

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 8-111 and 10-102 as follows:

6 (775 ILCS 5/8-111) (from Ch. 68, par. 8-111)

7 Sec. 8-111. Court Proceedings.

8 (A) Civil Actions Commenced in Circuit Court.

9 (1) Venue. Civil actions commenced in a circuit court
10 pursuant to Section 7A-102 or 8B-102 shall be commenced in
11 the circuit court in the county in which the civil rights
12 violation was allegedly committed.

13 (2) If a civil action is commenced in a circuit court,
14 the form of the complaint shall be in accordance with the
15 Code of Civil Procedure.

16 (3) Jury Trial. If a civil action is commenced in a
17 circuit court under Section 7A-102 or 8B-102, the
18 plaintiff or defendant may demand trial by jury.

19 (4) Remedies. Upon the finding of a civil rights
20 violation, the circuit court or jury may award any of the
21 remedies set forth in Section 8A-104 or 8B-104.

22 (B) Judicial Review.

23 (1) Any complainant or respondent may apply for and

1 obtain judicial review of a final order of the Commission
2 entered under this Act by filing a petition for review in
3 the Appellate Court within 35 days from the date that a
4 copy of the decision sought to be reviewed was served upon
5 the party affected by the decision. If a 3-member panel or
6 the full Commission finds that an interlocutory order
7 involves a question of law as to which there is
8 substantial ground for difference of opinion and that an
9 immediate appeal from the order may materially advance the
10 ultimate termination of the litigation, any party may
11 petition the Appellate Court for permission to appeal the
12 order. The procedure for obtaining the required Commission
13 findings and the permission of the Appellate Court shall
14 be governed by Supreme Court Rule 308, except the
15 references to the "trial court" shall be understood as
16 referring to the Commission.

17 (2) In any proceeding brought for judicial review, the
18 Commission's findings of fact shall be sustained unless
19 the court determines that such findings are contrary to
20 the manifest weight of the evidence.

21 (3) Venue. Proceedings for judicial review shall be
22 commenced in the appellate court for the district wherein
23 the civil rights violation which is the subject of the
24 Commission's order was allegedly committed.

25 (C) Judicial Enforcement.

26 (1) When the Commission, at the instance of the

1 Department or an aggrieved party, concludes that any
2 person has violated a valid order of the Commission issued
3 pursuant to this Act, and the violation and its effects
4 are not promptly corrected, the Commission, through a
5 panel of 3 members, shall order the Department to commence
6 an action in the name of the People of the State of
7 Illinois by complaint, alleging the violation, attaching a
8 copy of the order of the Commission and praying for the
9 issuance of an order directing such person, his or her or
10 its officers, agents, servants, successors and assigns to
11 comply with the order of the Commission.

12 (2) An aggrieved party may file a complaint for
13 enforcement of a valid order of the Commission directly in
14 Circuit Court.

15 (3) Upon the commencement of an action filed under
16 paragraphs (1) or (2) of this subsection, the court shall
17 have jurisdiction over the proceedings and power to grant
18 or refuse, in whole or in part, the relief sought or impose
19 such other remedy as the court may deem proper.

20 (4) The court may stay an order of the Commission in
21 accordance with the applicable Supreme Court rules,
22 pending disposition of the proceedings.

23 (5) The court may punish for any violation of its
24 order as in the case of civil contempt.

25 (6) Venue. Proceedings for judicial enforcement of a
26 Commission order shall be commenced in the circuit court

1 in the county wherein the civil rights violation which is
2 the subject of the Commission's order was committed.

3 (D) Limitation. Except as otherwise provided by law, no
4 court of this state shall have jurisdiction over the subject
5 of an alleged civil rights violation other than as set forth in
6 this Act.

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

9 (F) The changes made to this Section by this amendatory
10 Act of the 95th General Assembly apply to charges or
11 complaints filed with the Department or the Commission on or
12 after the effective date of those changes.

13 (Source: P.A. 101-661, eff. 4-2-21.)

14 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)

15 Sec. 10-102. Court Actions.

16 (A) Circuit Court Actions.

17 (1) An aggrieved party may commence a civil action in
18 an appropriate Circuit Court not later than 2 years after
19 the occurrence or the termination of an alleged civil
20 rights violation or the breach of a conciliation or
21 settlement agreement entered into under this Act,
22 whichever occurs last, to obtain appropriate relief with
23 respect to the alleged civil rights violation or breach.
24 The plaintiff or defendant may demand trial by jury for
25 civil actions brought under this subsection. Venue for

1 such civil action shall be determined under Section
2 8-111(A)(1).

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

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

21 (4) An aggrieved party shall not commence a civil
22 action under this subsection with respect to an alleged
23 civil rights violation which forms the basis of a
24 complaint issued by the Department if a hearing officer
25 has commenced a hearing on the record under Article 3 of
26 this Act with respect to such complaint.

1 (B) Appointment of Attorney by Court. Upon application by
2 a person alleging a civil rights violation or a person against
3 whom the civil rights violation is alleged, if in the opinion
4 of the court such person is financially unable to bear the
5 costs of such action, the court may:

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

9 (2) authorize the commencement or continuation of a
10 civil action under subsection (A) without the payment of
11 fees, costs, or security.

12 (C) Relief which may be granted.

13 (1) In a civil action under subsection (A) if the
14 court finds that a civil rights violation has occurred or
15 is about to occur, the court may award to the plaintiff
16 actual and punitive damages, and may grant as relief, as
17 the court deems appropriate, any permanent or preliminary
18 injunction, temporary restraining order, or other order,
19 including an order enjoining the defendant from engaging
20 in such civil rights violation or ordering such
21 affirmative action as may be appropriate.

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

1 (D) Intervention By The Department. The Attorney General
2 of Illinois may intervene on behalf of the Department if the
3 Department certifies that the case is of general public
4 importance. Upon such intervention the court may award such
5 relief as is authorized to be granted to a plaintiff in a civil
6 action under Section 10-102(C).

7 (Source: P.A. 101-661, eff. 4-2-21.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.