



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5376

by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

775 ILCS 5/10-102
775 ILCS 5/10-103

from Ch. 68, par. 10-102
from Ch. 68, par. 10-103

Amends the Circuit Court Actions Article of the Illinois Human Rights Act. Provides that an aggrieved respondent may commence a civil action in an appropriate circuit court not later than 2 years after the occurrence or termination of an alleged civil rights violation or breach of a conciliation or settlement agreement entered into to obtain appropriate relief with respect to the alleged civil rights violation or breach. Provides that in a civil action pursuant to election, if the court finds that a civil rights violation has not occurred, the court may grant all attorney's fees and remittance of any monetary relief that was awarded during settlement by the Human Rights Commission.

LRB101 18939 LNS 68398 b

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 10-102 and 10-103 as follows:

6 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)

7 Sec. 10-102. Court Actions. (A) Circuit Court Actions. (1)
8 An aggrieved party or respondent may commence a civil action in
9 an appropriate Circuit Court not later than 2 years after the
10 occurrence or the termination of an alleged civil rights
11 violation or the breach of a conciliation or settlement
12 agreement entered into under this Act, whichever occurs last,
13 to obtain appropriate relief with respect to the alleged civil
14 rights violation or breach. Venue for such civil action shall
15 be determined under Section 8-111(B) (6).

16 (2) The computation of such 2-year period shall not include
17 any time during which an administrative proceeding under this
18 Act was pending with respect to a complaint or charge under
19 this Act based upon the alleged civil rights violation. This
20 paragraph does not apply to actions arising from a breach of a
21 conciliation or settlement agreement.

22 (3) An aggrieved party may commence a civil action under
23 this subsection whether or not a charge has been filed under

1 Section 7B-102 and without regard to the status of any such
2 charge, however, if the Department or local agency has obtained
3 a conciliation or settlement agreement with the consent of an
4 aggrieved party, no action may be filed under this subsection
5 by such aggrieved party with respect to the alleged civil
6 rights violation practice which forms the basis for such
7 complaint except for the purpose of enforcing the terms of such
8 conciliation or settlement agreement.

9 (4) An aggrieved party shall not commence a civil action
10 under this subsection with respect to an alleged civil rights
11 violation which forms the basis of a complaint issued by the
12 Department if a hearing officer has commenced a hearing on the
13 record under Article 3 of this Act with respect to such
14 complaint.

15 (B) Appointment of Attorney by Court. Upon application by a
16 person alleging a civil rights violation or a person against
17 whom the civil rights violation is alleged, if in the opinion
18 of the court such person is financially unable to bear the
19 costs of such action, the court may:

20 (1) appoint an attorney for such person, any attorney so
21 appointed may petition for an award of attorneys fees pursuant
22 to subsection (C) (2) of this Section; or

23 (2) authorize the commencement or continuation of a civil
24 action under subsection (A) without the payment of fees, costs,
25 or security.

26 (C) Relief which may be granted. (1) In a civil action

1 under subsection (A) if the court finds that a civil rights
2 violation has occurred or is about to occur, the court may
3 award to the plaintiff actual and punitive damages, and may
4 grant as relief, as the court deems appropriate, any permanent
5 or preliminary injunction, temporary restraining order, or
6 other order, including an order enjoining the defendant from
7 engaging in such civil rights violation or ordering such
8 affirmative action as may be appropriate.

9 (2) In a civil action under subsection (A), the court, in
10 its discretion, may allow the prevailing party, other than the
11 State of Illinois, reasonable attorneys fees and costs. The
12 State of Illinois shall be liable for such fees and costs to
13 the same extent as a private person.

14 (D) Intervention By The Department. The Attorney General of
15 Illinois may intervene on behalf of the Department if the
16 Department certifies that the case is of general public
17 importance. Upon such intervention the court may award such
18 relief as is authorized to be granted to a plaintiff in a civil
19 action under Section 10-102(C).

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

21 (775 ILCS 5/10-103) (from Ch. 68, par. 10-103)

22 Sec. 10-103. Circuit court actions pursuant to election.

23 (A) If an election is made under Section 8B-102, the
24 Department shall authorize and not later than 30 days after the
25 entry of the administrative closure order by the Commission the

1 Attorney General shall commence and maintain a civil action on
2 behalf of the aggrieved party in a circuit court of Illinois
3 seeking relief under this Section. Venue for such civil action
4 shall be determined under Section 8-111(B)(6).

5 (B) Any aggrieved party with respect to the issues to be
6 determined in a civil action under this Section may intervene
7 as of right in that civil action.

8 (C) In a civil action under this Section, if the court
9 finds that a civil rights violation has occurred or is about to
10 occur the court may grant as relief any relief which a court
11 could grant with respect to such civil rights violation in a
12 civil action under Section 10-102. Any relief so granted that
13 would accrue to an aggrieved party in a civil action commenced
14 by that aggrieved party under Section 10-102 shall also accrue
15 to that aggrieved party in a civil action under this Section.
16 If monetary relief is sought for the benefit of an aggrieved
17 party who does not intervene in the civil action, the court
18 shall not award such relief if that aggrieved party has not
19 complied with discovery orders entered by the court.

20 (D) In a civil action under this Section, if the court
21 finds that a civil rights violation has not occurred, the court
22 may grant, as relief, all attorney's fees and remittance of any
23 monetary relief that was awarded during settlement by the
24 Commission.

25 (Source: P.A. 101-530, eff. 1-1-20.)