

HB1040



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1040

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

740 ILCS 23/5

Amends the Illinois Civil Rights Act of 2003. Makes a technical change in a Section concerning the prohibition of discrimination by units of State, county, or local government.

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A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Civil Rights Act of 2003 is
5 amended by changing Section 5 as follows:

6 (740 ILCS 23/5)

7 Sec. 5. Discrimination prohibited.

8 (a) No unit of State, county, or local government in
9 Illinois shall:

10 (1) exclude a person from participation in, deny a
11 person the ~~the~~ benefits of, or subject a person to
12 discrimination under any program or activity on the
13 grounds of that person's race, color, national origin, or
14 gender; or

15 (2) utilize criteria or methods of administration that
16 have the effect of subjecting individuals to
17 discrimination because of their race, color, national
18 origin, or gender.

19 (b) Any party aggrieved by conduct that violates
20 subsection (a) may bring a civil lawsuit, in a federal
21 district court or State circuit court, against the offending
22 unit of government. Any State claim brought in federal
23 district court shall be a supplemental claim to a federal

1 claim. This lawsuit must be brought not later than 2 years
2 after the violation of subsection (a). If the court finds that
3 a violation of paragraph (1) or (2) of subsection (a) has
4 occurred, the court may award to the plaintiff actual damages.
5 The court, as it deems appropriate, may grant as relief any
6 permanent or preliminary negative or mandatory injunction,
7 temporary restraining order, or other order.

8 (c) Upon motion, a court shall award reasonable attorneys'
9 fees and costs, including expert witness fees and other
10 litigation expenses, to a plaintiff who is a prevailing party
11 in any action brought:

12 (1) pursuant to subsection (b); or

13 (2) to enforce a right arising under the Illinois
14 Constitution.

15 In awarding reasonable attorneys' fees, the court shall
16 consider the degree to which the relief obtained relates to
17 the relief sought.

18 (d) For the purpose of this Act, the term "prevailing
19 party" includes any party:

20 (1) who obtains some of his or her requested relief
21 through a judicial judgment in his or her favor;

22 (2) who obtains some of his or her requested relief
23 through any settlement agreement approved by the court; or

24 (3) whose pursuit of a non-frivolous claim was a
25 catalyst for a unilateral change in position by the
26 opposing party relative to the relief sought.

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1 (Source: P.A. 95-541, eff. 1-1-08.)