

HB0934



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0934

Introduced 2/10/2009, by Rep. Mike Boland

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-36

Amends the Criminal Code of 1961. Provides that the prohibition on the possession of an unsterilized or vicious dog by a person convicted of specified felonies applies to a person convicted of felony dog fighting.

LRB096 03080 RLC 13096 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 changing
5 Section 12-36 as follows:

6 (720 ILCS 5/12-36)

7 Sec. 12-36. Possession of unsterilized or vicious ~~certain~~
8 dogs by felons 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 Section 26-5
13 of this Code, a felony violation of Article 24 of this Code ~~the~~
14 ~~Criminal Code of 1961,~~ a felony violation of Class 3 or higher
15 of the Illinois Controlled Substances Act, a felony violation
16 of Class 3 or higher of the Cannabis Control Act, or a felony
17 violation of Class 2 or higher of the Methamphetamine Control
18 and Community Protection Act, to knowingly own, possess, have
19 custody of, or reside in a residence with, 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

1 dog under Section 15 of the Animal Control Act.

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

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

7 (d) It is an affirmative defense to prosecution under this
8 Section that the dog in question is neutered or spayed, or that
9 the dog in question was neutered or spayed within 7 days of the
10 defendant being charged with a violation of this Section.
11 Medical records from, or the certificate of, a doctor of
12 veterinary medicine licensed to practice in the State of
13 Illinois who has personally examined or operated upon the dog,
14 unambiguously indicating whether the dog in question has been
15 spayed or neutered, shall be prima facie true and correct, and
16 shall be sufficient evidence of whether the dog in question has
17 been spayed or neutered. This subsection (d) is not applicable
18 to any dog that has been determined to be a vicious dog under
19 Section 15 of the Animal Control Act.

20 (Source: P.A. 94-818, eff. 1-1-07.)