

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 12-36 as follows:

6 (720 ILCS 5/12-36 new)

7 Sec. 12-36. Possession of certain dogs by felons
8 prohibited.

9 (a) For a period of 10 years commencing upon the release of
10 a person from incarceration, it is unlawful for a person
11 convicted of a forcible felony, a felony violation of the
12 Humane Care for Animals Act, a felony violation of Article 24
13 of the Criminal Code of 1961, a felony violation of Class 3 or
14 higher of the Illinois Controlled Substances Act, a felony
15 violation of Class 3 or higher of the Cannabis Control Act, or
16 a felony violation of Class 2 or higher of the Methamphetamine
17 Control and Community Protection Act, to knowingly own,
18 possess, have custody of, or reside in a residence with,
19 either:

20 (1) an unspayed or unneutered dog or puppy older than
21 12 weeks of age; or

22 (2) irrespective of whether the dog has been spayed or
23 neutered, any dog that has been determined to be a vicious
24 dog under Section 15 of the Animal Control Act.

25 (b) Any dog owned, possessed by, or in the custody of a
26 person convicted of a felony, as described in subsection (a),
27 must be microchipped for permanent identification.

28 (c) Sentence. A person who violates this Section is guilty
29 of a Class A misdemeanor.

30 (d) It is an affirmative defense to prosecution under this
31 Section that the dog in question is neutered or spayed, or that
32 the dog in question was neutered or spayed within 7 days of the

1 defendant being charged with a violation of this Section.
2 Medical records from, or the certificate of, a doctor of
3 veterinary medicine licensed to practice in the State of
4 Illinois who has personally examined or operated upon the dog,
5 unambiguously indicating whether the dog in question has been
6 spayed or neutered, shall be prima facie true and correct, and
7 shall be sufficient evidence of whether the dog in question has
8 been spayed or neutered. This subsection (d) is not applicable
9 to any dog that has been determined to be a vicious dog under
10 Section 15 of the Animal Control Act.