

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 7-101, 7A-102, 7A-104, 7B-104, 8-103,  
6 8A-102, 10-101, and 10-102 and by adding Section 10-105 as  
7 follows:

8 (775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

9 Sec. 7-101. Powers and Duties. In addition to other powers  
10 and duties prescribed in this Act, the Department shall have  
11 the following powers:

12 (A) Rules and Regulations. To adopt, promulgate, amend,  
13 and rescind rules and regulations not inconsistent with the  
14 provisions of this Act pursuant to the Illinois Administrative  
15 Procedure Act.

16 (B) Charges. To issue, receive, investigate, conciliate,  
17 settle, and dismiss charges filed in conformity with this Act.

18 (C) Compulsory Process. To request subpoenas as it deems  
19 necessary for its investigations.

20 (D) Complaints. To file complaints with the Commission in  
21 conformity with this Act and to intervene in complaints  
22 pending before the Commission filed under Article 2, 4, 5, 5A,  
23 or 6.

1 (E) Judicial Enforcement. To seek temporary relief and to  
2 enforce orders of the Commission in conformity with this Act.

3 (F) Equal Employment Opportunities. To take such action as  
4 may be authorized to provide for equal employment  
5 opportunities and affirmative action.

6 (G) Recruitment; Research; Public Communication; Advisory  
7 Councils. To engage in such recruitment, research and public  
8 communication and create such advisory councils as may be  
9 authorized to effectuate the purposes of this Act.

10 (H) Coordination with other Agencies. To coordinate its  
11 activities with federal, state, and local agencies in  
12 conformity with this Act.

13 (I) Grants; Private Gifts.

14 (1) To accept public grants and private gifts as may  
15 be authorized.

16 (2) To design grant programs and award grants to  
17 eligible recipients.

18 (J) Education and Training. To implement a formal and  
19 unbiased program of education and training for all employees  
20 assigned to investigate and conciliate charges under Articles  
21 7A and 7B. The training program shall include the following:

22 (1) substantive and procedural aspects of the  
23 investigation and conciliation positions;

24 (2) current issues in human rights law and practice;

25 (3) lectures by specialists in substantive areas  
26 related to human rights matters;

1           (4) orientation to each operational unit of the  
2 Department and Commission;

3           (5) observation of experienced Department  
4 investigators and attorneys conducting conciliation  
5 conferences, combined with the opportunity to discuss  
6 evidence presented and rulings made;

7           (6) the use of hypothetical cases requiring the  
8 Department investigator and conciliation conference  
9 attorney to issue judgments as a means to evaluating  
10 knowledge and writing ability;

11           (7) writing skills;

12           (8) computer skills, including but not limited to word  
13 processing and document management.

14           A formal, unbiased and ongoing professional development  
15 program including, but not limited to, the above-noted areas  
16 shall be implemented to keep Department investigators and  
17 attorneys informed of recent developments and issues and to  
18 assist them in maintaining and enhancing their professional  
19 competence.

20           (Source: P.A. 102-1115, eff. 1-9-23.)

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

22           Sec. 7A-102. Procedures.

23           (A) Charge.

24           (1) Within 300 calendar days after the date that a  
25 civil rights violation allegedly has been committed, 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 (3) Charges deemed filed with the Department pursuant  
9 to subsection (A-1) of this Section shall be deemed to be  
10 in compliance with this subsection.

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

12 (1) If a charge is filed with the Equal Employment  
13 Opportunity Commission (EEOC) within 300 calendar days  
14 after the date of the alleged civil rights violation, the  
15 charge shall be deemed filed with the Department on the  
16 date filed with the EEOC. If the EEOC is the governmental  
17 agency designated to investigate the charge first, the  
18 Department shall take no action until the EEOC makes a  
19 determination on the charge and after the complainant  
20 notifies the Department of the EEOC's determination. In  
21 such cases, after receiving notice from the EEOC that a  
22 charge was filed, the Department shall notify the parties  
23 that (i) a charge has been received by the EEOC and has  
24 been sent to the Department for dual filing purposes; (ii)  
25 the EEOC is the governmental agency responsible for  
26 investigating the charge and that the investigation shall

1 be conducted pursuant to the rules and procedures adopted  
2 by the EEOC; (iii) it will take no action on the charge  
3 until the EEOC issues its determination; (iv) the  
4 complainant must submit a copy of the EEOC's determination  
5 within 30 days after service of the determination by the  
6 EEOC on the complainant; and (v) that the time period to  
7 investigate the charge contained in subsection (G) of this  
8 Section is tolled from the date on which the charge is  
9 filed with the EEOC until the EEOC issues its  
10 determination.

11 (2) If the EEOC finds reasonable cause to believe that  
12 there has been a violation of federal law and if the  
13 Department is timely notified of the EEOC's findings by  
14 the complainant, the Department shall notify the  
15 complainant that the Department has adopted the EEOC's  
16 determination of reasonable cause and that the complainant  
17 has the right, within 90 days after receipt of the  
18 Department's notice, to either file the complainant's ~~his~~  
19 ~~or her~~ own complaint with the Illinois Human Rights  
20 Commission or commence a civil action in the appropriate  
21 circuit court or other appropriate court of competent  
22 jurisdiction. This notice shall be provided to the  
23 complainant within 10 business days after the Department's  
24 receipt of the EEOC's determination. The Department's  
25 notice to the complainant that the Department has adopted  
26 the EEOC's determination of reasonable cause shall

1           constitute the Department's Report for purposes of  
2           subparagraph (D) of this Section.

3           (3) For those charges alleging violations within the  
4           jurisdiction of both the EEOC and the Department and for  
5           which the EEOC either (i) does not issue a determination,  
6           but does issue the complainant a notice of a right to sue,  
7           including when the right to sue is issued at the request of  
8           the complainant, or (ii) determines that it is unable to  
9           establish that illegal discrimination has occurred and  
10          issues the complainant a right to sue notice, and if the  
11          Department is timely notified of the EEOC's determination  
12          by the complainant, the Department shall notify the  
13          parties, within 10 business days after receipt of the  
14          EEOC's determination, that the Department will adopt the  
15          EEOC's determination as a dismissal for lack of  
16          substantial evidence unless the complainant requests in  
17          writing within 35 days after receipt of the Department's  
18          notice that the Department review the EEOC's  
19          determination.

20          (a) If the complainant does not file a written  
21          request with the Department to review the EEOC's  
22          determination within 35 days after receipt of the  
23          Department's notice, the Department shall notify the  
24          complainant, within 10 business days after the  
25          expiration of the 35-day period, that the decision of  
26          the EEOC has been adopted by the Department as a

1 dismissal for lack of substantial evidence and that  
2 the complainant has the right, within 90 days after  
3 receipt of the Department's notice, to commence a  
4 civil action in the appropriate circuit court or other  
5 appropriate court of competent jurisdiction. The  
6 Department's notice to the complainant that the  
7 Department has adopted the EEOC's determination shall  
8 constitute the Department's report for purposes of  
9 subparagraph (D) of this Section.

10 (b) If the complainant does file a written request  
11 with the Department to review the EEOC's  
12 determination, the Department shall review the EEOC's  
13 determination and any evidence obtained by the EEOC  
14 during its investigation. If, after reviewing the  
15 EEOC's determination and any evidence obtained by the  
16 EEOC, the Department determines there is no need for  
17 further investigation of the charge, the Department  
18 shall issue a report and the Director shall determine  
19 whether there is substantial evidence that the alleged  
20 civil rights violation has been committed pursuant to  
21 subsection (D) of this Section. If, after reviewing  
22 the EEOC's determination and any evidence obtained by  
23 the EEOC, the Department determines there is a need  
24 for further investigation of the charge, the  
25 Department may conduct any further investigation it  
26 deems necessary. After reviewing the EEOC's

1 determination, the evidence obtained by the EEOC, and  
2 any additional investigation conducted by the  
3 Department, the Department shall issue a report and  
4 the Director shall determine whether there is  
5 substantial evidence that the alleged civil rights  
6 violation has been committed pursuant to subsection  
7 (D) of this Section.

8 (4) Pursuant to this Section, if the EEOC dismisses  
9 the charge or a portion of the charge of discrimination  
10 because, under federal law, the EEOC lacks jurisdiction  
11 over the charge, and if, under this Act, the Department  
12 has jurisdiction over the charge of discrimination, the  
13 Department shall investigate the charge or portion of the  
14 charge dismissed by the EEOC for lack of jurisdiction  
15 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),  
16 (E), (F), (G), (H), (I), (J), and (K) of this Section.

17 (5) The time limit set out in subsection (G) of this  
18 Section is tolled from the date on which the charge is  
19 filed with the EEOC to the date on which the EEOC issues  
20 its determination.

21 (6) The failure of the Department to meet the  
22 10-business-day notification deadlines set out in  
23 paragraph (2) of this subsection shall not impair the  
24 rights of any party.

25 (B) Notice and Response to Charge. The Department shall,  
26 within 10 days of the date on which the charge was filed, serve



1 a copy of the charge on the respondent and provide all parties  
2 with a notice of the complainant's right to opt out of the  
3 investigation within 60 days as set forth in subsection (C-1).  
4 This period shall not be construed to be jurisdictional. The  
5 charging party and the respondent may each file a position  
6 statement and other materials with the Department regarding  
7 the charge of alleged discrimination within 60 days of receipt  
8 of the notice of the charge. The position statements and other  
9 materials filed shall remain confidential unless otherwise  
10 agreed to by the party providing the information and shall not  
11 be served on or made available to the other party during the  
12 pendency of a charge with the Department. The Department may  
13 require the respondent to file a response to the allegations  
14 contained in the charge. Upon the Department's request, the  
15 respondent shall file a response to the charge within 60 days  
16 and shall serve a copy of its response on the complainant or  
17 the complainant's ~~his or her~~ representative. Notwithstanding  
18 any request from the Department, the respondent may elect to  
19 file a response to the charge within 60 days of receipt of  
20 notice of the charge, provided the respondent serves a copy of  
21 its response on the complainant or the complainant's ~~his or~~  
22 ~~her~~ representative. All allegations contained in the charge  
23 not denied by the respondent within 60 days of the  
24 Department's request for a response may be deemed admitted,  
25 unless the respondent states that it is without sufficient  
26 information to form a belief with respect to such allegation.

1 The Department may issue a notice of default directed to any  
2 respondent who fails to file a response to a charge within 60  
3 days of receipt of the Department's request, unless the  
4 respondent can demonstrate good cause as to why such notice  
5 should not issue. The term "good cause" shall be defined by  
6 rule promulgated by the Department. Within 30 days of receipt  
7 of the respondent's response, the complainant may file a reply  
8 to said response and shall serve a copy of said reply on the  
9 respondent or the respondent's ~~his or her~~ representative. A  
10 party shall have the right to supplement the party's ~~his or her~~  
11 response or reply at any time that the investigation of the  
12 charge is pending. The Department shall, within 10 days of the  
13 date on which the charge was filed, and again no later than 335  
14 days thereafter, send by certified or registered mail, or  
15 electronic mail if elected by the party, written notice to the  
16 complainant and to the respondent informing the complainant of  
17 the complainant's rights to either file a complaint with the  
18 Human Rights Commission or commence a civil action in the  
19 appropriate circuit court under subparagraph (2) of paragraph  
20 (G), including in such notice the dates within which the  
21 complainant may exercise these rights. In the notice the  
22 Department shall notify the complainant that the charge of  
23 civil rights violation will be dismissed with prejudice and  
24 with no right to further proceed if a written complaint is not  
25 timely filed with the Commission or with the appropriate  
26 circuit court by the complainant pursuant to subparagraph (2)

1 of paragraph (G) or by the Department pursuant to subparagraph  
2 (1) of paragraph (G).

3 (B-1) Mediation. The complainant and respondent may agree  
4 to voluntarily submit the charge to mediation without waiving  
5 any rights that are otherwise available to either party  
6 pursuant to this Act and without incurring any obligation to  
7 accept the result of the mediation process. Nothing occurring  
8 in mediation shall be disclosed by the Department or  
9 admissible in evidence in any subsequent proceeding unless the  
10 complainant and the respondent agree in writing that such  
11 disclosure be made.

12 (C) Investigation.

13 (1) The Department shall conduct an investigation  
14 sufficient to determine whether the allegations set forth  
15 in the charge are supported by substantial evidence unless  
16 the complainant elects to opt out of an investigation  
17 pursuant to subsection (C-1).

18 (2) The Director or the Director's ~~his or her~~  
19 designated representatives shall have authority to request  
20 any member of the Commission to issue subpoenas to compel  
21 the attendance of a witness or the production for  
22 examination of any books, records or documents whatsoever.

23 (3) If any witness whose testimony is required for any  
24 investigation resides outside the State, or through  
25 illness or any other good cause as determined by the  
26 Director is unable to be interviewed by the investigator

1 or appear at a fact finding conference, the witness' ~~his~~  
2 ~~or her~~ testimony or deposition may be taken, within or  
3 without the State, in the same manner as is provided for in  
4 the taking of depositions in civil cases in circuit  
5 courts.

6 (4) Upon reasonable notice to the complainant and the  
7 respondent, the Department shall conduct a fact finding  
8 conference, unless prior to 365 days after the date on  
9 which the charge was filed the Director has determined  
10 whether there is substantial evidence that the alleged  
11 civil rights violation has been committed, the charge has  
12 been dismissed for lack of jurisdiction, or the parties  
13 voluntarily and in writing agree to waive the fact finding  
14 conference. Any party's failure to attend the conference  
15 without good cause shall result in dismissal or default.  
16 The term "good cause" shall be defined by rule promulgated  
17 by the Department. A notice of dismissal or default shall  
18 be issued by the Director. The notice of default issued by  
19 the Director shall notify the respondent that a request  
20 for review may be filed in writing with the Commission  
21 within 30 days of receipt of notice of default. The notice  
22 of dismissal issued by the Director shall give the  
23 complainant notice of the complainant's ~~his or her~~ right  
24 to seek review of the dismissal before the Human Rights  
25 Commission or commence a civil action in the appropriate  
26 circuit court. If the complainant chooses to have the

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

11 (C-1) Opt out of Department's investigation. At any time  
12 within 60 days after receipt of notice of the right to opt out,  
13 a complainant may submit a written request seeking notice from  
14 the Director indicating that the complainant has opted out of  
15 the investigation and may commence a civil action in the  
16 appropriate circuit court or other appropriate court of  
17 competent jurisdiction. Within 10 business days of receipt of  
18 the complainant's request to opt out of the investigation, the  
19 Director shall issue a notice to the parties stating that: (i)  
20 the complainant has exercised the right to opt out of the  
21 investigation; (ii) the complainant has 90 days after receipt  
22 of the Director's notice to commence an action in the  
23 appropriate circuit court or other appropriate court of  
24 competent jurisdiction; and (iii) the Department has ceased  
25 its investigation and is administratively closing the charge.  
26 The complainant shall notify the Department ~~and the respondent~~

1 that a complaint has been filed with the appropriate circuit  
2 court by serving ~~or other appropriate court of competent~~  
3 ~~jurisdiction and shall mail~~ a copy of the complaint on the  
4 chief legal counsel of ~~to~~ the Department within 21 days from  
5 the ~~and the respondent on the same~~ date that the complaint is  
6 filed with the appropriate circuit court. This 21-day period  
7 for service on the chief legal counsel shall not be construed  
8 to be jurisdictional. Once a complainant has opted out of the  
9 investigation under this subsection, the complainant ~~he or she~~  
10 may not file or refile a substantially similar charge with the  
11 Department arising from the same incident of unlawful  
12 discrimination or harassment.

13 (D) Report.

14 (1) Each charge investigated under subsection (C)  
15 shall be the subject of a report to the Director. The  
16 report shall be a confidential document subject to review  
17 by the Director, authorized Department employees, the  
18 parties, and, where indicated by this Act, members of the  
19 Commission or their designated hearing officers.

20 (2) Upon review of the report, the Director shall  
21 determine whether there is substantial evidence that the  
22 alleged civil rights violation has been committed. The  
23 determination of substantial evidence is limited to  
24 determining the need for further consideration of the  
25 charge pursuant to this Act and includes, but is not  
26 limited to, findings of fact and conclusions, as well as

1 the reasons for the determinations on all material issues.  
2 Substantial evidence is evidence which a reasonable mind  
3 accepts as sufficient to support a particular conclusion  
4 and which consists of more than a mere scintilla but may be  
5 somewhat less than a preponderance.

6 (3) If the Director determines that there is no  
7 substantial evidence, the charge shall be dismissed by  
8 ~~order of~~ the Director and the Director shall give the  
9 complainant notice of the complainant's ~~his or her~~ right  
10 to seek review of the notice of dismissal ~~order~~ before the  
11 Commission or commence a civil action in the appropriate  
12 circuit court. If the complainant chooses to have the  
13 Human Rights Commission review the notice of dismissal  
14 ~~order~~, the complainant ~~he or she~~ shall file a request for  
15 review with the Commission within 90 days after receipt of  
16 the Director's notice. If the complainant chooses to file  
17 a request for review with the Commission, the complainant  
18 ~~he or she~~ may not later commence a civil action in a  
19 circuit court. If the complainant chooses to commence a  
20 civil action in a circuit court, the complainant ~~he or she~~  
21 must do so within 90 days after receipt of the Director's  
22 notice. The complainant shall notify the Department that a  
23 complaint has been filed by serving a copy of the  
24 complaint on the chief legal counsel of the Department  
25 within 21 days from the date that the complaint is filed in  
26 circuit court. This 21-day period for service on the chief

1 legal counsel shall not be construed to be jurisdictional.

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



1 chief legal counsel of the Department within 21 days from  
2 the date that the complaint is filed ~~give notice to the~~  
3 ~~Department of the filing of the complaint~~ with the Human  
4 Rights Commission. This 21-day period for service on the  
5 chief legal counsel shall not be construed to be  
6 jurisdictional.

7 (E) Conciliation.

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

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

20 (3) The place fixed for the conference shall be within  
21 35 miles of the place where the civil rights violation is  
22 alleged to have been committed.

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

26 (5) The Department's efforts to conciliate the matter

1 shall not stay or extend the time for filing the complaint  
2 with the Commission or the circuit court.

3 (F) Complaint.

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

12 (1.5) If the complainant chooses to file a complaint  
13 with the Commission without the Department's assistance,  
14 the complainant shall notify the Department that a  
15 complaint has been filed by serving a copy of the  
16 complaint on the chief legal counsel of the Department  
17 within 21 days from the date that the complaint is filed  
18 with the Human Rights Commission. This 21-day period for  
19 service on the chief legal counsel shall not be construed  
20 to be jurisdictional.

21 (2) If the complainant chooses to commence a civil  
22 action in a circuit court:

23 (i) The complainant shall file the civil action 7  
24 ~~he or she must do so~~ in the circuit court in the county  
25 wherein the civil rights violation was allegedly  
26 committed.

1           (ii) The form of the complaint in any such civil  
2           action shall be in accordance with the Code of Civil  
3           Procedure.

4           (iii) The complainant shall notify the Department  
5           that a complaint has been filed by serving a copy of  
6           the complaint on the chief legal counsel of the  
7           Department within 21 days from date that the complaint  
8           is filed in circuit court. This 21-day period for  
9           service on the chief legal counsel shall not be  
10          construed to be jurisdictional.

11          (G) Time Limit.

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

18           (2) If the Department has not issued its report within  
19           365 days after the charge is filed, or any such longer  
20           period agreed to in writing by all the parties, the  
21           complainant shall have 90 days to either file the  
22           complainant's ~~his or her~~ own complaint with the Human  
23           Rights Commission or commence a civil action in the  
24           appropriate circuit court. If the complainant files a  
25           complaint with the Commission, the form of the complaint  
26           shall be in accordance with the provisions of paragraph

1 (F)(1). If the complainant commences a civil action in a  
2 circuit court, the form of the complaint shall be in  
3 accordance with the Code of Civil Procedure. The aggrieved  
4 party shall notify the Department that a complaint has  
5 been filed by serving ~~and shall serve~~ a copy of the  
6 complaint on the chief legal counsel of the Department  
7 with 21 days from the ~~on the same~~ date that the complaint  
8 is filed with the Commission or in circuit court. This  
9 21-day period for service on the chief legal counsel shall  
10 not be construed to be jurisdictional. If the complainant  
11 files a complaint with the Commission, the complainant ~~he~~  
12 ~~or she~~ may not later commence a civil action in circuit  
13 court.

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

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

4           (4) (Blank).

5           (H) Public Act 89-370 applies to causes of action filed on  
6           or after January 1, 1996.

7           (I) Public Act 89-520 applies to causes of action filed on  
8           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 Public Act 96-876  
13          apply to charges filed on or after the effective date of those  
14          changes.

15          (L) The changes made to this Section by Public Act  
16          100-1066 apply to charges filed on or after August 24, 2018  
17          (the effective date of Public Act 100-1066).

18          (Source: P.A. 101-221, eff. 1-1-20; 102-558, eff. 8-20-21.)

19           (775 ILCS 5/7A-104) (from Ch. 68, par. 7A-104)

20           Sec. 7A-104. Judicial Proceedings.

21           (A) Temporary Relief.

22           (1) At any time after a charge is filed, the  
23           Department or complainant may petition the appropriate  
24           court for temporary relief, pending final determination of  
25           the proceedings under this Act, ~~including an order or~~

1 ~~judgment restraining the respondent from doing or causing~~  
2 ~~any act which would render ineffectual an order which the~~  
3 ~~Commission may enter with respect to the complainant.~~  
4 Whether it is brought by the Department or by the  
5 complainant, the petition shall contain a certification by  
6 the Director that the particular matter warrants ~~presents~~  
7 ~~exceptional circumstances in which irreparable injury will~~  
8 ~~result from a civil rights violation in the absence of~~  
9 temporary relief. The filing of a petition under this  
10 paragraph does not affect the initiation or continuation  
11 of administrative proceedings under Sections 7A-102 and  
12 8A-102.

13 (2) The petition shall be filed in the circuit court  
14 for the county in which the respondent resides or  
15 transacts business or in which the alleged violation took  
16 place, and the proceedings shall be governed by Part I of  
17 Article XI of the "Code of Civil Procedure", as amended.  
18 The ~~Except as provided in subsection (A) (3),~~ the court  
19 may grant temporary relief or a temporary restraining  
20 order as it deems just and proper.

21 (3) (Blank). ~~When the petition is based upon a civil~~  
22 ~~rights violation as defined in Article 3 of this Act, the~~  
23 ~~relief or restraining order entered by the court shall not~~  
24 ~~exceed 5 days unless:~~

25 ~~(a) A longer period is agreed to by the~~  
26 ~~respondent; or~~

1           ~~(b) The court finds that there is substantial~~  
2           ~~evidence to demonstrate that the respondent has~~  
3           ~~engaged in unlawful discrimination.~~

4           (B) Expedited Proceedings.

5           (1) A complainant or the Department at the request of  
6           the complainant may at any time petition the circuit court  
7           for expedited proceedings. Except as to causes the circuit  
8           court considers to be of greater importance, consideration  
9           of petitions for expedited proceedings under this  
10          subsection shall take precedence on the docket over all  
11          other causes and be assigned for hearing at the earliest  
12          practicable date and expedited in every way.

13          (2) Venue for a petition filed under this subsection  
14          shall lie in the county where the respondent resides or is  
15          found or where the alleged violation was committed.

16          (3) Any petition filed by the complainant shall name  
17          the Department, Commission and the respondent. Any  
18          petition filed by the Department, upon request of the  
19          complainant, shall name the Commission and the respondent.

20          (4) If the circuit court determines that the  
21          complainant is likely to die before the termination of the  
22          proceedings under this Act, it may order the proceedings  
23          expedited. When an order for expedited proceedings is  
24          issued, the processing of the complainant's charge by the  
25          Department and Commission shall take precedence over all  
26          matters except older matters of the same character. Where

1 such order is issued, the Department, the Commission, any  
2 panel of the Commission, or any Commission hearing officer  
3 shall be authorized to shorten any time period, other than  
4 the filing period set by Section 7A-102(A)(1). If such an  
5 order is issued and the complainant is before the  
6 Department, the Department shall immediately appoint an  
7 investigator if an investigator has not been appointed and  
8 shall in 90 days either file a complaint or order that no  
9 complaint be issued. If the Department fails to make a  
10 determination within 90 days the complainant shall have 30  
11 days to file a ~~his~~ complaint with the Commission.

12 (C) Enforcement of Commission Orders. When authorized by  
13 this Act, the Department, at the request of the Commission,  
14 may take whatever action may be authorized for the enforcement  
15 of Commission orders.

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

17 (775 ILCS 5/7B-104) (from Ch. 68, par. 7B-104)

18 Sec. 7B-104. Judicial Proceedings. (A) Temporary Relief.

19 (1) At any time after a charge is filed, the Department or  
20 aggrieved party may petition the appropriate court for  
21 temporary relief, pending final determination of the  
22 proceedings under this Act, ~~including an order or judgment~~  
23 ~~restraining the respondent from doing or causing any act which~~  
24 ~~would render ineffectual an order which the Commission may~~  
25 ~~enter with respect to the aggrieved party.~~ Whether it is



1 brought by the Department or by the aggrieved party, the  
2 petition shall contain a certification by the Director that  
3 the particular matter warrants ~~presents exceptional~~  
4 ~~circumstances in which irreparable injury will result from a~~  
5 ~~civil rights violation in the absence of~~ temporary relief. The  
6 filing of a petition under this paragraph does not affect the  
7 initiation or continuation of administrative proceedings under  
8 Sections 7B-102 and 8B-102 ~~Section 7A-102 and Section 8A-102~~  
9 ~~of this Act.~~

10 (2) The petition shall be filed in the circuit court for  
11 the county in which the respondent resides or transacts  
12 business or in which the alleged violation took place, and the  
13 proceedings shall be governed by Part 1 of Article XI of the  
14 "Code of Civil Procedure", as amended. The ~~Except as provided~~  
15 ~~in subsection (A) (3),~~ the court may grant temporary relief or  
16 a temporary restraining order as it deems just and proper.

17 (3) (Blank). ~~When the petition is based upon a civil~~  
18 ~~rights violation as defined in Article 3 of this Act, the~~  
19 ~~duration of the relief or restraining order entered by the~~  
20 ~~court shall not exceed 5 days unless:~~

21 ~~(a) A longer period is agreed to by the respondent; or~~

22 ~~(b) The court finds that there is substantial evidence to~~  
23 ~~demonstrate that the respondent has engaged in unlawful~~  
24 ~~discrimination.~~

25 (B) Enforcement of Commission Orders. When authorized by  
26 this Act, the Department, at the request of the Commission,

1 may take whatever action may be authorized for the enforcement  
2 of Commission orders.

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

4 (775 ILCS 5/8-103) (from Ch. 68, par. 8-103)

5 Sec. 8-103. Request for review.

6 (A) Jurisdiction. The Commission, through a panel of 3  
7 ~~three~~ members, shall have jurisdiction to hear and determine  
8 requests for review of (1) decisions of the Department to  
9 dismiss a charge; and (2) notices of default issued by the  
10 Department.

11 In each instance, the Department shall be the respondent.  
12 The respondent on the charge, in the case of dismissal, or the  
13 complainant, in the case of default, may file a response to the  
14 request for review.

15 (B) Review. When a request for review is properly filed,  
16 the Commission may consider the Department's report, any  
17 argument and supplemental evidence timely submitted, and the  
18 results of any additional investigation conducted by the  
19 Department in response to the request. In its discretion, the  
20 Commission may designate a hearing officer to conduct a  
21 hearing into the factual basis of the matter at issue. Within  
22 120 days after the effective date of this amendatory Act of the  
23 100th General Assembly, the Commission shall adopt rules of  
24 minimum standards for the contents of responses to requests  
25 for review, including, but not limited to, proposed statements

1 of uncontested facts and proposed statements of the legal  
2 issues.

3 (C) Default Order. When a respondent fails to file a  
4 timely request for review of a notice of default, or the  
5 default is sustained on review, the Commission shall enter a  
6 default order and notify the parties that the complainant has  
7 the right to either commence a civil action in the appropriate  
8 circuit court to determine the complainant's damages or  
9 request that the Commission set a hearing on damages before  
10 one of its hearing officers. The complainant shall have 90  
11 days after receipt of the Commission's default order to either  
12 commence a civil action in the appropriate circuit court or  
13 request that the Commission set a hearing on damages.

14 (D) Time Period Toll. Proceedings on requests for review  
15 shall toll the time limitation established in paragraph (G) of  
16 Section 7A-102 from the date on which the Department's notice  
17 of dismissal or default is issued until 30 days after ~~to~~ the  
18 date on which the Commission's order is served on the chief  
19 legal counsel of the Department ~~entered~~.

20 (E) The changes made to this Section by Public Act 95-243  
21 apply to charges or complaints filed with the Department or  
22 Commission on or after the effective date of those changes.

23 (F) The changes made to this Section by this amendatory  
24 Act of the 96th General Assembly apply to charges or  
25 complaints filed with the Department or Commission on or after  
26 the effective date of those changes.

1 (G) The changes made to this Section by this amendatory  
2 Act of the 100th General Assembly apply to charges filed or  
3 pending with the Department or Commission on or after the  
4 effective date of this amendatory Act of the 100th General  
5 Assembly.

6 (Source: P.A. 100-1066, eff. 8-24-18.)

7 (775 ILCS 5/8A-102) (from Ch. 68, par. 8A-102)

8 Sec. 8A-102. Hearing on Complaint.

9 (A) Services. Within five days after a complaint is filed  
10 by the Department, or the aggrieved party, as the case may be,  
11 the Commission shall cause it to be served on the respondent  
12 together with a notice of hearing before a hearing officer of  
13 the Commission at a place therein fixed.

14 (B) Time and Location of Hearing. An initial hearing date  
15 shall be scheduled for not less than 30 ~~thirty~~ nor more than 90  
16 ~~ninety~~ days after service of the complaint at a place that is  
17 within 100 ~~one hundred~~ miles of the place at which the civil  
18 rights violation is alleged to have occurred. The hearing  
19 officer may, for good cause shown, extend the date of the  
20 hearing.

21 (B-5) Intervention by the Department.

22 (1) After the filing of a complaint under Article 2,  
23 4, 5, 5A, or 6, the Department may petition and shall be  
24 permitted to intervene as a party in the proceeding if the  
25 Commission determines that:

1           (i) the Department has an interest different from  
2           one or more of the parties;

3           (ii) the expertise of the Department makes it  
4           better suited to articulate a particular point of  
5           view; or

6           (iii) the representation of the Department's  
7           interest by existing parties is or may be inadequate  
8           and the Department will or may be bound by an order or  
9           judgment in the action.

10          (2) The Department, as an intervenor, shall have all  
11          of the rights of an original party subject to the order of  
12          the administrative law judge.

13          (3) Upon such intervention, the Commission may award  
14          such relief as is authorized to be granted to a  
15          complainant under Section 8A-104.

16          (C) Amendment.

17                 (1) A complaint may be amended under oath by leave of  
18                 the presiding hearing officer, for good cause shown, upon  
19                 timely written motion and reasonable notice to all  
20                 interested parties at any time prior to the issuance of a  
21                 recommended order pursuant to Section 8A-102(I) or  
22                 8B-102(J). The amended complaint shall be served upon all  
23                 parties of record and the Department of Human Rights by  
24                 the complainant, or by the Department if it prepared and  
25                 filed the amended complaint, within 7 days of the date of  
26                 the order permitting its filing or such additional time as

1 the hearing officer may order. Amendments to the complaint  
2 may encompass any unlawful discrimination which is like or  
3 reasonably related to the charge and growing out of the  
4 allegations in such charge, including, but not limited to,  
5 allegations of retaliation.

6 (2) A motion that the complaint be amended to conform  
7 to the evidence, made prior to the close of the public  
8 hearing, may be addressed orally on the record to the  
9 hearing officer, and shall be granted for good and  
10 sufficient cause.

11 (D) Answer.

12 (1) The respondent shall file an answer under oath or  
13 affirmation to the original or amended complaint within 30  
14 days of the date of service thereof, but the hearing  
15 officer may, for good cause shown, grant further time for  
16 the filing of an answer.

17 (2) When the respondent files a motion to dismiss the  
18 complaint within 30 days and the motion is denied by the  
19 hearing officer, the time for filing the answer shall be  
20 within 15 days of the date of denial of the motion.

21 (3) Any allegation in the complaint which is not  
22 denied or admitted in the answer is deemed admitted unless  
23 the respondent states in the answer that the respondent ~~he~~  
24 is without sufficient knowledge or information to form a  
25 belief with respect to such allegation.

26 (4) The failure to file an answer is deemed to

1           constitute an admission of the allegations contained in  
2           the complaint.

3           (5) The respondent has the right to amend the  
4           respondent's ~~his~~ answer, upon leave of the hearing  
5           officer, for good cause shown.

6           (E) Proceedings In Forma Pauperis.

7           (1) If the hearing officer is satisfied that the  
8           complainant or respondent is a poor person, and unable to  
9           prosecute or defend the complaint and pay the costs and  
10          expenses thereof, the hearing officer may permit the party  
11          to commence and prosecute or defend the action as a poor  
12          person. Such party shall have all the necessary subpoenas,  
13          appearances, and proceedings without prepayment of witness  
14          fees or charges. Witnesses shall attend as in other cases  
15          under this Act and the same remedies shall be available  
16          for failure or refusal to obey the subpoena as are  
17          provided for in Section 8-104 of this Act.

18          (2) A person desiring to proceed without payment of  
19          fees or charges shall file with the hearing officer an  
20          affidavit stating that the person ~~he~~ is a poor person and  
21          unable to pay costs, and that the action is meritorious.

22          (F) Discovery. The procedure for obtaining discovery of  
23          information from parties and witnesses shall be specified by  
24          the Commission in rules. If no rule has been promulgated by the  
25          Commission on a particular type of discovery, the Code of  
26          Civil Procedure may be considered persuasive authority. The

1 types of discovery shall be the same as in civil cases in the  
2 circuit courts of this State, provided, however, that a party  
3 may take discovery depositions only upon leave of the hearing  
4 officer and for good cause shown.

5 (G) Hearing.

6 (1) Both the complainant and the respondent may appear  
7 at the hearing and examine and cross-examine witnesses.

8 (2) The testimony taken at the hearing shall be under  
9 oath or affirmation and a transcript shall be made and  
10 filed in the office of the Commission.

11 (3) The testimony taken at the hearing is subject to  
12 the same rules of evidence that apply in courts of this  
13 State in civil cases.

14 (H) Compelling Appearance of Parties at Hearing. The  
15 appearance at the hearing of a party or a person who at the  
16 time of the hearing is an officer, director, or employee of a  
17 party may be required by serving the party with a notice  
18 designating the person who is required to appear. The notice  
19 also may require the production at the hearing of documents or  
20 tangible things. If the party or person is a nonresident of the  
21 county, the hearing officer may order any terms and conditions  
22 in connection with the party's or person's ~~his~~ appearance at  
23 the hearing that are just, including payment of the party's or  
24 person's ~~his~~ reasonable expenses. Upon a failure to comply  
25 with the notice, the hearing officer may enter any order that  
26 is just.



1 (I) Decision.

2 (1) When all the testimony has been taken, the hearing  
3 officer shall determine whether the respondent has engaged  
4 in or is engaging in the civil rights violation with  
5 respect to the person aggrieved as charged in the  
6 complaint. A determination sustaining a complaint shall be  
7 based upon a preponderance of the evidence.

8 (2) The hearing officer shall make findings of fact in  
9 writing and, if the finding is against the respondent,  
10 shall issue and cause to be served on the parties and the  
11 Department a recommended order for appropriate relief as  
12 provided by this Act.

13 (3) If, upon all the evidence, the hearing officer  
14 finds that a respondent has not engaged in the  
15 discriminatory practice charged in the complaint or that a  
16 preponderance of the evidence does not sustain the  
17 complaint, the hearing officer ~~he~~ shall state the hearing  
18 officer's ~~his~~ findings of fact and shall issue and cause  
19 to be served on the parties and the Department a  
20 recommended order dismissing the complaint.

21 (4) The findings and recommended order of the hearing  
22 officer shall be filed with the Commission. The findings  
23 and recommended order may be authored by a hearing officer  
24 other than the hearing officer who presides at the public  
25 hearing if:

26 (a) the hearing officer who presides at the public

1 hearing is unable to author the findings and  
2 recommended order by reason of death, disability, or  
3 separation from employment; and

4 (b) all parties to a complaint file a joint motion  
5 agreeing to have the findings and recommended order  
6 written by a hearing officer who did not preside at the  
7 public hearing.

8 (5) A recommended order dismissing a complaint may  
9 include an award of reasonable attorneys fees in favor of  
10 the respondent against the complainant or the  
11 complainant's attorney, or both, if the hearing officer  
12 concludes that the complaint was frivolous, unreasonable  
13 or groundless or that the complainant continued to  
14 litigate after it became clearly so.

15 (6) The hearing officer may issue a recommended order  
16 of dismissal with prejudice or a recommended order of  
17 default as a sanction for the failure of a party to  
18 prosecute the party's ~~his or her~~ case, file a required  
19 pleading, appear at a hearing, or otherwise comply with  
20 this Act, the rules of the Commission, or a previous order  
21 of the hearing officer.

22 (Source: P.A. 92-472, eff. 1-1-02.)

23 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

24 Sec. 10-101. Applicability. With the exception of Sections  
25 ~~Section~~ 10-104 and 10-105, this Article shall apply solely to

1 civil actions arising under Article 3 of this Act.

2 (Source: P.A. 93-1017, eff. 8-24-04.)

3 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)

4 Sec. 10-102. Court Actions.

5 (A) Circuit Court Actions.

6 (1) An aggrieved party may commence a civil action in  
7 an appropriate Circuit Court not later than 2 years after  
8 the occurrence or the termination of an alleged civil  
9 rights violation or the breach of a conciliation or  
10 settlement agreement entered into under this Act,  
11 whichever occurs last, to obtain appropriate relief with  
12 respect to the alleged civil rights violation or breach.  
13 The plaintiff or defendant may demand trial by jury for  
14 civil actions brought under this subsection. Venue for  
15 such civil action shall be determined under Section  
16 8-111(A)(1).

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

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

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

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

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

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

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

1 (C) Relief which may be granted.

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

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

16 (D) Intervention by the Attorney General ~~By The~~  
17 ~~Department.~~ If the Department certifies that the case is of  
18 general public importance, the ~~The~~ Attorney General ~~of~~  
19 ~~Illinois~~ may seek to intervene on behalf of the Department in a  
20 civil action filed by a complainant in State or federal court  
21 under this Section ~~if the Department certifies that the case~~  
22 ~~is of general public importance.~~ Upon such intervention, the  
23 court may award any of the remedies set forth in Section 8B-104  
24 and subsection (B) of Section 10-104 ~~such relief as is~~  
25 ~~authorized to be granted to a plaintiff in a civil action under~~  
26 ~~Section 10-102(C).~~

1 (Source: P.A. 101-661, eff. 4-2-21; 102-706, eff. 4-22-22.)

2 (775 ILCS 5/10-105 new)

3 Sec. 10-105. Intervention by the Attorney General. If the  
4 Department certifies that the case is of general public  
5 importance, the Attorney General may seek to intervene on  
6 behalf of the Department in a civil action filed by a  
7 complainant in State or federal court under Section 7A-102.  
8 Upon such intervention, the court or jury may award any of the  
9 remedies set forth in Section 8A-104 and subsection (B) of  
10 Section 10-104.