

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Civil Rights Remedies Restoration Act.

Section 5. Legislative findings.

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

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

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

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

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

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

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

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

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

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

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