



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4441

Introduced 1/21/2022, by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Safe Sidewalks and Roadways Act. Makes it unlawful for a person to panhandle after sunset or before sunrise. Makes it unlawful for a person to panhandle when the person solicited is in any of the following places: (1) at any bus stop or train stop; (2) in any public transportation vehicle or facility; (3) in any vehicle on the street; or (4) on private property, unless the panhandler has permission from the owner or occupant. Makes it unlawful for any person to panhandle in any of the following manners: (1) by coming within 3 feet of the person solicited, until that person has indicated that he or she wishes to make a donation; (2) by blocking the path of the person solicited along a sidewalk or street; (3) by following a person who walks away from the panhandler; (4) by using profane or abusive language, either during the solicitation or following a refusal; (5) by panhandling in a group of 2 or more persons; or (6) by any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat. Makes it unlawful for any person to knowingly make any false or misleading representation in the course of soliciting a donation. Provides that any person who commits a first or second violation of the Act is guilty of a petty offense and shall for a first violation be fined \$100 and for a second violation be fined \$500. Provides that a third or subsequent violation is a Class C misdemeanor. Defines "panhandle". Contains a severability provision. Effective immediately.

LRB102 21786 RLC 30905 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 1. Short title. This Act may be cited as the
5 Illinois Safe Sidewalks and Roadways Act.

6 Section 5. Findings and policy. The General Assembly
7 finds and declares that while panhandling is a
8 constitutionally-protected free speech right, aggressive and
9 violent actors across the State approaching passersby on the
10 sidewalk or standing in hazardous positions on the roadway
11 require the need for time, place, and manner restrictions so
12 that the citizens of and visitors to this State can freely walk
13 on sidewalks and drive on roadways without fearing for their
14 safety or the safety of a person blocking a roadway.

15 Section 10. Definition. In this Act, "panhandle" means to
16 solicit in person a request for an immediate donation of
17 money. Purchase of an item for an amount far exceeding its
18 value, under circumstances in which a reasonable person would
19 understand that the purchase is in substance a donation, is a
20 donation for the purpose of this Act. "Panhandle" does not
21 include passively standing or sitting with a sign or other
22 indication that one is seeking donations, without addressing

1 any solicitation to any specific person other than in response
2 to an inquiry by that person.

3 Section 15. Time of panhandling. It is unlawful for any
4 person to panhandle after sunset or before sunrise.

5 Section 20. Place of panhandling. It is unlawful for any
6 person to panhandle when the person solicited is in any of the
7 following places:

8 (1) at any bus stop or train stop;

9 (2) in any public transportation vehicle or facility;

10 (3) in any vehicle on the street; or

11 (4) on private property, unless the panhandler has
12 permission from the owner or occupant.

13 Section 25. Manner of panhandling. It is unlawful for any
14 person to panhandle in any of the following manners:

15 (1) by coming within 3 feet of the person solicited, until
16 that person has indicated that he or she wishes to make a
17 donation;

18 (2) by blocking the path of the person solicited along a
19 sidewalk or street;

20 (3) by following a person who walks away from the
21 panhandler;

22 (4) by using profane or abusive language, either during
23 the solicitation or following a refusal;

- 1 (5) by panhandling in a group of 2 or more persons; or
2 (6) by any statement, gesture, or other communication
3 which a reasonable person in the situation of the person
4 solicited would perceive to be a threat.

5 Section 30. False or misleading solicitation. It is
6 unlawful for any person to knowingly make any false or
7 misleading representation in the course of soliciting a
8 donation. False or misleading representations include, but are
9 not limited to, the following:

10 (1) stating that the donation is needed to meet a specific
11 need, when the solicitor already has sufficient funds to meet
12 that need and does not disclose that fact;

13 (2) stating that the donation is needed to meet a need
14 which does not exist;

15 (3) stating that the solicitor is from out of town and
16 stranded, when that is not true;

17 (4) wearing a military uniform or other indication of
18 military service, when the solicitor is neither a present nor
19 former member of the service indicated;

20 (5) wearing or displaying an indication of physical
21 disability, when the solicitor does not suffer the disability
22 indicated;

23 (6) use of any makeup or device to simulate any deformity;
24 or

25 (7) stating that the solicitor is homeless, when he or she

1 is not homeless.

2 Section 35. Penalties. Any person who commits a first or
3 second violation of this Act is guilty of a petty offense and
4 shall for a first violation be fined \$100 and for a second
5 violation be fined \$500. A third or subsequent violation is a
6 Class C misdemeanor.

7 Section 97. Severability. The provisions of this Act are
8 severable under Section 1.31 of the Statute on Statutes.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.