



**OFFICE OF THE ATTORNEY GENERAL**  
STATE OF ILLINOIS

**KWAME RAOUL**  
ATTORNEY GENERAL

May 1, 2023

**SENT VIA EMAIL AND FIRST-CLASS MAIL**

Rickey Williams, Jr., Mayor of Danville  
c/o James Simon, Corporation Counsel, City of Danville  
17 W. Main Street  
Danville, Illinois 61832  
[Mayor@cityofdanville.org](mailto:Mayor@cityofdanville.org)  
[Simon@cityofdanville.org](mailto:Simon@cityofdanville.org)

Dear Mayor Williams:

The Illinois Attorney General's Office has received information indicating that on May 2, 2023, the Danville City Council is scheduled to consider a proposed ordinance purporting to ban or severely restrict access to abortion care in the City of Danville. My office has reviewed the attached version of the proposed ordinance and I write to urgently convey our significant concern that the proposed ordinance, if enacted, would violate Illinois law, including, specifically, the Reproductive Health Act, 775 ILCS 55/1-1 *et seq.*

The Reproductive Health Act recognizes a fundamental right to abortion in Illinois<sup>1</sup> and prohibits government from infringing on that right.<sup>2</sup> The law specifically limits home rule municipality powers: a municipality may not regulate an individual's ability to freely exercise the fundamental right to an abortion in a manner more restrictive than that set forth in the Reproductive Health Act.<sup>3</sup> This limit on home rule municipal powers expressly references the preemption requirements established by the Illinois Constitution. In other words, state law expressly preempts Danville's home rule authority to enact the proposed ordinance.

In light of this direct conflict with controlling law, enacting the proposed ordinance risks considerable legal liability and expenses for Danville. For example, the Reproductive Health Act

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<sup>1</sup> 775 ILCS 55/1-15.

<sup>2</sup> 775 ILCS 55/1-20.

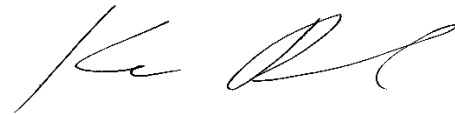
<sup>3</sup> 775 ILCS 55/1-35.

includes a cause of action that can be brought against any governmental official or entity (including home rule municipalities) that attempts to deny, restrict, interfere with, or discriminate against an individual's exercise of the fundamental rights set forth in the Act.<sup>4</sup> Remedies for a prevailing plaintiff include reasonable attorney's fees and costs, including expert witness fees and other litigation expenses.

We understand from media reports that Danville may have received an offer of financial assistance relating to potential litigation costs associated with the proposed ordinance. In considering this purported offer, I encourage the Danville City Council to be mindful of the limitations imposed by state law and applicable professional regulations, including state and local ethics codes and Illinois Rule of Professional Conduct 1.8(e).

The Illinois Attorney General's Office will continue to closely monitor the status of the proposed ordinance and stands ready to take appropriate action to ensure that Illinois law, including the Reproductive Health Act, is adhered to by Danville and its elected officials. We appreciate the Danville City Council's consideration of our concerns about the proposed ordinance and trust that Council members will abide by their obligations to follow Illinois law.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kwame Raoul', written in a cursive style.

Kwame Raoul  
Illinois Attorney General

Enclosure

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<sup>4</sup> 775 ILCS 55/1-20.