



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2248

Introduced 2/14/2023, by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Civil Rights Remedies Restoration Act. Provides that certain violations of the following federal Acts constitute a violation of the Act: the Rehabilitation Act of 1973; the Patient Protection and Affordable Care Act; the Americans with Disabilities Act of 1990; the Age Discrimination Act of 1975; the Education Amendments of 1972; the Civil Rights Act of 1964; or other federal statutes prohibiting discrimination under a program or activity receiving federal financial assistance. Provides that whoever injures another by a violation of the Act is liable for each and every offense for all remedies available at law, including, but not limited to various damages in an amount no less than \$4,000, and attorney's fees, costs, and expenses. Allows a court to grant as relief any permanent or preliminary negative or mandatory injunction, temporary restraining order, order of declaratory judgment, or other relief. Allows claims for a violation of the Act to be filed in any court of competent jurisdiction. Provides that nothing limits any enforcement authority under the Illinois Human Rights Act. Provides that the State waives sovereign and Eleventh Amendment immunity for any violation of the Act. States legislative findings and purpose.

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1 AN ACT concerning civil 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 Civil  
5 Rights Remedies Restoration Act.

6 Section 5. Legislative findings.

7 (a) For decades, courts and juries have awarded damages  
8 for emotional distress for violations of federal civil rights  
9 statutes passed pursuant to Congress's authority under the  
10 Spending Clause of the U.S. Constitution (Article I, Section  
11 8, Clause 1).

12 (b) The U.S. Supreme Court's decision in *Cummings v.*  
13 *Premier Rehab Keller, P.L.L.C.*, 142 S.Ct. 1562 (2022)  
14 prohibits damages for emotional distress for violations of the  
15 Spending Clause statutes at issue there, the Rehabilitation  
16 Act of 1973, and the Patient Protection and Affordable Care  
17 Act, unless they expressly provide for such damages. The  
18 decision will likely impair the availability of emotional  
19 distress damages under other federal civil rights statutes as  
20 well.

21 (c) As a result of the *Cummings* decision, an individual  
22 whose civil rights have been violated will be left without the  
23 full range of remedies once available, and perpetrators of

1 discrimination will no longer be required to make their  
2 victims whole.

3 (d) To promote the general welfare, deter unlawful  
4 conduct, encourage victims of discrimination to vindicate  
5 their rights, and ensure access to the courts, the General  
6 Assembly finds it proper to establish a statutory minimum of  
7 \$4,000 for any violation of this Act.

8 Section 10. Purpose. The purpose of this Act is to restore  
9 in Illinois the full enjoyment of the civil rights unjustly  
10 limited by the U.S. Supreme Court in its decision in Cummings.

11 Section 15. Violation. A violation of Section 504 of the  
12 Rehabilitation Act of 1973 (29 U.S.C. 794), Section 1557 of  
13 the Patient Protection and Affordable Care Act (42 U.S.C.  
14 18116), Title II of the Americans with Disabilities Act of  
15 1990 (42 U.S.C. 12132 et seq.), the Age Discrimination Act of  
16 1975 (42 U.S.C. 6101 et seq.), Title IX of the Education  
17 Amendments of 1972 (20 U.S.C. 1681 et seq.), Title VI of the  
18 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), or the  
19 provisions of any other federal statute prohibiting  
20 discrimination under a program or activity receiving federal  
21 financial assistance shall constitute a violation of this Act.

22 Section 20. Remedies. Whoever injures another by a  
23 violation of this Act is liable for each and every offense for

1 all remedies available at law, including, but not limited to,  
2 damages for past, current, and future monetary losses,  
3 emotional pain, suffering, inconvenience, mental anguish, loss  
4 of enjoyment of life, and other nonmonetary losses, and any  
5 amount that may be determined by a jury, or a court sitting  
6 without a jury, but in no case less than \$4,000, and any  
7 attorney's fees, costs, and expenses, including, but not  
8 limited to, expert witness fees, that may be determined by the  
9 court in addition thereto.

10 Section 25. Other relief. In addition to the monetary  
11 damages provided in Section 20, the court, as it deems  
12 appropriate, may grant as relief any permanent or preliminary  
13 negative or mandatory injunction, temporary restraining order,  
14 order of declaratory judgment, or other relief.

15 Section 30. Filing claims; enforcement under the Illinois  
16 Human Rights Act; State waivers. Claims for violation of this  
17 Act may be filed in any court of competent jurisdiction.  
18 Nothing in this Act shall be interpreted to limit any  
19 enforcement authority available under the Illinois Human  
20 Rights Act. The State waives sovereign and Eleventh Amendment  
21 of the United States Constitution immunity for any violation  
22 of this Act.