

IN THE CIRCUIT COURT
FOR THE FOURTH JUDICIAL CIRCUIT
CLAY COUNTY, ILLINOIS

Darren Bailey,)
)
)
Plaintiff,)
)
vs.) Case No. 2020-CH-06
)
Governor Jay Robert Pritzker,)
in his official capacity.)
)
Defendant.)

**VERIFIED PETITION FOR ADJUDICATION OF
INDIRECT CIVIL CONTEMPT**

COMES NOW, Plaintiff, Darren Bailey, by and through his attorney, Thomas DeVore, of DeVore Law Offices, LLC, and as for his Petition for Adjudication of Indirect Civil Contempt against the Defendant, Jay Robert Pritzker (“Pritzker”), states as follows:

1. On or about July 02, 2020, this Court declared Pritzker no longer had any emergency powers under Section 7 of the IEMAA after April 08, 2020. (See Exhibit A)
2. On or about July 02, 2020, this Court also declared any executive orders in effect after April 08, 2020 related to COVID-19 and finding their authority under the emergency powers of Section 7 of the IEMAA void. (See Exhibit A)
3. In complete disregard of this Court’s July 02, 2020 order, on July 24, 2020, Pritzker issued executive order 47 regarding COVID-19 and cites as authority his enumerated powers under Section 7 of the IEMAA. (See Exhibit B)
4. In complete disregard of this Court’s July 02, 2020 order, on July 24, 2020, Pritzker issued executive order 48 regarding COVID-19 and cites as authority his enumerated powers under Section 7 of the IEMAA. (See Exhibit C)

5. In complete disregard of this Court's July 02, 2020 order, on July 27, 2020, Pritzker issued executive order 50 regarding COVID-19 and cites as authority his enumerated powers under Section 7 of the IEMAA. (See Exhibit D)
6. These willful actions of the Defendant, Jay Robert Pritzker, constitute *prima facie* evidence of contemptuous acts which are calculated to embarrass, hinder, or obstruct this Honorable Court in its administration of justice, and are expressly calculated to derogate from its authority or dignity.

WHEREFORE, Plaintiff, Darren Bailey, respectfully prays for this Court to enter an order as follows:

- A. That, Jay Robert Pritzker, be adjudged in indirect civil contempt of this Court and be required to show cause, if any he can, why he should not be held in contempt of this Court and punished for his willful and contumacious disregard with this Court's order;
- B. That Jay Robert Pritzker be ordered to purge himself by rescinding the above-mentioned executive orders instantler; and should he refuse, he be placed in temporary custody within the Clay County Jail until he purges himself by rescinding the above-mentioned executive orders;
- C. In the alternative, the Court craft any other just sanction which compels Jay Robert Pritzker to purge his contempt.
- D. That Jay Robert Pritzker be held liable for the Darren Bailey's attorney fees he has incurred in enforcing the willful disregard of this Court's order;
- E. That this Court enter any further orders which the Court deems just and equitable.

DARREN BAILEY, Plaintiff

By: _____

Thomas DeVore, His Attorney

Thomas G. DeVore
IL Bar Reg. No. 6305737
DeVore Law Offices, LLC
Attorney for Plaintiff
118 N. 2nd St.
Greenville, IL 62246
tom@silverlakelaw.com

VERIFICATION BY CERTIFICATION

The undersigned hereby certifies under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, that the statements set forth in this document are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

A handwritten signature in black ink, appearing to read 'Darren Bailey', written in a cursive style. The signature is positioned above a horizontal line.

Darren Bailey

IN THE CIRCUIT COURT
FOR THE FOURTH JUDICIAL CIRCUIT
CLAY COUNTY, ILLINOIS

FILED

JUL 02 2020

Cynthia Ballard
CIRCUIT CLERK OF THE
FOURTH JUDICIAL CIRCUIT
CLAY COUNTY ILLINOIS

Darren Bailey,)
)
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Plaintiff,)
)
)
vs.)
)
Governor Jay Robert Pritzker,)
in his official capacity.)
)
Defendant.)

Case No. 2020-CH-06

ORDER

THIS CAUSE COMING TO BE HEARD for hearing on the Plaintiff's Motion for Summary Judgment on Counts I, II and III of Plaintiff's Amended Complaint, the Court having considered the pleadings, arguments of counsel, and having been otherwise apprised of matters with the record on Summary Judgment supplanted as ordered by the Court in the 7/2/20 record of proceedings.

IT IS HEREBY ORDERED:

- 1) Defendant's request to make an oral motion for summary judgment is considered and the request denied without prejudice to file a written motion for summary judgment.
- 2) Plaintiff's motion for summary judgment as to Count I is denied.
- 3) Plaintiff's motion for summary judgment as to Count II is granted as follows:
 - a) The Court declares Defendant issued Proclamation #2, as defined in the amended complaint, and Proclamation #3, as defined in the amended



complaint, for the same occurrence or threat which gave rise to the issuance of Proclamation #1, as defined in the amended complaint, on March 09, 2020;

b) The Court declares the 30-days of emergency powers provided under Section 7 of the IEMAA provided to the Defendant to address the COVID-19, lapsed on April 08, 2020;

c) The Court declares any executive orders in effect after April 08, 2020 relating to COVID-19, and finding their authority under the emergency powers of Section 7 of the IEMAA are void ab initio.

4) Plaintiff's motion for summary judgment as to Count III is granted as follows:

a) The Court declares Defendant had no Illinois constitutional authority as Governor to restrict a citizen's movement or activities and/or forcibly close business premises in EO 32;

b) The Court declares that none of the cited provisions of the IEMAA in EO 32 delegated Defendant any authority to restrict a citizen's movement or activities and/or forcibly close business premises;

c) The Court declares the proper authority to restrict a citizen's movement or activities and/or forcibly close their business due to any public health risks has been expressly delegated to the Department of Health under the Illinois Department of Public Health Act and the County Code;

5) On Plaintiff's oral motion, Count IV of his complaint is dismissed with prejudice.

6) Plaintiff oral request that his Amended Complaint be a representative action and apply to all citizens of the State of Illinois is granted

DATE: 7-2-20

ENTER:

Michael S. McHenry
JUDGE

Prepared by:
Thomas G. DeVore
IL Bar No. 0630573
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tom@silverlakelaw.com

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SHARE

Executive Order 2020-47

July 24, 2020

EXECUTIVE ORDER 2020-47

EXECUTIVE ORDER 2020-47

(COVID-19 (Coronavirus Disease 2019) EXECUTIVE ORDER NO. 44)

WHEREAS Coronavirus 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois in a short period of time, necessitating stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

WHEREAS, COVID-19 can spread among people through respiratory transmissions, asymptomatic people can transmit the virus, and there is currently no effective treatment or vaccine; and,

WHEREAS, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19; and,

WHEREAS, on April 1, 2020, I declared all counties in the State of Illinois as a disaster area due to the exponential spread of COVID-19; and,

WHEREAS, on April 30, 2020, due to the expected continuing spread of COVID-19, the resulting health impacts across the State, and the need to address the potential shortages of hospital beds, ICU beds, ventilators, personal protective equipment and materials for testing for the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 29, 2020, due to the thousands of lives lost to COVID-19 in Illinois, the continued increase of cases, the continued threat of shortages of hospital beds, ER beds, and ventilators, the improved but still insufficient testing capacity, and the economic devastation caused by the virus, I again declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on June 26, 2020, due to the ongoing burden on hospital resources, the expected continuing spread of COVID-19, and the ongoing health and economic impacts caused by COVID-19, I again declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on July 24, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I again declared all counties in the State of Illinois as a disaster area (together with the previous proclamations identified in this Executive Order, the Gubernatorial Disaster Proclamations); and,

WHEREAS, it is necessary and appropriate for the State of Illinois to continue to take immediate and significant measures to prevent or slow the spread of COVID-19 and protect public health during the COVID-19 outbreak; and,

WHEREAS, Restore Illinois is a five-phased plan to reopen Illinois, guided by health metrics and involving the cautious resumption of distinct business, education, and recreation activities in each phase; and,

WHEREAS, the Restore Illinois plan establishes four health regions in Illinois, each with the ability to independently move through the phased approach; and,

WHEREAS, as of July 24, 2020, all four health regions are in Phase 4 of the Restore Illinois plan; and,

WHEREAS, Phase 4 allows for schools to reopen and provide in-person instruction, in accordance with Illinois Department of Public Health (IDPH) guidance; and,

WHEREAS, on June 4, 2020, I issued Executive Order 2020-40 allowing all public and nonpublic schools in Illinois to reopen for limited in-person instruction during Phase 3 and requiring schools to adhere to IDPH guidance to ensure the safety of students, staff, and visitors; and,

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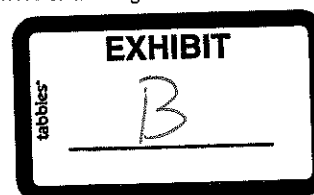
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Educators



WHEREAS, on June 26, 2020 I issued Executive Order 2020-44, which amended Executive Order 2020-40 to accommodate the transition to Phase 4, under which gatherings of up to fifty people are permitted; and,

WHEREAS, at my request and under my authority, the Illinois State Board of Education and IDPH issued the Transition Joint Guidance with requirements and recommendations to make the reopening of schools for in-person instruction during the 2020-2021 school year as safe as possible; and,

WHEREAS, on July 15, 2020, I issued an updated mitigation plan as part of Restore Illinois which further divides the State into eleven health regions but has no effect on the applicability of the Transition Joint Guidance to preK-12 schools;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective July 24, 2020:

Section 1. All public and nonpublic schools in Illinois serving pre-kindergarten through 12th grade students may open for in-person educational purposes following the completion of the regular 2019-2020 school term. All public and nonpublic schools must follow IDPH and ISBE guidance during Phase 4 and take proactive measures to ensure the safety of students, staff, and visitors, including, but not limited to the following public health guidelines:

- a. Limiting the number of people in one space to fifty or fewer.
- b. Ensuring compliance with social distancing requirements to the greatest extent possible. For purposes of this Executive Order, social distancing includes maintaining at least six-foot distance from other individuals and discouraging physical contact between individuals.
- c. Requiring symptom screenings and temperature checks or requiring individuals to self-certify that they are free of COVID-19 symptoms before entering school buildings.
- d. Ensuring appropriate hygienic practices, including washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), discouraging the sharing of personal items, and regularly cleaning and disinfecting high-touch surfaces.
- e. Requiring the use of appropriate personal protective equipment by students, staff, and visitors, including the use of face coverings by individuals who are over age two and able to medically tolerate a face covering. Schools must provide face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times and, to the extent possible, make face coverings available for all students.

Section 2. This Executive Order supersedes any contrary provision of any other prior Executive Order. Any provisions that are not contrary to those in this Executive Order shall remain in full force and effect.

Section 3. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor July 24, 2020

Filed by the Secretary of State July 24, 2020

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SHARE

Executive Order 2020-48

July 24, 2020

EXECUTIVE ORDER 2020-48

EXECUTIVE ORDER 2020-48

(COVID-19 (Coronavirus Disease 2019) EXECUTIVE ORDER NO. 45)

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 140,000 and growing, and taking the lives of thousands of residents; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, as Illinois adapts and responds to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and that continues to be without an effective treatment or vaccine, the burden on residents, healthcare providers, first responders, and governments throughout the State is unprecedented; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, in addition to causing the tragic loss of more than 7,300 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, on July 24, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-13, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-31, 2020-34, 2020-35, 2020-36, 2020-42, 2020-43, and 2020-45 and hereby incorporate the WHEREAS clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective July 24, 2020:

Part 1: Re-Issue of Executive Orders.

Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-13, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-31, 2020-34, 2020-35, 2020-36, 2020-42, 2020-43, and 2020-45 hereby are re-issued by this Executive Order 2020-48 as follows:

Executive Order 2020-04 (Closure of James R. Thompson Center; waiver of sick leave requirement for State employees):

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through August 22, 2020. Nothing in Section 2 precludes the Department of Central Management Services from designating specific points of ingress and egress and controlling traffic flow in the James R. Thompson Center for State

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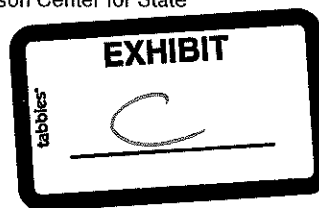
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employees, members of the public attending to State business, and members of the public patronizing the businesses and food court.

Executive Order 2020-07 (In-person meeting requirements):

Section 6 of Executive Order 2020-07, as amended by Executive Order 2020-33 and Executive Order 2020-44, is re-issued and extended through **August 22, 2020**.

Executive Order 2020-08 (Secretary of State operations):

Sections 2, 3, 4, and 5 of Executive Order 2020-08, as amended by Executive Order 2020-39 and Executive Order 2020-44, are re-issued and extended through **August 22, 2020**.

Executive Order 2020-09 (Telehealth):

Executive Order 2020-09 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-11 (Revisions to prior Executive Orders; Department of Corrections notification period):

Section 4 of Executive Order 2020-11 is re-issued and extended through **August 22, 2020**.

Executive Order 2020-12 (Health care worker background checks; Department of Juvenile Justice notification period):

Sections 1, 2, and 3 of Executive Order 2020-12 are re-issued and extended through **August 22, 2020**, whereafter Section 2 shall be rescinded.

Executive Order 2020-13 (Suspending Illinois Department of Corrections admissions from county jails):

Executive Order 2020-13 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-15 (Suspending provisions of the Illinois School Code):

Sections 5, 6, 7, 8, and 9 of Executive Order 2020-15 are re-issued and extended through **August 22, 2020**.

Executive Order 2020-16 (Repossession of vehicles; suspension of classroom training requirement for security services):

Executive Order 2020-16 is re-issued in its entirety and extended through **August 22, 2020**, whereafter Section 1 shall be rescinded.

Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):

Executive Orders 2020-03 and 2020-17, as modified by Executive Order 2020-18, are re-issued and shall remain in effect as specified by Executive Order 2020-18.

Executive Order 2020-20 (Public assistance requirements):

Executive Order 2020-20 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):

Executive Order 2020-21 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-22 (Township meetings; Funeral Directors and Embalmers Licensing Code; placements under the Child Care Act of 1969; fingerprint submissions under Health Care Worker Background Check Act):

Sections 4, 5, and the Savings Clause of Executive Order 2020-22 are re-issued and extended through **August 22, 2020**.

Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):

Executive Order 2020-23 is re-issued in its entirety and extended through **August 22, 2020**.

Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):

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Executive Order 2020-24 is re-issued in its entirety and extended through August 22, 2020.

Executive Order 2020-25 (Garnishment and wage deductions):

Executive Order 2020-25 is re-issued in its entirety and extended through August 22, 2020.

Executive Order 2020-26 (Hospital capacity):

Executive Order 2020-26 is re-issued in its entirety and extended through August 22, 2020, whereafter Sections 2(a)-(d) and (f)-(h), 3, 4, and 5 shall be rescinded.

Executive Order 2020-27 (Cadavers testing positive for COVID-19):

Executive Order 2020-27 is re-issued in its entirety and extended through August 22, 2020.

Executive Order 2020-28 (Industrial radiography certifications):

Executive Order 2020-28 is re-issued in its entirety and extended through August 22, 2020.

Executive Order 2020-29 (In-person education or exams for professional insurance licenses):

Executive Order 2020-29 is re-issued in its entirety and extended through August 22, 2020.

Executive Order 2020-30 (Filing of residential eviction actions; enforcement of non-residential eviction orders; expired consular identification documents; electronic filings for the Illinois Human Rights Commission):

Executive Order 2020-30, as amended by Executive Order 2020-33 and as further amended and revised below, is re-issued in its entirety and extended through August 22, 2020, whereafter the prohibition on enforcement of orders of eviction for non-residential premises shall be rescinded.

Section 7. The provisions of Section 2 and 3 of Executive Order 2020-30, as amended by Executive Order 2020-33, prohibiting the commencement of residential eviction actions and the enforcement of orders of eviction for residential properties, shall remain in effect to allow the Illinois Housing Development Authority to distribute monetary assistance under the Emergency Rental Assistance and Emergency Mortgage Assistance programs directly to landlords or property owners on behalf of eligible tenants or, for eligible homeowners, directly to the mortgagor's loan servicer.

Executive Order 2020-31 (Educator licensure and student graduation requirements):

Executive Order 2020-31 is re-issued in its entirety and extended through August 22, 2020.

Executive Order 2020-34 (Cannabis requirements):

Executive Order 2020-34 is re-issued in its entirety and extended through August 22, 2020, whereafter Section 2 shall be rescinded.

Executive Order 2020-35 (IDPH regulatory activities):

Sections 1 and 3-17 of Executive Order 2020-35 are re-issued and extended through August 22, 2020, whereafter Sections 1 and 3-13 shall be rescinded.

Executive Order 2020-36 (Marriage licenses):

Executive Order 2020-36 is re-issued in its entirety and extended through August 22, 2020.

Executive Order 2020-42 (State Fairs):

Executive Order 2020-42 is re-issued in its entirety and extended through August 22, 2020.

Executive Order 2020-43 (Phase 4 Community Revitalization Order):

Executive Order 2020-43 is re-issued in its entirety and extended through August 22, 2020.

Executive Order 2020-45 (Cannabis licenses):

Executive Order 2020-45 is re-issued in its entirety and extended through August 22, 2020.

Part 2: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose,

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Executive Order 2020-50

July 27, 2020

Executive Order 2020-50

EXECUTIVE ORDER IN RESPONSE TO COVID-19 (COVID-19 EXECUTIVE ORDER NO. 46)

WHEREAS, Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois in a short period of time, necessitating stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

WHEREAS, COVID-19 can spread among people through respiratory transmissions, asymptomatic people can transmit the virus, and there is currently no effective treatment or vaccine; and,

WHEREAS, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 ("Governatorial Disaster Proclamation") in response to the outbreak of Coronavirus Disease 2019 ("COVID-19"); and,

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials; and,

WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I have found it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

WHEREAS, on April 1, 2020, I declared all counties in the State of Illinois as a disaster area due to the exponential spread of COVID-19; and,

WHEREAS, on April 30, 2020, due to the continuing spread of COVID-19, the resulting health impacts across the State, and the need to address the potential shortages of hospital beds, ICU beds, ventilators, personal protective equipment and materials for testing for the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 29, 2020, due to the thousands of lives lost to COVID-19 in Illinois, the continued increase of cases, the continued threat of shortages of hospital beds, ER beds, and ventilators, the improved but still insufficient testing capacity, and the economic devastation caused by the virus, I again declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on June 26, 2020, due to the ongoing burden on hospital resources, the expected continuing spread of COVID-19, and the ongoing health and economic impacts caused by COVID-19, I again declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on July 24, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I again declared all counties in the State of Illinois as a disaster area (together with the previous proclamations identified in this Executive Order, the Governatorial Disaster Proclamations); and,

WHEREAS, numerous counties all around the State (Gallatin, Union, St. Clair, Cass, Hardin, Saline, Jackson, Randolph, Jo Daviess, Adams, Coles, Madison, Alexander, Lawrence, Kankakee, Rock Island, Logan, Scott, Champaign, White, Johnson, Peoria, Perry, Monroe, Whiteside, Washington, Mercer, Iroquois, DuPage, McHenry, Sangamon, Clinton and LaSalle) have reported more than 75 cases per 100,000 people over the past 10 days; and,

WHEREAS, social distancing, which consists of maintaining at least a six-foot distance between people, is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

WHEREAS, certain populations are at a higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic health conditions such as heart disease, diabetes, lung disease or other mental or physical conditions; and,

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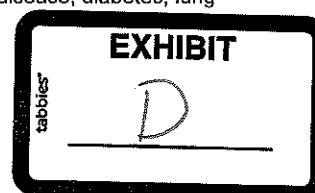
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WHEREAS, the Illinois Department of Corrections (IDOC) currently has a population of more than 31,000 male and female individuals in 28 facilities, the vast majority of whom, because of their close proximity and contact with each other in housing units and dining halls, are especially vulnerable to contracting and spreading COVID-19; and,

WHEREAS, the Centers for Disease Control (CDC) have issued recommendations specific to correctional and detention settings in order to control the spread of COVID-19 in those uniquely situated environments, available at <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/testing.html> (<https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/testing.html>); and,

WHEREAS, the CDC recommends that in order to effectively isolate COVID-positive individuals and quarantine those who have come into contact with COVID-positive individuals, correctional facilities must consider a number of operational factors; and,

WHEREAS, although it has taken significant steps throughout the COVID-19 pandemic to reduce the number of individuals in each facility, IDOC continues to have limited housing capacity to isolate and quarantine individuals who present as symptomatic of, or test positive for, COVID-19; and,

WHEREAS, individuals in county jails awaiting transfer to IDOC facilities, because of their close proximity to and contact with each other, may have been infected with COVID-19; and,

WHEREAS, IDOC historically receives daily transfers of individuals from county jails who have been convicted of criminal offenses and sentenced by Illinois courts to the custody and control of IDOC; and,

WHEREAS, it remains critical that the Director of IDOC take all necessary steps, consistent with public health guidance, to prevent the spread of COVID-19 in the IDOC facilities and provide necessary healthcare to those impacted by COVID-19; and,

WHEREAS, on March 26, 2020, I issued Executive Order 2020-13, which suspended all admissions to the Illinois Department of Corrections from all Illinois county jails, with exceptions at the Director's discretion; and,

WHEREAS, in Executive Order 2020-48, I re-issued Executive Order 2020-13 and extended it through August 22, 2020;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(2), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers set forth in the State's public health laws, I hereby order the following, effective July 27, 2020 at 5:00 pm and for the remainder of the duration of the Gubernatorial Disaster Proclamation, which currently extends through August 22, 2020:

Section 1. The Illinois Department of Corrections (IDOC) will resume accepting the transfer of individuals from Illinois county jails. The scheduling of the arrival of individuals from county jails and the intake process to ensure the health and safety of the transferring individuals, as well as all individuals and staff at IDOC, shall be within the sole discretion of the Director of IDOC. In determining the timing of the arrival of individuals from county jails and the specific process for transfers to IDOC, the Director shall take into account several health and safety factors including (a) the capacity and safety of IDOC reception centers, and (b) whether the individuals to be transferred have been quarantined for 14 days and, following that quarantine period, have tested negative for COVID-19 before their transfer to IDOC. All approved transfers to IDOC shall follow the protocol established by IDOC in conjunction with the Illinois Department of Public Health (IDPH), available at <https://www2.illinois.gov/idoc/facilities/Pages/Covid19Response.aspx> ([/idoc/facilities/Pages/Covid19Response.aspx](https://www2.illinois.gov/idoc/facilities/Pages/Covid19Response.aspx)). The Director of IDOC will work closely with county sheriffs and other partners in the criminal justice system to determine whether transfer from specific county jails is feasible and to ensure that the guidelines will be implemented.

Section 2. Executive Order 2020-13 is hereby rescinded.

Section 3. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor July 27, 2020

Filed by the Secretary of State July 27, 2020

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