

AN ACT concerning criminal law.

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

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

(720 ILCS 5/12-36 new)

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

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

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

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

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

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

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

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