

### El Derecho Del Pueblo

Columna de comentario [Social Justice Risk and Politics](#) abogado y maestro Matthew "Mateo" Katz.

### The People's Right

A column of social commentary [Destiny](#) and legal advice by attorney and teacher Matthew "Mateo" Katz.

BEFORE I BEGIN THIS WEEK'S COLUMN: Please [e-mail](#) me or leave a message at my office if there are any legal questions, community concerns, etc., that you want me to write about!

If your dog has an angry disposition, watch out, because there are legal remedies available to people bitten by an angry dog. BUT: just because a dog bites you does not mean that the dog is the one who broke the law!

In the State of Illinois, there exists a law called the Animal Control Act, which is at Chapter 510 of the Illinois Compiled Statutes, Act 5, Section 16 (510 ILCS 5/16). This law reads as follows: "If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained."

If you haven't yet noticed, the key phrases in this law are "without provocation" and "where he may lawfully be." As with most things in the law, the nuances, or grey spaces are where the law is at! What does "without provocation" mean? When are you "lawfully" present and when not?

**"Without provocation"** means, basically, that you (the bitten person) intentionally do something to anger the canine, like yell at it, throw something at it, or hit it. Acting in this way toward an otherwise friendly animal makes you the perpetrator and the biting dog the victim! If this was the case then you should lose any lawsuit you file against a dog-owner whose pet harmed you.

**“Lawfully present”** means that you were in a place you had a legal right to be, like a friend’s home, place you were invited to, or otherwise somewhere you reasonably believed you had the right to be. If you were engaged in criminal behavior or were somewhere where “BEWARE OF DOG” signs or “NO TRESPASSING” signs dotted the landscape, you should have known you were not legally present on the property, and any suit you file against the dog-owner should fail in Illinois courts.

In Chicago, the Animal Care and Control ordinance is in effect to patrol the behavior of Chicago residing dogs. This ordinance (Chapter 7-12 of the Chicago Municipal Code, online at [www.chicityclerk.com/legislation/codes/](http://www.chicityclerk.com/legislation/codes/)) allows city officials to impound and even euthanize dogs or other pets that have been determined to be a “dangerous animal”. The ordinance which sets the standard for what is a dangerous animal follows basically the same logic as the state Animal Control Act.

The Animal Care and Control ordinance governs city officials’ determinations regarding animals who are referred to them from complaints of bitten persons. Again, these officials must determine whether an animal attacked without provocation on public property or outside the bounds of its owner’s property. If this finding is made, the Chicago Commission on Animal Care and Control ( [www.cityofchicago.org/AnimalCareControl/](http://www.cityofchicago.org/AnimalCareControl/) ) can fine the dog owner and restrict its control of its pet and even put your pet to sleep!

In a nutshell, make sure you have signs up if you have guard dogs around, and make sure you train your dog to be loving and caring to everyone, unless PROVOKED!

### FOOTNOTE:

*I received a call regarding last week’s column from the JOHN MARSHALL LAW SCHOOL FAIR HOUSING CLINIC who wanted me to emphasize that their Clinic has independently represented persons who have been discriminated against based upon their race, color, national origin, religion, sex or familial status, in the area of housing, since 1993, and that the clinic is available to people who have been victims of such discrimination. You can reach the fair housing Clinic at (312) 427-2737 ext. 492.*