



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5610

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 Class C misdemeanor. Amends the Humane Care for Animals Act to make conforming changes.

LRB101 17118 RLC 66518 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. 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 the
9 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 other
15 trauma survivors. Work or tasks do not include the animal's
16 presence as a deterrent for criminal activity, emotional
17 support, well-being, comfort, or companionship.

18 (b) A person commits misrepresentation of a service animal
19 when he or she knowingly represents, expressly or impliedly,
20 that the animal is a service animal for the purpose of securing
21 the rights and privileges afforded to a person with a
22 disability accompanied by a service animal and the person knew
23 that the animal is not a service animal.

24 (c) A law enforcement officer may require the person to
25 remove an animal that is not a service animal from a place of
26 public accommodation if its behavior is disruptive or displays

1 negative behaviors as provided in the federal Americans with
2 Disabilities Act of 1990. The person remains responsible for
3 ensuring the safety and well-being of the animal.

4 (d) Sentence. Misrepresentation of a service animal is a
5 Class C misdemeanor.

6 (720 ILCS 5/48-8)

7 Sec. 48-8. Service animal access.

8 (a) When a person with a physical, mental, or intellectual
9 disability requiring the use of a service animal is accompanied
10 by a service animal or when a trainer of a service animal is
11 accompanied by a service animal, neither the person nor the
12 service animal shall be denied the right of entry and use of
13 facilities of any public place of accommodation as defined in
14 Section 5-101 of the Illinois Human Rights Act.

15 For the purposes of this Section, "service animal" has the
16 meaning ascribed to it in Section 48-4.5. ~~means a dog or~~
17 ~~miniature horse trained or being trained as a hearing animal, a~~
18 ~~guide animal, an assistance animal, a seizure alert animal, a~~
19 ~~mobility animal, a psychiatric service animal, an autism~~
20 ~~service animal, or an animal trained for any other physical,~~
21 ~~mental, or intellectual disability. "Service animal" includes~~
22 ~~a miniature horse that a public place of accommodation shall~~
23 ~~make reasonable accommodation so long as the public place of~~
24 ~~accommodation takes into consideration: (1) the type, size, and~~
25 ~~weight of the miniature horse and whether the facility can~~

1 ~~accommodate its features; (2) whether the handler has~~
2 ~~sufficient control of the miniature horse; (3) whether the~~
3 ~~miniature horse is housebroken; and (4) whether the miniature~~
4 ~~horse's presence in the facility compromises legitimate safety~~
5 ~~requirements necessary for operation.~~

6 (b) A person who knowingly violates this Section commits a
7 Class C misdemeanor.

8 (Source: P.A. 97-1108, eff. 1-1-13; incorporates 97-956, eff.
9 8-14-12; 97-1150, eff. 1-25-13.)