



Sen. Martin A. Sandoval

Filed: 3/22/2004

09300SB2878sam002

LRB093 16195 WGH 48203 a

1 AMENDMENT TO SENATE BILL 2878

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2878 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by  
5 changing Section 10-101 and by adding Section 10-104 as  
6 follows:

7 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

8 Sec. 10-101. Applicability. With the exception of Section  
9 10-104, this ~~This~~ Article shall apply solely to civil actions  
10 arising under Article 3 of this Act.

11 (Source: P.A. 86-910.)

12 (775 ILCS 5/10-104 new)

13 Sec. 10-104. Circuit Court Actions by the Illinois Attorney  
14 General.

15 (A) Standing, Venue, and Limitations on Actions.

16 (1) The Illinois Attorney General may commence a civil  
17 action in the name of the People of the State of Illinois  
18 as parens patriae on behalf of persons within this State to  
19 enforce the provisions of this Act in any appropriate  
20 circuit court. Venue for the civil action shall be  
21 determined under Section 8-111(B)(6). The action shall be  
22 commenced no later than 2 years after the occurrence or the  
23 termination of an alleged civil rights violation or the

1 breach of a conciliation agreement entered into under this  
2 Act, whichever occurs last, to obtain relief with respect  
3 to the alleged civil rights violation or breach.

4 (2) The computation of the 2-year period shall not  
5 include any time during which an administrative proceeding  
6 under this Act was pending with respect to a complaint or  
7 charge under this Act based upon the alleged civil rights  
8 violation. This paragraph (2) does not apply to actions  
9 arising from a breach of a conciliation or settlement  
10 agreement.

11 (3) The Illinois Attorney General may commence a civil  
12 action under this subsection (A) whether or not a charge  
13 has been filed under Sections 7A-102 or 7B-102 and without  
14 regard to the status of any such charge; however, if the  
15 Department or local agency has obtained a conciliation or  
16 settlement agreement with the consent of an aggrieved  
17 party, no action may be filed under this subsection (A) by  
18 that aggrieved party with respect to the alleged civil  
19 rights violation practice which forms the basis for the  
20 complaint, except for the purpose of enforcing the terms of  
21 that conciliation or settlement agreement.

22 (B) Relief Which May Be Granted.

23 (1) In any civil action brought pursuant to subsection  
24 (A) of this Section, the Attorney General may obtain as a  
25 remedy equitable relief (including any permanent or  
26 preliminary injunction, temporary restraining order, or  
27 other order, including an order enjoining the defendant  
28 from engaging in the civil rights violation or ordering  
29 such action as may be appropriate) and actual and punitive  
30 damages for the aggrieved party to the extent the aggrieved  
31 party is entitled to those damages under this Act. In  
32 addition, the Attorney General may request and the court  
33 may impose a civil penalty to vindicate the public  
34 interest:

1           (a) in an amount not exceeding \$10,000 if the  
2           defendant has not been adjudged to have committed any  
3           prior civil rights violations under the provision of  
4           the Act which is the basis of the complaint;

5           (b) in an amount not exceeding \$25,000 if the  
6           defendant has been adjudged to have committed one other  
7           civil rights violation under the provision of the Act  
8           which is the basis of the complaint; or

9           (c) in an amount not exceeding \$50,000 if the  
10          defendant has been adjudged to have committed 2 or more  
11          civil rights violations under the provision of the Act  
12          which is the basis of the complaint.

13          (2) The court shall require that damages or other  
14          monetary relief awarded for injuries sustained by persons  
15          other than the State be paid to those persons to the extent  
16          they are identifiable and there is a practicable method for  
17          making the payment. The court shall direct that damages  
18          which cannot practicably be paid to injured individuals  
19          shall be paid to the State on such terms and conditions as  
20          in its discretion it determines will best serve the  
21          purposes of the Act.

22          (3) In any action in which monetary relief may be  
23          awarded for injuries sustained by a person other than the  
24          State, the court shall exclude from the amount of monetary  
25          relief awarded any amount of monetary relief: (a) which  
26          duplicates amounts that have been awarded for the same  
27          injury or (b) which is allocable to persons who have  
28          excluded their claims pursuant to this Section.

29          (4) A civil penalty imposed under paragraph (B) (1) or  
30          any damages directed by the court to be paid to the State  
31          under paragraph (B) (2) shall be deposited into the Attorney  
32          General Court Ordered and Voluntary Compliance Payment  
33          Projects Fund created under Section 7 of the Consumer Fraud  
34          and Deceptive Business Practices Act and shall be used as

1       set forth in that Section.

2       (C) Notice and Election. In any action brought pursuant to  
3 this Section where the court deems it necessary, the Illinois  
4 Attorney General shall, at such times, in such manner, and with  
5 such content as the court may direct, cause notice to be given  
6 by publication or by other means determined by the court to  
7 accord notice to aggrieved parties who may be bound by the  
8 court's judgment in the Illinois Attorney General's action. Any  
9 aggrieved party who alleges that he or she has been subjected  
10 to the unlawful practices described in the Illinois Attorney  
11 General's complaint may elect to exclude his or her claim from  
12 adjudication in such time and in such manner as the court in  
13 the notice directs.

14       (D) Intervention by the Illinois Attorney General. The  
15 Illinois Attorney General may intervene as parens patriae on  
16 behalf of persons within the State in civil actions brought by  
17 aggrieved individuals pursuant to this Act. Upon such  
18 intervention, the court may award relief that is authorized to  
19 be granted under subsection (B) of this Section.

20       Section 99. Effective date. This Act takes effect upon  
21 becoming law.".