



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB4967**

by Rep. Kevin John Olickal

#### SYNOPSIS AS INTRODUCED:

740 ILCS 23/5

Amends the Illinois Civil Rights Act of 2003. Prohibits an otherwise qualified individual with a disability, as defined by the Environmental Barriers Act, from being excluded from participation in, be denied the benefits of, or be subjected to discrimination solely by reason of the individual's disability under any of the following: (i) any program or activity operating inside Illinois and receiving federal financial assistance; (ii) any program or activity receiving federal financial assistance that passes through or is administered by State, county, or local government; (iii) any activity regulated by the State that receives federal financial assistance; or (iv) any program or activity receiving State, county, or local government financial assistance. Provides that a State agency that has an existing mechanism for enforcing federal Section 504 rights under the federal Rehabilitation Act may also enforce provisions of the Act. Authorizes the Attorney General to commence a civil action to enforce the provisions of this Act in any appropriate circuit court if the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern of discrimination prohibited by this Act. Provides that disability discrimination under the Act includes violations of the substantive rights provided in the federal regulations adopted under the federal Rehabilitation Act. Provides that these rights constitute a minimum set of rights that may not be reduced. Requires the Secretary of State to maintain a copy of the regulations in a manner that is easily available to the public such as on a website in a searchable format. Makes the Act severable.

LRB104 17289 JRC 30711 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 5. The Illinois Civil Rights Act of 2003 is  
5 amended by changing Section 5 as follows:

6 (740 ILCS 23/5)

7 Sec. 5. Discrimination prohibited and enforcement.

8 (a) No unit of State, county, or local government in  
9 Illinois shall:

10 (1) exclude a person from participation in, deny a  
11 person the benefits of, or subject a person to  
12 discrimination under any program or activity on the  
13 grounds of that person's race, color, national origin, ~~or~~  
14 gender, or disability; or

15 (2) utilize criteria or methods of administration that  
16 have the effect of subjecting individuals to  
17 discrimination because of their race, color, national  
18 origin, ~~or~~ gender, or disability.

19 (a-5) An individual with a disability as defined by the  
20 Environmental Barriers Act may not be excluded from  
21 participation in, be denied the benefits of, or be subjected  
22 to discrimination solely by reason of the individual's  
23 disability, under any of the following:

1           (1) any program or activity operating inside Illinois  
2           and receiving federal financial assistance;

3           (2) any program or activity receiving federal  
4           financial assistance that passes through or is  
5           administered by State, county, or local government;

6           (3) any activity regulated by the State that receives  
7           federal financial assistance; or

8           (4) any program or activity receiving State, county,  
9           or local government financial assistance.

10          (b) (1) Any party aggrieved by conduct that violates  
11 subsection (a) or (a-5) may bring a civil lawsuit, in a federal  
12 district court or State circuit court, against the offending  
13 unit of government. Any State claim brought in federal  
14 district court shall be a supplemental claim to a federal  
15 claim. This lawsuit must be brought not later than 2 years  
16 after the violation of subsection (a) or (a-5). If the court  
17 finds that a violation of paragraph (1) or (2) of subsection  
18 (a) or (a-5) has occurred, the court may award to the plaintiff  
19 actual damages. The court, as it deems appropriate, may grant  
20 as relief any permanent or preliminary negative or mandatory  
21 injunction, temporary restraining order, or other order.

22          (2) Any State agency that has an existing mechanism for  
23 enforcing federal Section 504 rights under the federal  
24 Rehabilitation Act may also enforce paragraph (a-5) of this  
25 Act. Administrative enforcement options do not preempt court  
26 enforcement under paragraph (b)(1) unless and until such

1 administrative process results in a decision or ruling.

2 (3) The Attorney General is authorized to commence a civil  
3 action to enforce the provisions of this Act in any  
4 appropriate circuit court if the Attorney General has  
5 reasonable cause to believe that any person or group of  
6 persons is engaged in a pattern of discrimination prohibited  
7 by this Act.

8 (4) Any State agency that is administratively enforcing  
9 rights under this Section may adopt rules to implement that  
10 enforcement.

11 (c) Upon motion, a court shall award reasonable attorneys'  
12 fees and costs, including expert witness fees and other  
13 litigation expenses, to a plaintiff who is a prevailing party  
14 in any action brought:

15 (1) pursuant to subsection (b); or

16 (2) to enforce a right arising under the Illinois  
17 Constitution.

18 In awarding reasonable attorneys' fees, the court shall  
19 consider the degree to which the relief obtained relates to  
20 the relief sought.

21 (d) For the purpose of this Act, the term "prevailing  
22 party" includes any party:

23 (1) who obtains some of his or her requested relief  
24 through a judicial judgment in his or her favor;

25 (2) who obtains some of his or her requested relief  
26 through any settlement agreement approved by the court; or

1 (3) whose pursuit of a non-frivolous claim was a  
2 catalyst for a unilateral change in position by the  
3 opposing party relative to the relief sought.

4 (e) Disability discrimination under this Act includes a  
5 violation of the substantive rights provided by the federal  
6 regulations adopted under Section 504 of the federal  
7 Rehabilitation Act, 29 U.S.C. 794, as those regulations were  
8 codified on January 19, 2025 in:

9 (1) 45 CFR Part 84 (health care, education, and human  
10 services);

11 (2) 49 CFR Part 27 (transportation);

12 (3) 34 CFR Part 104 (education);

13 (4) 29 CFR Part 32 (labor); and

14 (5) 24 CFR Part 8 (housing).

15 These regulatory rights constitute a minimum set of rights  
16 that may not be reduced. Regulations further defining  
17 violations of this Act shall be set out so that any provisions  
18 unique to Illinois are clearly identified.

19 (f) The Secretary of State shall maintain a copy of the  
20 regulations identified in subsection (e) in a manner that is  
21 easily available to the public, such as on a website in a  
22 searchable format to reduce the burden of compliance.

23 (Source: P.A. 95-541, eff. 1-1-08.)

24 Section 97. Severability. The provisions of this Act are  
25 severable under Section 1.31 of the Statute on Statutes.