



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3546

Introduced 2/9/2024, by Sen. Jason Plummer

#### SYNOPSIS AS INTRODUCED:

New Act  
20 ILCS 3305/7

from Ch. 127, par. 1057

Creates the Protecting Religious Assembly in States of Emergency Act, which may be referred to as the PRAISE Act. Provides that an order, rule, regulation, ordinance, resolution, or other directive issued by the State government or a unit of local government pursuant to an emergency or health or safety determination, declaration, or proclamation that requires closure or limitation of any business or other facility otherwise open to public use or patronage, but which exempts in whole or in part any particular entity or set of entities, shall exempt to the same extent a place of worship of a tax exempt religious organization as the other entities are exempted. Requires the provisions to be construed to afford to religious organizations and the organizations' places of worship the same degree of freedom to meet as is afforded to the most favored entity or set of entities. Allows a civil action by a person or religious organization that has been burdened or impaired by a violation of the provisions, including injunctive orders; compensatory damages; nominal damages; a finding of a violation; and, when malice or recklessness is demonstrated, punitive damages. Limits the concurrent exercise of home rule powers. Amends the Illinois Emergency Management Agency Act to make a conforming change.

LRB103 39075 AWJ 69212 b

1 AN ACT concerning government.

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

4 Section 1. Short title; references to Act.

5 (a) This Act may be cited as the Protecting Religious  
6 Assembly in States of Emergency Act.

7 (b) References to Act. This Act may be referred to as the  
8 PRAISE Act.

9 Section 5. Definition. As used in this Act, "place of  
10 worship" means a church, synagogue, mosque, temple, or other  
11 building, structure, or place used primarily for religious  
12 worship and includes the grounds of the building, structure,  
13 or place.

14 Section 10. Protection for places of worship. An order,  
15 rule, regulation, ordinance, resolution, or other directive  
16 issued by the State government or a unit of local government  
17 pursuant to an emergency or health or safety determination,  
18 declaration, or proclamation that requires closure or  
19 limitation of any business or other facility otherwise open to  
20 public use or patronage, but which exempts in whole or in part  
21 any particular entity or set of entities, shall exempt to the  
22 same extent any place of worship of a religious organization

1 that is exempt from taxation under 26 CFR 501(c)(3) as the  
2 other entities are exempted. This Section shall be construed  
3 to afford to religious organizations and the organizations'  
4 places of worship the same degree of freedom to meet as is  
5 afforded to the most favored entity or set of entities.

6 Section 15. Enforcement. A person or religious  
7 organization burdened or impaired by a violation of Section 10  
8 may bring a civil action for relief against the burden or  
9 impairment in a circuit court. A court may provide the  
10 following, noninclusive relief: injunctive orders;  
11 compensatory damages; nominal damages; a finding of a  
12 violation; and, when malice or recklessness is demonstrated,  
13 punitive damages.

14 Section 20. Home rule. A home rule unit may not regulate  
15 places of worship in a manner inconsistent with this Act. This  
16 Act is a limitation under subsection (i) of Section 6 of  
17 Article VII of the Illinois Constitution on the concurrent  
18 exercise by home rule units of powers and functions exercised  
19 by the State.

20 Section 100. The Illinois Emergency Management Agency Act  
21 is amended by changing Section 7 as follows:

22 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

1           Sec. 7. Emergency Powers of the Governor. In the event of a  
2 disaster, as defined in Section 4, the Governor may, by  
3 proclamation declare that a disaster exists. Upon such  
4 proclamation, the Governor shall have and may exercise for a  
5 period not to exceed 30 days the following emergency powers;  
6 provided, however, that the lapse of the emergency powers  
7 shall not, as regards any act or acts occurring or committed  
8 within the 30-day period, deprive any person, firm,  
9 corporation, political subdivision, or body politic of any  
10 right or rights to compensation or reimbursement which he,  
11 she, it, or they may have under the provisions of this Act:

12           (1) To suspend the provisions of any regulatory  
13 statute prescribing procedures for conduct of State  
14 business, or the orders, rules and regulations of any  
15 State agency, if strict compliance with the provisions of  
16 any statute, order, rule, or regulation would in any way  
17 prevent, hinder or delay necessary action, including  
18 emergency purchases, by the Illinois Emergency Management  
19 Agency, in coping with the disaster.

20           (2) To utilize all available resources of the State  
21 government as reasonably necessary to cope with the  
22 disaster and of each political subdivision of the State.

23           (3) To transfer the direction, personnel or functions  
24 of State departments and agencies or units thereof for the  
25 purpose of performing or facilitating disaster response  
26 and recovery programs.

1           (4) On behalf of this State to take possession of, and  
2           to acquire full title or a lesser specified interest in,  
3           any personal property as may be necessary to accomplish  
4           the objectives set forth in Section 2 of this Act,  
5           including: airplanes, automobiles, trucks, trailers,  
6           buses, and other vehicles; coal, oils, gasoline, and other  
7           fuels and means of propulsion; explosives, materials,  
8           equipment, and supplies; animals and livestock; feed and  
9           seed; food and provisions for humans and animals; clothing  
10          and bedding; and medicines and medical and surgical  
11          supplies; and to take possession of and for a limited  
12          period occupy and use any real estate necessary to  
13          accomplish those objectives; but only upon the undertaking  
14          by the State to pay just compensation therefor as in this  
15          Act provided, and then only under the following  
16          provisions:

17                 a. The Governor, or the person or persons as the  
18                 Governor may authorize so to do, may forthwith take  
19                 possession of property for and on behalf of the State;  
20                 provided, however, that the Governor or persons shall  
21                 simultaneously with the taking, deliver to the owner  
22                 or his or her agent, if the identity of the owner or  
23                 agency is known or readily ascertainable, a signed  
24                 statement in writing, that shall include the name and  
25                 address of the owner, the date and place of the taking,  
26                 description of the property sufficient to identify it,

1 a statement of interest in the property that is being  
2 so taken, and, if possible, a statement in writing,  
3 signed by the owner, setting forth the sum that he or  
4 she is willing to accept as just compensation for the  
5 property or use. Whether or not the owner or agent is  
6 known or readily ascertainable, a true copy of the  
7 statement shall promptly be filed by the Governor or  
8 the person with the Director, who shall keep the  
9 docket of the statements. In cases where the sum that  
10 the owner is willing to accept as just compensation is  
11 less than \$1,000, copies of the statements shall also  
12 be filed by the Director with, and shall be passed upon  
13 by an Emergency Management Claims Commission,  
14 consisting of 3 disinterested citizens who shall be  
15 appointed by the Governor, by and with the advice and  
16 consent of the Senate, within 20 days after the  
17 Governor's declaration of a disaster, and if the sum  
18 fixed by them as just compensation be less than \$1,000  
19 and is accepted in writing by the owner, then the State  
20 Treasurer out of funds appropriated for these  
21 purposes, shall, upon certification thereof by the  
22 Emergency Management Claims Commission, cause the sum  
23 so certified forthwith to be paid to the owner. The  
24 Emergency Management Claims Commission is hereby given  
25 the power to issue appropriate subpoenas and to  
26 administer oaths to witnesses and shall keep

1 appropriate minutes and other records of its actions  
2 upon and the disposition made of all claims.

3 b. When the compensation to be paid for the taking  
4 or use of property or interest therein is not or cannot  
5 be determined and paid under item a of this paragraph  
6 (4), a petition in the name of The People of the State  
7 of Illinois shall be promptly filed by the Director,  
8 which filing may be enforced by mandamus, in the  
9 circuit court of the county where the property or any  
10 part thereof was located when initially taken or used  
11 under the provisions of this Act praying that the  
12 amount of compensation to be paid to the person or  
13 persons interested therein be fixed and determined.  
14 The petition shall include a description of the  
15 property that has been taken, shall state the physical  
16 condition of the property when taken, shall name as  
17 defendants all interested parties, shall set forth the  
18 sum of money estimated to be just compensation for the  
19 property or interest therein taken or used, and shall  
20 be signed by the Director. The litigation shall be  
21 handled by the Attorney General for and on behalf of  
22 the State.

23 c. Just compensation for the taking or use of  
24 property or interest therein shall be promptly  
25 ascertained in proceedings and established by judgment  
26 against the State, that shall include, as part of the

1 just compensation so awarded, interest at the rate of  
2 6% per annum on the fair market value of the property  
3 or interest therein from the date of the taking or use  
4 to the date of the judgment; and the court may order  
5 the payment of delinquent taxes and special  
6 assessments out of the amount so awarded as just  
7 compensation and may make any other orders with  
8 respect to encumbrances, rents, insurance, and other  
9 charges, if any, as shall be just and equitable.

10 (5) When required by the exigencies of the disaster,  
11 to sell, lend, rent, give, or distribute all or any part of  
12 property so or otherwise acquired to the inhabitants of  
13 this State, or to political subdivisions of this State,  
14 or, under the interstate mutual aid agreements or compacts  
15 as are entered into under the provisions of subparagraph  
16 (5) of paragraph (c) of Section 6 to other states, and to  
17 account for and transmit to the State Treasurer all funds,  
18 if any, received therefor.

19 (6) To recommend the evacuation of all or part of the  
20 population from any stricken or threatened area within the  
21 State if the Governor deems this action necessary.

22 (7) To prescribe routes, modes of transportation, and  
23 destinations in connection with evacuation.

24 (8) To control ingress and egress to and from a  
25 disaster area, the movement of persons within the area,  
26 and the occupancy of premises therein.



1           (9) To suspend or limit the sale, dispensing, or  
2 transportation of alcoholic beverages, firearms,  
3 explosives, and combustibles.

4           (10) To make provision for the availability and use of  
5 temporary emergency housing.

6           (11) A proclamation of a disaster shall activate the  
7 State Emergency Operations Plan, and political subdivision  
8 emergency operations plans applicable to the political  
9 subdivision or area in question and be authority for the  
10 deployment and use of any forces that the plan or plans  
11 apply and for use or distribution of any supplies,  
12 equipment, and materials and facilities assembled,  
13 stockpiled or arranged to be made available under this Act  
14 or any other provision of law relating to disasters.

15           (12) Control, restrict, and regulate by rationing,  
16 freezing, use of quotas, prohibitions on shipments, price  
17 fixing, allocation or other means, the use, sale or  
18 distribution of food, feed, fuel, clothing and other  
19 commodities, materials, goods, or services; and perform  
20 and exercise any other functions, powers, and duties as  
21 may be necessary to promote and secure the safety and  
22 protection of the civilian population.

23           (13) During the continuance of any disaster the  
24 Governor is commander-in-chief of the organized and  
25 unorganized militia and of all other forces available for  
26 emergency duty. To the greatest extent practicable, the

1 Governor shall delegate or assign authority to the  
2 Director to manage, coordinate, and direct all resources  
3 by orders issued at the time of the disaster.

4 (14) Prohibit increases in the prices of goods and  
5 services during a disaster.

6 Nothing in this Act allows the Governor or any other  
7 governmental official to proclaim, declare, or otherwise issue  
8 any order that violates the Protecting Religious Assembly in  
9 States of Emergency Act.

10 (Source: P.A. 102-485, eff. 8-20-21.)