



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1645

by Rep. Jonathan Carroll

SYNOPSIS AS INTRODUCED:

720 ILCS 5/48-4.5 new

Amends the Criminal Code of 2012. Provides that a person commits misrepresentation of a service animal when he or she knowingly represents, expressly or impliedly, that the animal is a service animal for the purpose of securing the rights and privileges afforded to a person with a disability accompanied by a service animal and the person knew or should have known that the animal is not a service animal. Provides that the refusal to answer questions from a law enforcement officer permitted under federal regulation creates a permissive inference that the animal is not a service animal and the law enforcement officer may require the person to remove the animal from the place of public accommodation. Misrepresentation of a service animal is a petty offense. Defines "service animal".

LRB101 08608 SLF 53687 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 2012 is amended by adding
5 Section 48-4.5 as follows:

6 (720 ILCS 5/48-4.5 new)

7 Sec. 48-4.5. Misrepresentation of a service animal.

8 (a) In this Section, "service animal" means a dog or
9 miniature horse that is trained to do work or perform tasks for
10 the benefit of a person with a disability, including a
11 physical, sensory, psychiatric, intellectual, or other mental
12 disability. The work or tasks performed by the animal must be
13 directly related to the person's disability including, but not
14 limited to, assisting a person who is visually impaired with
15 navigation and other tasks, alerting a person who is deaf or
16 hard of hearing to the presence of people or sounds, providing
17 nonviolent protection or rescue work, pulling a wheelchair,
18 assisting a person during a seizure, alerting a person to the
19 presence of allergens, retrieving items such as medicine or the
20 telephone, providing physical support and assistance with
21 balance and stability to a person with mobility disabilities,
22 or helping a person with psychiatric and neurological
23 disabilities by preventing or interrupting impulsive or

1 disruptive behaviors. Work or tasks do not include the animal's
2 presence as a deterrent for criminal activity, emotional
3 support, well-being, comfort, or companionship.

4 (b) A person commits misrepresentation of a service animal
5 when he or she knowingly represents, expressly or impliedly,
6 that the animal is a service animal for the purpose of securing
7 the rights and privileges afforded to a person with a
8 disability accompanied by a service animal and the person knew
9 or should have known that the animal is not a service animal.

10 (c) The refusal to answer questions from a law enforcement
11 officer permitted under subsection (f) of 28 CFR 35.136 creates
12 a permissive inference that the animal is not a service animal
13 and the law enforcement officer may require the person to
14 remove the animal from the place of public accommodation.

15 (d) Sentence. Misrepresentation of a service animal is a
16 petty offense.