



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4212

Introduced 1/14/2026, by Rep. Norma Hernandez

SYNOPSIS AS INTRODUCED:

New Act

Creates the Court Access, Safety, and Participation Act. Makes legislative findings concerning access to the courts. Creates a privilege from civil arrest for a person who in good faith is attending a State court proceeding or who is going to, remaining at, or returning from the place of the court proceeding. Creates a civil cause of action for a violation of the Act if the person alleged to have violated the Act knew or reasonably should have known that the person arrested is a person duly and in good faith attending a State court proceeding in which the person is a party, a witness, a potential witness, or a court companion of a party, witness, or potential witness while going to, remaining at, and returning from the court proceeding. Provides that the injured person may recover statutory damages of \$10,000 and actual damages, any equitable or declaratory relief the court deems appropriate and just, and reasonable attorney's fees and costs for a successful action. Prohibits an action from being commenced under the Act against the Illinois court system or any Illinois court system personnel acting lawfully under duty to maintain safety and order in the courts. Provides that nothing in the Act affects any right or defense, including any existing qualified immunity defense, of any person, police officer, peace officer or public officer, or any Illinois court system personnel acting lawfully under their duty to maintain safety and order in the courts. Makes other changes. Specifies that the provisions of the Act are severable. Effective immediately.

LRB104 16446 JRC 29839 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 Court
5 Access, Safety, and Participation Act.

6 Section 5. Legislative findings. The General Assembly
7 finds and declares the following:

8 (1) Illinois courts are a cornerstone of Illinois'
9 government, satisfying the right of every person to obtain
10 justice and find a remedy for all injuries and wrongs
11 under Section 12 of Article I of the Constitution of this
12 State and playing an essential role in the peaceful and
13 just resolution of disputes and the State's ability to
14 promote the public health, safety, and general welfare of
15 its residents.

16 (2) Access to courts and the court's ability to
17 administer justice is, therefore, a matter of statewide
18 concern, fostering fairness while promoting public
19 confidence in, and respect for, the judicial process.

20 (3) Subjecting Illinois residents to arrest for civil,
21 non-criminal matters while attending, attempting to
22 attend, or after attending State court proceedings as
23 parties, witnesses, potential witnesses, or court

1 companions or while otherwise accompanying a person who is
2 a party, witness, or potential witness threatens the fair
3 administration of justice in this State.

4 (4) Victims and witnesses are increasingly reluctant
5 to attend and participate in court proceedings or
6 otherwise access the justice system of this State out of
7 fear of civil arrests when going to, remaining at, or
8 returning from a court proceeding.

9 (5) Residents of this State, including victims of
10 crime, are less likely to report crimes and to use legal
11 services when civil arrests are conducted at courthouses
12 in this State or their environs.

13 (6) Illinois courts and court staff bear increased
14 burdens and costs to their operations through
15 adjournments, delays, and postponements caused by
16 witnesses' or parties' failure to appear out of fear of
17 civil arrests at courthouses or their environs.

18 (7) The ability of Illinois attorneys to zealously
19 advocate for their clients and act as officers of the
20 legal system with special responsibilities for the quality
21 of justice in this State is threatened and impeded when
22 civil arrests are conducted at courthouses in this State
23 or their environs, forcing attorneys to risk their
24 clients' freedom in the pursuit of diligent
25 representation.

26 (8) The civil arrest of individuals at a courthouse or

1 its environs or while going to, remaining at, or returning
2 from a court proceeding threatens the functioning of the
3 court system and the fair administration of justice by
4 deterring litigants, witnesses, and others participating
5 in State court proceedings, jeopardizing the State courts'
6 and parties' access to evidence that may be critical to
7 fact-finding.

8 (9) The civil arrest of individuals at a courthouse or
9 its environs or while going to, remaining at, or returning
10 from a court proceeding threatens the public's right to
11 seek justice in the courts and the ability of Illinois
12 residents to peacefully resolve disputes by risking the
13 intimidation of parties and witnesses and deterring
14 litigants, witnesses, and others participating in State
15 court proceedings, limiting the parties' ability to
16 protect and vindicate rights guaranteed by the laws and
17 Constitution of this State.

18 (10) Illinois courts, as early as 1887, recognized the
19 long-standing common law privilege from civil arrest,
20 which has been established in English and American
21 jurisprudence for centuries and which has not been
22 legislatively repealed. Under this common law privilege,
23 the parties to a suit and their witnesses are protected
24 from arrest in coming to, attending, and returning from
25 court proceedings for the sake of public justice.

26 (11) The State of Illinois has sovereign interest and

1 authority to protect the effective functioning and
2 operation of its judicial system.

3 (12) Civil arrests of persons in and around Illinois
4 courthouses or those attending judicial proceedings
5 threaten all of the foregoing public and private values of
6 public access, as well as the core functions of Illinois
7 courts, and must be considered unreasonable and unlawful
8 seizures whether undertaken by local, State, or federal
9 officers.

10 Section 10. Definitions. As used in this Act:

11 "Arrest" means a law enforcement agency or its officers
12 taking an individual into custody.

13 "Civil arrest" means an arrest that is not:

14 (1) a criminal arrest for an alleged criminal
15 violation of any federal, State, or local law;

16 (2) an arrest for any violation of any condition of
17 probation, parole, pretrial release, supervised release,
18 or mandatory supervised release for which arrest is
19 otherwise authorized by law; or

20 (3) an arrest supported by a judicial warrant or
21 judicial order authorizing the arrest.

22 "Court companion" means any of the following individuals
23 whose purpose is to support, assist, or accompany a person who
24 is going to, remaining at, or returning from a court
25 proceeding: a spouse, domestic partner, or person who has a

1 dating or engagement relationship with the party, witness, or
2 potential witness; a biological parent, foster parent,
3 adoptive parent, or stepparent of a party, witness, or
4 potential witness; minor children or other persons under the
5 care of a party, witness, or potential witness; interpreters;
6 translators; a person assisting the party, witness, or
7 potential witness with reading or completing court forms or
8 other documents; persons providing health care or assistance
9 to a party, witness, or potential witness to allow that
10 individual to participate in the court proceeding; a case
11 manager or social worker for the party, witness, or potential
12 witness; a domestic violence or sexual assault advocate; a
13 person transporting a party, witness, or potential witness to
14 or from the court proceeding.

15 "Court proceeding" means the business conducted by a State
16 court or a matter pending under the jurisdiction or
17 supervision of a State court, including, but not limited to,
18 civil proceedings and criminal proceedings.

19 "Judicial warrant or judicial order authorizing the
20 arrest" means a written order from a State court or federal
21 Article III court that directs a law enforcement agency or
22 some other person who is specifically named in the order to
23 arrest a person.

24 "Law enforcement agency" means any entity with statutory
25 police powers and the ability to employ individuals authorized
26 to make arrests.

1 Section 15. Civil arrest prohibited; certain locations.

2 (a) A person duly and in good faith attending a State court
3 proceeding in which the person is a party, a witness, a
4 potential witness, or a court companion of a party, witness,
5 or potential witness is privileged from civil arrest while
6 going to, remaining at, and returning from the court
7 proceeding, including:

8 (1) at the place of the court proceedings;

9 (2) within the courthouse building;

10 (3) on the premises of the courthouse, including
11 parking facilities serving the courthouse;

12 (4) on any sidewalk, parkway, and street surrounding
13 the courthouse and its premises; and

14 (5) on any public way within 1,000 feet of the
15 courthouse including a sidewalk, parkway, or street.

16 (b) Nothing in this Section shall be construed to narrow,
17 or in any way lessen, any common law or other right or
18 privilege of a person privileged from arrest under this Act or
19 otherwise.

20 (c) The protections in this Section apply regardless of
21 whether a judicial order under Section 20 is issued or a court
22 otherwise implements this Act by a rule or order.

23 (d) Nothing in this Section precludes the execution of a
24 criminal arrest warrant issued by a judge or a criminal arrest
25 based on probable cause for a violation of criminal law.

1 Section 20. Court order. In order to maintain access to
2 the court and open judicial proceedings for all persons in
3 their individual capacity and to prevent interference with the
4 needs of judicial administration, a court may issue
5 appropriate judicial orders to protect the privilege from
6 arrest under this Act, Section 9 of the Attorney Act, or common
7 law.

8 Section 25. Civil action; enforcement; remedies.

9 (a) A person who violates Section 15 or 20 of this Act is
10 liable for civil damages for false imprisonment, including
11 actual damages and statutory damages of \$10,000, if that
12 person knew or reasonably should have known that the person
13 arrested is a person duly and in good faith attending a State
14 court proceeding in which the person is a party, a witness, a
15 potential witness, or a court companion of a party, witness,
16 or potential witness while going to, remaining at, and
17 returning from the court proceeding.

18 (b) A court may grant any other equitable or declaratory
19 relief it deems appropriate and just.

20 (c) In any successful action under this Act, a plaintiff
21 or petitioner may recover costs and reasonable attorney's
22 fees.

23 (d) No action or proceeding may be commenced under this
24 Section against the Illinois court system or any Illinois

1 court system personnel acting lawfully under their duty to
2 maintain safety and order in the courts.

3 (e) Nothing in this Act affects any right or defense,
4 including any existing qualified immunity defense, of any
5 person, police officer, peace officer or public officer, or
6 any Illinois court system personnel acting lawfully.

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.