County Sheriff's Office:

- (1) their name and any aliases they may be known by;
- (2) their residence address;
- (3) their date of birth; and
- (4) a photograph of the front of their head and shoulders not less than 2"x3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.

(e) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.

(f) Any person determined by the Sheriff to have knowingly made a false statement of material fact to Cook County in writing in connection with any aspect of this section is liable to the County for a penalty of \$1,000.00.

(g) Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five (\$125) dollars to the Cook County Department of Revenue at the time of registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the registry.

(h) The Cook County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

**Sec. 46-42. Animal Shelters and Pet Sellers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders.**

(a) No Animal Shelter, Pet Shop Operator, Pet Seller, Rescue Organization or other person or entity located in Cook County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Cook County and listed as an Animal Abuse Offender on the Animal Abuser Registry, nor to any individual residing at the address of such Animal Abuse Offender, nor shall such Animal Abuse Offender be allowed to retain possession of any currently owned animals. Prior to the sale, exchange, or other transfer of ownership of any animal, the Animal Shelter, Pet Shop Operator, Pet Seller, Rescue Organization or other person or entity is required to examine the Animal Abuser Registry to confirm that the name of the potential Owner of the animal is not listed, as well as confirm that the potential Owner of the animal does not reside at an address where an individual listed as an Animal Abuse Offender on the Animal Abuser Registry also resides.

(b) It shall be a violation of this section if an individual purchases any animal on behalf of any person having resided in Cook County and listed as an Animal Abuse Offender on the Animal Abuser Registry.

This section shall not apply to Service Animals for people with disabilities.

**Sec. 46-43. Penalties.**

(a) Any Animal Abuse Offender required to register with the Animal Abuser Registry who fails to register shall be subject to a fine not to exceed two thousand (\$2,000) dollars.

(b) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting, or purchasing an animal - except for Service Animals for people who disabilities - shall be subject to a fine not to exceed five thousand (\$5,000) dollars.

(c) Any Animal Shelter, Pet Shop Operator, Pet Seller, Rescue Organization or other individual or entity that violates Section 46-42 of this ordinance shall be subject to a fine not to exceed five thousand (\$5,000) dollars. It shall not be a violation of this law if the Animal Shelter, Pet Shop Operator, Pet Seller, Rescue Organization or other individual or entity checked with the Cook County Animal Abuser Registry and the name did not appear thereon.

(d) Violations of Sections 46-41 and 46-42 shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.

**Sec. 46-44. Applicability.**

This section shall apply to all areas within Cook County, Illinois, except those areas which are governed by an ordinance of another governmental entity (which by law may not be superseded by this section).

**Sec. 46-45. Severability.**

If any clause, sentence, paragraph, section, subdivision or other part of this ordinance or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this ordinance which shall remain in full force and effect except as limited by such order or judgment.

**Effective date:** This ordinance shall be in effect November 1, 2016.

**Legislative History:** 4/13/16 Board of Commissioners referred to the Law Enforcement Committee

**16-2675**

**Sponsored by:** JOHN A. FRITCHEY, County Commissioner

PROPOSED ORDINANCE AMENDMENT

THE COOK COUNTY COMPANION ANIMAL AND CONSUMER PROTECTION ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 10 Animals, Article I, In General, Section 10-13 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 10-13. - Prohibiting the sale of commercially bred dogs, cats and rabbits in pet shops.

(a) A pet shop operator may offer for sale only those dogs, cats or rabbits obtained from:

- (1) An animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or
- (2) A humane society or rescue organization;
- (3) Animal obtained from breeders. No pet shop operator may offer for sale any dog, cat or rabbit obtained from a breeder unless the following requirements are met:
  - (i) The breeder holds a valid USDA class "A" license as defined by the Animal Welfare Act, as found in the Code of Federal Regulations, listing all site addresses where regulated animals are located; and
  - (ii) The breeder owns or possesses no more than five female dogs, cats or rabbits capable of reproduction in any 12-month period; and
  - (iii) No more than five female dogs, cats or rabbits capable of reproduction are housed at the site address where the retail animal was born or housed, including animals owned by persons other than the breeder; and
  - (iv) In addition to any disclosures required by subsection (c) or otherwise required by law, the following information shall be maintained and provided for each animal:
    - a. the active USDA license number(s) of the animal's breeder;
    - b. any previous USDA license number(s) held by the animal's breeder in the last five years;
    - c. the name, mailing and site address location(s) of the breeder as they appear on the breeder's active USDA license;
    - d. All names the breeder is doing business as;

- e. The total number of female dogs, cats or rabbits capable of reproduction owned or possessed by breeder;
  - f. The sire and dam of the animal;
  - g. The name and address of the location where the animal was born; and
  - h. The name(s) and address of any other location(s) where the animal was housed by the breeder after birth.
- (b) Exemptions. The restrictions on pet shop operators set forth in subsection (a) of this section shall not apply to any entity listed in paragraphs (1) or (2) of Subsection (a) of this Section, or to any veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 ILCS 115.
- (c) Disclosures required. Any pet shop operator that offers for sale a dog, cat or rabbit shall make the following disclosures to the customer about such animal:
- (1) For each dog or cat: A written disclosure meeting all of the requirements set forth in Sections 3.5 or 3.15, as applicable, of the Animal Welfare Act, codified at 225 ILCS 605; and
  - (2) For each rabbit:
    - (i) The breed, approximate age, sex and color of the animal;
    - (ii) The date and description of any inoculation or medical treatment that the animal received while under the possession of the pet shop operator;
    - (iii) The name and address of the location where the animal was born, rescued, relinquished or impounded; and
    - (iv) If the animal was returned by a customer, the date of and reason for the return.
- (d) The disclosures required under Subsection (c) shall be provided by the pet shop operator to the customer in written form and shall be signed by both the pet shop operator and customer at the time of sale. The pet shop operator shall retain the original copy of such disclosure and acknowledgement for a period of two years from the date of sale. Upon request by an authorized Administrator or Animal control warden, the original copy of such disclosure and acknowledgement shall be made immediately available for inspection by such authorized official. The pet shop operator shall post, in writing, in a conspicuous place on or near the cage of any dog, cat or rabbit offered for sale all of the information about a dog, cat or rabbit required under this subsection and other applicable law.
- (e) Applicability of this Section. This Section shall apply to all areas within Cook County, Illinois, except those areas which are governed by an Ordinance of another governmental entity (which by law may not be superseded by this Section).
- (f) Enforcement, Department and Sheriff. The Sheriff Department of Animal Control is authorized to enforce this Section, and the Department of Animal Control Sheriff is authorized to assist the Sheriff department in said enforcement.

Effective date: This ordinance shall be in effect immediately upon adoption.

**Legislative History:** 4/13/16 Board of Commissioners referred to the Law Enforcement Committee

  
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 Secretary

Chairman: Moore  
 Vice-Chairman: Silvestri  
 Members: Arroyo Jr., Butler, Fritchey, Goslin, Tobolski