

**SB3576**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**SB3576**

Introduced 2/16/2018, by Sen. Kyle McCarter

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/12-36

Amends the Criminal Code of 2012. Provides a that person convicted of a forcible felony, a felony violation of the Humane Care for Animals Act, a felony violation of dog fighting, a felony violation of Deadly Weapons Article of the Code, 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, shall not knowingly own, possess, have custody of, or reside in a residence with any dog weighing more than 20 pounds for a period of 10 years commencing upon the release of the person from incarceration.

LRB100 18044 SLF 33233 b

**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 2012 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 dogs by  
8 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 or 48-1 of this Code, a felony violation of Article 24 of this  
14 Code, a felony violation of Class 3 or higher of the Illinois  
15 Controlled Substances Act, a felony violation of Class 3 or  
16 higher of the Cannabis Control Act, or a felony violation of  
17 Class 2 or higher of the Methamphetamine Control and Community  
18 Protection Act, to knowingly own, possess, have custody of, or  
19 reside in a residence with, either:

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

22 (1.5) any dog weighing more than 20 pounds; or

23 (2) irrespective of whether the dog has been spayed or

1           neutered, any dog that has been determined to be a vicious  
2           dog under Section 15 of the Animal Control Act.

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

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

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

21          (Source: P.A. 96-185, eff. 1-1-10; 97-1108, eff. 1-1-13.)