



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3540

Introduced 2/17/2023, by Rep. Amy L. Grant

SYNOPSIS AS INTRODUCED:

New Act

Creates the Right of Conscience Act. Defines terms. Provides that no person or qualifying entity shall be coerced to act or engage in speech or held liable for refusing to engage in speech or refusing to act if such refusal was to exercise a right of conscience. Provides that for any action or administrative proceeding brought against a person or qualifying entity that seeks to enjoin or seeks damages for a refusal to engage in speech or an act by the person or qualifying entity, and the person or qualifying entity refused to engage in the speech or refused to act, the person or qualifying entity may assert a counterclaim in the action that the speech or act sought by the plaintiff violates or otherwise infringes upon the person's or qualifying entity's right of conscience. Provides that the remedies under the Act shall be in addition to any other remedy. Provides that if a person or qualifying entity prevails in a counterclaim, the court may award reasonable attorney's fees to the person or qualifying entity.

LRB103 29706 LNS 56111 b

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 Right
5 of Conscience Act.

6 Section 5. Definitions. As used in this Act:

7 "Qualifying entity" means a corporation, partnership,
8 limited liability company, or limited liability partnership in
9 which an individual person has effective or actual majority
10 control.

11 "Right of conscience" includes, but is not limited to,
12 freedom of speech, freedom to speak to or about an elected
13 official, freedom to advocate for or against a law, freedom to
14 assemble, freedom of religion, freedom to peaceably assemble
15 with individuals of a person's or qualifying entity's own
16 choosing, or other freedoms of conscience.

17 Section 10. Right of conscience. No person or qualifying
18 entity shall be coerced to act or engage in speech or held
19 liable for refusing to engage in speech or refusing to act if
20 such refusal was to exercise a right of conscience.

21 Section 15. Right of conscience action. For any action or

1 administrative proceeding brought against a person or
2 qualifying entity that seeks to enjoin or seeks damages for a
3 refusal to engage in speech or an act by the person or
4 qualifying entity, and the person or qualifying entity refused
5 to engage in the speech or refused to act, the person or
6 qualifying entity may assert a counterclaim in the action that
7 the speech or act sought by the plaintiff violates or
8 otherwise infringes upon the person's or qualifying entity's
9 right of conscience.

10 Section 20. Nonexclusive remedy. The remedies under this
11 Act shall be in addition to any other remedy.

12 Section 25. Attorney's fees. If a person or qualifying
13 entity prevails in a counterclaim brought under Section 15,
14 the court may award reasonable attorney's fees to the person
15 or qualifying entity.