



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3725

Introduced 2/22/2021, by Rep. Tom Demmer

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. Provides that misrepresentation of a service animal is a petty offense. Defines "service animal".

LRB102 13909 KMF 19260 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 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
14 not limited to, assisting a person who is visually impaired
15 with navigation and other tasks, alerting a person who is deaf
16 or hard of hearing to the presence of people or sounds,
17 providing nonviolent protection or rescue work, pulling a
18 wheelchair, assisting a person during a seizure, alerting a
19 person to the presence of allergens, retrieving items such as
20 medicine or the telephone, providing physical support and
21 assistance with balance and stability to a person with
22 mobility disabilities, or helping a person with psychiatric
23 and neurological disabilities by preventing or interrupting

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

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

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

17 (d) Sentence. Misrepresentation of a service animal is a
18 petty offense.