



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3700

Introduced 2/5/2026, by Sen. Graciela Guzmán

SYNOPSIS AS INTRODUCED:

740 ILCS 23/5
740 ILCS 23/10 new

Provides that the Act may be referred to as the Abraham Lincoln Law. Amends the Illinois Civil Rights Act of 2003. Creates a cause of action against a person who, under color of any State law or rule or ordinance by a unit of local government deprives any citizen of this State or other person within the State's jurisdiction of any rights, privileges, or immunities secured by the Illinois Constitution. Provides that it is not a defense to any action filed under the Act that, at the time of the deprivation: (i) the defendant was acting in good faith; (ii) the defendant believed, reasonably or otherwise, that the defendant's conduct was lawful; (iii) the rights, privileges, or immunities secured by the Illinois Constitution were not clearly established; (iv) the state of the law was such that the defendant could not reasonably have been expected to know whether the conduct was lawful; or (v) the defendant was acting in a prosecutorial or judicial capacity. Provides that in any proceeding under the Act in which a plaintiff's claim prevails, the defendant shall be liable for reasonable attorney's fees and other litigation costs, including fees incurred on an hourly or contingency basis, as well as by an attorney providing services pro bono. Provides that a plaintiff's claim shall be deemed to have prevailed if the plaintiff obtains any relief sought in the complaint, whether via judgment, settlement, or the defendant's voluntary action. Provides that if there is any conflict between the Act and any other law of this State, the amendatory Act controls.

LRB104 17531 JRC 30959 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. References to Act. This Act may be referred to
5 as the Abraham Lincoln Law.

6 Section 5. The Illinois Civil Rights Act of 2003 is
7 amended by changing Section 5 and by adding Section 10 as
8 follows:

9 (740 ILCS 23/5)

10 Sec. 5. Discrimination prohibited.

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

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

18 (2) utilize criteria or methods of administration that
19 have the effect of subjecting individuals to
20 discrimination because of their race, color, national
21 origin, or gender.

22 (b) Any party aggrieved by conduct that violates

1 subsection (a) may bring a civil lawsuit, in a federal
2 district court or State circuit court, against the offending
3 unit of government. Any State claim brought in federal
4 district court shall be a supplemental claim to a federal
5 claim. This lawsuit must be brought not later than 2 years
6 after the violation of subsection (a). If the court finds that
7 a violation of paragraph (1) or (2) of subsection (a) has
8 occurred, the court may award to the plaintiff actual damages.
9 The court, as it deems appropriate, may grant as relief any
10 permanent or preliminary negative or mandatory injunction,
11 temporary restraining order, or other order.

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

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

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

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

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

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

26 (2) who obtains some of his or her requested relief

1 through any settlement agreement approved by the court; or
2 (3) whose pursuit of a non-frivolous claim was a
3 catalyst for a unilateral change in position by the
4 opposing party relative to the relief sought.

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

6 (740 ILCS 23/10 new)

7 Sec. 10. Deprivation of rights secured by the Illinois
8 Constitution.

9 (a) Every person who, under color of any State law, rule,
10 or local government ordinance subjects or causes to be
11 subjected any citizen of this State or other person within the
12 State's jurisdiction to the deprivation any rights,
13 privileges, or immunities secured by the Illinois Constitution
14 shall be liable to the party injured in an action at law, suit
15 in equity, or other proper proceeding for redress.

16 (b) It is not a defense to any action filed under this
17 Section that, at the time of the deprivation:

18 (1) the defendant was acting in good faith;

19 (2) the defendant believed, reasonably or otherwise,
20 that the defendant's conduct was lawful;

21 (3) the rights, privileges, or immunities secured by
22 the Illinois Constitution were not clearly established;

23 (4) the state of the law was such that the defendant
24 could not reasonably have been expected to know whether
25 the conduct was lawful; or

1 (5) the defendant was acting in a prosecutorial or
2 judicial capacity.

3 (c) Provides that in any proceeding under the Act in which
4 a plaintiff's claim prevails, the defendant shall be liable
5 for reasonable attorney's fees and other litigation costs,
6 including fees incurred on an hourly or contingency basis, as
7 well as by an attorney providing services pro bono. Provides
8 that a plaintiff's claim shall be deemed to have prevailed if
9 the plaintiff obtains any relief sought in the complaint,
10 whether via judgment, settlement, or the defendant's voluntary
11 action.

12 (d) Provides that if there is any conflict between this
13 Section and any other law of this State, this Section
14 controls.