

Beware of the Dog!

By Kevin Breger, Esq.
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The information in this article is current as of January 2009. Remember that all cases need to be assessed on their individual merits and you should consult your attorney to discuss the specific issues in your case.

Adam¹, a forty something year old man, was walking his family dog in one of the local preserves in Scottsdale. His dog Chauncy, a golden retriever mix, was walking at his side keeping to himself and happily smelling his surroundings. Adam and Chauncy were both relaxed and enjoying the beautiful scenery that we are blessed with here in Arizona. All of that changed very quickly and unexpectedly.

Officer X approached Adam and sternly informed him that he was in violation of the local city leash laws because Chauncy was not on a leash. Adam did have a leash but had momentarily taken Chauncy off since no one was around (Or so he thought). Officer X then proceeded to issue Adam with a citation for his infraction.²

Adam, who had never been in trouble with the law, was now facing criminal charges³ and all of the potential direct and collateral consequences that are associated with being a criminal (Yes, the law views him as a criminal). If convicted of the charge, he would be guilty of a class 3 misdemeanor. The potential consequences for such a conviction are up to 30 days in jail and a fine of up to \$500 - not to mention the impact a criminal conviction would have on his career, job opportunities, and being able to provide for his family. Depending on what line of work he is in, a conviction could impact his ability to continue in that field. If he is an immigrant, it could have implications with respect to his ability to continue to reside and work in the United States.



All this just because he did not have his dog on a leash? Unfortunately, yes. It does not matter that Adam did not know the leash law; in accordance with Arizona Revised Statute § 13-204(B), people are obligated to be aware: "Ignorance or mistake as to a matter of law does not relieve a person of criminal responsibility."

The moral of the story is if you own an animal, be sure to know what laws pertain to you keeping that animal restrained, and beware of any failure to follow them.

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1. All names in this article have been changed to protect the innocent.
2. See for example Revised Code, City of Scottsdale Sec. 4-39(k) which reads "The owner or persons acting for the owner of a dog must restrain and control the dog at all times when in a public park by securing the dog with a leash of not more than six(6) feet, except when the dog is in an enclosed area within the park, which has been designated by a municipality as a dog exercise area." Bear in mind though that each city or county may have their own specific laws dealing with this issue, each of which may have their own consequences or level of seriousness.
3. Revised Code, City of Scottsdale Sec. 4-39(n)(3).

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