



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3226

Introduced 2/19/2021, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

510 ILCS 70/2.01c
720 ILCS 5/48-4.5 new
720 ILCS 5/48-8

Amends the Criminal Code of 2012. Creates the offense of misrepresentation of a service animal. Provides that a person commits the offense 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 that the animal is not a service animal. Provides that a law enforcement officer may require the person to remove an animal that is not a service animal from a place of public accommodation if its behavior is disruptive or displays negative behaviors as provided in the federal Americans with Disabilities Act of 1990. Provides that the person remains responsible for ensuring the safety and well-being of the animal. Defines "service animal". Provides that misrepresentation of a service animal is a petty offense. Amends the Humane Care for Animals Act to make conforming changes.

LRB102 13057 KMF 18400 b

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 1. This Act may be referred to as Gander's Law.

5 Section 5. The Humane Care for Animals Act is amended by
6 changing Section 2.01c as follows:

7 (510 ILCS 70/2.01c)

8 Sec. 2.01c. Service animal. "Service animal" has the
9 meaning ascribed to it in Section 48-4.5 of the Criminal Code
10 of 2012 ~~means an animal trained in obedience and task skills to~~
11 ~~meet the needs of a person with a disability.~~

12 (Source: P.A. 99-143, eff. 7-27-15.)

13 Section 10. The Criminal Code of 2012 is amended by
14 changing Section 48-8 and by adding Section 48-4.5 as follows:

15 (720 ILCS 5/48-4.5 new)

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

17 (a) In this Section, "service animal" means a dog or
18 miniature horse that is trained to do work or perform tasks for
19 the benefit of a person with a disability, including a
20 physical, sensory, psychiatric, intellectual, or other mental

1 disability. The work or tasks performed by the animal must be
2 directly related to the person's disability including, but not
3 limited to, assisting a person who is visually impaired with
4 navigation and other tasks, alerting a person who is deaf or
5 hard of hearing to the presence of people or sounds, providing
6 nonviolent protection or rescue work, pulling a wheelchair,
7 assisting a person during a seizure, alerting a person to the
8 presence of allergens, retrieving items such as medicine or
9 the telephone, providing physical support and assistance with
10 balance and stability to a person with mobility disabilities,
11 or helping a person with psychiatric and neurological
12 disabilities by preventing or interrupting impulsive or
13 disruptive behaviors, non-aggressive clearing of rooms, or
14 blocking to provide safe space or passage for veterans or
15 other trauma survivors. Work or tasks do not include the
16 animal's presence as a deterrent for criminal activity,
17 emotional support, well-being, comfort, or companionship.

18 (b) A person commits misrepresentation of a service animal
19 when:

20 (1) he or she knowingly represents, expressly or
21 impliedly, that the animal is a service animal for the
22 purpose of securing the rights and privileges afforded to
23 a person with a disability accompanied by a service animal
24 and the person knew that the animal is not a service
25 animal;

26 (2) the person was previously given a written or

1 verbal warning regarding the fact that it is illegal to
2 misrepresent an animal as a service animal; and

3 (3) the person knows that the animal is not a service
4 animal.

5 (c) A law enforcement officer may require the person to
6 remove an animal that is not a service animal from a place of
7 public accommodation if its behavior is disruptive or displays
8 negative behaviors as provided in the federal Americans with
9 Disabilities Act of 1990. The person remains responsible for
10 ensuring the safety and well-being of the animal.

11 (d) Sentence. Misrepresentation of a service animal is a
12 petty offense.

13 (720 ILCS 5/48-8)

14 Sec. 48-8. Service animal access.

15 (a) When a person with a physical, mental, or intellectual
16 disability requiring the use of a service animal is
17 accompanied by a service animal or when a trainer of a service
18 animal is accompanied by a service animal, neither the person
19 nor the service animal shall be denied the right of entry and
20 use of facilities of any public place of accommodation as
21 defined in Section 5-101 of the Illinois Human Rights Act.

22 For the purposes of this Section, "service animal" has the
23 meaning ascribed to it in Section 48-4.5. ~~means a dog or~~
24 ~~miniature horse trained or being trained as a hearing animal,~~
25 ~~a guide animal, an assistance animal, a seizure alert animal,~~

1 ~~a mobility animal, a psychiatric service animal, an autism~~
2 ~~service animal, or an animal trained for any other physical,~~
3 ~~mental, or intellectual disability. "Service animal" includes~~
4 ~~a miniature horse that a public place of accommodation shall~~
5 ~~make reasonable accommodation so long as the public place of~~
6 ~~accommodation takes into consideration: (1) the type, size,~~
7 ~~and weight of the miniature horse and whether the facility can~~
8 ~~accommodate its features; (2) whether the handler has~~
9 ~~sufficient control of the miniature horse; (3) whether the~~
10 ~~miniature horse is housebroken; and (4) whether the miniature~~
11 ~~horse's presence in the facility compromises legitimate safety~~
12 ~~requirements necessary for operation.~~

13 (b) A person who knowingly violates this Section commits a
14 petty offense Class C misdemeanor.

15 (Source: P.A. 97-1108, eff. 1-1-13; incorporates 97-956, eff.
16 8-14-12; 97-1150, eff. 1-25-13.)