

**Proposed Substitute Ordinance to File# 16-2631
Law Enforcement Committee
May 10, 2016**

Sponsored by:

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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, in person with the Sheriff at a designated courthouse 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 46-39 of this chapter or any substantially similar federal, Uniform Code of Military Justice or sister county or state, on or after the effective date of this article, 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, including unit number if applicable;
- (3) their date of birth;
- (4) their date of conviction;
- (5) their date of registration;
- (6) their charge;
- (7) their case number; and
- (8) 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 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 of \$1,000 for the first offense, a fine of \$2,000 for the second offense and a fine of \$5,000 for the third and each subsequent offense. 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 take effect January 1, 2017.