

STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD, 62706GEORGE H. RYAN
GOVERNOR

August 1, 2001

To the Honorable Members of the
Illinois House of Representatives
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 House Bill 196, entitled "AN ACT to amend the Humane Care for Animals Act by adding Section 2.09 and by changing Sections 4.03 and 4.04," with my specific recommendations for change.

House Bill 196 enhances the penalty for willfully and maliciously taunting, tormenting, teasing, beating, striking, torturing, injuring, poisoning, killing or otherwise interfering with a search and rescue dog. It also creates a penalty for interfering or meddling with a search and rescue dog handler. A search and rescue dog is defined as a dog trained to locate lost or missing persons, victims of natural disasters, and human bodies.

House Bill 196 is patterned on the current law provision for an enhanced penalty for the same acts committed against a police dog or police dog handler. However, the current law requires the acts against the police dog or handler to occur while they are engaged in carrying out their official function or duty, or when the dog is confined off-duty. House Bill 196 is without any similar limits, such that "meddling" with a search and rescue dog handler anywhere, anytime and even when the dog is not present becomes an offense. While I believe that all dogs should be treated humanely and not subjected to torment, torture or injury, the enhanced penalty should apply to interfering with these specially trained dogs while engaged in their search and rescue work. The enhanced penalty is justified in the search and rescue context, since lives can be at stake.

Finally, to make sure that this legislation becomes law on January 1, 2002, as originally intended by the General Assembly, I also suggest adding a January 1, 2002 effective date so that my amendatory veto does not delay implementation of the law.

For these reason, I return House Bill 196 with the following recommendations for change:

On page 1, line 28, by inserting "engaged in the performance of its functions or duties, or when placed in confinement off duty" after "dog"; and

On page 1, line 29, by inserting "engaged in the performance of the functions or duties of the search and rescue dog" after "handler"; and

On page 2, line 14, by inserting "engaged in the performance of its functions or duties, or when placed in confinement off duty" after "dog"; and

On page 2, by inserting after line 16 the following:

"Section 99. Effective date. This Act takes effect
January 1, 2002."

With these specific recommendations for change, House
Bill 196 will have my approval. I respectfully request your
concurrence.

Sincerely,
s/GEORGE H. RYAN
Governor