

**SB0038**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB0038**

Introduced 1/10/2019, by Sen. Melinda Bush

**SYNOPSIS AS INTRODUCED:**

See Index

Creates the Sexual Harassment No Contact Order Act. Provides for the issuance of a sexual harassment no contact order under specified circumstances. Adds provisions relating to proceedings to obtain, modify, vacate, or extend any sexual harassment no contact order. Amends the Criminal Code of 2012 to create the offense of violation of a sexual harassment no contact order. Makes conforming changes in the Protective Orders Article of the Code of Criminal Procedure of 1963. Amends the Code of Civil Procedure to limit nondisclosure agreements in sexual harassment settlements. Amends the Illinois Human Rights Act. Makes changes concerning: definitions; procedures following an employer's failure to post required notices; and employer disclosure requirements. Creates the Hotel and Casino Employee Safety Act. Requires hotels and casinos to adopt anti-sexual harassment policies and make panic buttons available to certain employees. Limits home rule powers. Amends the Illinois Freedom to Work Act to prohibit nondisclosure agreements between employers and low-wage employees. Amends the Victims' Economic Security and Safety Act to make the Act applicable in instances of sexual violence or harassment. Changes the definition of "sexual harassment" in the State Officials and Employees Ethics Act and the Lobbyist Registration Act. Creates the Stopping Predators from Evading Allegations of Abuse of Kids Act. Prohibits sexual abuse of children in youth sports and creates mandatory reporting requirements. Makes other changes. Effective immediately.

LRB101 02874 LNS 47882 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

**A BILL FOR**

1 AN ACT concerning harassment.

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

4 Article 1.

5 Section 1-1. Short title. This Article may be cited as the  
6 Sexual Harassment No Contact Order Act. References in this  
7 Article to "this Act" mean this Article.

8 Section 1-5. Purpose. Sexual harassment is a form of sex  
9 discrimination based on an individual's actual or perceived sex  
10 or gender that includes unwelcome sexual advances, requests for  
11 sexual favors, and other verbal or physical harassment of a  
12 sexual nature. In some instances, sexual harassment can cause  
13 severe emotional and physical distress, yet does not rise to a  
14 criminal offense. In these situations, the person who is the  
15 subject of the sexual harassment should be able to seek a civil  
16 remedy requiring only that the person committing the sexual  
17 harassment stay away from the victim. The purpose of this Act  
18 is to prevent harassment that is sexual in nature by  
19 co-workers, neighbors, strangers, and acquaintances.

20 Section 1-10. Definitions. As used in this Act:

21 "Contact" includes any contact with the petitioner that is

1 initiated or continued without the petitioner's consent, or  
2 that is in disregard of the petitioner's expressed desire that  
3 the contact be avoided or discontinued, including, but not  
4 limited to: being in the physical presence of the petitioner;  
5 intentionally appearing within the sight of the petitioner;  
6 approaching or confronting the petitioner in a public place or  
7 on private property; appearing at the workplace or residence of  
8 the petitioner; entering onto or remaining on property owned,  
9 leased, or occupied by the petitioner; or placing an object on,  
10 or delivering an object to, property owned, leased, or occupied  
11 by the petitioner.

12 "Course of conduct" means 2 or more acts, including, but  
13 not limited to, acts in which a respondent directly,  
14 indirectly, or through third parties, by any action, method,  
15 device, or means: sexually harasses; makes unwelcome sexual  
16 advances, requests, or threats; or engages in other contact  
17 that is sexual in nature. "Course of conduct" includes contact  
18 via electronic communications. The incarceration of a person in  
19 a penal institution who commits the course of conduct is not a  
20 bar to relief under this Act.

21 "Emotional distress" means significant mental suffering,  
22 anxiety, or alarm.

23 "Petitioner" means any named petitioner for the sexual  
24 harassment no contact order or any named complainant of sexual  
25 harassment on whose behalf the petition is brought.

26 "Reasonable person" means a person in the petitioner's

1 circumstances with the petitioner's knowledge of the  
2 respondent and the respondent's prior acts.

3 "Sexual harassment" means any harassment or discrimination  
4 on the basis of an individual's actual or perceived sex or  
5 gender, including unwelcome sexual advances, requests for  
6 sexual favors, other verbal or physical conduct of a sexual  
7 nature, or any other conduct of a sexual nature directed at a  
8 specific person that would cause the victim or survivor  
9 emotional distress.

10 "Sexual harassment no contact order" means an emergency  
11 order or plenary order granted under this Act. "Sexual  
12 harassment no contact order" includes a remedy authorized by  
13 Section 1-80.

14 Section 1-15. Persons protected by this Act. If relief is  
15 not available to the petitioner under the Illinois Domestic  
16 Violence Act of 1986, the Stalking No Contact Order Act, or the  
17 Civil No Contact Order Act, a petition for a sexual harassment  
18 no contact order may be filed by a person:

19 (1) who is the subject of sexual harassment; or

20 (2) on behalf of a minor child or an adult who is a  
21 subject of sexual harassment but, because of age,  
22 disability, health, or inaccessibility, cannot file the  
23 petition.

24 Section 1-20. Commencement of action; filing fees.

1 (a) An action for a sexual harassment no contact order may  
2 be commenced:

3 (1) independently, by filing a petition for a sexual  
4 harassment no contact order in any circuit court, unless  
5 specific divisions of the circuit court are designated by  
6 local rule or order; or

7 (2) in conjunction with a delinquency petition or a  
8 criminal prosecution as provided in Article 112A of the  
9 Code of Criminal Procedure of 1963.

10 (b) If the petitioner is represented by the State,  
11 withdrawal or dismissal of a petition for a sexual harassment  
12 no contact order prior to adjudication shall operate as a  
13 dismissal without prejudice. No action for a sexual harassment  
14 no contact order shall be dismissed solely because the  
15 respondent is being prosecuted for a crime against the  
16 petitioner. For an action commenced under paragraph (2) of  
17 subsection (a) of this Section, dismissal of the conjoined case  
18 (or a finding of not guilty) shall not require dismissal of the  
19 action for a sexual harassment no contact order; instead, it  
20 may be treated as an independent action and, if necessary and  
21 appropriate, transferred to a different court or division.

22 (c) No fee shall be charged by the clerk of the court for  
23 filing a petition, or modifying or certifying an order, under  
24 this Act. No fee shall be charged by the sheriff for service by  
25 the sheriff of a petition, rule, motion, or order in an action  
26 commenced under this Section.

1           (d) The court shall provide, through the office of the  
2 clerk of the court, simplified forms for the filing of a  
3 petition under this Section by a person not represented by  
4 counsel.

5           Section 1-25. Pleading; nondisclosure of address.

6           (a) A petition for a sexual harassment no contact order  
7 shall be in writing and verified or accompanied by an affidavit  
8 and shall allege that the petitioner has been the subject of  
9 sexual harassment by the respondent.

10          (b) If the petition states that disclosure of the  
11 petitioner's address would risk abuse of the petitioner or any  
12 member of the petitioner's family or household, that address  
13 may be omitted from all documents filed with the court. If the  
14 petitioner has not disclosed an address under this subsection,  
15 the petitioner shall designate an alternative address at which  
16 the respondent may serve notice of any motions.

17          Section 1-30. Application of rules of civil procedure;  
18 victim advocates.

19          (a) A proceeding to obtain, modify, reopen, or appeal a  
20 sexual harassment no contact order shall be governed by the  
21 rules of civil procedure of this State. The standard of proof  
22 in the proceeding is proof by a preponderance of the evidence.  
23 The Code of Civil Procedure and Supreme Court and local court  
24 rules applicable to civil proceedings shall apply, except as

1 otherwise provided by this Act.

2 (b) In circuit courts, victim advocates shall be allowed to  
3 accompany the petitioner and confer with the petitioner, unless  
4 otherwise directed by the court. Court administrators shall  
5 allow victim advocates to assist sexual harassment petitioners  
6 in the preparation of petitions for sexual harassment no  
7 contact orders. Victim advocates are not engaged in the  
8 unauthorized practice of law when providing assistance of the  
9 types specified in this subsection (b).

10 Section 1-35. Appointment of counsel. The court may appoint  
11 counsel to represent the petitioner if the respondent is  
12 represented by counsel.

13 Section 1-40. Trial by jury. There is no right to trial by  
14 jury in any proceeding to obtain, modify, vacate, or extend a  
15 sexual harassment no contact order. However, nothing in this  
16 Section limits or denies any otherwise existing right to trial  
17 by jury in a criminal proceeding.

18 Section 1-45. Subject matter jurisdiction. Each of the  
19 circuit courts has the power to issue sexual harassment no  
20 contact orders.

21 Section 1-50. Jurisdiction over persons. The courts of  
22 this State have jurisdiction to bind (1) State residents; and

1 (2) nonresidents having minimum contacts with this State, to  
2 the extent permitted by the long-arm statute, Section 2-209 of  
3 the Code of Civil Procedure.

4 Section 1-55. Venue. A petition for a sexual harassment no  
5 contact order may be filed in any county where:

- 6 (1) the petitioner resides;  
7 (2) the respondent resides; or  
8 (3) one or more acts of the alleged sexual harassment  
9 occurred.

10 Section 1-60. Process.

11 (a) Any action for a sexual harassment no contact order  
12 requires that a separate summons be issued and served. The  
13 summons shall be in the form prescribed by Supreme Court Rule  
14 101(d), except that it shall require the respondent to answer  
15 or appear within 7 days. Attachments to the summons or notice  
16 shall include the petition for a sexual harassment no contact  
17 order and supporting affidavits, if any, and any emergency  
18 sexual harassment no contact order that has been issued.

19 (b) The summons shall be served by the sheriff or other law  
20 enforcement officer at the earliest time and shall take  
21 precedence over other summonses except those of a similar  
22 emergency nature. Special process servers may be appointed at  
23 any time, and their designation shall not affect the  
24 responsibilities and authority of the sheriff or other official



1 process servers.

2 (c) Service of process on a member of the respondent's  
3 household or by publication is adequate if:

4 (1) the petitioner has made all reasonable efforts to  
5 accomplish actual service of process personally upon the  
6 respondent, but the respondent cannot be found to effect  
7 the service; and

8 (2) the petitioner files an affidavit or presents sworn  
9 testimony as to those efforts.

10 (d) A plenary sexual harassment no contact order may be  
11 entered by default for the remedy sought in the petition, if  
12 the respondent has been served or given notice in accordance  
13 with subsection (a) of this Section and if the respondent then  
14 fails to appear as directed or fails to appear on any  
15 subsequent appearance or hearing date agreed to by the parties  
16 or set by the court.

17 Section 1-65. Service of notice of hearings. Except as  
18 provided in Section 1-60, notice of hearings on petitions or  
19 motions shall be served in accordance with Supreme Court Rules  
20 11 and 12, unless notice is excused by Section 1-100 or by the  
21 Code of Civil Procedure, Supreme Court Rules, or local rules.

22 Section 1-70. Hearings. A petition for a sexual harassment  
23 no contact order shall be treated as an expedited proceeding,  
24 and no court may transfer or otherwise decline to decide all or

1 part of the petition. Nothing in this Section shall prevent the  
2 court from reserving issues if jurisdiction or notice  
3 requirements are not met.

4 Section 1-75. Continuances.

5 (a) A petition for emergency remedies shall be granted or  
6 denied in accordance with the standards of Section 1-100,  
7 regardless of the respondent's appearance or presence in court.

8 (b) An action for a sexual harassment no contact order is  
9 an expedited proceeding. Continuances shall be granted only for  
10 good cause shown and kept to the minimum reasonable duration,  
11 taking into account the reasons for the continuance.

12 Section 1-80. Sexual harassment no contact orders;  
13 remedies.

14 (a) If the court finds that the petitioner has been a  
15 victim of sexual harassment and the petitioner has satisfied  
16 the requirements of Section 1-95 on emergency orders or Section  
17 1-100 on plenary orders, a sexual harassment no contact order  
18 shall be issued. The petitioner shall not be denied a sexual  
19 harassment no contact order because the petitioner or the  
20 respondent is a minor. The court, when determining whether to  
21 issue a sexual harassment no contact order, may not require  
22 physical injury on the person of the petitioner. Modification  
23 and extension of a prior sexual harassment no contact order  
24 shall be in accordance with this Act.

1 (b) A sexual harassment no contact order shall do one or  
2 more of the following:

3 (1) prohibit the respondent from continued harassment  
4 of the petitioner;

5 (2) order the respondent to have no contact with the  
6 petitioner or a third person specifically named by the  
7 court;

8 (3) prohibit the respondent from knowingly coming  
9 within or knowingly remaining within a specified distance  
10 of the petitioner or the petitioner's residence, school,  
11 daycare, or place of employment, or any specified place  
12 frequented by the petitioner; however, the court may order  
13 the respondent to stay away from the respondent's own  
14 residence, school, or place of employment only if the  
15 respondent has been provided actual notice of the  
16 opportunity to appear and be heard on the petition;

17 (4) if there was a reported threat of force with a  
18 weapon, prohibit the respondent from possessing a Firearm  
19 Owner's Identification Card or possessing or buying a  
20 firearm; and

21 (5) order other injunctive relief the court determines  
22 to be necessary to protect the petitioner or a third party  
23 specifically named by the court.

24 (c) If the petitioner and the respondent attend the same  
25 public, private, or nonpublic elementary, middle, or high  
26 school, the court, when issuing a sexual harassment no contact

1 order and providing relief, shall consider the severity of the  
2 act, any continuing physical danger or emotional distress to  
3 the petitioner, the educational rights guaranteed to the  
4 petitioner and respondent under federal and State law, the  
5 availability of a transfer of the respondent to another school,  
6 a change of placement or a change of program of the respondent,  
7 the expense, difficulty, and educational disruption that would  
8 be caused by a transfer of the respondent to another school,  
9 and any other relevant facts of the case. The court may order  
10 that the respondent not attend the public, private, or  
11 nonpublic elementary, middle, or high school attended by the  
12 petitioner, order that the respondent accept a change of  
13 placement or program, as determined by the school district or  
14 private or nonpublic school, or place restrictions on the  
15 respondent's movements within the school attended by the  
16 petitioner. The respondent bears the burden of proving by a  
17 preponderance of the evidence that a transfer, change of  
18 placement, or change of program of the respondent is not  
19 available. The respondent also bears the burden of production  
20 with respect to the expense, difficulty, and educational  
21 disruption that would be caused by a transfer of the respondent  
22 to another school. A transfer, change of placement, or change  
23 of program is not unavailable to the respondent solely on the  
24 ground that the respondent does not agree with the school  
25 district's or private or nonpublic school's transfer, change of  
26 placement, or change of program or solely on the ground that

1 the respondent fails or refuses to consent to or otherwise does  
2 not take an action required to effectuate a transfer, change of  
3 placement, or change of program. If a court orders a respondent  
4 to stay away from the public, private, or nonpublic school  
5 attended by the petitioner and the respondent requests a  
6 transfer to another attendance center within the respondent's  
7 school district or private or nonpublic school, the school  
8 district or private or nonpublic school shall have sole  
9 discretion to determine the attendance center to which the  
10 respondent is transferred. If the court order results in a  
11 transfer of the minor respondent to another attendance center,  
12 a change in the respondent's placement, or a change of the  
13 respondent's program, the parent, guardian, or legal custodian  
14 of the respondent is responsible for transportation and other  
15 costs associated with the transfer or change.

16 (d) The court may order the parent, guardian, or legal  
17 custodian of a minor respondent to take certain actions or to  
18 refrain from taking certain actions to ensure that the  
19 respondent complies with the order. If the court orders a  
20 transfer of the respondent to another school, the parent,  
21 guardian, or legal custodian of the respondent is responsible  
22 for transportation and other costs associated with the change  
23 of school by the respondent.

24 (e) The court shall not hold a school district or private  
25 or nonpublic school or any of its employees in civil or  
26 criminal contempt unless the school district or private or

1 nonpublic school has been allowed to intervene.

2 (f) The court may hold a parent, guardian, or legal  
3 custodian of a minor respondent in civil or criminal contempt  
4 for a violation of any provision of any order entered under  
5 this Act for conduct of the minor respondent in violation of  
6 this Act if the parent, guardian, or legal custodian directed,  
7 encouraged, or assisted the respondent minor in the conduct.

8 (g) The court may award the petitioner costs and attorney's  
9 fees if a sexual harassment no contact order is granted.

10 (h) Monetary damages are not recoverable as a remedy.

11 (i) If the sexual harassment no contact order prohibits the  
12 respondent from possessing a Firearm Owner's Identification  
13 Card or possessing or buying firearms, the court shall  
14 confiscate the respondent's Firearm Owner's Identification  
15 Card and immediately return the card to the Department of State  
16 Police Firearm Owner's Identification Card Office.

17 Section 1-85. Mutual orders prohibited. Mutual sexual  
18 harassment no contact orders are prohibited. Correlative  
19 separate orders undermine the purposes of this Act. If separate  
20 orders are sought, both must comply with all provisions of this  
21 Act.

22 Section 1-90. Accountability for actions of others. For the  
23 purposes of issuing a sexual harassment no contact order,  
24 deciding what remedies should be included, and enforcing the

1 order, Article 5 of the Criminal Code of 2012 governs whether a  
2 respondent is legally accountable for the conduct of another  
3 person.

4 Section 1-95. Emergency sexual harassment no contact  
5 order.

6 (a) An emergency sexual harassment no contact order shall  
7 be issued if the petitioner satisfies the requirements of this  
8 subsection (a). The petitioner shall establish that:

9 (1) the court has jurisdiction under Section 1-50;

10 (2) the requirements of Section 1-80 are satisfied; and

11 (3) there is good cause to grant the remedy, regardless  
12 of prior service of process or of notice upon the  
13 respondent, because the harm that the remedy is intended to  
14 prevent would be likely to occur if the respondent were  
15 given any prior notice, or greater notice than was actually  
16 given, of the petitioner's efforts to obtain judicial  
17 relief.

18 An emergency sexual harassment no contact order shall be  
19 issued by the court if it appears from the contents of the  
20 petition and the examination of the petitioner that the  
21 averments are sufficient to indicate sexual harassment by the  
22 respondent and to support the granting of relief under the  
23 issuance of the sexual harassment no contact order.

24 An emergency sexual harassment no contact order shall be  
25 issued if the court finds that items (1), (2), and (3) of this

1 subsection (a) are met.

2 (b) If the respondent appears in court for the hearing for  
3 an emergency order, he or she may elect to file a general  
4 appearance and testify. Any resulting order may be an emergency  
5 order, governed by this Section. Notwithstanding the  
6 requirements of this Section, if all requirements of Section  
7 1-100 have been met, the court may issue a plenary order.

8 (c) Emergency orders; court holidays and evenings.

9 (1) If the court is unavailable at the close of  
10 business, the petitioner may file a petition for a 21-day  
11 emergency order before any available circuit judge or  
12 associate judge who may grant relief under this Act. If the  
13 judge finds that there is an immediate and present danger  
14 of abuse against the petitioner and that the petitioner has  
15 satisfied the prerequisites set forth in subsection (a),  
16 that judge may issue an emergency sexual harassment no  
17 contact order.

18 (2) The chief judge of the circuit court may designate  
19 for each county in the circuit at least one judge to be  
20 reasonably available to issue orally, by telephone, by  
21 facsimile, or otherwise, an emergency sexual harassment no  
22 contact order at all times, regardless of whether the court  
23 is in session.

24 (3) Any order issued under this Section and any  
25 documentation in support of the order shall be certified on  
26 the next court day to the appropriate court. The clerk of



1           that court shall immediately assign a case number, file the  
2           petition, order, and other documents with the court, enter  
3           the order of record, and file it with the sheriff for  
4           service in accordance with Section 1-60. Filing the  
5           petition shall commence proceedings for further relief  
6           under Section 1-20. Failure to comply with the requirements  
7           of this paragraph (3) does not affect the validity of the  
8           order.

9           Section 1-100. Plenary sexual harassment no contact order.  
10          The court shall issue a plenary sexual harassment no contact  
11          order if the petitioner has served notice of the hearing for  
12          that order on the respondent, in accordance with Section 1-65,  
13          and has satisfied the requirements of this Section. The  
14          petitioner must establish that:

15                 (1) the court has jurisdiction under Section 1-50 of  
16                 this Act;

17                 (2) the requirements of Section 1-80 are satisfied;

18                 (3) a general appearance was made or filed by or for  
19                 the respondent or process was served on the respondent in  
20                 the manner required by Section 1-60; and

21                 (4) the respondent has answered or is in default.

22          Section 1-105. Duration and extension of orders.

23                 (a) Unless reopened or extended or voided by entry of an  
24                 order of greater duration, an emergency order shall be

1 effective for not less than 14 nor more than 21 days.

2 (b) Except as otherwise provided in this Section, a plenary  
3 sexual harassment no contact order shall be effective for a  
4 fixed period not to exceed 2 years. A sexual harassment no  
5 contact order entered in conjunction with a criminal  
6 prosecution or delinquency petition shall remain in effect as  
7 provided in Section 112A-20 of the Code of Criminal Procedure  
8 of 1963.

9 (c) An emergency or plenary order may be extended one or  
10 more times, as required, if the requirements of Section 1-95 or  
11 1-100, as appropriate, are satisfied. If the motion for  
12 extension is uncontested and the petitioner seeks no  
13 modification of the order, the order may be extended on the  
14 basis of the petitioner's motion or affidavit stating that  
15 there has been no material change in relevant circumstances  
16 since the entry of the order and stating the reason for the  
17 requested extension. Extensions may be granted only in open  
18 court and not under the provisions of subsection (c) of Section  
19 1-95, which applies only if the court is unavailable at the  
20 close of business or on a court holiday.

21 (d) A sexual harassment no contact order that would expire  
22 on a court holiday shall instead expire at the close of the  
23 next court business day.

24 (e) The practice of dismissing or suspending a criminal  
25 prosecution in exchange for the issuance of a sexual harassment  
26 no contact order undermines the purposes of this Act. This

1 Section shall not be construed as encouraging that practice.

2 Section 1-110. Contents of orders.

3 (a) A sexual harassment no contact order shall describe  
4 each remedy granted by the court, in reasonable detail and not  
5 by reference to any other document, so that the respondent may  
6 clearly understand what he or she must do or refrain from  
7 doing.

8 (b) A sexual harassment no contact order shall further  
9 state the following:

10 (1) The name of each petitioner that the court finds  
11 was the subject of sexual harassment by the respondent.

12 (2) The date and time the sexual harassment no contact  
13 order was issued, whether it is an emergency or plenary  
14 order, and the duration of the order.

15 (3) The date, time, and place of any scheduled hearing  
16 for extension of that sexual harassment no contact order or  
17 for another order of greater duration or scope.

18 (4) For each remedy in an emergency sexual harassment  
19 no contact order, the reason for entering that remedy  
20 without prior notice to the respondent or greater notice  
21 than was actually given.

22 (5) For an emergency sexual harassment no contact  
23 order, that the respondent may petition the court, in  
24 accordance with Section 1-125, to reopen the order if he or  
25 she did not receive actual prior notice of the hearing as

1 required under Section 1-65 and if the respondent alleges  
2 that he or she had a meritorious defense to the order or  
3 that the order or its remedy is not authorized by this Act.

4 (c) A sexual harassment no contact order shall include the  
5 following notice, printed in conspicuous type: "An initial  
6 knowing violation of a sexual harassment no contact order is a  
7 Class A misdemeanor. A second or subsequent knowing violation  
8 is a Class 4 felony."

9 Section 1-115. Notice of orders.

10 (a) Upon issuance of a sexual harassment no contact order,  
11 the clerk shall immediately, or on the next court day if an  
12 emergency order is issued in accordance with subsection (c) of  
13 Section 1-95:

14 (1) enter the order on the record and file it in  
15 accordance with the circuit court procedures; and

16 (2) provide a file-stamped copy of the order to the  
17 respondent, if present, and to the petitioner.

18 (b) The clerk of the issuing judge shall, or the petitioner  
19 may, on the same day that a sexual harassment no contact order  
20 is issued, file a certified copy of that order with the sheriff  
21 or other law enforcement officials charged with maintaining  
22 Department of State Police records or charged with serving the  
23 order upon the respondent. If the order was issued in  
24 accordance with subsection (c) of Section 1-95, the clerk  
25 shall, on the next court day, file a certified copy of the

1 order with the sheriff or other law enforcement officials  
2 charged with maintaining Department of State Police records. If  
3 the respondent, at the time of the issuance of the order, is  
4 committed to the custody of the Department of Corrections or  
5 Department of Juvenile Justice or is on parole, aftercare  
6 release, or mandatory supervised release, the sheriff or other  
7 law enforcement officials charged with maintaining Department  
8 of State Police records shall notify the Department of  
9 Corrections or Department of Juvenile Justice within 48 hours  
10 of receipt of a copy of the sexual harassment no contact order  
11 from the clerk of the issuing judge or petitioner. The notice  
12 shall include the name of the respondent, the respondent's  
13 Department of Corrections inmate number or Department of  
14 Juvenile Justice youth identification number, the respondent's  
15 date of birth, and the Law Enforcement Agencies Data System  
16 Record Index Number.

17 (c) Unless the respondent was present in court when the  
18 order was issued, the sheriff, other law enforcement official,  
19 or special process server shall promptly serve that order upon  
20 the respondent and file proof of service in the manner provided  
21 for service of process in civil proceedings. Instead of serving  
22 the order upon the respondent, however, the sheriff, other law  
23 enforcement official, special process server, or other person  
24 defined in Section 1-120 may serve the respondent with a short  
25 form notification as provided in Section 1-120. If process has  
26 not yet been served upon the respondent, it shall be served

1 with the order or short form notification if the service is  
2 made by the sheriff, other law enforcement official, or special  
3 process server.

4 (d) If the person against whom the sexual harassment no  
5 contact order is issued is arrested and the written order is  
6 issued in accordance with subsection (c) of Section 1-95 and  
7 received by the custodial law enforcement agency before the  
8 respondent or arrestee is released from custody, the custodial  
9 law enforcement agent shall promptly serve the order upon the  
10 respondent or arrestee before the respondent or arrestee is  
11 released from custody. In no event shall detention of the  
12 respondent or arrestee be extended for hearing on the petition  
13 for a sexual harassment no contact order or receipt of the  
14 order issued under Section 1-95.

15 (e) An order extending, modifying, or revoking a sexual  
16 harassment no contact order shall be promptly recorded, issued,  
17 and served as provided in this Section.

18 (f) Upon the request of the petitioner, within 24 hours of  
19 the issuance of a sexual harassment no contact order, the clerk  
20 of the issuing judge shall send written notice of the order and  
21 a certified copy of the order to any school, daycare, college,  
22 or university at which the petitioner is enrolled.

23 Section 1-120. Short form notification.

24 (a) Instead of personal service of a sexual harassment no  
25 contact order under Section 1-115, a sheriff, other law

1 enforcement official, special process server, or personnel  
2 assigned by the Department of Corrections or Department of  
3 Juvenile Justice to investigate the alleged misconduct of  
4 committed persons or alleged violations of a parolee's or  
5 releasee's conditions of parole, aftercare release, or  
6 mandatory supervised release may serve a respondent with a  
7 short form notification. The short form notification must  
8 include the following items, either in checklist form or  
9 handwritten:

10 (1) the respondent's name;

11 (2) the respondent's date of birth, if known;

12 (3) the petitioner's name;

13 (4) the names of other protected parties;

14 (5) the date and county in which the sexual harassment  
15 no contact order was filed;

16 (6) the court file number;

17 (7) the hearing date and time, if known; and

18 (8) the conditions that apply to the respondent;

19 (b) The short form notification must contain the following  
20 notice in bold print:

21 "The order is now enforceable. You must report to the  
22 office of the sheriff or the office of the circuit court in  
23 (name of county) County to obtain a copy of the order. You are  
24 subject to arrest and may be charged with a misdemeanor or  
25 felony if you violate any of the terms of the order."

26 (c) Upon verification of the identity of the respondent and

1 the existence of an unserved order against the respondent, a  
2 sheriff or other law enforcement official may detain the  
3 respondent for a reasonable time necessary to complete and  
4 serve the short form notification.

5 (d) When service is made by short form notification under  
6 this Section, it may be proved by the affidavit of the person  
7 making the service.

8 (e) The Attorney General shall make the short form  
9 notification form available to law enforcement agencies in this  
10 State.

11 Section 1-125. Modification; reopening of orders.

12 (a) Except as otherwise provided in this Section, upon  
13 motion by the petitioner, the court may modify an emergency or  
14 plenary sexual harassment no contact order by altering the  
15 remedy, subject to Section 1-80.

16 (b) After 30 days following entry of a plenary sexual  
17 harassment no contact order, a court may modify that order only  
18 when a change in the applicable law or facts since that plenary  
19 order was entered warrants a modification of its terms.

20 (c) Upon 2 days' notice to the petitioner, or shorter  
21 notice as the court may prescribe, a respondent subject to an  
22 emergency sexual harassment no contact order issued under this  
23 Act may appear and petition the court to rehear the original or  
24 amended petition. A petition to rehear shall be verified and  
25 shall allege the following:



1           (1) that the respondent did not receive prior notice of  
2           the initial hearing in which the emergency order was  
3           entered under Sections 1-65 and 1-95; and

4           (2) that the respondent had a meritorious defense to  
5           the order or any of its remedies or that the order or any  
6           of its remedies was not authorized by this Act.

7           Section 1-130. Violation. An initial knowing violation of a  
8           sexual harassment no contact order is a Class A misdemeanor. A  
9           second or subsequent knowing violation is a Class 4 felony.

10          Section 1-135. Arrest without warrant.

11          (a) A law enforcement officer may make an arrest without  
12          warrant if the officer has probable cause to believe that the  
13          person has committed or is committing a violation of a sexual  
14          harassment no contact order.

15          (b) The law enforcement officer may verify the existence of  
16          a sexual harassment no contact order by telephone or radio  
17          communication with his or her law enforcement agency or by  
18          referring to the copy of the order provided by the petitioner  
19          or the respondent.

20          Section 1-140. Data maintenance by law enforcement  
21          agencies.

22          (a) A sheriff shall furnish to the Department of State  
23          Police, on the same day as received, in the form and detail the

1 Department requires, copies of any recorded emergency or  
2 plenary sexual harassment no contact orders issued by the court  
3 and transmitted to the sheriff by the clerk of the court in  
4 accordance with subsection (b) of Section 1-115. Each sexual  
5 harassment no contact order shall be entered in the Law  
6 Enforcement Agencies Data System on the same day it is issued  
7 by the court. If an emergency sexual harassment no contact  
8 order was issued in accordance with subsection (c) of Section  
9 1-100, the order shall be entered in the Law Enforcement  
10 Agencies Data System as soon as possible after receipt from the  
11 clerk of the court.

12 (b) The Department of State Police shall maintain a  
13 complete and systematic record and index of all valid and  
14 recorded sexual harassment no contact orders issued under this  
15 Act. The data shall be used to inform all dispatchers and law  
16 enforcement officers at the scene of an alleged incident of  
17 sexual harassment or violation of a sexual harassment no  
18 contact order of any recorded prior incident of sexual  
19 harassment involving the petitioner and the effective dates and  
20 terms of any recorded sexual harassment no contact order.

21 Section 1-900. The Criminal Code of 2012 is amended by  
22 adding Section 12-3.10 as follows:

23 (720 ILCS 5/12-3.10 new)

24 Sec. 12-3.10. Violation of a sexual harassment no contact

1 order.

2 (a) A person commits violation of a sexual harassment no  
3 contact order if:

4 (1) he or she knowingly commits an act that was  
5 prohibited by a court or fails to commit an act that was  
6 ordered by a court in violation of:

7 (A) a remedy in a valid sexual harassment no  
8 contact order authorized under Section 1-80 of the  
9 Sexual Harassment No Contact Order Act or Section  
10 112A-14.8 of the Code of Criminal Procedure of 1963; or

11 (B) a remedy that is substantially similar to the  
12 remedies authorized under Section 1-80 of the Sexual  
13 Harassment No Contact Order Act or Section 112A-14.8 of  
14 the Code of Criminal Procedure of 1963 or in a valid  
15 sexual harassment no contact order that is authorized  
16 under the laws of another state, tribe, or United  
17 States territory; and

18 (2) the violation occurs after the offender has been  
19 served notice of the contents of the order under the Sexual  
20 Harassment No Contact Order Act, Article 112A of the Code  
21 of Criminal Procedure of 1963, or any substantially similar  
22 statute of another state, tribe, or United States territory  
23 or otherwise has acquired actual knowledge of the contents  
24 of the order.

25 A sexual harassment no contact order issued by a state,  
26 tribal, or territorial court shall be deemed valid if the

1 issuing court had jurisdiction over the parties and matter  
2 under the law of the state, tribe, or territory. There shall be  
3 a presumption of validity when an order is certified and  
4 appears authentic on its face.

5 (b) For purposes of this Section, a "sexual harassment no  
6 contact order" may have been issued in a criminal or civil  
7 proceeding.

8 (c) Failure to provide reasonable notice and an opportunity  
9 to be heard shall be an affirmative defense to any charge or  
10 process filed seeking enforcement of a foreign sexual  
11 harassment no contact order.

12 (d) Prosecution for a violation of a sexual harassment no  
13 contact order shall not bar a concurrent prosecution for any  
14 other crime, including any crime that may have been committed  
15 at the time of the violation of the order.

16 (e) Nothing in this Section shall be construed to diminish  
17 the inherent authority of the courts to enforce their lawful  
18 orders through civil or criminal contempt proceedings.

19 (f) A defendant who directed the actions of a third party  
20 to violate this Section, under the principles of accountability  
21 set forth in Article 5 of this Code, is guilty of violating  
22 this Section as if the same had been personally done by the  
23 defendant, without regard to the mental state of the third  
24 party acting at the direction of the defendant.

25 (g) Sentence. A violation of a sexual harassment no contact  
26 order is a Class A misdemeanor for a first violation, and a

1 Class 4 felony for a second or subsequent violation.

2 Section 1-905. The Code of Criminal Procedure of 1963 is  
3 amended by changing Sections 112A-1.5, 112A-2.5, 112A-3,  
4 112A-4, 112A-4.5, 112A-5.5, 112A-11.5, 112A-23, and 112A-28  
5 and by adding Sections 112A-14.8 and 112A-21.8 as follows:

6 (725 ILCS 5/112A-1.5)

7 Sec. 112A-1.5. Purpose and construction. The purpose of  
8 this Article is to protect the safety of victims of domestic  
9 violence, sexual assault, sexual abuse, sexual harassment, and  
10 stalking and the safety of their family and household members;  
11 and to minimize the trauma and inconvenience associated with  
12 attending separate and multiple civil court proceedings to  
13 obtain protective orders. This Article shall be interpreted in  
14 accordance with the constitutional rights of crime victims set  
15 forth in Article I, Section 8.1 of the Illinois Constitution,  
16 the purposes set forth in Section 2 of the Rights of Crime  
17 Victims and Witnesses Act, and the use of protective orders to  
18 implement the victim's right to be reasonably protected from  
19 the defendant as provided in Section 4.5 of the Rights of  
20 Victims and Witnesses Act.

21 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

22 (725 ILCS 5/112A-2.5)

23 Sec. 112A-2.5. Types of protective orders. The following

1 protective orders may be entered in conjunction with a  
2 delinquency petition or a criminal prosecution:

3 (1) a domestic violence order of protection in cases  
4 involving domestic violence;

5 (2) a civil no contact order in cases involving sexual  
6 offenses; ~~or~~

7 (3) a stalking no contact order in cases involving  
8 stalking offenses; or-

9 (4) a sexual harassment no contact order in cases  
10 involving sexual harassment.

11 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

12 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

13 Sec. 112A-3. Definitions.

14 (a) In this Article:

15 "Advocate" means a person whose communications with the  
16 victim are privileged under Section 8-802.1 or 8-802.2 of the  
17 Code of Civil Procedure or Section 227 of the Illinois Domestic  
18 Violence Act of 1986.

19 "Named victim" means the person named as the victim in the  
20 delinquency petition or criminal prosecution.

21 "Protective order" means a domestic violence order of  
22 protection, a civil no contact order, ~~or~~ a stalking no contact  
23 order, or a sexual harassment no contact order.

24 (b) For the purposes of domestic violence cases, the  
25 following terms shall have the following meanings in this

1 Article:

2 (1) "Abuse" means physical abuse, harassment,  
3 intimidation of a dependent, interference with personal  
4 liberty or willful deprivation but does not include  
5 reasonable direction of a minor child by a parent or person  
6 in loco parentis.

7 (2) "Domestic violence" means abuse as described in  
8 paragraph (1) of this subsection (b).

9 (3) "Family or household members" include spouses,  
10 former spouses, parents, children, stepchildren, and other  
11 persons related by blood or by present or prior marriage,  
12 persons who share or formerly shared a common dwelling,  
13 persons who have or allegedly have a child in common,  
14 persons who share or allegedly share a blood relationship  
15 through a child, persons who have or have had a dating or  
16 engagement relationship, persons with disabilities and  
17 their personal assistants, and caregivers as defined in  
18 subsection (e) of Section 12-4.4a of the Criminal Code of  
19 2012. For purposes of this paragraph (3), neither a casual  
20 acquaintanceship nor ordinary fraternization between 2  
21 individuals in business or social contexts shall be deemed  
22 to constitute a dating relationship.

23 (4) "Harassment" means knowing conduct which is not  
24 necessary to accomplish a purpose which is reasonable under  
25 the circumstances; would cause a reasonable person  
26 emotional distress; and does cause emotional distress to

1 the petitioner. Unless the presumption is rebutted by a  
2 preponderance of the evidence, the following types of  
3 conduct shall be presumed to cause emotional distress:

4 (i) creating a disturbance at petitioner's place  
5 of employment or school;

6 (ii) repeatedly telephoning petitioner's place of  
7 employment, home, or residence;

8 (iii) repeatedly following petitioner about in a  
9 public place or places;

10 (iv) repeatedly keeping petitioner under  
11 surveillance by remaining present outside his or her  
12 home, school, place of employment, vehicle or other  
13 place occupied by petitioner or by peering in  
14 petitioner's windows;

15 (v) improperly concealing a minor child from  
16 petitioner, repeatedly threatening to improperly  
17 remove a minor child of petitioner's from the  
18 jurisdiction or from the physical care of petitioner,  
19 repeatedly threatening to conceal a minor child from  
20 petitioner, or making a single such threat following an  
21 actual or attempted improper removal or concealment,  
22 unless respondent was fleeing from an incident or  
23 pattern of domestic violence; or

24 (vi) threatening physical force, confinement or  
25 restraint on one or more occasions.

26 (5) "Interference with personal liberty" means



1 committing or threatening physical abuse, harassment,  
2 intimidation, or willful deprivation ~~so as~~ to compel  
3 another to engage in conduct from which she or he has a  
4 right to abstain or to refrain from conduct in which she or  
5 he has a right to engage.

6 (6) "Intimidation of a dependent" means subjecting a  
7 person who is dependent because of age, health, or  
8 disability to participation in or the witnessing of:  
9 physical force against another or physical confinement or  
10 restraint of another which constitutes physical abuse as  
11 defined in this Article, regardless of whether the abused  
12 person is a family or household member.

13 (7) "Order of protection" or "domestic violence order  
14 of protection" means an ex parte or final order, granted  
15 pursuant to this Article, which includes any or all of the  
16 remedies authorized by Section 112A-14 of this Code.

17 (8) "Petitioner" may mean not only any named petitioner  
18 for the domestic violence order of protection and any named  
19 victim of abuse on whose behalf the petition is brought,  
20 but also any other person protected by this Article.

21 (9) "Physical abuse" includes sexual abuse and means  
22 any of the following:

23 (i) knowing or reckless use of physical force,  
24 confinement or restraint;

25 (ii) knowing, repeated and unnecessary sleep  
26 deprivation; or

1 (iii) knowing or reckless conduct which creates an  
2 immediate risk of physical harm.

3 (9.3) "Respondent" in a petition for a domestic  
4 violence order of protection means the defendant.

5 (9.5) "Stay away" means for the respondent to refrain  
6 from both physical presence and nonphysical contact with  
7 the petitioner whether direct, indirect (including, but  
8 not limited to, telephone calls, mail, email, faxes, and  
9 written notes), or through third parties who may or may not  
10 know about the domestic violence order of protection.

11 (10) "Willful deprivation" means willfully ~~wilfully~~  
12 denying a person who because of age, health or disability  
13 requires medication, medical care, shelter, accessible  
14 shelter or services, food, therapeutic device, or other  
15 physical assistance, and thereby exposing that person to  
16 the risk of physical, mental or emotional harm, except with  
17 regard to medical care and treatment when such dependent  
18 person has expressed the intent to forgo such medical care  
19 or treatment. This paragraph (10) does not create any new  
20 affirmative duty to provide support to dependent persons.

21 (c) For the purposes of cases involving sexual offenses,  
22 the following terms shall have the following meanings in this  
23 Article:

24 (1) "Civil no contact order" means an ex parte or final  
25 order granted under this Article, which includes a remedy  
26 authorized by Section 112A-14.5 of this Code.

1           (2) "Family or household members" include spouses,  
2           parents, children, stepchildren, and persons who share a  
3           common dwelling.

4           (3) "Non-consensual" means a lack of freely given  
5           agreement.

6           (4) "Petitioner" means not only any named petitioner  
7           for the civil no contact order and any named victim of  
8           non-consensual sexual conduct or non-consensual sexual  
9           penetration on whose behalf the petition is brought, but  
10          includes any other person sought to be protected under this  
11          Article.

12          (5) "Respondent" in a petition for a civil no contact  
13          order means the defendant.

14          (6) "Sexual conduct" means any intentional or knowing  
15          touching or fondling by the petitioner or the respondent,  
16          either directly or through clothing, of the sex organs,  
17          anus, or breast of the petitioner or the respondent, or any  
18          part of the body of a child under 13 years of age, or any  
19          transfer or transmission of semen by the respondent upon  
20          any part of the clothed or unclothed body of the  
21          petitioner, for the purpose of sexual gratification or  
22          arousal of the petitioner or the respondent.

23          (7) "Sexual penetration" means any contact, however  
24          slight, between the sex organ or anus of one person by an  
25          object, the sex organ, mouth or anus of another person, or  
26          any intrusion, however slight, of any part of the body of

1 one person or of any animal or object into the sex organ or  
2 anus of another person, including, but not limited to,  
3 cunnilingus, fellatio, or anal penetration. Evidence of  
4 emission of semen is not required to prove sexual  
5 penetration.

6 (8) "Stay away" means to refrain from both physical  
7 presence and nonphysical contact with the petitioner  
8 directly, indirectly, or through third parties who may or  
9 may not know of the order. "Nonphysical contact" includes,  
10 but is not limited to, telephone calls, mail, email ~~e-mail~~,  
11 fax, and written notes.

12 (d) For the purposes of cases involving stalking offenses,  
13 the following terms shall have the following meanings in this  
14 Article:

15 (1) "Course of conduct" means 2 or more acts,  
16 including, but not limited to, acts in which a respondent  
17 directly, indirectly, or through third parties, by any  
18 action, method, device, or means follows, monitors,  
19 observes, surveils, threatens, or communicates to or  
20 about, a person, engages in other contact, or interferes  
21 with or damages a person's property or pet. A course of  
22 conduct may include contact via electronic communications.  
23 The incarceration of a person in a penal institution who  
24 commits the course of conduct is not a bar to prosecution.

25 (2) "Emotional distress" means significant mental  
26 suffering, anxiety, or alarm.

1           (3) "Contact" includes any contact with the victim,  
2           that is initiated or continued without the victim's  
3           consent, or that is in disregard of the victim's expressed  
4           desire that the contact be avoided or discontinued,  
5           including, but not limited to, being in the physical  
6           presence of the victim; appearing within the sight of the  
7           victim; approaching or confronting the victim in a public  
8           place or on private property; appearing at the workplace or  
9           residence of the victim; entering onto or remaining on  
10          property owned, leased, or occupied by the victim; or  
11          placing an object on, or delivering an object to, property  
12          owned, leased, or occupied by the victim.

13          (4) "Petitioner" means any named petitioner for the  
14          stalking no contact order or any named victim of stalking  
15          on whose behalf the petition is brought.

16          (5) "Reasonable person" means a person in the  
17          petitioner's circumstances with the petitioner's knowledge  
18          of the respondent and the respondent's prior acts.

19          (6) "Respondent" in a petition for a civil no contact  
20          order means the defendant.

21          (7) "Stalking" means engaging in a course of conduct  
22          directed at a specific person, and he or she knows or  
23          should know that this course of conduct would cause a  
24          reasonable person to fear for his or her safety or the  
25          safety of a third person or suffer emotional distress.  
26          "Stalking" does not include an exercise of the right to

1 free speech or assembly that is otherwise lawful or  
2 picketing occurring at the workplace that is otherwise  
3 lawful and arises out of a bona fide labor dispute,  
4 including any controversy concerning wages, salaries,  
5 hours, working conditions or benefits, including health  
6 and welfare, sick leave, insurance, and pension or  
7 retirement provisions, the making or maintaining of  
8 collective bargaining agreements, and the terms to be  
9 included in those agreements.

10 (8) "Stalking no contact order" means an ex parte or  
11 final order granted under this Article, which includes a  
12 remedy authorized by Section 112A-14.7 of this Code.

13 (e) For the purposes of offenses involving sexual  
14 harassment:

15 The following terms have the meanings provided in  
16 Section 1-10 of the Sexual Harassment No Contact Order Act:  
17 "contact", "course of conduct", "emotional distress",  
18 "petitioner", "reasonable person", "sexual harassment",  
19 and "sexual harassment no contact order".

20 "Offense involving sexual harassment" means any  
21 violation of any the following Sections of the Criminal  
22 Code of 2012 in which the defendant engaged in a course of  
23 conduct directed at the victim that would cause a  
24 reasonable person emotional distress:

25 (i) Section 12-1 (assault);

26 (ii) Section 12-2 (aggravated assault);

- 1                   (iii) Section 12-3 (battery);  
2                   (iv) Section 12-3.05 (aggravated battery);  
3                   (v) Section 26-4 (unauthorized video recording or  
4                   live video transmission);  
5                   (vi) Section 26.5-1 (transmission of obscene  
6                   messages);  
7                   (vii) Section 26.5-2 (harassment by telephone); or  
8                   (viii) Section 26.5-3 (harassment through  
9                   electronic communications).

10           (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

11           (725 ILCS 5/112A-4) (from Ch. 38, par. 112A-4)

12           Sec. 112A-4. Persons protected by this Article.

13           (a) The following persons are protected by this Article in  
14 cases involving domestic violence:

15                   (1) any person abused by a family or household member;

16                   (2) any minor child or dependent adult in the care of  
17 such person;

18                   (3) any person residing or employed at a private home  
19 or public shelter which is housing an abused family or  
20 household member; and

21                   (4) any of the following persons if the person is  
22 abused by a family or household member of a child:

23                           (i) a foster parent of that child if the child has  
24 been placed in the foster parent's home by the  
25 Department of Children and Family Services or by

- 1 another state's public child welfare agency;
- 2 (ii) a legally appointed guardian or legally
- 3 appointed custodian of that child;
- 4 (iii) an adoptive parent of that child; or
- 5 (iv) a prospective adoptive parent of that child if
- 6 the child has been placed in the prospective adoptive
- 7 parent's home pursuant to the Adoption Act or pursuant
- 8 to another state's law.

9 For purposes of this paragraph (a)(4), individuals who

10 would have been considered "family or household members" of

11 the child under paragraph (3) of subsection (b) of Section

12 112A-3 before a termination of the parental rights with

13 respect to the child continue to meet the definition of

14 "family or household members" of the child.

15 (a-5) The following persons are protected by this Article

16 in cases involving sexual offenses:

- 17 (1) any victim of non-consensual sexual conduct or
- 18 non-consensual sexual penetration on whose behalf the
- 19 petition is brought;
- 20 (2) any family or household member of the named victim;
- 21 and
- 22 (3) any employee of or volunteer at a rape crisis
- 23 center.

24 (a-10) The following persons are protected by this Article

25 in cases involving stalking offenses:

- 26 (1) any victim of stalking; and



1 (2) any family or household member of the named victim.

2 (a-15) A victim of an offense involving sexual harassment  
3 is protected by this Article.

4 (b) (Blank).

5 (Source: P.A. 100-199, eff. 1-1-18; 100-639, eff. 1-1-19.)

6 (725 ILCS 5/112A-4.5)

7 Sec. 112A-4.5. Who may file petition.

8 (a) A petition for a domestic violence order of protection  
9 may be filed:

10 (1) by a named victim who has been abused by a family  
11 or household member;

12 (2) by any person or by the State's Attorney on behalf  
13 of a named victim who is a minor child or an adult who has  
14 been abused by a family or household member and who,  
15 because of age, health, disability, or inaccessibility,  
16 cannot file the petition; ~~or~~

17 (3) by a State's Attorney on behalf of any minor child  
18 or dependent adult in the care of the named victim, if the  
19 named victim does not file a petition or request the  
20 State's Attorney file the petition; or

21 (4) ~~(3)~~ any of the following persons if the person is  
22 abused by a family or household member of a child:

23 (i) a foster parent of that child if the child has  
24 been placed in the foster parent's home by the  
25 Department of Children and Family Services or by

- 1 another state's public child welfare agency;
- 2 (ii) a legally appointed guardian or legally
- 3 appointed custodian of that child;
- 4 (iii) an adoptive parent of that child;
- 5 (iv) a prospective adoptive parent of that child if
- 6 the child has been placed in the prospective adoptive
- 7 parent's home pursuant to the Adoption Act or pursuant
- 8 to another state's law.

9 For purposes of this paragraph (a) (4) ~~(3)~~, individuals who

10 would have been considered "family or household members" of the

11 child under paragraph (3) of subsection (b) of Section 112A-3

12 before a termination of the parental rights with respect to the

13 child continue to meet the definition of "family or household

14 members" of the child.

15 (b) A petition for a civil no contact order may be filed:

16 (1) by any person who is a named victim of

17 non-consensual sexual conduct or non-consensual sexual

18 penetration, including a single incident of non-consensual

19 sexual conduct or non-consensual sexual penetration;

20 (2) by a person or by the State's Attorney on behalf of

21 a named victim who is a minor child or an adult who is a

22 victim of non-consensual sexual conduct or non-consensual

23 sexual penetration but, because of age, disability,

24 health, or inaccessibility, cannot file the petition; or

25 (3) by a State's Attorney on behalf of any minor child

26 who is a family or household member of the named victim, if

1 the named victim does not file a petition or request the  
2 State's Attorney file the petition.

3 (c) A petition for a stalking no contact order may be  
4 filed:

5 (1) by any person who is a named victim of stalking;

6 (2) by a person or by the State's Attorney on behalf of  
7 a named victim who is a minor child or an adult who is a  
8 victim of stalking but, because of age, disability, health,  
9 or inaccessibility, cannot file the petition; or

10 (3) by a State's Attorney on behalf of any minor child  
11 who is a family or household member of the named victim, if  
12 the named victim does not file a petition or request the  
13 State's Attorney file the petition.

14 (c-5) A petition for a sexual harassment no contact order  
15 may be filed:

16 (1) by any person who is a victim of sexual harassment;

17 or

18 (2) by a person on behalf of a minor child or an adult  
19 who is a victim of sexual harassment but, because of age,  
20 disability, health, or inaccessibility, cannot file the  
21 petition.

22 (d) The State's Attorney shall file a petition on behalf of  
23 any person who may file a petition under subsection ~~subsections~~  
24 (a), (b), ~~or~~ (c), or (c-5) of this Section if the person  
25 requests the State's Attorney to file a petition on the  
26 person's behalf, unless the State's Attorney has a good faith

1 basis to delay filing the petition. The State's Attorney shall  
2 inform the person that the State's Attorney will not be filing  
3 the petition at that time and that the person may file a  
4 petition or may retain an attorney to file the petition. The  
5 State's Attorney may file the petition at a later date.

6 (d-5) (1) A person eligible to file a petition under  
7 subsection (a), (b), or (c) of this Section may retain an  
8 attorney to represent the petitioner on the petitioner's  
9 request for a protective order. The attorney's representation  
10 is limited to matters related to the petition and relief  
11 authorized under this Article.

12 (2) Advocates shall be allowed to accompany the petitioner  
13 and confer with the victim, unless otherwise directed by the  
14 court. Advocates are not engaged in the unauthorized practice  
15 of law when providing assistance to the petitioner.

16 (e) Any petition properly filed under this Article may seek  
17 protection for any additional persons protected by this  
18 Article.

19 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18;  
20 100-639, eff. 1-1-19; revised 8-20-18.)

21 (725 ILCS 5/112A-5.5)

22 Sec. 112A-5.5. Time for filing petition; service on  
23 respondent, hearing on petition, and default orders.

24 (a) A petition for a protective order may be filed at any  
25 time after a criminal charge or delinquency petition is filed

1 and before the charge or delinquency petition is dismissed, the  
2 defendant or juvenile is acquitted, or the defendant or  
3 juvenile completes service of his or her sentence. A petition  
4 for a sexual harassment no contact order may be filed at any  
5 time, regardless of whether any criminal charges are ever  
6 filed.

7 (b) The request for an ex parte protective order may be  
8 considered without notice to the respondent under Section  
9 112A-17.5 of this Code.

10 (c) A summons shall be issued and served for a protective  
11 order. The summons may be served by delivery to the respondent  
12 personally in open court in the criminal or juvenile  
13 delinquency proceeding, in the form prescribed by subsection  
14 (d) of Supreme Court Rule 101, except that it shall require  
15 respondent to answer or appear within 7 days. Attachments to  
16 the summons shall include the petition for protective order,  
17 supporting affidavits, if any, and any ex parte protective  
18 order that has been issued.

19 (d) The summons shall be served by the sheriff or other law  
20 enforcement officer at the earliest time available and shall  
21 take precedence over any other summons, except those of a  
22 similar emergency nature. Attachments to the summons shall  
23 include the petition for protective order, supporting  
24 affidavits, if any, and any ex parte protective order that has  
25 been issued. Special process servers may be appointed at any  
26 time and their designation shall not affect the

1 responsibilities and authority of the sheriff or other official  
2 process servers. In a county with a population over 3,000,000,  
3 a special process server may not be appointed if the protective  
4 order grants the surrender of a child, the surrender of a  
5 firearm or Firearm Owner's Identification Card, or the  
6 exclusive possession of a shared residence.

7 (e) If the respondent is not served within 30 days of the  
8 filing of the petition, the court shall schedule a court  
9 proceeding on the issue of service. Either the petitioner, the  
10 petitioner's counsel, or the State's Attorney shall appear and  
11 the court shall either order continued attempts at personal  
12 service or shall order service by publication, in accordance  
13 with Sections 2-203, 2-206, and 2-207 of the Code of Civil  
14 Procedure.

15 (f) The request for a final protective order can be  
16 considered at any court proceeding in the delinquency or  
17 criminal case after service of the petition. If the petitioner  
18 has not been provided notice of the court proceeding at least  
19 10 days in advance of the proceeding, the court shall schedule  
20 a hearing on the petition and provide notice to the petitioner.

21 (g) Default orders.

22 (1) A final domestic violence order of protection may  
23 be entered by default:

24 (A) for any of the remedies sought in the petition,  
25 if respondent has been served with documents under  
26 subsection (b) or (c) of this Section and if respondent

1 fails to appear on the specified return date or any  
2 subsequent hearing date agreed to by the petitioner and  
3 respondent or set by the court; or

4 (B) for any of the remedies provided under  
5 paragraph (1), (2), (3), (5), (6), (7), (8), (9), (10),  
6 (11), (14), (15), (17), or (18) of subsection (b) of  
7 Section 112A-14 of this Code, or if the respondent  
8 fails to answer or appear in accordance with the date  
9 set in the publication notice or the return date  
10 indicated on the service of a household member.

11 (2) A final civil no contact order may be entered by  
12 default for any of the remedies provided in Section  
13 112A-14.5 of this Code, if respondent has been served with  
14 documents under subsection (b) or (c) of this Section, and  
15 if the respondent fails to answer or appear in accordance  
16 with the date set in the publication notice or the return  
17 date indicated on the service of a household member.

18 (3) A final stalking no contact order may be entered by  
19 default for any of the remedies provided by Section  
20 112A-14.7 of this Code, if respondent has been served with  
21 documents under subsection (b) or (c) of this Section and  
22 if the respondent fails to answer or appear in accordance  
23 with the date set in the publication notice or the return  
24 date indicated on the service of a household member.

25 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

1 (725 ILCS 5/112A-11.5)

2 Sec. 112A-11.5. Issuance of protective order.

3 (a) Except as provided in subsection (a-5) of this Section,  
4 the court shall grant the petition and enter a protective order  
5 if the court finds prima facie evidence that a crime involving  
6 domestic violence, a sexual offense, ~~or~~ a crime involving  
7 stalking, or an offense involving sexual harassment has been  
8 committed. The following shall be considered prima facie  
9 evidence of the offense ~~crime~~:

10 (1) an information, complaint, indictment, or  
11 delinquency petition, charging a crime of domestic  
12 violence, a sexual offense, or stalking or charging an  
13 attempt to commit a crime of domestic violence, a sexual  
14 offense, or stalking;

15 (2) an adjudication of delinquency, a finding of guilt  
16 based upon a plea, or a finding of guilt after a trial for  
17 a crime of domestic battery, a sexual crime, or stalking or  
18 an attempt to commit a crime of domestic violence, a sexual  
19 offense, or stalking;

20 (3) any dispositional order issued under Section 5-710  
21 of the Juvenile Court Act of 1987, the imposition of  
22 supervision, conditional discharge, probation, periodic  
23 imprisonment, parole, aftercare release, or mandatory  
24 supervised release for a crime of domestic violence, a  
25 sexual offense, or stalking or an attempt to commit a crime  
26 of domestic violence, a sexual offense, or stalking, or



1 imprisonment in conjunction with a bond forfeiture  
2 warrant; ~~or~~

3 (4) the entry of a protective order in a separate civil  
4 case brought by the petitioner against the respondent; ~~or~~

5 (5) an administrative or judicial complaint of sexual  
6 harassment under the Illinois Human Rights Act.

7 (a-5) The respondent may rebut prima facie evidence of the  
8 crime under paragraph (1) of subsection (a) of this Section by  
9 presenting evidence of a meritorious defense. The respondent  
10 shall file a written notice alleging a meritorious defense  
11 which shall be verified and supported by affidavit. The  
12 verified notice and affidavit shall set forth the evidence that  
13 will be presented at a hearing. If the court finds that the  
14 evidence presented at the hearing establishes a meritorious  
15 defense by a preponderance of the evidence, the court may  
16 decide not to issue a protective order.

17 (b) The petitioner shall not be denied a protective order  
18 because the petitioner or the respondent is a minor.

19 (c) The court, when determining whether or not to issue a  
20 protective order, may not require physical injury on the person  
21 of the victim.

22 (d) If the court issues a final protective order under this  
23 Section, the court shall afford the petitioner and respondent  
24 an opportunity to be heard on the remedies requested in the  
25 petition.

26 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

1 (725 ILCS 5/112A-14.8 new)

2 Sec. 112A-14.8. Sexual harassment no contact order;  
3 remedies.

4 (a) The court may order any of the remedies listed in this  
5 Section. The remedies listed in this Section shall be in  
6 addition to other civil or criminal remedies available to the  
7 petitioner. A sexual harassment no contact order shall do one  
8 or more of the following:

9 (1) prohibit the respondent from continued harassment  
10 of the petitioner;

11 (2) order the respondent not to have any contact with  
12 the petitioner or a third person specifically named by the  
13 court;

14 (3) prohibit the respondent from knowingly coming  
15 within or knowingly remaining within a specified distance  
16 of the petitioner or the petitioner's residence, school,  
17 daycare, or place of employment, or any specified place  
18 frequented by the petitioner; however, the court may order  
19 the respondent to stay away from the respondent's own  
20 residence, school, or place of employment only if the  
21 respondent has been provided actual notice of the  
22 opportunity to appear and be heard on the petition;

23 (4) if there was a threat of force with a weapon,  
24 prohibit the respondent from possessing a Firearm Owners  
25 Identification Card or possessing or buying a firearm; and

1           (5) order other injunctive relief the court determines  
2           to be necessary to protect the petitioner or third party  
3           specifically named by the court.

4           (b) If the petitioner and the respondent attend the same  
5           public, private, or nonpublic elementary, middle, or high  
6           school, the court, when issuing a sexual harassment no contact  
7           order and providing relief, shall consider the severity of the  
8           act, any continuing physical danger or emotional distress to  
9           the petitioner, the educational rights guaranteed to the  
10           petitioner and respondent under federal and State law, the  
11           availability of a transfer of the respondent to another school,  
12           a change of placement or a change of program of the respondent,  
13           the expense, difficulty, and educational disruption that would  
14           be caused by a transfer of the respondent to another school,  
15           and any other relevant facts of the case. The court may order  
16           that the respondent not attend the public, private, or  
17           nonpublic elementary, middle, or high school attended by the  
18           petitioner, order that the respondent accept a change of  
19           placement or program, as determined by the school district or  
20           private or nonpublic school, or place restrictions on the  
21           respondent's movements within the school attended by the  
22           petitioner. The respondent bears the burden of proving by a  
23           preponderance of the evidence that a transfer, change of  
24           placement, or change of program of the respondent is not  
25           available. The respondent also bears the burden of production  
26           with respect to the expense, difficulty, and educational

1 disruption that would be caused by a transfer of the respondent  
2 to another school. A transfer, change of placement, or change  
3 of program is not unavailable to the respondent solely on the  
4 ground that the respondent does not agree with the school  
5 district's or private or nonpublic school's transfer, change of  
6 placement, or change of program or solely on the ground that  
7 the respondent fails or refuses to consent to or otherwise does  
8 not take an action required to effectuate a transfer, change of  
9 placement, or change of program. If a court orders a respondent  
10 to stay away from the public, private, or nonpublic school  
11 attended by the petitioner and the respondent requests a  
12 transfer to another attendance center within the respondent's  
13 school district or private or nonpublic school, the school  
14 district or private or nonpublic school shall have sole  
15 discretion to determine the attendance center to which the  
16 respondent is transferred. If the court order results in a  
17 transfer of the minor respondent to another attendance center,  
18 a change in the respondent's placement, or a change of the  
19 respondent's program, the parent, guardian, or legal custodian  
20 of the respondent is responsible for transportation and other  
21 costs associated with the transfer or change.

22 (c) The court may order the parent, guardian, or legal  
23 custodian of a minor respondent to take certain actions or to  
24 refrain from taking certain actions to ensure that the  
25 respondent complies with the order. If the court orders a  
26 transfer of the respondent to another school, the parent,

1 guardian, or legal custodian of the respondent is responsible  
2 for transportation and other costs associated with the change  
3 of school by the respondent.

4 (d) The court shall not hold a school district or private  
5 or nonpublic school or any of its employees in civil or  
6 criminal contempt unless the school district or private or  
7 nonpublic school has been allowed to intervene.

8 (e) The court may hold a parent, guardian, or legal  
9 custodian of a minor respondent in civil or criminal contempt  
10 for a violation of any provision of any order entered under  
11 this Act for conduct of the minor respondent in violation of  
12 this Act if the parent, guardian, or legal custodian directed,  
13 encouraged, or assisted the respondent minor in the conduct.

14 (f) The court may award the petitioner costs and attorney's  
15 fees if a sexual harassment no contact order is granted.

16 (g) Monetary damages are not recoverable as a remedy.

17 (h) If the sexual harassment no contact order prohibits the  
18 respondent from possessing a Firearm Owner's Identification  
19 Card or possessing or buying firearms, the court shall  
20 confiscate the respondent's Firearm Owner's Identification  
21 Card and immediately return the card to the Department of State  
22 Police Firearm Owner's Identification Card Office.

23 (725 ILCS 5/112A-21.8 new)

24 Sec. 112A-21.8. Contents of sexual harassment no contact  
25 orders.

1       (a) A sexual harassment no contact order shall describe  
2 each remedy granted by the court, in reasonable detail and not  
3 by reference to any other document, so that the respondent may  
4 clearly understand what he or she must do or refrain from  
5 doing.

6       (b) A sexual harassment no contact order shall further  
7 state the following:

8           (1) The name of each petitioner that the court finds  
9 was the victim of sexual harassment by the respondent.

10          (2) The date and time the sexual harassment no contact  
11 order was issued.

12       (c) A sexual harassment no contact order shall include the  
13 following notice, printed in conspicuous type:

14       "An initial knowing violation of a sexual harassment no  
15 contact order is a Class A misdemeanor. A second or subsequent  
16 knowing violation is a Class 4 felony.

17       This Sexual Harassment No Contact Order is enforceable,  
18 even without registration, in all 50 states, the District of  
19 Columbia, tribal lands, and the U.S. territories under the  
20 Violence Against Women Act (18 U.S.C. 2265)."

21       (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

22       Sec. 112A-23. Enforcement of protective orders.

23       (a) When violation is crime. A violation of any protective  
24 order, whether issued in a civil, quasi-criminal proceeding,  
25 shall be enforced by a criminal court when:

1           (1) The respondent commits the crime of violation of a  
2 domestic violence order of protection pursuant to Section  
3 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, by having knowingly violated:

5           (i) remedies described in paragraphs (1), (2),  
6 (3), (14), or (14.5) of subsection (b) of Section  
7 112A-14 of this Code,

8           (ii) a remedy, which is substantially similar to  
9 the remedies authorized under paragraphs (1), (2),  
10 (3), (14), or (14.5) of subsection (b) of Section 214  
11 of the Illinois Domestic Violence Act of 1986, in a  
12 valid order of protection, which is authorized under  
13 the laws of another state, tribe or United States  
14 territory,

15           (iii) or any other remedy when the act constitutes  
16 a crime against the protected parties as defined by the  
17 Criminal Code of 1961 or the Criminal Code of 2012.

18           Prosecution for a violation of a domestic violence  
19 order of protection shall not bar concurrent prosecution  
20 for any other crime, including any crime that may have been  
21 committed at the time of the violation of the domestic  
22 violence order of protection; or

23           (2) The respondent commits the crime of child abduction  
24 pursuant to Section 10-5 of the Criminal Code of 1961 or  
25 the Criminal Code of 2012, by having knowingly violated:

26           (i) remedies described in paragraphs (5), (6), or

1 (8) of subsection (b) of Section 112A-14 of this Code,  
2 or

3 (ii) a remedy, which is substantially similar to  
4 the remedies authorized under paragraphs (1), (5),  
5 (6), or (8) of subsection (b) of Section 214 of the  
6 Illinois Domestic Violence Act of 1986, in a valid  
7 domestic violence order of protection, which is  
8 authorized under the laws of another state, tribe or  
9 United States territory.

10 (3) The respondent commits the crime of violation of a  
11 civil no contact order when the respondent violates Section  
12 12-3.8 of the Criminal Code of 2012. Prosecution for a  
13 violation of a civil no contact order shall not bar  
14 concurrent prosecution for any other crime, including any  
15 crime that may have been committed at the time of the  
16 violation of the civil no contact order.

17 (4) The respondent commits the crime of violation of a  
18 stalking no contact order when the respondent violates  
19 Section 12-3.9 of the Criminal Code of 2012. Prosecution  
20 for a violation of a stalking no contact order shall not  
21 bar concurrent prosecution for any other crime, including  
22 any crime that may have been committed at the time of the  
23 violation of the stalking no contact order.

24 (5) The respondent commits the crime of violation of a  
25 sexual harassment no contact order by violating Section  
26 12-3.10 of the Criminal Code of 2012. Prosecution for a



1       violation of a sexual harassment no contact order shall not  
2       bar concurrent prosecution for any other crime, including  
3       any crime that may have been committed at the time of the  
4       violation of the sexual harassment no contact order.

5       (b) When violation is contempt of court. A violation of any  
6       valid protective order, whether issued in a civil or criminal  
7       proceeding, may be enforced through civil or criminal contempt  
8       procedures, as appropriate, by any court with jurisdiction,  
9       regardless where the act or acts which violated the protective  
10      order were committed, to the extent consistent with the venue  
11      provisions of this Article. Nothing in this Article shall  
12      preclude any Illinois court from enforcing any valid protective  
13      order issued in another state. Illinois courts may enforce  
14      protective orders through both criminal prosecution and  
15      contempt proceedings, unless the action which is second in time  
16      is barred by collateral estoppel or the constitutional  
17      prohibition against double jeopardy.

18      (1) In a contempt proceeding where the petition for a  
19      rule to show cause sets forth facts evidencing an immediate  
20      danger that the respondent will flee the jurisdiction,  
21      conceal a child, or inflict physical abuse on the  
22      petitioner or minor children or on dependent adults in  
23      petitioner's care, the court may order the attachment of  
24      the respondent without prior service of the rule to show  
25      cause or the petition for a rule to show cause. Bond shall  
26      be set unless specifically denied in writing.

1           (2) A petition for a rule to show cause for violation  
2           of a protective order shall be treated as an expedited  
3           proceeding.

4           (c) Violation of custody, allocation of parental  
5           responsibility, or support orders. A violation of remedies  
6           described in paragraphs (5), (6), (8), or (9) of subsection (b)  
7           of Section 112A-14 of this Code may be enforced by any remedy  
8           provided by Section 607.5 of the Illinois Marriage and  
9           Dissolution of Marriage Act. The court may enforce any order  
10          for support issued under paragraph (12) of subsection (b) of  
11          Section 112A-14 of this Code in the manner provided for under  
12          Parts V and VII of the Illinois Marriage and Dissolution of  
13          Marriage Act.

14          (d) Actual knowledge. A protective order may be enforced  
15          pursuant to this Section if the respondent violates the order  
16          after respondent has actual knowledge of its contents as shown  
17          through one of the following means:

18                 (1) (Blank).

19                 (2) (Blank).

20                 (3) By service of a protective order under subsection  
21                 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

22                 (4) By other means demonstrating actual knowledge of  
23                 the contents of the order.

24          (e) The enforcement of a protective order in civil or  
25          criminal court shall not be affected by either of the  
26          following:

1           (1) The existence of a separate, correlative order  
2 entered under Section 112A-15 of this Code.

3           (2) Any finding or order entered in a conjoined  
4 criminal proceeding.

5           (f) Circumstances. The court, when determining whether or  
6 not a violation of a protective order has occurred, shall not  
7 require physical manifestations of abuse on the person of the  
8 victim.

9           (g) Penalties.

10           (1) Except as provided in paragraph (3) of this  
11 subsection (g), where the court finds the commission of a  
12 crime or contempt of court under subsections (a) or (b) of  
13 this Section, the penalty shall be the penalty that  
14 generally applies in such criminal or contempt  
15 proceedings, and may include one or more of the following:  
16 incarceration, payment of restitution, a fine, payment of  
17 attorneys' fees and costs, or community service.

18           (2) The court shall hear and take into account evidence  
19 of any factors in aggravation or mitigation before deciding  
20 an appropriate penalty under paragraph (1) of this  
21 subsection (g).

22           (3) To the extent permitted by law, the court is  
23 encouraged to:

24           (i) increase the penalty for the knowing violation  
25 of any protective order over any penalty previously  
26 imposed by any court for respondent's violation of any

1 protective order or penal statute involving petitioner  
2 as victim and respondent as defendant;

3 (ii) impose a minimum penalty of 24 hours  
4 imprisonment for respondent's first violation of any  
5 protective order; and

6 (iii) impose a minimum penalty of 48 hours  
7 imprisonment for respondent's second or subsequent  
8 violation of a protective order

9 unless the court explicitly finds that an increased penalty  
10 or that period of imprisonment would be manifestly unjust.

11 (4) In addition to any other penalties imposed for a  
12 violation of a protective order, a criminal court may  
13 consider evidence of any violations of a protective order:

14 (i) to increase, revoke, or modify the bail bond on  
15 an underlying criminal charge pursuant to Section  
16 110-6 of this Code;

17 (ii) to revoke or modify an order of probation,  
18 conditional discharge, or supervision, pursuant to  
19 Section 5-6-4 of the Unified Code of Corrections;

20 (iii) to revoke or modify a sentence of periodic  
21 imprisonment, pursuant to Section 5-7-2 of the Unified  
22 Code of Corrections.

23 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;  
24 100-597, eff. 6-29-18.)

25 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

1           Sec. 112A-28. Data maintenance by law enforcement  
2 agencies.

3           (a) All sheriffs shall furnish to the Department of State  
4 Police, daily, in the form and detail the Department requires,  
5 copies of any recorded protective orders issued by the court,  
6 and any foreign protective orders filed by the clerk of the  
7 court, and transmitted to the sheriff by the clerk of the  
8 court. Each protective order shall be entered in the Law  
9 Enforcement Agencies Data System on the same day it is issued  
10 by the court.

11           (b) The Department of State Police shall maintain a  
12 complete and systematic record and index of all valid and  
13 recorded protective orders issued or filed under this Act. The  
14 data shall be used to inform all dispatchers and law  
15 enforcement officers at the scene of an alleged incident of  
16 abuse or violation of a protective order of any recorded prior  
17 incident of abuse involving the abused party and the effective  
18 dates and terms of any recorded protective order.

19           (c) The data, records and transmittals required under this  
20 Section shall pertain to:

21           (1) any valid emergency, interim, or plenary domestic  
22 violence order of protection, civil no contact order, ~~or~~  
23 stalking no contact order, or sexual harassment no contact  
24 order issued in a civil proceeding; and

25           (2) any valid ex parte or final protective order issued  
26 in a criminal proceeding or authorized under the laws of

1 another state, tribe, or United States territory.  
2 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

3 Article 2.

4 Section 2-5. The Code of Civil Procedure is amended by  
5 adding Section 2-2302 as follows:

6 (735 ILCS 5/2-2302 new)

7 Sec. 2-2302. Nondisclosure agreements. Notwithstanding any  
8 other law to the contrary, for any claim or cause of action,  
9 whether arising under common law, equity, or any provision of  
10 law, the factual foundation for which involves sexual  
11 harassment, in resolving, by agreed judgment, stipulation,  
12 decree, agreement to settle, assurance of discontinuance or  
13 otherwise, neither an employer nor an officer or employee of  
14 the employer has the authority to include or agree to include  
15 in such resolution any term or condition that would prevent the  
16 disclosure of the underlying facts and circumstances of the  
17 claim or action unless the condition of confidentiality is the  
18 plaintiff's preference. Any such term or condition must be  
19 provided to all parties, and the plaintiff shall have 21 days  
20 to consider the term or condition. If, after 21 days, the term  
21 or condition is the plaintiff's preference, the preference  
22 shall be memorialized in an agreement signed by all parties.  
23 For a period of at least 7 days following the execution of such

1 an agreement, the plaintiff may revoke the agreement and the  
2 agreement shall not become effective or be enforceable until  
3 the revocation period has expired.

4 Article 3.

5 Section 3-5. The Illinois Human Rights Act is amended by  
6 changing Sections 2-101 and 2-102 and by adding Section 2-108  
7 as follows:

8 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

9 Sec. 2-101. Definitions. The following definitions are  
10 applicable strictly in the context of this Article.

11 (A) Employee.

12 (1) "Employee" includes:

13 (a) Any individual performing services for  
14 remuneration within this State for an employer,  
15 including, but not limited to, a contractor,  
16 subcontractor, vendor, consultant, or other person  
17 providing services pursuant to a contract in the  
18 workplace;

19 (b) An apprentice;

20 (c) An applicant for any apprenticeship.

21 For purposes of subsection (D) of Section 2-102 of this  
22 Act, "employee" also includes an unpaid intern. An unpaid  
23 intern is a person who performs work for an employer under

1 the following circumstances:

2 (i) the employer is not committed to hiring the  
3 person performing the work at the conclusion of the  
4 intern's tenure;

5 (ii) the employer and the person performing the  
6 work agree that the person is not entitled to wages for  
7 the work performed; and

8 (iii) the work performed:

9 (I) supplements training given in an  
10 educational environment that may enhance the  
11 employability of the intern;

12 (II) provides experience for the benefit of  
13 the person performing the work;

14 (III) does not displace regular employees;

15 (IV) is performed under the close supervision  
16 of existing staff; and

17 (V) provides no immediate advantage to the  
18 employer providing the training and may  
19 occasionally impede the operations of the  
20 employer.

21 (2) "Employee" does not include:

22 (a) (Blank);

23 (b) Individuals employed by persons who are not  
24 "employers" as defined by this Act;

25 (c) Elected public officials ~~or the members of~~  
26 ~~their immediate personal staffs;~~



1           (d) Principal administrative officers of the State  
2           or of any political subdivision, municipal corporation  
3           or other governmental unit or agency;

4           (e) A person in a vocational rehabilitation  
5           facility certified under federal law who has been  
6           designated an evaluatee, trainee, or work activity  
7           client.

8           (B) Employer.

9           (1) "Employer" includes:

10           (a) Any person employing 15 or more employees  
11           within Illinois during 20 or more calendar weeks within  
12           the calendar year of or preceding the alleged  
13           violation;

14           (b) Any person employing one or more employees when  
15           a complainant alleges civil rights violation due to  
16           unlawful discrimination based upon his or her physical  
17           or mental disability unrelated to ability, pregnancy,  
18           or sexual harassment;

19           (c) The State and any political subdivision,  
20           municipal corporation or other governmental unit or  
21           agency, without regard to the number of employees;

22           (d) Any party to a public contract without regard  
23           to the number of employees;

24           (e) A joint apprenticeship or training committee  
25           without regard to the number of employees.

26           (2) "Employer" does not include any religious

1 corporation, association, educational institution,  
2 society, or non-profit nursing institution conducted by  
3 and for those who rely upon treatment by prayer through  
4 spiritual means in accordance with the tenets of a  
5 recognized church or religious denomination with respect  
6 to the employment of individuals of a particular religion  
7 to perform work connected with the carrying on by such  
8 corporation, association, educational institution, society  
9 or non-profit nursing institution of its activities.

10 (C) Employment Agency. "Employment Agency" includes both  
11 public and private employment agencies and any person, labor  
12 organization, or labor union having a hiring hall or hiring  
13 office regularly undertaking, with or without compensation, to  
14 procure opportunities to work, or to procure, recruit, refer or  
15 place employees.

16 (D) Labor Organization. "Labor Organization" includes any  
17 organization, labor union, craft union, or any voluntary  
18 unincorporated association designed to further the cause of the  
19 rights of union labor which is constituted for the purpose, in  
20 whole or in part, of collective bargaining or of dealing with  
21 employers concerning grievances, terms or conditions of  
22 employment, or apprenticeships or applications for  
23 apprenticeships, or of other mutual aid or protection in  
24 connection with employment, including apprenticeships or  
25 applications for apprenticeships.

26 (E) Sexual Harassment. "Sexual harassment" means any

1 harassment or discrimination on the basis of an individual's  
2 actual or perceived sex or gender, including unwelcome sexual  
3 advances, ~~or~~ requests for sexual favors, other verbal or  
4 physical conduct of a sexual nature, or any other ~~or any~~  
5 conduct of a sexual nature when (1) submission to such conduct  
6 is made either explicitly or implicitly a term or condition of  
7 an individual's employment, (2) submission to or rejection of  
8 such conduct by an individual is used as the basis for  
9 employment decisions affecting such individual, or (3) such  
10 conduct has the purpose or effect of ~~substantially~~ interfering  
11 with an individual's work performance or creating an  
12 intimidating, hostile or offensive working environment.

13 (F) Religion. "Religion" with respect to employers  
14 includes all aspects of religious observance and practice, as  
15 well as belief, unless an employer demonstrates that he is  
16 unable to reasonably accommodate an employee's or prospective  
17 employee's religious observance or practice without undue  
18 hardship on the conduct of the employer's business.

19 (G) Public Employer. "Public employer" means the State, an  
20 agency or department thereof, unit of local government, school  
21 district, instrumentality or political subdivision.

22 (H) Public Employee. "Public employee" means an employee of  
23 the State, agency or department thereof, unit of local  
24 government, school district, instrumentality or political  
25 subdivision. "Public employee" does not include public  
26 officers or employees of the General Assembly or agencies

1       thereof.

2           (I) Public Officer. "Public officer" means a person who is  
3       elected to office pursuant to the Constitution or a statute or  
4       ordinance, or who is appointed to an office which is  
5       established, and the qualifications and duties of which are  
6       prescribed, by the Constitution or a statute or ordinance, to  
7       discharge a public duty for the State, agency or department  
8       thereof, unit of local government, school district,  
9       instrumentality or political subdivision.

10          (J) Eligible Bidder. "Eligible bidder" means a person who,  
11       prior to contract award or prior to bid opening for State  
12       contracts for construction or construction-related services,  
13       has filed with the Department a properly completed, sworn and  
14       currently valid employer report form, pursuant to the  
15       Department's regulations. The provisions of this Article  
16       relating to eligible bidders apply only to bids on contracts  
17       with the State and its departments, agencies, boards, and  
18       commissions, and the provisions do not apply to bids on  
19       contracts with units of local government or school districts.

20          (K) Citizenship Status. "Citizenship status" means the  
21       status of being:

22               (1) a born U.S. citizen;

23               (2) a naturalized U.S. citizen;

24               (3) a U.S. national; or

25               (4) a person born outside the United States and not a  
26       U.S. citizen who is not an unauthorized alien and who is

1 protected from discrimination under the provisions of  
2 Section 1324b of Title 8 of the United States Code, as now  
3 or hereafter amended.

4 (Source: P.A. 99-78, eff. 7-20-15; 99-758, eff. 1-1-17; 100-43,  
5 eff. 8-9-17.)

6 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

7 Sec. 2-102. Civil rights violations - employment. It is a  
8 civil rights violation:

9 (A) Employers. For any employer to refuse to hire, to  
10 segregate, or to act with respect to recruitment, hiring,  
11 promotion, renewal of employment, selection for training  
12 or apprenticeship, discharge, discipline, tenure or terms,  
13 privileges or conditions of employment on the basis of  
14 unlawful discrimination or citizenship status.

15 (A-5) Language. For an employer to impose a restriction  
16 that has the effect of prohibiting a language from being  
17 spoken by an employee in communications that are unrelated  
18 to the employee's duties.

19 For the purposes of this subdivision (A-5), "language"  
20 means a person's native tongue, such as Polish, Spanish, or  
21 Chinese. "Language" does not include such things as slang,  
22 jargon, profanity, or vulgarity.

23 (B) Employment agency. For any employment agency to  
24 fail or refuse to classify properly, accept applications  
25 and register for employment referral or apprenticeship

1 referral, refer for employment, or refer for  
2 apprenticeship on the basis of unlawful discrimination or  
3 citizenship status or to accept from any person any job  
4 order, requisition or request for referral of applicants  
5 for employment or apprenticeship which makes or has the  
6 effect of making unlawful discrimination or discrimination  
7 on the basis of citizenship status a condition of referral.

8 (C) Labor organization. For any labor organization to  
9 limit, segregate or classify its membership, or to limit  
10 employment opportunities, selection and training for  
11 apprenticeship in any trade or craft, or otherwise to take,  
12 or fail to take, any action which affects adversely any  
13 person's status as an employee or as an applicant for  
14 employment or as an apprentice, or as an applicant for  
15 apprenticeships, or wages, tenure, hours of employment or  
16 apprenticeship conditions on the basis of unlawful  
17 discrimination or citizenship status.

18 (D) Sexual harassment. For any employer, employee,  
19 agent of any employer, employment agency or labor  
20 organization to engage in sexual harassment; provided,  
21 that an employer shall be responsible for sexual harassment  
22 of the employer's employees by nonemployees or  
23 nonmanagerial and nonsupervisory employees only if the  
24 employer becomes aware of the conduct and fails to take  
25 reasonable corrective measures.

26 (E) Public employers. For any public employer to refuse

1 to permit a public employee under its jurisdiction who  
2 takes time off from work in order to practice his or her  
3 religious beliefs to engage in work, during hours other  
4 than such employee's regular working hours, consistent  
5 with the operational needs of the employer and in order to  
6 compensate for work time lost for such religious reasons.  
7 Any employee who elects such deferred work shall be  
8 compensated at the wage rate which he or she would have  
9 earned during the originally scheduled work period. The  
10 employer may require that an employee who plans to take  
11 time off from work in order to practice his or her  
12 religious beliefs provide the employer with a notice of his  
13 or her intention to be absent from work not exceeding 5  
14 days prior to the date of absence.

15 (E-5) Religious discrimination. For any employer to  
16 impose upon a person as a condition of obtaining or  
17 retaining employment, including opportunities for  
18 promotion, advancement, or transfer, any terms or  
19 conditions that would require such person to violate or  
20 forgo a sincerely held practice of his or her religion  
21 including, but not limited to, the wearing of any attire,  
22 clothing, or facial hair in accordance with the  
23 requirements of his or her religion, unless, after engaging  
24 in a bona fide effort, the employer demonstrates that it is  
25 unable to reasonably accommodate the employee's or  
26 prospective employee's sincerely held religious belief,

1 practice, or observance without undue hardship on the  
2 conduct of the employer's business.

3 Nothing in this Section prohibits an employer from  
4 enacting a dress code or grooming policy that may include  
5 restrictions on attire, clothing, or facial hair to  
6 maintain workplace safety or food sanitation.

7 (F) Training and apprenticeship programs. For any  
8 employer, employment agency or labor organization to  
9 discriminate against a person on the basis of age in the  
10 selection, referral for or conduct of apprenticeship or  
11 training programs.

12 (G) Immigration-related practices.

13 (1) for an employer to request for purposes of  
14 satisfying the requirements of Section 1324a(b) of  
15 Title 8 of the United States Code, as now or hereafter  
16 amended, more or different documents than are required  
17 under such Section or to refuse to honor documents  
18 tendered that on their face reasonably appear to be  
19 genuine; or

20 (2) for an employer participating in the E-Verify  
21 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
22 Programs for Employment Eligibility Confirmation  
23 (enacted by PL 104-208, div. C title IV, subtitle A) to  
24 refuse to hire, to segregate, or to act with respect to  
25 recruitment, hiring, promotion, renewal of employment,  
26 selection for training or apprenticeship, discharge,



1 discipline, tenure or terms, privileges or conditions  
2 of employment without following the procedures under  
3 the E-Verify Program.

4 (H) (Blank).

5 (I) Pregnancy. For an employer to refuse to hire, to  
6 segregate, or to act with respect to recruitment, hiring,  
7 promotion, renewal of employment, selection for training  
8 or apprenticeship, discharge, discipline, tenure or terms,  
9 privileges or conditions of employment on the basis of  
10 pregnancy, childbirth, or medical or common conditions  
11 related to pregnancy or childbirth. Women affected by  
12 pregnancy, childbirth, or medical or common conditions  
13 related to pregnancy or childbirth shall be treated the  
14 same for all employment-related purposes, including  
15 receipt of benefits under fringe benefit programs, as other  
16 persons not so affected but similar in their ability or  
17 inability to work, regardless of the source of the  
18 inability to work or employment classification or status.

19 (J) Pregnancy; reasonable accommodations.

20 (1) If after a job applicant or employee, including  
21 a part-time, full-time, or probationary employee,  
22 requests a reasonable accommodation, for an employer  
23 to not make reasonable accommodations for any medical  
24 or common condition of a job applicant or employee  
25 related to pregnancy or childbirth, unless the  
26 employer can demonstrate that the accommodation would

1 impose an undue hardship on the ordinary operation of  
2 the business of the employer. The employer may request  
3 documentation from the employee's health care provider  
4 concerning the need for the requested reasonable  
5 accommodation or accommodations to the same extent  
6 documentation is requested for conditions related to  
7 disability if the employer's request for documentation  
8 is job-related and consistent with business necessity.  
9 The employer may require only the medical  
10 justification for the requested accommodation or  
11 accommodations, a description of the reasonable  
12 accommodation or accommodations medically advisable,  
13 the date the reasonable accommodation or  
14 accommodations became medically advisable, and the  
15 probable duration of the reasonable accommodation or  
16 accommodations. It is the duty of the individual  
17 seeking a reasonable accommodation or accommodations  
18 to submit to the employer any documentation that is  
19 requested in accordance with this paragraph.  
20 Notwithstanding the provisions of this paragraph, the  
21 employer may require documentation by the employee's  
22 health care provider to determine compliance with  
23 other laws. The employee and employer shall engage in a  
24 timely, good faith, and meaningful exchange to  
25 determine effective reasonable accommodations.

26 (2) For an employer to deny employment

1 opportunities or benefits to or take adverse action  
2 against an otherwise qualified job applicant or  
3 employee, including a part-time, full-time, or  
4 probationary employee, if the denial or adverse action  
5 is based on the need of the employer to make reasonable  
6 accommodations to the known medical or common  
7 conditions related to the pregnancy or childbirth of  
8 the applicant or employee.

9 (3) For an employer to require a job applicant or  
10 employee, including a part-time, full-time, or  
11 probationary employee, affected by pregnancy,  
12 childbirth, or medical or common conditions related to  
13 pregnancy or childbirth to accept an accommodation  
14 when the applicant or employee did not request an  
15 accommodation and the applicant or employee chooses  
16 not to accept the employer's accommodation.

17 (4) For an employer to require an employee,  
18 including a part-time, full-time, or probationary  
19 employee, to take leave under any leave law or policy  
20 of the employer if another reasonable accommodation  
21 can be provided to the known medical or common  
22 conditions related to the pregnancy or childbirth of an  
23 employee. No employer shall fail or refuse to reinstate  
24 the employee affected by pregnancy, childbirth, or  
25 medical or common conditions related to pregnancy or  
26 childbirth to her original job or to an equivalent

1 position with equivalent pay and accumulated  
2 seniority, retirement, fringe benefits, and other  
3 applicable service credits upon her signifying her  
4 intent to return or when her need for reasonable  
5 accommodation ceases, unless the employer can  
6 demonstrate that the accommodation would impose an  
7 undue hardship on the ordinary operation of the  
8 business of the employer.

9 For the purposes of this subdivision (J), "reasonable  
10 accommodations" means reasonable modifications or  
11 adjustments to the job application process or work  
12 environment, or to the manner or circumstances under which  
13 the position desired or held is customarily performed, that  
14 enable an applicant or employee affected by pregnancy,  
15 childbirth, or medical or common conditions related to  
16 pregnancy or childbirth to be considered for the position  
17 the applicant desires or to perform the essential functions  
18 of that position, and may include, but is not limited to:  
19 more frequent or longer bathroom breaks, breaks for  
20 increased water intake, and breaks for periodic rest;  
21 private non-bathroom space for expressing breast milk and  
22 breastfeeding; seating; assistance with manual labor;  
23 light duty; temporary transfer to a less strenuous or  
24 hazardous position; the provision of an accessible  
25 worksite; acquisition or modification of equipment; job  
26 restructuring; a part-time or modified work schedule;

1 appropriate adjustment or modifications of examinations,  
2 training materials, or policies; reassignment to a vacant  
3 position; time off to recover from conditions related to  
4 childbirth; and leave necessitated by pregnancy,  
5 childbirth, or medical or common conditions resulting from  
6 pregnancy or childbirth.

7 For the purposes of this subdivision (J), "undue  
8 hardship" means an action that is prohibitively expensive  
9 or disruptive when considered in light of the following  
10 factors: (i) the nature and cost of the accommodation  
11 needed; (ii) the overall financial resources of the  
12 facility or facilities involved in the provision of the  
13 reasonable accommodation, the number of persons employed  
14 at the facility, the effect on expenses and resources, or  
15 the impact otherwise of the accommodation upon the  
16 operation of the facility; (iii) the overall financial  
17 resources of the employer, the overall size of the business  
18 of the employer with respect to the number of its  
19 employees, and the number, type, and location of its  
20 facilities; and (iv) the type of operation or operations of  
21 the employer, including the composition, structure, and  
22 functions of the workforce of the employer, the geographic  
23 separateness, administrative, or fiscal relationship of  
24 the facility or facilities in question to the employer. The  
25 employer has the burden of proving undue hardship. The fact  
26 that the employer provides or would be required to provide

1 a similar accommodation to similarly situated employees  
2 creates a rebuttable presumption that the accommodation  
3 does not impose an undue hardship on the employer.

4 No employer is required by this subdivision (J) to  
5 create additional employment that the employer would not  
6 otherwise have created, unless the employer does so or  
7 would do so for other classes of employees who need  
8 accommodation. The employer is not required to discharge  
9 any employee, transfer any employee with more seniority, or  
10 promote any employee who is not qualified to perform the  
11 job, unless the employer does so or would do so to  
12 accommodate other classes of employees who need it.

13 (K) Notice.

14 (1) For an employer to fail to post or keep posted  
15 in a conspicuous location on the premises of the  
16 employer where notices to employees are customarily  
17 posted, or fail to include in any employee handbook  
18 information concerning an employee's rights under this  
19 Article, a notice, to be prepared or approved by the  
20 Department, summarizing the requirements of this  
21 Article and information pertaining to the filing of a  
22 charge, including the right to be free from unlawful  
23 discrimination, the right to be free from sexual  
24 harassment, and the right to certain reasonable  
25 accommodations. The Department shall make the  
26 documents required under this paragraph available for

1 retrieval from the Department's website.

2 (2) Upon notification of a violation of paragraph  
3 (1) of this subdivision (K), the Department shall ~~may~~  
4 launch a preliminary investigation. If the Department  
5 finds a violation, the Department shall ~~may~~ issue a  
6 notice to show cause giving the employer 30 days to  
7 correct the violation. If the violation is not  
8 corrected, the Department may initiate a charge of a  
9 civil rights violation.

10 (Source: P.A. 100-100, eff. 8-11-17; 100-588, eff. 6-8-18.)

11 (775 ILCS 5/2-108 new)

12 Sec. 2-108. Employer disclosure requirements.

13 (A) Definitions. The following definitions are applicable  
14 strictly to this Section:

15 (1) "Employer" includes:

16 (a) any party to a public contract, without regard  
17 to the number of employees;

18 (b) any person employing 100 or more employees  
19 within Illinois during 20 or more calendar weeks within  
20 the preceding calendar year; and

21 (c) the State and any political subdivision,  
22 municipal corporation, or other governmental unit or  
23 agency, without regard to the number of employees.

24 (2) "Settlement" means any commitment or agreement,  
25 without regard to whether the commitment or agreement is in

1 writing, including any agreed judgment, stipulation,  
2 decree, agreement to settle, assurance of discontinuance,  
3 or otherwise, under which the employer directly or  
4 indirectly:

5 (a) provides to an individual compensation or  
6 other consideration because of an allegation that the  
7 individual has been a victim of sexual harassment or  
8 unlawful discrimination under this Act; or

9 (b) establishes conditions that affect the terms  
10 of the employment, including terminating the  
11 employment of the individual with the employer:

12 (i) because of the experience of the  
13 individual with, or the participation of the  
14 individual in, an alleged act of sexual harassment  
15 or unlawful discrimination under this Act; and

16 (ii) in exchange for which the individual  
17 agrees or commits not to bring legal,  
18 administrative, or any other type of action  
19 against the employer; or publicly disclose, for a  
20 period of any length, any information regarding  
21 the alleged act on which the commitment or  
22 agreement, as applicable, is based.

23 (B) Required disclosures. Beginning July 1, 2020, each  
24 employer under this Section must disclose annually to the  
25 Department the following information:

26 (1) the total number of settlements entered into during



1 the preceding year by the employer, a corporate executive  
2 of the employer, or a subsidiary, a contractor, or a  
3 subcontractor of the employer that relate to any alleged  
4 act of sexual harassment or unlawful discrimination that:

5 (a) occurred in the workplace of the employer or a  
6 subsidiary, contractor, or subcontractor of the  
7 employer; or

8 (b) involved the behavior of an employee of the  
9 employer, a corporate executive of the employer, or a  
10 subsidiary, contractor, or subcontractor of the  
11 employer, without regard to whether that behavior  
12 occurred in the workplace of the employer, subsidiary,  
13 contractor, or subcontractor;

14 (2) the total and average dollar amount paid with  
15 respect to the settlements described in paragraph (1);

16 (3) how many settlements described in paragraph (1) are  
17 in each of the following categories:

18 (a) sexual harassment or discrimination on the  
19 basis of sex;

20 (b) discrimination or harassment on the basis of  
21 race, color, or national origin;

22 (c) discrimination or harassment on the basis of  
23 religion;

24 (d) discrimination or harassment on the basis of  
25 age;

26 (e) discrimination or harassment on the basis of

1           disability;

2           (f) discrimination or harassment on the basis of  
3           military status or unfavorable discharge from military  
4           status;

5           (g) discrimination or harassment on the basis of  
6           sexual orientation or gender identity; and

7           (h) discrimination or harassment on the basis of  
8           any other characteristic protected under this Act;

9           (4) the total number of adverse judgments or  
10          administrative rulings during the preceding year based on  
11          claims of sexual harassment or unlawful discrimination  
12          brought under this Act, Title VII of the Civil Rights Act  
13          of 1964, or any other federal, State, or local law  
14          prohibiting sexual harassment or unlawful discrimination;

15          (5) the total and the average dollar amount of those  
16          adverse judgments or administrative rulings described in  
17          paragraph (4);

18          (6) whether any equitable relief was ordered against  
19          the employer in any adverse judgment or administrative  
20          ruling described in paragraph (4);

21          (7) how many adverse judgments or administrative  
22          rulings described in paragraph (4) are in each of the  
23          following categories:

24                 (a) sexual harassment or discrimination on the  
25                 basis of sex;

26                 (b) discrimination or harassment on the basis of

1 race, color, or national origin;

2 (c) discrimination or harassment on the basis of  
3 religion;

4 (d) discrimination or harassment on the basis of  
5 age;

6 (e) discrimination or harassment on the basis of  
7 disability;

8 (f) discrimination or harassment on the basis of  
9 military status or unfavorable discharge from military  
10 status;

11 (g) discrimination or harassment on the basis of  
12 sexual orientation or gender identity; and

13 (h) discrimination or harassment on the basis of  
14 any other characteristic protected under this Act;

15 (8) the average length of time required for the  
16 employer to resolve a complaint relating to sexual  
17 harassment or unlawful discrimination during the preceding  
18 year;

19 (9) as of the date on which the disclosure is made, the  
20 total number of complaints relating to sexual harassment or  
21 unlawful discrimination that the employer is working to  
22 resolve through;

23 (a) processes that are internal to the employer;

24 (b) mediation or arbitration; and

25 (c) litigation; and

26 (10) a description of measures taken by the employer or

1       any subsidiary, contractor, or subcontractor of the  
2       employer to prevent sexual harassment and unlawful  
3       discrimination in the workplace.

4       (C) Prohibited disclosures. An employer may not disclose  
5       the name of a victim of an act of alleged sexual harassment or  
6       unlawful discrimination in any disclosures required under this  
7       Section.

8       (D) Annual report. The Department shall publish an annual  
9       report containing an anonymized summary of the disclosures made  
10       under this Section, and that report shall be filed with the  
11       General Assembly and made available to the public.

12       (E) Continuing violations. The Department shall open a  
13       preliminary investigation if the information disclosed under  
14       this Section identifies an employer, a corporate executive of  
15       the employer, or a subsidiary, contractor, or subcontractor of  
16       the employer who has:

17               (1) disclosed more than 10 separate settlements,  
18               adverse judgments, or administrative rulings in the  
19               preceding year; or

20               (2) disclosed settlements, adverse judgments, or  
21               administrative rulings requiring the employer to pay more  
22               than \$1 million during the preceding year.

23       If a continuing violation is found, the Department shall  
24       initiate a charge of a civil rights violation.

25       (G) Failure to report and penalties. If an employer fails  
26       to make any disclosures required under this Section, the

1 Department shall issue a notice to show cause giving the  
2 employer 30 days to disclose the required information. If the  
3 employer does not make the required disclosures within 30 days,  
4 the Department shall initiate a charge of a civil rights  
5 violation.

6 (H) Rules. The Department shall adopt any rules it deems  
7 necessary to implement this Section.

8 Article 4.

9 Section 4-5. The Illinois Human Rights Act is amended by  
10 changing Sections 7A-102 and 7B-102 as follows:

11 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

12 Sec. 7A-102. Procedures.

13 (A) Charge.

14 (1) Within 2 years ~~300 calendar days~~ after the date  
15 that a civil rights violation allegedly has been committed,  
16 a charge in writing under oath or affirmation may be filed  
17 with the Department by an aggrieved party or issued by the  
18 Department itself under the signature of the Director.

19 (2) The charge shall be in such detail as to  
20 substantially apprise any party properly concerned as to  
21 the time, place, and facts surrounding the alleged civil  
22 rights violation.

23 (3) Charges deemed filed with the Department pursuant

1 to subsection (A-1) of this Section shall be deemed to be  
2 in compliance with this subsection.

3 (A-1) Equal Employment Opportunity Commission Charges.

4 (1) If a charge is filed with the Equal Employment  
5 Opportunity Commission (EEOC) within 300 calendar days  
6 after the date of the alleged civil rights violation, the  
7 charge shall be deemed filed with the Department on the  
8 date filed with the EEOC. If the EEOC is the governmental  
9 agency designated to investigate the charge first, the  
10 Department shall take no action until the EEOC makes a  
11 determination on the charge and after the complainant  
12 notifies the Department of the EEOC's determination. In  
13 such cases, after receiving notice from the EEOC that a  
14 charge was filed, the Department shall notify the parties  
15 that (i) a charge has been received by the EEOC and has  
16 been sent to the Department for dual filing purposes; (ii)  
17 the EEOC is the governmental agency responsible for  
18 investigating the charge and that the investigation shall  
19 be conducted pursuant to the rules and procedures adopted  
20 by the EEOC; (iii) it will take no action on the charge  
21 until the EEOC issues its determination; (iv) the  
22 complainant must submit a copy of the EEOC's determination  
23 within 30 days after service of the determination by the  
24 EEOC on complainant; and (v) that the time period to  
25 investigate the charge contained in subsection (G) of this  
26 Section is tolled from the date on which the charge is

1 filed with the EEOC until the EEOC issues its  
2 determination.

3 (2) If the EEOC finds reasonable cause to believe that  
4 there has been a violation of federal law and if the  
5 Department is timely notified of the EEOC's findings by  
6 complainant, the Department shall notify complainant that  
7 the Department has adopted the EEOC's determination of  
8 reasonable cause and that complainant has the right, within  
9 90 days after receipt of the Department's notice, to either  
10 file his or her own complaint with the Illinois Human  
11 Rights Commission or commence a civil action in the  
12 appropriate circuit court or other appropriate court of  
13 competent jurisdiction. This notice shall be provided to  
14 the complainant within 10 business days after the  
15 Department's receipt of the EEOC's determination. The  
16 Department's notice to complainant that the Department has  
17 adopted the EEOC's determination of reasonable cause shall  
18 constitute the Department's Report for purposes of  
19 subparagraph (D) of this Section.

20 (3) For those charges alleging violations within the  
21 jurisdiction of both the EEOC and the Department and for  
22 which the EEOC either (i) does not issue a determination,  
23 but does issue the complainant a notice of a right to sue,  
24 including when the right to sue is issued at the request of  
25 the complainant, or (ii) determines that it is unable to  
26 establish that illegal discrimination has occurred and

1 issues the complainant a right to sue notice, and if the  
2 Department is timely notified of the EEOC's determination  
3 by complainant, the Department shall notify the parties,  
4 within 10 business days after receipt of the EEOC's  
5 determination, that the Department will adopt the EEOC's  
6 determination as a dismissal for lack of substantial  
7 evidence unless the complainant requests in writing within  
8 35 days after receipt of the Department's notice that the  
9 Department review the EEOC's determination.

10 (a) If the complainant does not file a written  
11 request with the Department to review the EEOC's  
12 determination within 35 days after receipt of the  
13 Department's notice, the Department shall notify  
14 complainant, within 10 business days after the  
15 expiration of the 35-day period, that the decision of  
16 the EEOC has been adopted by the Department as a  
17 dismissal for lack of substantial evidence and that the  
18 complainant has the right, within 90 days after receipt  
19 of the Department's notice, to commence a civil action  
20 in the appropriate circuit court or other appropriate  
21 court of competent jurisdiction. The Department's  
22 notice to complainant that the Department has adopted  
23 the EEOC's determination shall constitute the  
24 Department's report for purposes of subparagraph (D)  
25 of this Section.

26 (b) If the complainant does file a written request



1 with the Department to review the EEOC's  
2 determination, the Department shall review the EEOC's  
3 determination and any evidence obtained by the EEOC  
4 during its investigation. If, after reviewing the  
5 EEOC's determination and any evidence obtained by the  
6 EEOC, the Department determines there is no need for  
7 further investigation of the charge, the Department  
8 shall issue a report and the Director shall determine  
9 whether there is substantial evidence that the alleged  
10 civil rights violation has been committed pursuant to  
11 subsection (D) of Section 7A-102. If, after reviewing  
12 the EEOC's determination and any evidence obtained by  
13 the EEOC, the Department determines there is a need for  
14 further investigation of the charge, the Department  
15 may conduct any further investigation it deems  
16 necessary. After reviewing the EEOC's determination,  
17 the evidence obtained by the EEOC, and any additional  
18 investigation conducted by the Department, the  
19 Department shall issue a report and the Director shall  
20 determine whether there is substantial evidence that  
21 the alleged civil rights violation has been committed  
22 pursuant to subsection (D) of Section 7A-102 of this  
23 Act.

24 (4) Pursuant to this Section, if the EEOC dismisses the  
25 charge or a portion of the charge of discrimination  
26 because, under federal law, the EEOC lacks jurisdiction

1 over the charge, and if, under this Act, the Department has  
2 jurisdiction over the charge of discrimination, the  
3 Department shall investigate the charge or portion of the  
4 charge dismissed by the EEOC for lack of jurisdiction  
5 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),  
6 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of  
7 this Act.

8 (5) The time limit set out in subsection (G) of this  
9 Section is tolled from the date on which the charge is  
10 filed with the EEOC to the date on which the EEOC issues  
11 its determination.

12 (6) The failure of the Department to meet the  
13 10-business-day notification deadlines set out in  
14 paragraph (2) of this subsection shall not impair the  
15 rights of any party.

16 (B) Notice and Response to Charge. The Department shall,  
17 within 10 days of the date on which the charge was filed, serve  
18 a copy of the charge on the respondent and provide all parties  
19 with a notice of the complainant's right to opt out of the  
20 investigation ~~within 60 days~~ as set forth in subsection (C-1).  
21 This period shall not be construed to be jurisdictional. The  
22 charging party and the respondent may each file a position  
23 statement and other materials with the Department regarding the  
24 charge of alleged discrimination within 60 days of receipt of  
25 the notice of the charge. The position statements and other  
26 materials filed shall remain confidential unless otherwise

1 agreed to by the party providing the information and shall not  
2 be served on or made available to the other party during  
3 pendency of a charge with the Department. The Department may  
4 require the respondent to file a response to the allegations  
5 contained in the charge. Upon the Department's request, the  
6 respondent shall file a response to the charge within 60 days  
7 and shall serve a copy of its response on the complainant or  
8 his or her representative. Notwithstanding any request from the  
9 Department, the respondent may elect to file a response to the  
10 charge within 60 days of receipt of notice of the charge,  
11 provided the respondent serves a copy of its response on the  
12 complainant or his or her representative. All allegations  
13 contained in the charge not denied by the respondent within 60  
14 days of the Department's request for a response may be deemed  
15 admitted, unless the respondent states that it is without  
16 sufficient information to form a belief with respect to such  
17 allegation. The Department may issue a notice of default  
18 directed to any respondent who fails to file a response to a  
19 charge within 60 days of receipt of the Department's request,  
20 unless the respondent can demonstrate good cause as to why such  
21 notice should not issue. The term "good cause" shall be defined  
22 by rule promulgated by the Department. Within 30 days of  
23 receipt of the respondent's response, the complainant may file  
24 a reply to said response and shall serve a copy of said reply  
25 on the respondent or his or her representative. A party shall  
26 have the right to supplement his or her response or reply at

1 any time that the investigation of the charge is pending. The  
2 Department shall, within 10 days of the date on which the  
3 charge was filed, and again no later than 335 days thereafter,  
4 send by certified or registered mail written notice to the  
5 complainant and to the respondent informing the complainant of  
6 the complainant's rights to either file a complaint with the  
7 Human Rights Commission or commence a civil action in the  
8 appropriate circuit court under subparagraph (2) of paragraph  
9 (G) and under subsection (C-1), including in such notice the  
10 dates within which the complainant may exercise these rights.  
11 In the notice the Department shall notify the complainant that  
12 the charge of civil rights violation will be dismissed with  
13 prejudice and with no right to further proceed if a written  
14 complaint is not timely filed with the Commission or with the  
15 appropriate circuit court by the complainant pursuant to  
16 subparagraph (2) of paragraph (G) or subsection (C-1) or by the  
17 Department pursuant to subparagraph (1) of paragraph (G).

18 (B-1) Mediation. The complainant and respondent may agree  
19 to voluntarily submit the charge to mediation without waiving  
20 any rights that are otherwise available to either party  
21 pursuant to this Act and without incurring any obligation to  
22 accept the result of the mediation process. Nothing occurring  
23 in mediation shall be disclosed by the Department or admissible  
24 in evidence in any subsequent proceeding unless the complainant  
25 and the respondent agree in writing that such disclosure be  
26 made.

1 (C) Investigation.

2 (1) If the complainant does not elect to opt out of an  
3 investigation pursuant to subsection (C-1), the Department  
4 shall conduct an investigation sufficient to determine  
5 whether the allegations set forth in the charge are  
6 supported by substantial evidence.

7 (2) The Director or his or her designated  
8 representatives shall have authority to request any member  
9 of the Commission to issue subpoenas to compel the  
10 attendance of a witness or the production for examination  
11 of any books, records or documents whatsoever.

12 (3) If any witness whose testimony is required for any  
13 investigation resides outside the State, or through  
14 illness or any other good cause as determined by the  
15 Director is unable to be interviewed by the investigator or  
16 appear at a fact finding conference, his or her testimony  
17 or deposition may be taken, within or without the State, in  
18 the same manner as is provided for in the taking of  
19 depositions in civil cases in circuit courts.

20 (4) Upon reasonable notice to the complainant and the  
21 respondent, the Department shall conduct a fact finding  
22 conference, unless prior to 365 days after the date on  
23 which the charge was filed the Director has determined  
24 whether there is substantial evidence that the alleged  
25 civil rights violation has been committed, the charge has  
26 been dismissed for lack of jurisdiction, or the parties

1 voluntarily and in writing agree to waive the fact finding  
2 conference. Any party's failure to attend the conference  
3 without good cause shall result in dismissal or default.  
4 The term "good cause" shall be defined by rule promulgated  
5 by the Department. A notice of dismissal or default shall  
6 be issued by the Director. The notice of default issued by  
7 the Director shall notify the respondent that a request for  
8 review may be filed in writing with the Commission within  
9 30 days of receipt of notice of default. The notice of  
10 dismissal issued by the Director shall give the complainant  
11 notice of his or her right to seek review of the dismissal  
12 before the Human Rights Commission or commence a civil  
13 action in the appropriate circuit court. If the complainant  
14 chooses to have the Human Rights Commission review the  
15 dismissal order, he or she shall file a request for review  
16 with the Commission within 90 days after receipt of the  
17 Director's notice. If the complainant chooses to file a  
18 request for review with the Commission, he or she may not  
19 later commence a civil action in a circuit court. If the  
20 complainant chooses to commence a civil action in a circuit  
21 court, he or she must do so within 90 days after receipt of  
22 the Director's notice.

23 (C-1) Opt out of Department's investigation. At any time  
24 after the expiration of 180 days from the date of filing a  
25 charge with the Department ~~within 60 days after receipt of~~  
26 ~~notice of the right to opt out,~~ a complainant may submit a

1 written request seeking notice from the Director indicating  
2 that the complainant has opted out of the investigation and may  
3 commence a civil action in the appropriate circuit court. The  
4 Department shall respond to a complainant's opt-out request  
5 within 10 business days by issuing the complainant a notice of  
6 the right to commence an action in circuit court. The  
7 Department shall also notify the respondent that the  
8 complainant has elected to opt out of the administrative  
9 process within 10 business days of receipt of the complainant's  
10 request. If the complainant chooses to commence an action in a  
11 circuit court under this subsection, he or she must do so  
12 within 90 days after receipt of the Director's notice of the  
13 right to commence an action in circuit court. The complainant  
14 shall notify the Department and the respondent that a complaint  
15 has been filed with the appropriate circuit court and shall  
16 mail a copy of the complaint to the Department and the  
17 respondent on the same date that the complaint is filed with  
18 the appropriate circuit court. Upon receipt of notice that the  
19 complainant has filed an action with the appropriate circuit  
20 court, the Department shall immediately cease its  
21 investigation and dismiss the charge of civil rights violation.  
22 Once a complainant has commenced an action in circuit court  
23 under this subsection, he or she may not file or refile a  
24 substantially similar charge with the Department arising from  
25 the same incident of unlawful discrimination or harassment.

26 (D) Report.

1           (1) Each charge investigated under subsection (C)  
2 shall be the subject of a report to the Director. The  
3 report shall be a confidential document subject to review  
4 by the Director, authorized Department employees, the  
5 parties, and, where indicated by this Act, members of the  
6 Commission or their designated hearing officers.

7           (2) Upon review of the report, the Director shall  
8 determine whether there is substantial evidence that the  
9 alleged civil rights violation has been committed. The  
10 determination of substantial evidence is limited to  
11 determining the need for further consideration of the  
12 charge pursuant to this Act and includes, but is not  
13 limited to, findings of fact and conclusions, as well as  
14 the reasons for the determinations on all material issues.  
15 Substantial evidence is evidence which a reasonable mind  
16 accepts as sufficient to support a particular conclusion  
17 and which consists of more than a mere scintilla but may be  
18 somewhat less than a preponderance.

19           (3) If the Director determines that there is no  
20 substantial evidence, the charge shall be dismissed by  
21 order of the Director and the Director shall give the  
22 complainant notice of his or her right to seek review of  
23 the dismissal order before the Commission or commence a  
24 civil action in the appropriate circuit court. If the  
25 complainant chooses to have the Human Rights Commission  
26 review the dismissal order, he or she shall file a request



1 for review with the Commission within 90 days after receipt  
2 of the Director's notice. If the complainant chooses to  
3 file a request for review with the Commission, he or she  
4 may not later commence a civil action in a circuit court.  
5 If the complainant chooses to commence a civil action in a  
6 circuit court, he or she must do so within 90 days after  
7 receipt of the Director's notice.

8 (4) If the Director determines that there is  
9 substantial evidence, he or she shall notify the  
10 complainant and respondent of that determination. The  
11 Director shall also notify the parties that the complainant  
12 has the right to either commence a civil action in the  
13 appropriate circuit court or request that the Department of  
14 Human Rights file a complaint with the Human Rights  
15 Commission on his or her behalf. Any such complaint shall  
16 be filed within 90 days after receipt of the Director's  
17 notice. If the complainant chooses to have the Department  
18 file a complaint with the Human Rights Commission on his or  
19 her behalf, the complainant must, within 30 days after  
20 receipt of the Director's notice, request in writing that  
21 the Department file the complaint. If the complainant  
22 timely requests that the Department file the complaint, the  
23 Department shall file the complaint on his or her behalf.  
24 If the complainant fails to timely request that the  
25 Department file the complaint, the complainant may file his  
26 or her complaint with the Commission or commence a civil

1 action in the appropriate circuit court. If the complainant  
2 files a complaint with the Human Rights Commission, the  
3 complainant shall give notice to the Department of the  
4 filing of the complaint with the Human Rights Commission.

5 (E) Conciliation.

6 (1) When there is a finding of substantial evidence,  
7 the Department may designate a Department employee who is  
8 an attorney licensed to practice in Illinois to endeavor to  
9 eliminate the effect of the alleged civil rights violation  
10 and to prevent its repetition by means of conference and  
11 conciliation.

12 (2) When the Department determines that a formal  
13 conciliation conference is necessary, the complainant and  
14 respondent shall be notified of the time and place of the  
15 conference by registered or certified mail at least 10 days  
16 prior thereto and either or both parties shall appear at  
17 the conference in person or by attorney.

18 (3) The place fixed for the conference shall be within  
19 35 miles of the place where the civil rights violation is  
20 alleged to have been committed.

21 (4) Nothing occurring at the conference shall be  
22 disclosed by the Department unless the complainant and  
23 respondent agree in writing that such disclosure be made.

24 (5) The Department's efforts to conciliate the matter  
25 shall not stay or extend the time for filing the complaint  
26 with the Commission or the circuit court.

1 (F) Complaint.

2 (1) When the complainant requests that the Department  
3 file a complaint with the Commission on his or her behalf,  
4 the Department shall prepare a written complaint, under  
5 oath or affirmation, stating the nature of the civil rights  
6 violation substantially as alleged in the charge  
7 previously filed and the relief sought on behalf of the  
8 aggrieved party. The Department shall file the complaint  
9 with the Commission.

10 (2) If the complainant chooses to commence a civil  
11 action in a circuit court, he or she must do so in the  
12 circuit court in the county wherein the civil rights  
13 violation was allegedly committed. The form of the  
14 complaint in any such civil action shall be in accordance  
15 with the Illinois Code of Civil Procedure.

16 (G) Time Limit.

17 (1) When a charge of a civil rights violation has been  
18 properly filed, the Department, within 365 days thereof or  
19 within any extension of that period agreed to in writing by  
20 all parties, shall issue its report as required by  
21 subparagraph (D). Any such report shall be duly served upon  
22 both the complainant and the respondent.

23 (2) If the Department has not issued its report within  
24 365 days after the charge is filed, or any such longer  
25 period agreed to in writing by all the parties, the  
26 complainant shall have 90 days to either file his or her

1 own complaint with the Human Rights Commission or commence  
2 a civil action in the appropriate circuit court. If the  
3 complainant files a complaint with the Commission, the form  
4 of the complaint shall be in accordance with the provisions  
5 of paragraph (F) (1). If the complainant commences a civil  
6 action in a circuit court, the form of the complaint shall  
7 be in accordance with the Illinois Code of Civil Procedure.  
8 The aggrieved party shall notify the Department that a  
9 complaint has been filed and shall serve a copy of the  
10 complaint on the Department on the same date that the  
11 complaint is filed with the Commission or in circuit court.  
12 If the complainant files a complaint with the Commission,  
13 he or she may not later commence a civil action in circuit  
14 court.

15 (3) If an aggrieved party files a complaint with the  
16 Human Rights Commission or commences a civil action in  
17 circuit court pursuant to paragraph (2) of this subsection,  
18 or if the time period for filing a complaint has expired,  
19 the Department shall immediately cease its investigation  
20 and dismiss the charge of civil rights violation. Any final  
21 order entered by the Commission under this Section is  
22 appealable in accordance with paragraph (B) (1) of Section  
23 8-111. Failure to immediately cease an investigation and  
24 dismiss the charge of civil rights violation as provided in  
25 this paragraph (3) constitutes grounds for entry of an  
26 order by the circuit court permanently enjoining the

1 investigation. The Department may also be liable for any  
2 costs and other damages incurred by the respondent as a  
3 result of the action of the Department.

4 (4) (Blank).

5 (H) This amendatory Act of 1995 applies to causes of action  
6 filed on or after January 1, 1996.

7 (I) This amendatory Act of 1996 applies to causes of action  
8 filed on or after January 1, 1996.

9 (J) The changes made to this Section by Public Act 95-243  
10 apply to charges filed on or after the effective date of those  
11 changes.

12 (K) The changes made to this Section by this amendatory Act  
13 of the 96th General Assembly apply to charges filed on or after  
14 the effective date of those changes.

15 (L) The changes made to this Section by this amendatory Act  
16 of the 100th General Assembly apply to charges filed on or  
17 after the effective date of this amendatory Act of the 100th  
18 General Assembly.

19 (Source: P.A. 100-492, eff. 9-8-17; 100-588, eff. 6-8-18;  
20 100-1066, eff. 8-24-18.)

21 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

22 Sec. 7B-102. Procedures.

23 (A) Charge.

24 (1) Within one year after the date that a civil rights  
25 violation allegedly has been committed or terminated, a

1 charge in writing under oath or affirmation may be filed  
2 with the Department by an aggrieved party or issued by the  
3 Department itself under the signature of the Director.

4 (2) The charge shall be in such detail as to  
5 substantially apprise any party properly concerned as to  
6 the time, place, and facts surrounding the alleged civil  
7 rights violation.

8 (B) Notice and Response to Charge.

9 (1) The Department shall serve notice upon the  
10 aggrieved party acknowledging such charge and advising the  
11 aggrieved party of the time limits and choice of forums  
12 provided under this Act. The Department shall, within 10  
13 days of the date on which the charge was filed or the  
14 identification of an additional respondent under paragraph  
15 (2) of this subsection, serve on the respondent a copy of  
16 the charge along with a notice identifying the alleged  
17 civil rights violation and advising the respondent of the  
18 procedural rights and obligations of respondents under  
19 this Act and may require the respondent to file a response  
20 to the allegations contained in the charge. Upon the  
21 Department's request, the respondent shall file a response  
22 to the charge within 30 days and shall serve a copy of its  
23 response on the complainant or his or her representative.  
24 Notwithstanding any request from the Department, the  
25 respondent may elect to file a response to the charge  
26 within 30 days of receipt of notice of the charge, provided

1 the respondent serves a copy of its response on the  
2 complainant or his or her representative. All allegations  
3 contained in the charge not denied by the respondent within  
4 30 days after the Department's request for a response may  
5 be deemed admitted, unless the respondent states that it is  
6 without sufficient information to form a belief with  
7 respect to such allegation. The Department may issue a  
8 notice of default directed to any respondent who fails to  
9 file a response to a charge within 30 days of the  
10 Department's request, unless the respondent can  
11 demonstrate good cause as to why such notice should not  
12 issue. The term "good cause" shall be defined by rule  
13 promulgated by the Department. Within 10 days of the date  
14 he or she receives the respondent's response, the  
15 complainant may file his or her reply to said response. If  
16 he or she chooses to file a reply, the complainant shall  
17 serve a copy of said reply on the respondent or his or her  
18 representative. A party may supplement his or her response  
19 or reply at any time that the investigation of the charge  
20 is pending.

21 (2) A person who is not named as a respondent in a  
22 charge, but who is identified as a respondent in the course  
23 of investigation, may be joined as an additional or  
24 substitute respondent upon written notice, under  
25 subsection (B), to such person, from the Department. Such  
26 notice, in addition to meeting the requirements of

1 subsections (A) and (B), shall explain the basis for the  
2 Department's belief that a person to whom the notice is  
3 addressed is properly joined as a respondent.

4 (C) Investigation.

5 (1) The Department shall conduct a full investigation  
6 of the allegations set forth in the charge and complete  
7 such investigation within 100 days after the filing of the  
8 charge, unless it is impracticable to do so. The  
9 Department's failure to complete the investigation within  
10 100 days after the proper filing of the charge does not  
11 deprive the Department of jurisdiction over the charge.

12 (2) If the Department is unable to complete the  
13 investigation within 100 days after the charge is filed,  
14 the Department shall notify the complainant and respondent  
15 in writing of the reasons for not doing so.

16 (3) The Director or his or her designated  
17 representative shall have authority to request any member  
18 of the Commission to issue subpoenas to compel the  
19 attendance of a witness or the production for examination  
20 of any books, records or documents whatsoever.

21 (4) If any witness whose testimony is required for any  
22 investigation resides outside the State, or through  
23 illness or any other good cause as determined by the  
24 Director is unable to be interviewed by the investigator or  
25 appear at a fact finding conference, his or her testimony  
26 or deposition may be taken, within or without the State, in



1 the same manner as provided for in the taking of  
2 depositions in civil cases in circuit courts.

3 (5) Upon reasonable notice to the complainant and the  
4 respondent, the Department shall conduct a fact finding  
5 conference, unless prior to 100 days from the date on which  
6 the charge was filed, the Director has determined whether  
7 there is substantial evidence that the alleged civil rights  
8 violation has been committed or the parties voluntarily and  
9 in writing agree to waive the fact finding conference. A  
10 party's failure to attend the conference without good cause  
11 may result in dismissal or default. A notice of dismissal  
12 or default shall be issued by the Director and shall notify  
13 the relevant party that a request for review may be filed  
14 in writing with the Commission within 30 days of receipt of  
15 notice of dismissal or default.

16 (C-1) Notice of right to sue. At any time after the  
17 expiration of 180 days from the date of filing a charge with  
18 the Department, a complainant has the right to submit a written  
19 request seeking notice from the Director indicating that the  
20 complainant has opted out of the investigation and may commence  
21 a civil action in the appropriate circuit court. The Department  
22 shall respond to a complainant's request within 10 business  
23 days. If the complainant chooses to commence an action in a  
24 circuit court under this subsection (C-1), he or she may not  
25 refile a substantially similar charge with the Department  
26 arising from the same incident of unlawful discrimination or

1 harassment.

2 (D) Report.

3 (1) Each charge investigated under subsection (C)  
4 shall be the subject of a report to the Director. The  
5 report shall be a confidential document subject to review  
6 by the Director, authorized Department employees, the  
7 parties, and, where indicated by this Act, members of the  
8 Commission or their designated hearing officers.

9 The report shall contain:

10 (a) the names and dates of contacts with witnesses;

11 (b) a summary and the date of correspondence and  
12 other contacts with the aggrieved party and the  
13 respondent;

14 (c) a summary description of other pertinent  
15 records;

16 (d) a summary of witness statements; and

17 (e) answers to questionnaires.

18 A final report under this paragraph may be amended if  
19 additional evidence is later discovered.

20 (2) Upon review of the report and within 100 days of  
21 the filing of the charge, unless it is impracticable to do  
22 so, the Director shall determine whether there is  
23 substantial evidence that the alleged civil rights  
24 violation has been committed or is about to be committed.  
25 If the Director is unable to make the determination within  
26 100 days after the filing of the charge, the Director shall

1        notify the complainant and respondent in writing of the  
2        reasons for not doing so. The Director's failure to make  
3        the determination within 100 days after the proper filing  
4        of the charge does not deprive the Department of  
5        jurisdiction over the charge.

6                (a) If the Director determines that there is no  
7        substantial evidence, the charge shall be dismissed  
8        and the aggrieved party notified that he or she may  
9        seek review of the dismissal order before the  
10       Commission. The aggrieved party shall have 90 days from  
11       receipt of notice to file a request for review by the  
12       Commission. The Director shall make public disclosure  
13       of each such dismissal.

14               (b) If the Director determines that there is  
15       substantial evidence, he or she shall immediately  
16       issue a complaint on behalf of the aggrieved party  
17       pursuant to subsection (F).

18        (E) Conciliation.

19               (1) During the period beginning with the filing of  
20       charge and ending with the filing of a complaint or a  
21       dismissal by the Department, the Department shall, to the  
22       extent feasible, engage in conciliation with respect to  
23       such charge.

24               When the Department determines that a formal  
25       conciliation conference is feasible, the aggrieved party  
26       and respondent shall be notified of the time and place of

1 the conference by registered or certified mail at least 7  
2 days prior thereto and either or both parties shall appear  
3 at the conference in person or by attorney.

4 (2) The place fixed for the conference shall be within  
5 35 miles of the place where the civil rights violation is  
6 alleged to have been committed.

7 (3) Nothing occurring at the conference shall be made  
8 public or used as evidence in a subsequent proceeding for  
9 the purpose of proving a violation under this Act unless  
10 the complainant and respondent agree in writing that such  
11 disclosure be made.

12 (4) A conciliation agreement arising out of such  
13 conciliation shall be an agreement between the respondent  
14 and the complainant, and shall be subject to approval by  
15 the Department and Commission.

16 (5) A conciliation agreement may provide for binding  
17 arbitration of the dispute arising from the charge. Any  
18 such arbitration that results from a conciliation  
19 agreement may award appropriate relief, including monetary  
20 relief.

21 (6) Each conciliation agreement shall be made public  
22 unless the complainant and respondent otherwise agree and  
23 the Department determines that disclosure is not required  
24 to further the purpose of this Act.

25 (F) Complaint.

26 (1) When there is a failure to settle or adjust any

1 charge through a conciliation conference and the charge is  
2 not dismissed, the Department shall prepare a written  
3 complaint, under oath or affirmation, stating the nature of  
4 the civil rights violation and the relief sought on behalf  
5 of the aggrieved party. Such complaint shall be based on  
6 the final investigation report and need not be limited to  
7 the facts or grounds alleged in the charge filed under  
8 subsection (A).

9 (2) The complaint shall be filed with the Commission.

10 (3) The Department may not issue a complaint under this  
11 Section regarding an alleged civil rights violation after  
12 the beginning of the trial of a civil action commenced by  
13 the aggrieved party under any State or federal law, seeking  
14 relief with respect to that alleged civil rights violation.

15 (G) Time Limit.

16 (1) When a charge of a civil rights violation has been  
17 properly filed, the Department, within 100 days thereof,  
18 unless it is impracticable to do so, shall either issue and  
19 file a complaint in the manner and form set forth in this  
20 Section or shall order that no complaint be issued. Any  
21 such order shall be duly served upon both the aggrieved  
22 party and the respondent. The Department's failure to  
23 either issue and file a complaint or order that no  
24 complaint be issued within 100 days after the proper filing  
25 of the charge does not deprive the Department of  
26 jurisdiction over the charge.



1 "Complaining employee" means an employee who has alleged an  
2 instance of sexual assault or sexual harassment by a guest.

3 "Employee" means any natural person who works full time or  
4 part time at a hotel or casino for or under the direction of  
5 the hotel or casino or any subcontractor of the hotel or casino  
6 for wages or salary or remuneration of any type under a  
7 contract or subcontract of employment, whether expressed or  
8 implied.

9 "Guest" means any invitee to a hotel or casino, including a  
10 registered guest, person occupying a guest room with a  
11 registered guest or other occupant of a guest room, person  
12 patronizing food or beverage facilities provided by the hotel  
13 or casino, or any other person whose presence at the hotel or  
14 casino is permitted by the hotel or casino. "Guest" does not  
15 include an employee.

16 "Guest room" means any room made available by a hotel for  
17 overnight occupancy by guests.

18 "Hotel" means any building or buildings maintained,  
19 advertised, and held out to the public to be a place where  
20 lodging is offered for consideration to travelers and guests.  
21 "Hotel" includes an inn, motel, tourist home or court, and  
22 lodging house.

23 "Notification device" or "panic button" means a portable  
24 emergency contact device that is designed so that an employee  
25 can quickly and easily activate the button or device to  
26 effectively summon to the employee's location prompt

1 assistance by a hotel or casino security officer, manager, or  
2 other appropriate hotel or casino staff member designated by  
3 the hotel or casino.

4 "Offending guest" means a guest a complaining employee has  
5 alleged sexually assaulted or sexually harassed the  
6 complaining employee.

7 "Restroom" means any room equipped with toilets or urinals.

8 "Sexual harassment" means any harassment or discrimination  
9 on the basis of an individual's actual or perceived sex or  
10 gender, including unwelcome sexual advances, requests for  
11 sexual favors, or other verbal or physical conduct of a sexual  
12 nature.

13 Section 5-10. Hotels and casinos; panic buttons;  
14 anti-sexual harassment policies.

15 (a) Each hotel and casino shall equip an employee who is  
16 assigned to work in a guest room, restroom, or casino floor,  
17 under circumstances where no other employee is present in the  
18 room or area, with a panic button or notification device. The  
19 employee may use the panic button or notification device to  
20 summon help if the employee reasonably believes that an ongoing  
21 crime, sexual harassment, sexual assault, or other emergency is  
22 occurring in the employee's presence. The panic button or  
23 notification device shall be provided by the hotel or casino at  
24 no cost to the employee.

25 (b) Each hotel and casino shall develop, maintain, and



1 comply with a written anti-sexual harassment policy to protect  
2 employees against sexual assault and sexual harassment by  
3 guests. This policy shall:

4 (1) encourage an employee to immediately report to the  
5 hotel or casino any instance of alleged sexual assault or  
6 sexual harassment by a guest;

7 (2) describe the procedures that the complaining  
8 employee and hotel or casino shall follow in cases under  
9 paragraph (1);

10 (3) instruct the complaining employee to cease work and  
11 to leave the immediate area where danger is perceived until  
12 hotel or casino security personnel or police arrive to  
13 provide assistance;

14 (4) offer temporary work assignments to the  
15 complaining employee during the duration of the offending  
16 guest's stay at the hotel or casino, which may include  
17 assigning the complaining employee to work on a different  
18 floor or at a different station or work area away from the  
19 offending guest;

20 (5) provide the complaining employee with necessary  
21 paid time off to:

22 (A) sign a police complaint against the offending  
23 guest; and

24 (B) testify as a witness at any legal proceeding  
25 that may ensue as a result of the complaint, if the  
26 complaining employee is still in the employ of the

1 hotel or casino at the time the legal proceeding  
2 occurs;

3 (6) inform the complaining employee that the Illinois  
4 Human Rights Act and Title VII of the Civil Rights Act of  
5 1964 provide additional protections against sexual  
6 harassment in the workplace; and

7 (7) inform the complaining employee that Section 5-15  
8 makes it illegal for an employer to retaliate against any  
9 employee who: reasonably uses a panic button or  
10 notification device; in good faith avails himself or  
11 herself of the requirements set forth in paragraph (3),  
12 (4), or (5); or discloses, reports, or testifies about any  
13 violation of this Act or rules adopted under this Act.

14 Each hotel and casino shall provide all employees with a  
15 current copy in English, Spanish, and Polish, or other  
16 predominant language of the workforce, of the anti-sexual  
17 harassment policy of the hotel or casino, and post the policy  
18 in English, Spanish, and Polish, or other available language,  
19 in conspicuous places in areas of the hotel or casino, such as  
20 supply rooms or employee lunch rooms, where employees can  
21 reasonably be expected to see it.

22 Section 5-15. Retaliation prohibited. It is unlawful for a  
23 hotel or casino to retaliate against an employee for:

24 (1) reasonably using a panic button or notification  
25 device;

1           (2) availing himself or herself of the provisions of  
2           paragraph (3), (4), or (5) of subsection (b) of Section  
3           5-10; or

4           (3) disclosing, reporting, or testifying about any  
5           violation of this Act or any rule adopted under this Act.

6           Section 5-20. Violations. An employee or representative of  
7           employees claiming a violation of this Act may bring an action  
8           in the circuit court of the county in which the hotel or casino  
9           is located and is entitled to all remedies available under the  
10          law or in equity appropriate to remedy any such violation,  
11          including, but not limited to, injunctive relief or other  
12          equitable relief including reinstatement and compensatory  
13          damages. For a willful violation of this Act, the amount of  
14          damages attributable to lost income due to the violation shall  
15          be trebled. An employee or representative of employees securing  
16          any relief pursuant to this Section shall be awarded reasonable  
17          attorney's fees and costs.

18          Section 5-25. Home rule. A home rule unit of local  
19          government, non-home rule municipality, or non-home rule  
20          county may regulate the implementation of this Act, but that  
21          regulation must be no less restrictive than this Act. This Act  
22          is a limitation under subsection (i) of Section 6 of Article  
23          VII of the Illinois Constitution on the concurrent exercise by  
24          home rule units of powers and functions exercised by the State.

1 Article 6.

2 Section 6-5. The Illinois Freedom to Work Act is amended by  
3 changing Section 5 and by adding Section 20 as follows:

4 (820 ILCS 90/5)

5 Sec. 5. Definitions. In this Act:

6 "Covenant not to compete" means an agreement:

7 (1) between an employer and a low-wage employee that  
8 restricts such low-wage employee from performing:

9 (A) any work for another employer for a specified  
10 period of time;

11 (B) any work in a specified geographical area; or

12 (C) work for another employer that is similar to  
13 such low-wage employee's work for the employer  
14 included as a party to the agreement; and

15 (2) that is entered into after the effective date of  
16 this Act.

17 "Employer" has the meaning given to such term in subsection  
18 (c) of Section 3 of the Minimum Wage Law. "Employer" does not  
19 include governmental or quasi-governmental bodies.

20 "Low-wage employee" means an employee whose earnings do not  
21 exceed the greater of (1) the hourly rate equal to the minimum  
22 wage required by the applicable federal, State, or local  
23 minimum wage law or (2) \$13.00 per hour.



1 transportation, or communication; and "industry or  
2 activity affecting commerce" means any activity, business,  
3 or industry in commerce or in which a labor dispute would  
4 hinder or obstruct commerce or the free flow of commerce,  
5 and includes "commerce" and any "industry affecting  
6 commerce".

7 (2) "Course of conduct" means a course of repeatedly  
8 maintaining a visual or physical proximity to a person or  
9 conveying oral or written threats, including threats  
10 conveyed through electronic communications, or threats  
11 implied by conduct.

12 (3) "Department" means the Department of Labor.

13 (4) "Director" means the Director of Labor.

14 (5) "Domestic or sexual violence" means domestic  
15 violence, sexual assault, or stalking.

16 (6) "Domestic violence" means abuse, as defined in  
17 Section 103 of the Illinois Domestic Violence Act of 1986,  
18 by a family or household member, as defined in Section 103  
19 of the Illinois Domestic Violence Act of 1986.

20 (7) "Electronic communications" includes  
21 communications via telephone, mobile phone, computer,  
22 email e-mail, video recorder, fax machine, telex, ~~or~~ pager,  
23 online platform (including, but not limited to, any  
24 public-facing website, web application, digital  
25 application, or social network), or any other electronic  
26 communication, as defined in Section 12-7.5 of the Criminal

1 Code of 2012.

2 (8) "Employ" includes to suffer or permit to work.

3 (9) Employee.

4 (A) In general. "Employee" means any person  
5 employed by an employer.

6 (B) Basis. "Employee" includes a person employed  
7 as described in subparagraph (A) on a full or part-time  
8 basis, or as a participant in a work assignment as a  
9 condition of receipt of federal or State income-based  
10 public assistance.

11 (10) "Employer" means any of the following: (A) the  
12 State or any agency of the State; (B) any unit of local  
13 government or school district; or (C) any person that  
14 employs at least one employee.

15 (11) "Employment benefits" means all benefits provided  
16 or made available to employees by an employer, including  
17 group life insurance, health insurance, disability  
18 insurance, sick leave, annual leave, educational benefits,  
19 pensions, and profit-sharing, regardless of whether such  
20 benefits are provided by a practice or written policy of an  
21 employer or through an "employee benefit plan". "Employee  
22 benefit plan" or "plan" means an employee welfare benefit  
23 plan or an employee pension benefit plan or a plan which is  
24 both an employee welfare benefit plan and an employee  
25 pension benefit plan.

26 (12) "Family or household member", for employees with a

1 family or household member who is a victim of domestic  
2 violence, sexual violence, or sexual harassment ~~or sexual~~  
3 ~~violence~~, means a spouse, parent, son, daughter, other  
4 person related by blood or by present or prior marriage,  
5 other person who shares a relationship through a son or  
6 daughter, and persons jointly residing in the same  
7 household.

8 (13) "Parent" means the biological parent of an  
9 employee or an individual who stood in loco parentis to an  
10 employee when the employee was a son or daughter. "Son or  
11 daughter" means a biological, adopted, or foster child, a  
12 stepchild, a legal ward, or a child of a person standing in  
13 loco parentis, who is under 18 years of age, or is 18 years  
14 of age or older and incapable of self-care because of a  
15 mental or physical disability.

16 (14) "Perpetrator" means an individual who commits or  
17 is alleged to have committed any act or threat of domestic  
18 violence, sexual violence, or sexual harassment ~~or sexual~~  
19 ~~violence~~.

20 (15) "Person" means an individual, partnership,  
21 association, corporation, business trust, legal  
22 representative, or any organized group of persons.

23 (16) "Public agency" means the Government of the State  
24 or political subdivision thereof; any agency of the State,  
25 or of a political subdivision of the State; or any  
26 governmental agency.



1 (17) "Public assistance" includes cash, food stamps,  
2 medical assistance, housing assistance, and other benefits  
3 provided on the basis of income by a public agency or  
4 public employer.

5 (18) "Reduced work schedule" means a work schedule that  
6 reduces the usual number of hours per workweek, or hours  
7 per workday, of an employee.

8 (19) "Repeatedly" means on 2 or more occasions.

9 (20) "Sexual assault" means any conduct proscribed by:  
10 (i) Article 11 of the Criminal Code of 2012 except Sections  
11 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1,  
12 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a  
13 similar provision of the Criminal Code of 1961. ~~the~~  
14 ~~Criminal Code of 1961 or the Criminal Code of 2012 in~~  
15 ~~Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,~~  
16 ~~12-13, 12-14, 12-14.1, 12-15, and 12-16.~~

17 (21) "Stalking" means any conduct proscribed by the  
18 Criminal Code of 1961 or the Criminal Code of 2012 in  
19 Sections 12-7.3, 12-7.4, and 12-7.5.

20 (22) "Victim" or "survivor" means an individual who has  
21 been subjected to domestic violence, sexual violence, or  
22 sexual harassment ~~or sexual violence.~~

23 (23) "Victim services organization" means a nonprofit,  
24 nongovernmental organization that provides assistance to  
25 victims of domestic violence, sexual violence, or sexual  
26 harassment ~~or sexual violence~~ or to advocates for such

1 victims, including a rape crisis center, an organization  
2 carrying out a domestic violence program, an organization  
3 operating a shelter or providing counseling services, or a  
4 legal services organization or other organization  
5 providing assistance through the legal process.

6 (24) "Emotional distress" means significant mental  
7 suffering, anxiety, or alarm.

8 (25) "Sexual harassment" means any harassment or  
9 discrimination on the basis of an individual's actual or  
10 perceived sex or gender, including unwelcome sexual  
11 advances, requests for sexual favors, other verbal or  
12 physical conduct of a sexual nature, or any other conduct  
13 of a sexual nature directed at a specific person that would  
14 cause the victim or survivor emotional distress.

15 (Source: P.A. 99-765, eff. 1-1-17.)

16 (820 ILCS 180/15)

17 Sec. 15. Purposes. The purposes of this Act are:

18 (1) to promote the State's interest in reducing  
19 domestic violence, dating violence, sexual assault, sexual  
20 harassment, and stalking by enabling victims of domestic  
21 violence, sexual violence, or sexual harassment ~~or sexual~~  
22 ~~violence~~ to maintain the financial independence necessary  
23 to leave abusive situations, achieve safety, and minimize  
24 the physical and emotional injuries from domestic  
25 violence, sexual violence, or sexual harassment ~~or sexual~~

1 ~~violence,~~ and to reduce the devastating economic  
2 consequences of domestic violence, sexual violence, or  
3 sexual harassment ~~or sexual violence~~ to employers and  
4 employees;

5 (2) to address the failure of existing laws to protect  
6 the employment rights of employees who are victims of  
7 domestic violence, sexual violence, or sexual harassment  
8 ~~or sexual violence~~ and employees with a family or household  
9 member who is a victim of domestic violence, sexual  
10 violence, or sexual harassment ~~or sexual violence,~~ by  
11 protecting the civil and economic rights of those  
12 employees, and by furthering the equal opportunity of women  
13 for economic self-sufficiency and employment free from  
14 discrimination;

15 (3) to accomplish the purposes described in paragraphs  
16 (1) and (2) by (A) entitling employed victims of domestic  
17 violence, sexual violence, or sexual harassment ~~or sexual~~  
18 ~~violence~~ and employees with a family or household member  
19 who is a victim of domestic violence, sexual violence, or  
20 sexual harassment ~~or sexual violence~~ to take unpaid leave  
21 to seek medical help, legal assistance, counseling, safety  
22 planning, and other assistance without penalty from their  
23 employers for the employee or the family or household  
24 member who is a victim; and (B) prohibiting employers from  
25 discriminating against any employee who is a victim of  
26 domestic violence, sexual violence, or sexual harassment

1 ~~or sexual violence~~ or any employee who has a family or  
2 household member who is a victim of domestic violence,  
3 sexual violence, or sexual harassment ~~or sexual violence,~~  
4 in a manner that accommodates the legitimate interests of  
5 employers and protects the safety of all persons in the  
6 workplace.

7 (Source: P.A. 96-635, eff. 8-24-09.)

8 (820 ILCS 180/20)

9 Sec. 20. Entitlement to leave due to domestic violence,  
10 sexual violence, or sexual harassment ~~or sexual violence.~~

11 (a) Leave requirement.

12 (1) Basis. An employee who is a victim of domestic  
13 violence, sexual violence, or sexual harassment ~~or sexual~~  
14 ~~violence~~ or an employee who has a family or household  
15 member who is a victim of domestic violence, sexual  
16 violence, or sexual harassment ~~or sexual violence~~ whose  
17 interests are not adverse to the employee as it relates to  
18 the domestic violence, sexual violence, or sexual  
19 harassment ~~or sexual violence~~ may take unpaid leave from  
20 work if the employee or employee's family or household  
21 member is experiencing an incident of domestic violence,  
22 sexual violence, or sexual harassment ~~or sexual violence~~ or  
23 to address domestic violence, sexual violence, or sexual  
24 harassment ~~or sexual violence~~ by:

25 (A) seeking medical attention for, or recovering

1 from, physical or psychological injuries caused by  
2 domestic violence, sexual violence, or sexual  
3 harassment ~~or sexual violence~~ to the employee or the  
4 employee's family or household member;

5 (B) obtaining services from a victim services  
6 organization for the employee or the employee's family  
7 or household member;

8 (C) obtaining psychological or other counseling  
9 for the employee or the employee's family or household  
10 member;

11 (D) participating in safety planning, temporarily  
12 or permanently relocating, or taking other actions to  
13 increase the safety of the employee or the employee's  
14 family or household member from future domestic  
15 violence, sexual violence, or sexual harassment ~~or~~  
16 ~~sexual violence~~ or ensure economic security; or

17 (E) seeking legal assistance or remedies to ensure  
18 the health and safety of the employee or the employee's  
19 family or household member, including preparing for or  
20 participating in any civil or criminal legal  
21 proceeding related to or derived from domestic  
22 violence, sexual violence, or sexual harassment ~~or~~  
23 ~~sexual violence~~.

24 (2) Period. Subject to subsection (c), an employee  
25 working for an employer that employs at least 50 employees  
26 shall be entitled to a total of 12 workweeks of leave

1 during any 12-month period. Subject to subsection (c), an  
2 employee working for an employer that employs at least 15  
3 but not more than 49 employees shall be entitled to a total  
4 of 8 workweeks of leave during any 12-month period. Subject  
5 to subsection (c), an employee working for an employer that  
6 employs at least one but not more than 14 employees shall  
7 be entitled to a total of 4 workweeks of leave during any  
8 12-month period. The total number of workweeks to which an  
9 employee is entitled shall not decrease during the relevant  
10 12-month period. This Act does not create a right for an  
11 employee to take unpaid leave that exceeds the unpaid leave  
12 time allowed under, or is in addition to the unpaid leave  
13 time permitted by, the federal Family and Medical Leave Act  
14 of 1993 (29 U.S.C. 2601 et seq.).

15 (3) Schedule. Leave described in paragraph (1) may be  
16 taken consecutively, intermittently, or on a reduced work  
17 schedule.

18 (b) Notice. The employee shall provide the employer with at  
19 least 48 hours' advance notice of the employee's intention to  
20 take the leave, unless providing such notice is not  
21 practicable. When an unscheduled absence occurs, the employer  
22 may not take any action against the employee if the employee,  
23 upon request of the employer and within a reasonable period  
24 after the absence, provides certification under subsection  
25 (c).

26 (c) Certification.

1 (1) In general. The employer may require the employee  
2 to provide certification to the employer that:

3 (A) the employee or the employee's family or  
4 household member is a victim of domestic violence,  
5 sexual violence, or sexual harassment ~~or sexual~~  
6 ~~violence~~; and

7 (B) the leave is for one of the purposes enumerated  
8 in paragraph (a) (1).

9 The employee shall provide such certification to the  
10 employer within a reasonable period after the employer  
11 requests certification.

12 (2) Contents. An employee shall ~~may~~ satisfy the  
13 certification requirement of paragraph (1) by providing to  
14 the employer a sworn statement of the employee, and, if the  
15 employee has possession of such documents, the employee  
16 shall provide one of the following: ~~upon obtaining such~~  
17 ~~documents the employee shall provide:~~

18 (A) documentation from an employee, agent, or  
19 volunteer of a victim services organization, an  
20 attorney, a member of the clergy, or a medical or other  
21 professional from whom the employee or the employee's  
22 family or household member has sought assistance in  
23 addressing domestic violence, sexual violence, or  
24 sexual harassment ~~or sexual violence~~ and the effects of  
25 the violence or harassment;

26 (B) a police or court record; or

1 (C) other corroborating evidence.

2 The employee shall choose which document to submit, and  
3 the employer shall not request or require more than one  
4 document to be submitted if the reason for leave is related  
5 to the same incident of domestic violence, sexual violence,  
6 or sexual harassment or the same perpetrator of the  
7 domestic violence, sexual violence, or sexual harassment.

8 (d) Confidentiality. All information provided to the  
9 employer pursuant to subsection (b) or (c), including a  
10 statement of the employee or any other documentation, record,  
11 or corroborating evidence, and the fact that the employee has  
12 requested or obtained leave pursuant to this Section, shall be  
13 retained in the strictest confidence by the employer, except to  
14 the extent that disclosure is:

15 (1) requested or consented to in writing by the  
16 employee; or

17 (2) otherwise required by applicable federal or State  
18 law.

19 (e) Employment and benefits.

20 (1) Restoration to position.

21 (A) In general. Any employee who takes leave under  
22 this Section for the intended purpose of the leave  
23 shall be entitled, on return from such leave:

24 (i) to be restored by the employer to the  
25 position of employment held by the employee when  
26 the leave commenced; or



1           (ii) to be restored to an equivalent position  
2           with equivalent employment benefits, pay, and  
3           other terms and conditions of employment.

4           (B) Loss of benefits. The taking of leave under  
5           this Section shall not result in the loss of any  
6           employment benefit accrued prior to the date on which  
7           the leave commenced.

8           (C) Limitations. Nothing in this subsection shall  
9           be construed to entitle any restored employee to:

10           (i) the accrual of any seniority or employment  
11           benefits during any period of leave; or

12           (ii) any right, benefit, or position of  
13           employment other than any right, benefit, or  
14           position to which the employee would have been  
15           entitled had the employee not taken the leave.

16           (D) Construction. Nothing in this paragraph shall  
17           be construed to prohibit an employer from requiring an  
18           employee on leave under this Section to report  
19           periodically to the employer on the status and  
20           intention of the employee to return to work.

21           (2) Maintenance of health benefits.

22           (A) Coverage. Except as provided in subparagraph  
23           (B), during any period that an employee takes leave  
24           under this Section, the employer shall maintain  
25           coverage for the employee and any family or household  
26           member under any group health plan for the duration of

1 such leave at the level and under the conditions  
2 coverage would have been provided if the employee had  
3 continued in employment continuously for the duration  
4 of such leave.

5 (B) Failure to return from leave. The employer may  
6 recover the premium that the employer paid for  
7 maintaining coverage for the employee and the  
8 employee's family or household member under such group  
9 health plan during any period of leave under this  
10 Section if:

11 (i) the employee fails to return from leave  
12 under this Section after the period of leave to  
13 which the employee is entitled has expired; and

14 (ii) the employee fails to return to work for a  
15 reason other than:

16 (I) the continuation, recurrence, or onset  
17 of domestic violence, sexual violence, or  
18 sexual harassment ~~or sexual violence~~ that  
19 entitles the employee to leave pursuant to this  
20 Section; or

21 (II) other circumstances beyond the  
22 control of the employee.

23 (C) Certification.

24 (i) Issuance. An employer may require an  
25 employee who claims that the employee is unable to  
26 return to work because of a reason described in

1 subclause (I) or (II) of subparagraph (B) (ii) to  
2 provide, within a reasonable period after making  
3 the claim, certification to the employer that the  
4 employee is unable to return to work because of  
5 that reason. The employee shall choose which  
6 document to submit.

7 (ii) Contents. An employee may satisfy the  
8 certification requirement of clause (i) by  
9 providing to the employer:

10 (I) a sworn statement of the employee;

11 (II) documentation from an employee,  
12 agent, or volunteer of a victim services  
13 organization, an attorney, a member of the  
14 clergy, or a medical or other professional from  
15 whom the employee has sought assistance in  
16 addressing domestic violence, sexual violence,  
17 or sexual harassment ~~or sexual violence~~ and the  
18 effects of that violence or harassment;

19 (III) a police or court record; or

20 (IV) other corroborating evidence.

21 (D) Confidentiality. All information provided to  
22 the employer pursuant to subparagraph (C), including a  
23 statement of the employee or any other documentation,  
24 record, or corroborating evidence, and the fact that  
25 the employee is not returning to work because of a  
26 reason described in subclause (I) or (II) of

1           subparagraph (B)(ii) shall be retained in the  
2           strictest confidence by the employer, except to the  
3           extent that disclosure is:

4                   (i) requested or consented to in writing by the  
5                   employee; or

6                   (ii) otherwise required by applicable federal  
7                   or State law.

8       (f) Prohibited acts.

9           (1) Interference with rights.

10                   (A) Exercise of rights. It shall be unlawful for  
11                   any employer to interfere with, restrain, or deny the  
12                   exercise of or the attempt to exercise any right  
13                   provided under this Section.

14                   (B) Employer discrimination. It shall be unlawful  
15                   for any employer to discharge or harass any individual,  
16                   or otherwise discriminate against any individual with  
17                   respect to compensation, terms, conditions, or  
18                   privileges of employment of the individual (including  
19                   retaliation in any form or manner) because the  
20                   individual:

21                           (i) exercised any right provided under this  
22                   Section; or

23                           (ii) opposed any practice made unlawful by  
24                   this Section.

25                   (C) Public agency sanctions. It shall be unlawful  
26                   for any public agency to deny, reduce, or terminate the

1 benefits of, otherwise sanction, or harass any  
2 individual, or otherwise discriminate against any  
3 individual with respect to the amount, terms, or  
4 conditions of public assistance of the individual  
5 (including retaliation in any form or manner) because  
6 the individual:

7 (i) exercised any right provided under this  
8 Section; or

9 (ii) opposed any practice made unlawful by  
10 this Section.

11 (2) Interference with proceedings or inquiries. It  
12 shall be unlawful for any person to discharge or in any  
13 other manner discriminate (as described in subparagraph  
14 (B) or (C) of paragraph (1)) against any individual because  
15 such individual:

16 (A) has filed any charge, or has instituted or  
17 caused to be instituted any proceeding, under or  
18 related to this Section;

19 (B) has given, or is about to give, any information  
20 in connection with any inquiry or proceeding relating  
21 to any right provided under this Section; or

22 (C) has testified, or is about to testify, in any  
23 inquiry or proceeding relating to any right provided  
24 under this Section.

25 (Source: P.A. 99-765, eff. 1-1-17.)

1 (820 ILCS 180/25)

2 Sec. 25. Existing leave usable for addressing domestic  
3 violence, sexual violence, or sexual harassment ~~or sexual~~  
4 ~~violence~~. An employee who is entitled to take paid or unpaid  
5 leave (including family, medical, sick, annual, personal, or  
6 similar leave) from employment, pursuant to federal, State, or  
7 local law, a collective bargaining agreement, or an employment  
8 benefits program or plan, may elect to substitute any period of  
9 such leave for an equivalent period of leave provided under  
10 Section 20. The employer may not require the employee to  
11 substitute available paid or unpaid leave for leave provided  
12 under Section 20.

13 (Source: P.A. 96-635, eff. 8-24-09.)

14 (820 ILCS 180/30)

15 Sec. 30. Victims' employment sustainability; prohibited  
16 discriminatory acts.

17 (a) An employer shall not fail to hire, refuse to hire,  
18 discharge, constructively discharge, or harass any individual,  
19 otherwise discriminate against any individual with respect to  
20 the compensation, terms, conditions, or privileges of  
21 employment of the individual, or retaliate against an  
22 individual in any form or manner, and a public agency shall not  
23 deny, reduce, or terminate the benefits of, otherwise sanction,  
24 or harass any individual, otherwise discriminate against any  
25 individual with respect to the amount, terms, or conditions of

1 public assistance of the individual, or retaliate against an  
2 individual in any form or manner, because:

3 (1) the individual involved:

4 (A) is or is perceived to be a victim of domestic  
5 violence, sexual violence, or sexual harassment ~~or~~  
6 ~~sexual violence~~;

7 (B) attended, participated in, prepared for, or  
8 requested leave to attend, participate in, or prepare  
9 for a criminal or civil court proceeding relating to an  
10 incident of domestic violence, sexual violence, or  
11 sexual harassment ~~or sexual violence~~ of which the  
12 individual or a family or household member of the  
13 individual was a victim, or requested or took leave for  
14 any other reason provided under Section 20;

15 (C) requested an adjustment to a job structure,  
16 workplace facility, or work requirement, including a  
17 transfer, reassignment, or modified schedule, leave, a  
18 changed telephone number or seating assignment,  
19 installation of a lock, or implementation of a safety  
20 procedure or any other reasonable accommodation in  
21 response to actual or threatened domestic violence,  
22 sexual violence, or sexual harassment ~~or sexual~~  
23 ~~violence~~, regardless of whether the request was  
24 granted; or

25 (D) is an employee whose employer is subject to  
26 Section 21 of the Workplace Violence Prevention Act; or

1           (2) the workplace is disrupted or threatened by the  
2           action of a person whom the individual states has committed  
3           or threatened to commit domestic violence, sexual  
4           violence, or sexual harassment ~~or sexual violence~~ against  
5           the individual or the individual's family or household  
6           member.

7           (b) In this Section:

8           (1) "Discriminate", used with respect to the terms,  
9           conditions, or privileges of employment or with respect to  
10          the terms or conditions of public assistance, includes not  
11          making a reasonable accommodation to the known limitations  
12          resulting from circumstances relating to being a victim of  
13          domestic violence, sexual violence, or sexual harassment  
14          ~~or sexual violence~~ or a family or household member being a  
15          victim of domestic violence, sexual violence, or sexual  
16          harassment ~~or sexual violence~~ of an otherwise qualified  
17          individual:

18               (A) who is:

19                   (i) an applicant or employee of the employer  
20                   (including a public agency); or

21                   (ii) an applicant for or recipient of public  
22                   assistance from a public agency; and

23               (B) who is:

24                   (i) or is perceived to be a victim of domestic  
25                   violence, sexual violence, or sexual harassment ~~a~~  
26                   ~~victim of domestic or sexual violence; or~~



1 (ii) with a family or household member who is a  
2 victim of domestic violence, sexual violence, or  
3 sexual harassment ~~or sexual violence~~ whose  
4 interests are not adverse to the individual in  
5 subparagraph (A) as it relates to the domestic  
6 violence, sexual violence, or sexual harassment ~~or~~  
7 ~~sexual violence~~;

8 unless the employer or public agency can demonstrate that  
9 the accommodation would impose an undue hardship on the  
10 operation of the employer or public agency.

11 A reasonable accommodation must be made in a timely  
12 fashion. Any exigent circumstances or danger facing the  
13 employee or his or her family or household member shall be  
14 considered in determining whether the accommodation is  
15 reasonable.

16 (2) "Qualified individual" means:

17 (A) in the case of an applicant or employee  
18 described in paragraph (1)(A)(i), an individual who,  
19 but for being a victim of domestic violence, sexual  
20 violence, or sexual harassment ~~or sexual violence~~ or  
21 with a family or household member who is a victim of  
22 domestic violence, sexual violence, or sexual  
23 harassment ~~or sexual violence~~, can perform the  
24 essential functions of the employment position that  
25 such individual holds or desires; or

26 (B) in the case of an applicant or recipient

1 described in paragraph (1)(A)(ii), an individual who,  
2 but for being a victim of domestic violence, sexual  
3 violence, or sexual harassment ~~or sexual violence~~ or  
4 with a family or household member who is a victim of  
5 domestic violence, sexual violence, or sexual  
6 harassment ~~or sexual violence~~, can satisfy the  
7 essential requirements of the program providing the  
8 public assistance that the individual receives or  
9 desires.

10 (3) "Reasonable accommodation" includes, but is not  
11 limited to, may include an adjustment to a job structure,  
12 workplace facility, or work requirement, including a  
13 transfer, reassignment, or modified schedule, leave, a  
14 changed telephone number or seating assignment,  
15 installation of a lock, or implementation of a safety  
16 procedure, or assistance in documenting domestic violence,  
17 sexual violence, or sexual harassment ~~or sexual violence~~  
18 that occurs at the workplace or in work-related settings,  
19 in response to actual or threatened domestic violence,  
20 sexual violence, or sexual harassment ~~or sexual violence~~.

21 (4) Undue hardship.

22 (A) In general. "Undue hardship" means an action  
23 requiring significant difficulty or expense, when  
24 considered in light of the factors set forth in  
25 subparagraph (B).

26 (B) Factors to be considered. In determining

1           whether a reasonable accommodation would impose an  
2           undue hardship on the operation of an employer or  
3           public agency, factors to be considered include:

4                   (i) the nature and cost of the reasonable  
5                   accommodation needed under this Section;

6                   (ii) the overall financial resources of the  
7                   facility involved in the provision of the  
8                   reasonable accommodation, the number of persons  
9                   employed at such facility, the effect on expenses  
10                  and resources, or the impact otherwise of such  
11                  accommodation on the operation of the facility;

12                  (iii) the overall financial resources of the  
13                  employer or public agency, the overall size of the  
14                  business of an employer or public agency with  
15                  respect to the number of employees of the employer  
16                  or public agency, and the number, type, and  
17                  location of the facilities of an employer or public  
18                  agency; and

19                  (iv) the type of operation of the employer or  
20                  public agency, including the composition,  
21                  structure, and functions of the workforce of the  
22                  employer or public agency, the geographic  
23                  separateness of the facility from the employer or  
24                  public agency, and the administrative or fiscal  
25                  relationship of the facility to the employer or  
26                  public agency.

1 (c) An employer subject to Section 21 of the Workplace  
2 Violence Prevention Act shall not violate any provisions of the  
3 Workplace Violence Prevention Act.

4 (d) All information provided to the employer pursuant to  
5 subsection (b) or (c), including a statement of the employee  
6 and any other documentation, record, or corroborating  
7 evidence, and the fact that the employee has requested or  
8 obtained leave pursuant to this Section, shall be retained in  
9 the strictest confidence by the employer, except to the extent  
10 that disclosure is:

11 (1) requested or consented to in writing by the  
12 employee; or

13 (2) otherwise required by applicable federal or State  
14 law.

15 (Source: P.A. 98-766, eff. 7-16-14; 99-78, eff. 7-20-15.)

16 (820 ILCS 180/35)

17 Sec. 35. Enforcement; remedies.

18 (a) Department of Labor.

19 (1) The Director or his or her authorized  
20 representative shall administer and enforce the provisions  
21 of this Act. Any employee or a representative of employees  
22 who believes his or her rights under this Act have been  
23 violated may, within 3 years after the alleged violation  
24 occurs, file a complaint with the Department requesting a  
25 review of the alleged violation. A copy of the complaint

1 shall be sent to the person who allegedly committed the  
2 violation, who shall be the respondent. Upon receipt of a  
3 complaint, the Director shall cause such investigation to  
4 be made as he or she deems appropriate. The investigation  
5 shall provide an opportunity for a public hearing at the  
6 request of any party to the review to enable the parties to  
7 present information relating to the alleged allegation.  
8 The parties shall be given written notice of the time and  
9 place of the hearing at least 7 days before the hearing.  
10 Upon receiving the report of the investigation, the  
11 Director shall make findings of fact. If the Director finds  
12 that a violation did occur, he or she shall issue a  
13 decision incorporating his or her findings and requiring  
14 the party committing the violation to take such affirmative  
15 action to abate the violation as the Director deems  
16 appropriate, including:

17 (A) damages equal to the amount of wages, salary,  
18 employment benefits, public assistance, or other  
19 compensation denied or lost to such individual by  
20 reason of the violation, and the interest on that  
21 amount calculated at the prevailing rate;

22 (B) such equitable relief as may be appropriate,  
23 including but not limited to hiring, reinstatement,  
24 promotion, and reasonable accommodations; and

25 (C) reasonable attorney's fees, reasonable expert  
26 witness fees, and other costs of the action to be paid

1 by the respondent to a prevailing employee.

2 If the Director finds that there was no violation, he  
3 or she shall issue an order denying the complaint. An order  
4 issued by the Director under this Section shall be final  
5 and subject to judicial review under the Administrative  
6 Review Law.

7 (2) The Director shall adopt rules necessary to  
8 administer and enforce this Act in accordance with the  
9 Illinois Administrative Procedure Act. The Director shall  
10 have the powers and the parties shall have the rights  
11 provided in the Illinois Administrative Procedure Act for  
12 contested cases, including, but not limited to, provisions  
13 for depositions, subpoena power and procedures, and  
14 discovery and protective order procedures.

15 (3) Intervention. The Attorney General of Illinois may  
16 intervene on behalf of the Department if the Department  
17 certifies that the case is of general public importance.  
18 Upon such intervention the court may award such relief as  
19 is authorized to be granted to an employee who has filed a  
20 complaint or whose representative has filed a complaint  
21 under this Section.

22 (b) Refusal to pay damages. Any employer who has been  
23 ordered by the Director of Labor or the court to pay damages  
24 under this Section and who fails to do so within 30 days after  
25 the order is entered is liable to pay a penalty of 1% per  
26 calendar day to the employee for each day of delay in paying

1 the damages to the employee.

2 (c) An employee who believes his or her rights under this  
3 Act or any rule adopted under this Act have been violated may,  
4 within 3 years after the date of the last event constituting  
5 the alleged violation for which the action is brought, file a  
6 complaint with the Department of Labor or file a civil action.  
7 In a claim filed in the circuit court, any employer that  
8 violates this Act or any rule adopted under this Act is liable  
9 to each affected individual for actual and compensatory  
10 damages, punitive damages, and such equitable relief as may be  
11 appropriate, in addition to reasonable attorney's fees,  
12 reasonable expert witness fees, and other costs of the action  
13 paid to the prevailing employee. A civil action may be brought  
14 without first filing an administrative complaint.

15 (Source: P.A. 93-591, eff. 8-25-03.)

16 (820 ILCS 180/45)

17 Sec. 45. Effect on other laws and employment benefits.

18 (a) More protective laws, agreements, programs, and plans.  
19 Nothing in this Act shall be construed to supersede any  
20 provision of any federal, State, or local law, collective  
21 bargaining agreement, or employment benefits program or plan  
22 that provides:

23 (1) greater leave benefits for victims of domestic  
24 violence, sexual violence, or sexual harassment ~~or sexual~~  
25 ~~violence~~ than the rights established under this Act; or





1 any employment relationship or lack thereof.

2 (b) For purposes of this Act, "sexual harassment" means any  
3 harassment or discrimination on the basis of an individual's  
4 actual or perceived sex or gender, including unwelcome sexual  
5 advances, ~~or~~ requests for sexual favors, other verbal or  
6 physical conduct of a sexual nature, or any other conduct ~~or~~  
7 ~~any conduct of a sexual nature~~ when: (i) submission to such  
8 conduct is made either explicitly or implicitly a term or  
9 condition of an individual's employment; (ii) submission to or  
10 rejection of such conduct by an individual is used as the basis  
11 for employment decisions affecting such individual; or (iii)  
12 such conduct has the purpose or effect of ~~substantially~~  
13 interfering with an individual's work performance or creating  
14 an intimidating, hostile, or offensive working environment.  
15 For purposes of this definition, the phrase "working  
16 environment" is not limited to a physical location an employee  
17 is assigned to perform his or her duties and does not require  
18 an employment relationship.

19 (Source: P.A. 100-554, eff. 11-16-17.)

20 Section 8-10. The Lobbyist Registration Act is amended by  
21 changing Section 4.7 as follows:

22 (25 ILCS 170/4.7)

23 Sec. 4.7. Prohibition on sexual harassment.

24 (a) All persons have the right to work in an environment

1 free from sexual harassment. All persons subject to this Act  
2 shall refrain from sexual harassment of any person.

3 (b) Beginning January 1, 2018, each natural person required  
4 to register as a lobbyist under this Act must complete, at  
5 least annually, a sexual harassment training program provided  
6 by the Secretary of State. A natural person registered under  
7 this Act must complete the training program no later than 30  
8 days after registration or renewal under this Act. This  
9 requirement does not apply to a lobbying entity or a client  
10 that hires a lobbyist that (i) does not have employees of the  
11 lobbying entity or client registered as lobbyists, or (ii) does  
12 not have an actual presence in Illinois.

13 (c) No later than January 1, 2018, each natural person and  
14 any entity required to register under this Act shall have a  
15 written sexual harassment policy that shall include, at a  
16 minimum: (i) a prohibition on sexual harassment; (ii) details  
17 on how an individual can report an allegation of sexual  
18 harassment, including options for making a confidential report  
19 to a supervisor, ethics officer, Inspector General, or the  
20 Department of Human Rights; (iii) a prohibition on retaliation  
21 for reporting sexual harassment allegations, including  
22 availability of whistleblower protections under the State  
23 Officials and Employee Ethics Act, the Whistleblower Act, and  
24 the Illinois Human Rights Act; and (iv) the consequences of a  
25 violation of the prohibition on sexual harassment and the  
26 consequences for knowingly making a false report.

1 (d) For purposes of this Act, "sexual harassment" means any  
2 harassment or discrimination on the basis of an individual's  
3 actual or perceived sex or gender, including unwelcome sexual  
4 advances, ~~or~~ requests for sexual favors, other verbal or  
5 physical conduct of a sexual nature, or any other conduct ~~or~~  
6 ~~any conduct of a sexual nature~~ when: (i) submission to such  
7 conduct is made either explicitly or implicitly a term or  
8 condition of an individual's employment; (ii) submission to or  
9 rejection of such conduct by an individual is used as the basis  
10 for employment decisions affecting such individual; or (iii)  
11 such conduct has the purpose or effect of ~~substantially~~  
12 interfering with an individual's work performance or creating  
13 an intimidating, hostile, or offensive working environment.  
14 For the purposes of this definition, the phrase "working  
15 environment" is not limited to a physical location an employee  
16 is assigned to perform his or her duties and does not require  
17 an employment relationship.

18 (e) The Secretary of State shall adopt rules for the  
19 implementation of this Section. In order to provide for the  
20 expeditious and timely implementation of this Section, the  
21 Secretary of State shall adopt emergency rules under subsection  
22 (z) of Section 5-45 of the Illinois Administrative Procedure  
23 Act for the implementation of this Section no later than 60  
24 days after the effective date of this amendatory Act of the  
25 100th General Assembly.

26 (Source: P.A. 100-554, eff. 11-16-17.)

1 Section 8-15. The Illinois Human Rights Act is amended by  
2 changing Section 5A-101 as follows:

3 (775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)

4 Sec. 5A-101. Definitions. The following definitions are  
5 applicable strictly in the content of this Article, except that  
6 the term "sexual harassment in elementary, secondary, and  
7 higher education" as defined herein has the meaning herein  
8 ascribed to it whenever that term is used anywhere in this Act.

9 (A) Institution of Elementary, Secondary, or Higher  
10 Education. "Institution of elementary, secondary, or higher  
11 education" means: (1) a publicly or privately operated  
12 university, college, community college, junior college,  
13 business or vocational school, or other educational  
14 institution offering degrees and instruction beyond the  
15 secondary school level; or (2) a publicly or privately operated  
16 elementary school or secondary school.

17 (B) Degree. "Degree" means: (1) a designation,  
18 appellation, series of letters or words or other symbols which  
19 signifies or purports to signify that the recipient thereof has  
20 satisfactorily completed an organized academic, business or  
21 vocational program of study offered beyond the secondary school  
22 level; or (2) a designation signifying that the recipient has  
23 graduated from an elementary school or secondary school.

24 (C) Student. "Student" means any individual admitted to or

1 applying for admission to an institution of elementary,  
2 secondary, or higher education, or enrolled on a full or part  
3 time basis in a course or program of academic, business or  
4 vocational instruction offered by or through an institution of  
5 elementary, secondary, or higher education.

6 (D) Elementary, Secondary, or Higher Education  
7 Representative. "Elementary, secondary, or higher education  
8 representative" means and includes the president, chancellor  
9 or other holder of any executive office on the administrative  
10 staff of an institution of higher education, an administrator  
11 of an elementary school or secondary school, a member of the  
12 faculty of an institution of higher education, including but  
13 not limited to a dean or associate or assistant dean, a  
14 professor or associate or assistant professor, and a full or  
15 part time instructor or visiting professor, including a  
16 graduate assistant or other student who is employed on a  
17 temporary basis of less than full time as a teacher or  
18 instructor of any course or program of academic, business or  
19 vocational instruction offered by or through an institution of  
20 higher education, and any teacher, instructor, or other  
21 employee of an elementary school or secondary school.

22 (E) Sexual Harassment in Elementary, Secondary, and Higher  
23 Education. "Sexual harassment in elementary, secondary, and  
24 higher education" means any harassment or discrimination on the  
25 basis of an individual's actual or perceived sex or gender,  
26 including unwelcome sexual advances or requests for sexual

1 favors made by an elementary, secondary, or higher education  
2 representative to a student, verbal or physical conduct of a  
3 sexual nature, or any other conduct ~~or any conduct of a sexual~~  
4 ~~nature~~ exhibited by an elementary, secondary, or higher  
5 education representative toward a student, when such conduct  
6 has the purpose of substantially interfering with the student's  
7 educational performance or creating an intimidating, hostile  
8 or offensive educational environment; or when the elementary,  
9 secondary, or higher education representative either  
10 explicitly or implicitly makes the student's submission to such  
11 conduct a term or condition of, or uses the student's  
12 submission to or rejection of such conduct as a basis for  
13 determining:

14 (1) Whether the student will be admitted to an  
15 institution of elementary, secondary, or higher education;

16 (2) The educational performance required or expected  
17 of the student;

18 (3) The attendance or assignment requirements  
19 applicable to the student;

20 (4) To what courses, fields of study or programs,  
21 including honors and graduate programs, the student will be  
22 admitted;

23 (5) What placement or course proficiency requirements  
24 are applicable to the student;

25 (6) The quality of instruction the student will  
26 receive;



1 or event, including practice and competition, not associated  
2 with a school, during which youth athletes participate or  
3 practice to participate in an organized athletic game or  
4 competition against another team, club, entity, or individual.  
5 "Youth recreational athletic entity" includes, but is not  
6 limited to, athletic activity sponsored by a recreation center,  
7 community center, or private sports club.

8 Section 9-10. Prohibition on sexual abuse of children in  
9 youth sports. No person who owns, is employed by, or volunteers  
10 with a youth recreational athletic entity shall, in that  
11 capacity, employ, use, persuade, induce, entice, or coerce a  
12 minor to engage in, or assist another person to engage in,  
13 sexually explicit conduct or the rape, molestation,  
14 prostitution, or other form of sexual exploitation of a minor,  
15 including actual or simulated:

16 (1) sexual intercourse, including sexual contact in  
17 the manner of genital-genital, oral-genital, anal-genital,  
18 or oral-anal contact. Sexual contact means the intentional  
19 touching, either directly or through clothing, of the  
20 genitalia, anus, groin, breast, inner thigh, or buttocks of  
21 any person with an intent to abuse, humiliate, harass,  
22 degrade, or arouse or gratify the sexual desire of any  
23 person;

24 (2) bestiality;

25 (3) masturbation;



1           (4) lascivious exhibition of the genitals or pubic  
2           area;

3           (5) sadistic or masochistic abuse; or

4           (6) any other sexual conduct or sexual penetration, as  
5           those terms are defined in Section 11-0.1 of the Criminal  
6           Code of 2012.

7           Section 9-15. Required reporting of child and sexual abuse  
8           in youth sports.

9           (a) Any person who owns, is employed by, or volunteers with  
10          a youth recreational athletic entity and learns of facts that  
11          give reason to suspect that a minor has suffered an incident of  
12          abuse as described in Section 9-10, or learns of facts that a  
13          person who owns, is employed by, or volunteers with a youth  
14          recreational athletic entity has abused a minor as described in  
15          Section 9-10 at an earlier date (even if the victim is no  
16          longer a minor), shall make a confidential report of the  
17          suspected abuse to the Illinois Department of Children and  
18          Family Services and all governing organizations or leagues that  
19          regulate or oversee the youth recreational athletic entity as  
20          soon as practicable, but in no event later than 7 days after  
21          learning of the incident.

22          (b) Nothing in this Act shall be construed to require a  
23          victim of abuse to self-report the abuse.

24          Section 9-20. Posting of rights by youth recreational

1 athletic entity. Each youth recreational athletic entity shall  
2 post in a clear and conspicuous place in its athletic  
3 facilities and on its website a notice stating a minor's rights  
4 under this Act as well as the toll-free number to the 24-hour  
5 child abuse hotline of the Illinois Department of Children and  
6 Family Services.

7 Section 9-25. Enforcement.

8 (a) Any person who, as a result of a violation of Section  
9 9-10, suffers personal injury, regardless of whether the injury  
10 occurred when the person was a minor, has a right of action in  
11 a State circuit court. A prevailing plaintiff may recover for  
12 each violation actual and compensatory damages, including, but  
13 not limited to, damages for emotional distress; punitive  
14 damages; reasonable attorney's fees and costs, including  
15 expert witness fees and other litigation expenses; and such  
16 equitable relief as may be appropriate.

17 (b) Any person who violates Section 9-15 is subject to a  
18 civil penalty as follows: for a first offense, a penalty not to  
19 exceed \$500; for a second offense, a penalty not to exceed  
20 \$2,500; for a third or subsequent offense, a penalty not to  
21 exceed \$5,000. In determining the amount of the penalty, the  
22 appropriateness of the penalty and the gravity of the violation  
23 shall be considered. The penalty may be recovered in a civil  
24 action brought by the Director of the Department of Children  
25 and Family Services in any circuit court.

1 Article 99.

2 Section 99-99. Effective date. This Act takes effect upon  
3 becoming law.

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- 4 820 ILCS 180/35
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- 7 25 ILCS 170/4.7
- 8 775 ILCS 5/5A-101

from Ch. 68, par. 5A-101