



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4149

by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

See Index

Contains a statement of legislative findings. Amends the Attorney General Act. Provides that the Attorney General shall, no later than 6 months after the effective date of the amendatory Act, establish and maintain a sexual harassment in the workplace hotline with a toll-free telephone with voicemail capabilities and an Internet website through which persons may report instances of sexual harassment. Provides that the Attorney General shall develop the hotline in consultation with the Illinois Coalition Against Sexual Assault and the American Civil Liberties Union of Illinois. Provides that the Attorney General shall help persons who access the hotline find counseling and protective services, and assist in the filing of sexual harassment complaints through appropriate agencies. Provides that the Attorney General shall advertise the hotline and encourage reporting by both those who are subject to sexual harassment and those who have witnessed it. Provides that the hotline shall provide the means through which persons may anonymously report sexual harassment in both private and public places of employment. Provides that in the case of sexual harassment by a State employee, the Attorney General shall, with the permission of the reporting individual, further investigate the allegations. Provides that the Attorney General shall, if warranted, make recommendations to the appropriate entity for corrective action. Provides that each State employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice informing employees of the sexual harassment in the workplace hotline, and that the Attorney General shall ensure compliance with this requirement. Provides that the Attorney General shall adopt rules to implement the new provisions. Effective immediately.

LRB100 15457 HEP 30461 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning sexual harassment.

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

4 Section 1. Legislative statement. The General Assembly
5 finds and declares the following:

6 (1) Sexual harassment in the workplace is a serious and
7 harmful matter, and the General Assembly must take steps to end
8 this behavior for all Illinois residents.

9 (2) A toll-free telephone number and website through which
10 complaints may be filed will provide persons subjected to
11 sexual harassment a safe and helpful way to report instances of
12 sexual harassment in the workplace.

13 (3) By making it easier and safer for persons to report
14 sexual harassment behavior, the General Assembly seeks to
15 protect persons who report sexual harassment from retribution,
16 while empowering them to stand strong against perpetrators.

17 Section 5. The Attorney General Act is amended by changing
18 Section 4 and by adding Section 9 as follows:

19 (15 ILCS 205/4) (from Ch. 14, par. 4)

20 Sec. 4. The duties of the Attorney General are: ~~shall be~~

21 First - To appear for and represent the people of the State
22 before the supreme court in all cases in which the State or the

1 people of the State are interested.

2 Second - To institute and prosecute all actions and
3 proceedings in favor of or for the use of the State, which may
4 be necessary in the execution of the duties of any State
5 officer.

6 Third - To defend all actions and proceedings against any
7 State officer, in his official capacity, in any of the courts
8 of this State or the United States.

9 Fourth - To consult with and advise the several State's
10 Attorneys in matters relating to the duties of their office;
11 and when, in his judgment, the interest of the people of the
12 State requires it, he shall attend the trial of any party
13 accused of crime, and assist in the prosecution. When the
14 Attorney General has requested in writing that a State's
15 Attorney initiate court proceedings to enforce any provisions
16 of the Election Code or to initiate a criminal prosecution with
17 respect to a violation of the Election Code, and when the
18 State's Attorney has declined in writing to initiate those
19 proceedings or prosecutions or when the State's Attorney has
20 neither initiated the proceedings or prosecutions nor
21 responded in writing to the Attorney General within 60 days of
22 the receipt of the request, the Attorney General may,
23 concurrently with or independently of the State's Attorney,
24 initiate such proceedings or prosecutions. The Attorney
25 General may investigate and prosecute any violation of the
26 Election Code at the request of the State Board of Elections or

1 a State's Attorney.

2 Fifth - To investigate alleged violations of the statutes
3 which the Attorney General has a duty to enforce and to conduct
4 other investigations in connection with assisting in the
5 prosecution of a criminal offense at the request of a State's
6 Attorney.

7 Sixth - To consult with and advise the governor and other
8 State officers, and give, when requested, written opinions upon
9 all legal or constitutional questions relating to the duties of
10 such officers respectively.

11 Seventh - To prepare, when necessary, proper drafts for
12 contracts and other writings relating to subjects in which the
13 State is interested.

14 Eighth - To give written opinions, when requested by either
15 branch of the general assembly, or any committee thereof, upon
16 constitutional or legal questions.

17 Ninth - To enforce the proper application of funds
18 appropriated to the public institutions of the State, prosecute
19 breaches of trust in the administration of such funds, and,
20 when necessary, prosecute corporations for failure or refusal
21 to make the reports required by law.

22 Tenth - To keep, a register of all cases prosecuted or
23 defended by him, in behalf of the State or its officers, and of
24 all proceedings had in relation thereto, and to deliver the
25 same to his successor in office.

26 Eleventh - To keep on file in his office a copy of the

1 official opinions issued by the Attorney General and deliver
2 same to his successor.

3 Twelfth - To pay into the State treasury all moneys
4 received by him for the use of the State.

5 Thirteenth - To attend to and perform any other duty which
6 may, from time to time, be required of him by law.

7 Fourteenth - To attend, present evidence to and prosecute
8 indictments returned by each Statewide Grand Jury.

9 Fifteenth - To give written binding and advisory public
10 access opinions as provided in Section 7 of this Act.

11 Sixteenth - To maintain a sexual harassment in the
12 workplace hotline and carry out the other requirements of
13 Section 9 of this Act.

14 (Source: P.A. 95-699, eff. 11-9-07; 96-542, eff. 1-1-10.)

15 (15 ILCS 205/9 new)

16 Sec. 9. Sexual harassment in the workplace hotline;
17 investigations.

18 (a) The Attorney General shall, no later than 6 months
19 after the effective date of this amendatory Act of the 100th
20 General Assembly, establish and maintain a sexual harassment in
21 the workplace hotline. The Attorney General shall develop the
22 hotline in consultation with the Illinois Coalition Against
23 Sexual Assault and the American Civil Liberties Union of
24 Illinois. As used in this Section, "hotline" means a toll-free
25 telephone number with voicemail capabilities and Internet

1 website that persons may use to report instances of sexual
2 harassment.

3 (b) The Attorney General shall help persons who access the
4 hotline find counseling and protective services and assist in
5 the filing of sexual harassment complaints through appropriate
6 agencies. The Attorney General shall advertise the hotline and
7 encourage reporting by both those who are subject to sexual
8 harassment and those who have witnessed it.

9 (c) The hotline shall provide the means through which
10 persons may anonymously report sexual harassment in both
11 private and public places of employment. In the case of a
12 report of sexual harassment by a State employee, the Attorney
13 General shall, with the permission of the reporting individual,
14 further investigate claims of sexual harassment. The Attorney
15 General shall, if warranted, make recommendations to the
16 appropriate entity for corrective action.

17 (d) Each State employer shall post and keep posted, in
18 conspicuous places on the premises of the employer where
19 notices to employees are customarily posted, a notice informing
20 employees of the sexual harassment in the workplace hotline.
21 The Attorney General shall ensure compliance with this
22 subsection (d).

23 (e) The Attorney General shall adopt rules to implement
24 this Section.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 15 ILCS 205/4 from Ch. 14, par. 4

4 15 ILCS 205/9 new