



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3664

Introduced 2/9/2024, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Human Rights Act. Provides that an employer is responsible for harassment and sexual harassment of the its employees by the employer's nonmanagerial and nonsupervisory employees, nonemployees, and third parties only if the employer becomes aware of the conduct and fails to take reasonable corrective measures. Changes the definition of "real estate transaction" to include any act that otherwise makes available such a transaction or alters a person's right to real property. Makes it a civil rights violation in a real estate transaction to: make unavailable or deny real property to discriminate in making available such a transaction; or use criteria or methods that have the effect of subjecting individuals to unlawful discrimination or discrimination based on familial status, immigration status, source of income, or an arrest record in a real estate transaction. Provides that an aggrieved party may take action to collect on a judicial order issued by the Circuit Court in an action initiated by the State, regardless of whether or not the aggrieved party intervened in an enforcement action of a Human Rights Commission order. Provides that, in imposing a penalty based on a real estate transaction violation, the Commission may order a respondent to pay a civil penalty per violation to vindicate the public interest, and in imposing a civil penalty to vindicate the public interest, a separate penalty may be imposed for each specific act constituting a civil rights violation and for each aggrieved party injured by the civil rights violation. Deletes language authorizing each commissioner of the Human Rights Commission to hire a staff attorney. Repeals language regarding the collection of information concerning employment discrimination in relation to persons affected by the federal Immigration Reform and Control Act of 1986. Makes other changes.

LRB103 39460 JRC 69654 b

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 Human Rights Act is amended by
5 changing Sections 2-102, 3-101, 3-102, 8-101, 8-111, 8B-104,
6 10-103, and 10-104 as follows:

7 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

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

10 (A) Employers. For any employer to refuse to hire, to
11 segregate, to engage in harassment as defined in
12 subsection (E-1) of Section 2-101, or to act with respect
13 to recruitment, hiring, promotion, renewal of employment,
14 selection for training or apprenticeship, discharge,
15 discipline, tenure or terms, privileges or conditions of
16 employment on the basis of unlawful discrimination,
17 citizenship status, or work authorization status. An
18 employer shall be ~~is~~ responsible for harassment of the
19 employer's employees by the employer's nonmanagerial and
20 nonsupervisory employees, nonemployees as defined in
21 subsection (A-10) of this Section, and third parties
22 including, but not limited to, customers, clients,
23 vendors, or other visitors only if the employer becomes

1 aware of the conduct and fails to take reasonable
2 corrective measures.

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

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

11 (A-10) Harassment of nonemployees. For any employer,
12 employment agency, or labor organization to engage in
13 harassment of nonemployees in the workplace. An employer
14 shall be ~~is~~ responsible for harassment of nonemployees by
15 the employer's nonmanagerial and nonsupervisory employees
16 only if the employer becomes aware of the conduct and
17 fails to take reasonable corrective measures. For the
18 purposes of this subdivision (A-10), "nonemployee" means a
19 person who is not otherwise an employee of the employer
20 and is directly performing services for the employer
21 pursuant to a contract with that employer. "Nonemployee"
22 includes contractors and consultants. This subdivision
23 applies to harassment occurring on or after the effective
24 date of this amendatory Act of the 101st General Assembly.

25 (B) Employment agency. For any employment agency to
26 fail or refuse to classify properly, accept applications

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

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

22 (D) Sexual harassment. For any employer, employee,
23 agent of any employer, employment agency or labor
24 organization to engage in sexual harassment. ~~An, provided,~~
25 ~~that an~~ employer shall be responsible for sexual
26 harassment of the employer's employees by nonemployees or

1 nonmanagerial and nonsupervisory employees, nonemployees
2 as defined in subsection (D-5) of this Section, and third
3 parties including, but not limited to, customers, clients,
4 vendors, or other visitors only if the employer becomes
5 aware of the conduct and fails to take reasonable
6 corrective measures.

7 (D-5) Sexual harassment of nonemployees. For any
8 employer, employee, agent of any employer, employment
9 agency, or labor organization to engage in sexual
10 harassment of nonemployees in the workplace. An employer
11 shall be ~~is~~ responsible for sexual harassment of
12 nonemployees by the employer's nonmanagerial and
13 nonsupervisory employees only if the employer becomes
14 aware of the conduct and fails to take reasonable
15 corrective measures. For the purposes of this subdivision
16 (D-5), "nonemployee" means a person who is not otherwise
17 an employee of the employer and is directly performing
18 services for the employer pursuant to a contract with that
19 employer. "Nonemployee" includes contractors and
20 consultants. This subdivision applies to sexual harassment
21 occurring on or after the effective date of this
22 amendatory Act of the 101st General Assembly.

23 (E) Public employers. For any public employer to
24 refuse to permit a public employee under its jurisdiction
25 who takes time off from work in order to practice his or
26 her religious beliefs to engage in work, during hours

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

12 (E-5) Religious discrimination. For any employer to
13 impose upon a person as a condition of obtaining or
14 retaining employment, including opportunities for
15 promotion, advancement, or transfer, any terms or
16 conditions that would require such person to violate or
17 forgo a sincerely held practice of his or her religion
18 including, but not limited to, the wearing of any attire,
19 clothing, or facial hair in accordance with the
20 requirements of his or her religion, unless, after
21 engaging in a bona fide effort, the employer demonstrates
22 that it is unable to reasonably accommodate the employee's
23 or prospective employee's sincerely held religious belief,
24 practice, or observance without undue hardship on the
25 conduct of the employer's business.

26 Nothing in this Section prohibits an employer from

1 enacting a dress code or grooming policy that may include
2 restrictions on attire, clothing, or facial hair to
3 maintain workplace safety or food sanitation.

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

9 (G) Immigration-related practices.

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

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

1 of employment without following the procedures under
2 the E-Verify Program.

3 (H) (Blank).

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

18 (J) Pregnancy; reasonable accommodations.

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

1 operation of the business of the employer. The
2 employer may request documentation from the employee's
3 health care provider concerning the need for the
4 requested reasonable accommodation or accommodations
5 to the same extent documentation is requested for
6 conditions related to disability if the employer's
7 request for documentation is job-related and
8 consistent with business necessity. The employer may
9 require only the medical justification for the
10 requested accommodation or accommodations, a
11 description of the reasonable accommodation or
12 accommodations medically advisable, the date the
13 reasonable accommodation or accommodations became
14 medically advisable, and the probable duration of the
15 reasonable accommodation or accommodations. It is the
16 duty of the individual seeking a reasonable
17 accommodation or accommodations to submit to the
18 employer any documentation that is requested in
19 accordance with this paragraph. Notwithstanding the
20 provisions of this paragraph, the employer may require
21 documentation by the employee's health care provider
22 to determine compliance with other laws. The employee
23 and employer shall engage in a timely, good faith, and
24 meaningful exchange to determine effective reasonable
25 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
23 an employee. No employer shall fail or refuse to
24 reinstate the employee affected by pregnancy,
25 childbirth, or medical or common conditions related to
26 pregnancy or childbirth to her original job or to an

1 equivalent position with equivalent pay and
2 accumulated seniority, retirement, fringe benefits,
3 and other applicable service credits upon her
4 signifying her intent to return or when her need for
5 reasonable accommodation ceases, unless the employer
6 can 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,
14 that enable an applicant or employee affected by
15 pregnancy, childbirth, or medical or common conditions
16 related to pregnancy or childbirth to be considered for
17 the position the applicant desires or to perform the
18 essential functions of that position, and may include, but
19 is not limited to: more frequent or longer bathroom
20 breaks, breaks for increased water intake, and breaks for
21 periodic rest; private non-bathroom space for expressing
22 breast milk and breastfeeding; seating; assistance with
23 manual labor; light duty; temporary transfer to a less
24 strenuous or hazardous position; the provision of an
25 accessible worksite; acquisition or modification of
26 equipment; job restructuring; a part-time or modified work

1 schedule; appropriate adjustment or modifications of
2 examinations, training materials, or policies;
3 reassignment to a vacant position; time off to recover
4 from conditions related to childbirth; and leave
5 necessitated by pregnancy, childbirth, or medical or
6 common conditions resulting from 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
18 business 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
21 of 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.
25 The employer has the burden of proving undue hardship. The
26 fact that the employer provides or would be required to

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

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

14 (K) Notice.

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

1 documents required under this paragraph available for
2 retrieval from the Department's website.

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

11 (Source: P.A. 101-221, eff. 1-1-20; 102-233, eff. 8-2-21.)

12 (775 ILCS 5/3-101) (from Ch. 68, par. 3-101)

13 Sec. 3-101. Definitions. The following definitions are
14 applicable strictly in the context of this Article:

15 (A) Real Property. "Real property" includes buildings,
16 structures, real estate, lands, tenements, leaseholds,
17 interests in real estate cooperatives, condominiums, and
18 hereditaments, corporeal and incorporeal, or any interest
19 therein.

20 (B) Real Estate Transaction. "Real estate transaction"
21 includes the sale, exchange, rental or lease of real property,
22 or any act that otherwise makes available such a transaction
23 or alters a person's rights to real property. "Real estate
24 transaction" also includes the brokering or appraising of
25 residential real property and the making or purchasing of

1 loans or providing other financial assistance:

2 (1) for purchasing, constructing, improving, repairing
3 or maintaining a dwelling; or

4 (2) secured by residential real estate.

5 (C) Housing Accommodations. "Housing accommodation"
6 includes any improved or unimproved real property, or part
7 thereof, which is used or occupied, or is intended, arranged
8 or designed to be used or occupied, as the home or residence of
9 one or more individuals.

10 (D) Real Estate Broker or Salesman. "Real estate broker or
11 salesman" means a person, whether licensed or not, who, for or
12 with the expectation of receiving a consideration, lists,
13 sells, purchases, exchanges, rents, or leases real property,
14 or who negotiates or attempts to negotiate any of these
15 activities, or who holds oneself out as engaged in these.

16 (E) Familial Status. "Familial status" means one or more
17 individuals (who have not attained the age of 18 years) being
18 domiciled with:

19 (1) a parent or person having legal custody of such
20 individual or individuals; or

21 (2) the designee of such parent or other person having
22 such custody, with the written permission of such parent
23 or other person.

24 The protections afforded by this Article against
25 discrimination on the basis of familial status apply to any
26 person who is pregnant or is in the process of securing legal

1 custody of any individual who has not attained the age of 18
2 years.

3 (F) Conciliation. "Conciliation" means the attempted
4 resolution of issues raised by a charge, or by the
5 investigation of such charge, through informal negotiations
6 involving the aggrieved party, the respondent and the
7 Department.

8 (G) Conciliation Agreement. "Conciliation agreement" means
9 a written agreement setting forth the resolution of the issues
10 in conciliation.

11 (H) Covered Multifamily Dwellings. As used in Section
12 3-102.1, "covered multifamily dwellings" means:

13 (1) buildings consisting of 4 or more units if such
14 buildings have one or more elevators; and

15 (2) ground floor units in other buildings consisting
16 of 4 or more units.

17 (I) Immigration Status. "Immigration status" means a
18 person's actual or perceived citizenship or immigration
19 status.

20 (Source: P.A. 103-232, eff. 1-1-24.)

21 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

22 Sec. 3-102. Civil rights violations; real estate
23 transactions and other prohibited acts. It is a civil rights
24 violation for an owner or any other person, or for a real
25 estate broker or salesman, because of unlawful discrimination,

1 familial status, immigration status, source of income, or an
2 arrest record, as defined under subsection (B-5) of Section
3 1-103, to:

4 (A) Transactions. Refuse to engage in a real estate
5 transaction ~~with a person~~ or otherwise make unavailable or
6 deny real property, or to discriminate in making available
7 such a transaction;

8 (B) Terms. Alter the terms, conditions or privileges
9 of a real estate transaction or in the furnishing of
10 facilities or services in connection therewith;

11 (C) Offers. Refuse to receive or to fail to transmit a
12 bona fide offer in a real estate transaction from a
13 person;

14 (D) Negotiation. Refuse to negotiate a real estate
15 transaction with a person;

16 (E) Representations. Represent to a person that real
17 property is not available for inspection, sale, rental, or
18 lease when in fact it is so available, or to fail to bring
19 a property listing to the person's attention, or to refuse
20 to permit the person to inspect real property;

21 (F) Publication of Intent. Make, print, circulate,
22 post, mail, publish or cause to be made, printed,
23 circulated, posted, mailed, or published any notice,
24 statement, advertisement or sign, or use a form of
25 application for a real estate transaction, or make a
26 record or inquiry in connection with a prospective real

1 estate transaction, that indicates any preference,
2 limitation, or discrimination based on unlawful
3 discrimination or unlawful discrimination based on
4 familial status, immigration status, source of income, or
5 an arrest record, or an intention to make any such
6 preference, limitation, or discrimination;

7 (G) Listings. Offer, solicit, accept, use or retain a
8 listing of real property with knowledge that unlawful
9 discrimination or discrimination on the basis of familial
10 status, immigration status, source of income, or an arrest
11 record in a real estate transaction is intended.

12 (H) Criteria. Use criteria or methods that have the
13 effect of subjecting individuals to unlawful
14 discrimination or discrimination based on familial status,
15 immigration status, source of income, or an arrest record
16 in a real estate transaction.

17 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24.)

18 (775 ILCS 5/8-101)

19 Sec. 8-101. Illinois Human Rights Commission.

20 (A) Creation; appointments. The Human Rights Commission is
21 created to consist of 7 members appointed by the Governor with
22 the advice and consent of the Senate. No more than 4 members
23 shall be of the same political party. The Governor shall
24 designate one member as chairperson. All appointments shall be
25 in writing and filed with the Secretary of State as a public

1 record.

2 (B) Terms. Of the members first appointed, 4 shall be
3 appointed for a term to expire on the third Monday of January~~7~~
4 2021, and 3 (including the Chairperson) shall be appointed for
5 a term to expire on the third Monday of January~~7~~ 2023.

6 Notwithstanding any provision of this Section to the
7 contrary, the term of office of each member of the Illinois
8 Human Rights Commission is abolished on January 19, 2019.
9 Incumbent members holding a position on the Commission that
10 was created by Public Act 84-115 and whose terms, if not for
11 Public Act 100-1066 ~~this amendatory Act of the 100th General~~
12 ~~Assembly~~, would have expired January 18, 2021 shall continue
13 to exercise all of the powers and be subject to all of the
14 duties of members of the Commission until June 30, 2019 or
15 until their respective successors are appointed and qualified,
16 whichever is earlier.

17 Thereafter, each member shall serve for a term of 4 years
18 and until the member's successor is appointed and qualified;
19 except that any member chosen to fill a vacancy occurring
20 otherwise than by expiration of a term shall be appointed only
21 for the unexpired term of the member whom the member shall
22 succeed and until the member's successor is appointed and
23 qualified.

24 (C) Vacancies.

25 (1) In the case of vacancies on the Commission during
26 a recess of the Senate, the Governor shall make a

1 temporary appointment until the next meeting of the Senate
2 when the Governor shall appoint a person to fill the
3 vacancy. Any person so nominated and confirmed by the
4 Senate shall hold office for the remainder of the term and
5 until the person's successor is appointed and qualified.

6 (2) If the Senate is not in session at the time this
7 Act takes effect, the Governor shall make temporary
8 appointments to the Commission as in the case of
9 vacancies.

10 (3) Vacancies in the Commission shall not impair the
11 right of the remaining members to exercise all the powers
12 of the Commission. Except when authorized by this Act to
13 proceed through a 3 member panel, a majority of the
14 members of the Commission then in office shall constitute
15 a quorum.

16 (D) Compensation. On and after January 19, 2019, the
17 Chairperson of the Commission shall be compensated at the rate
18 of \$125,000 per year, or as set by the Compensation Review
19 Board, whichever is greater, during the Chairperson's service
20 as Chairperson, and each other member shall be compensated at
21 the rate of \$119,000 per year, or as set by the Compensation
22 Review Board, whichever is greater. In addition, all members
23 of the Commission shall be reimbursed for expenses actually
24 and necessarily incurred by them in the performance of their
25 duties.

26 (E) (Blank). ~~Notwithstanding the general supervisory~~

1 ~~authority of the Chairperson, each commissioner, unless~~
2 ~~appointed to the special temporary panel created under~~
3 ~~subsection (H), has the authority to hire and supervise a~~
4 ~~staff attorney. The staff attorney shall report directly to~~
5 ~~the individual commissioner.~~

6 (F) A formal training program for newly appointed
7 commissioners shall be implemented. The training program shall
8 include the following:

9 (1) substantive and procedural aspects of the office
10 of commissioner;

11 (2) current issues in employment and housing
12 discrimination and public accommodation law and practice;

13 (3) orientation to each operational unit of the Human
14 Rights Commission;

15 (4) observation of experienced hearing officers and
16 commissioners conducting hearings of cases, combined with
17 the opportunity to discuss evidence presented and rulings
18 made;

19 (5) the use of hypothetical cases requiring the newly
20 appointed commissioner to issue judgments as a means of
21 evaluating knowledge and writing ability;

22 (6) writing skills; and

23 (7) professional and ethical standards.

24 A formal and ongoing professional development program
25 including, but not limited to, the above-noted areas shall be
26 implemented to keep commissioners informed of recent

1 developments and issues and to assist them in maintaining and
2 enhancing their professional competence. Each commissioner
3 shall complete 20 hours of training in the above-noted areas
4 during every 2 years the commissioner remains in office.

5 (G) Commissioners must meet one of the following
6 qualifications:

7 (1) licensed to practice law in the State of Illinois;

8 (2) at least 3 years of experience as a hearing
9 officer at the Human Rights Commission; or

10 (3) at least 4 years of professional experience
11 working for or dealing with individuals or corporations
12 affected by this Act or similar laws in other
13 jurisdictions, including, but not limited to, experience
14 with a civil rights advocacy group, a fair housing group,
15 a community organization, a trade association, a union, a
16 law firm, a legal aid organization, an employer's human
17 resources department, an employment discrimination
18 consulting firm, a community affairs organization, or a
19 municipal human relations agency.

20 The Governor's appointment message, filed with the
21 Secretary of State and transmitted to the Senate, shall state
22 specifically how the experience of a nominee for commissioner
23 meets the requirement set forth in this subsection. The
24 Chairperson must have public or private sector management and
25 budget experience, as determined by the Governor.

26 Each commissioner shall devote full time to the

1 commissioner's duties and any commissioner who is an attorney
2 shall not engage in the practice of law, nor shall any
3 commissioner hold any other office or position of profit under
4 the United States or this State or any municipal corporation
5 or political subdivision of this State, nor engage in any
6 other business, employment, or vocation.

7 (H) (Blank).

8 (Source: P.A. 102-1129, eff. 2-10-23; 103-326, eff. 1-1-24;
9 revised 12-15-23.)

10 (775 ILCS 5/8-111) (from Ch. 68, par. 8-111)

11 Sec. 8-111. Court Proceedings.

12 (A) Civil Actions Commenced in Circuit Court.

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

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

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

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

1 (B) Judicial Review.

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

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

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

1 (C) Judicial Enforcement.

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

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

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

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

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

1 (6) Venue. Proceedings for judicial enforcement of a
2 Commission order shall be commenced in the circuit court
3 in the county wherein the civil rights violation which is
4 the subject of the Commission's order was committed.

5 (7) Enforcement of judicial order. An aggrieved party
6 may take action to collect on a judicial order issued by
7 the Circuit Court in an action initiated by the State,
8 regardless of whether or not the aggrieved party
9 intervened in an enforcement action of the Commission's
10 Order.

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

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

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

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

22 (775 ILCS 5/8B-104) (from Ch. 68, par. 8B-104)

23 Sec. 8B-104. Relief; penalties. Upon finding a civil
24 rights violation, a hearing officer may recommend and the
25 Commission or any three-member panel thereof may provide for

1 any relief or penalty identified in this Section, separately
2 or in combination, by entering an order directing the
3 respondent to:

4 (A) Cease and Desist Order. Cease and desist from any
5 violation of this Act.

6 (B) Actual Damages. Pay actual damages, as reasonably
7 determined by the Commission, for injury or loss suffered
8 by the complainant.

9 (C) Civil Penalty. Pay a civil penalty per violation
10 to vindicate the public interest. In imposing a civil
11 penalty to vindicate the public interest, a separate
12 penalty may be imposed for each specific act constituting
13 a civil rights violation as defined in Section 1-103, and
14 for each aggrieved party injured by the civil rights
15 violation:

16 (i) in an amount not exceeding \$16,000 if the
17 respondent has not been adjudged to have committed any
18 prior civil rights violation under Article 3;

19 (ii) in an amount not exceeding \$42,500 if the
20 respondent has been adjudged to have committed one
21 other civil rights violation under Article 3 during
22 the 5-year period ending on the date of the filing of
23 this charge; and

24 (iii) in an amount not exceeding \$70,000 if the
25 respondent has been adjudged to have committed 2 or
26 more civil rights violations under Article 3 during

1 the 7-year period ending on the date of the filing of
2 this charge; except that if the acts constituting the
3 civil rights violation that is the object of the
4 charge are committed by the same natural person who
5 has been previously adjudged to have committed acts
6 constituting a civil rights violation under Article 3,
7 then the civil penalties set forth in subparagraphs
8 (ii) and (iii) may be imposed without regard to the
9 period of time within which any subsequent civil
10 rights violation under Article 3 occurred.

11 (D) Attorney Fees; Costs. Pay to the complainant all
12 or a portion of the costs of maintaining the action,
13 including reasonable attorneys fees and expert witness
14 fees incurred in maintaining this action before the
15 Department, the Commission and in any judicial review and
16 judicial enforcement proceedings.

17 (E) Compliance Report. Report as to the manner of
18 compliance.

19 (F) Posting of Notices. Post notices in a conspicuous
20 place which the Commission may publish or cause to be
21 published setting forth requirements for compliance with
22 this Act or other relevant information which the
23 Commission determines necessary to explain this Act.

24 (G) Make Complainant Whole. Take such action as may be
25 necessary to make the individual complainant whole,
26 including, but not limited to, awards of interest on the

1 complainant's actual damages from the date of the civil
2 rights violation.

3 (Source: P.A. 99-548, eff. 1-1-17.)

4 (775 ILCS 5/10-103) (from Ch. 68, par. 10-103)

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

6 (A) If an election is made under Section 8B-102, the
7 Department shall authorize and, not later than 30 days after
8 ~~the entry of~~ the administrative closure order is entered by
9 the Commission and served on the Department, the Attorney
10 General shall commence and maintain a civil action on behalf
11 of the aggrieved party in a circuit court of Illinois seeking
12 relief under this Section. Venue for such civil action shall
13 be determined under Section 8-111(A) (1).

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

17 (C) In a civil action under this Section, if the court
18 finds that a civil rights violation has occurred or is about to
19 occur the court may grant as relief any relief which a court
20 could grant with respect to such civil rights violation in a
21 civil action under Section 10-102. Any relief so granted that
22 would accrue to an aggrieved party in a civil action commenced
23 by that aggrieved party under Section 10-102 shall also accrue
24 to that aggrieved party in a civil action under this Section.
25 If monetary relief is sought for the benefit of an aggrieved

1 party who does not intervene in the civil action, the court
2 shall not award such relief if that aggrieved party has not
3 complied with discovery orders entered by the court.

4 (Source: P.A. 101-530, eff. 1-1-20; 101-661, eff. 4-2-21.)

5 (775 ILCS 5/10-104)

6 Sec. 10-104. Circuit Court Actions by the Illinois
7 Attorney General.

8 (A) Standing, venue, limitations on actions, preliminary
9 investigations, notice, and Assurance of Voluntary Compliance.

10 (1) Whenever the Illinois Attorney General has
11 reasonable cause to believe that any person or group of
12 persons is engaged in a pattern and practice of
13 discrimination prohibited by this Act, the Illinois
14 Attorney General may commence a civil action in the name
15 of the People of the State, as *parens patriae* on behalf of
16 persons within the State to enforce the provisions of this
17 Act in any appropriate circuit court. Venue for this civil
18 action shall be determined under paragraph (1) of
19 subsection (A) of Section 8-111. Such actions shall be
20 commenced no later than 2 years after the occurrence or
21 the termination of an alleged civil rights violation or
22 the breach of a conciliation agreement or Assurance of
23 Voluntary Compliance entered into under this Act,
24 whichever occurs last, to obtain relief with respect to
25 the alleged civil rights violation or breach.

1 (2) Prior to initiating a civil action, the Attorney
2 General shall conduct a preliminary investigation to
3 determine whether there is reasonable cause to believe
4 that any person or group of persons is engaged in a pattern
5 and practice of discrimination declared unlawful by this
6 Act and whether the dispute can be resolved without
7 litigation. In conducting this investigation, the Attorney
8 General may:

9 (a) require the individual or entity to file a
10 statement or report in writing under oath or
11 otherwise, as to all information the Attorney General
12 may consider necessary;

13 (b) examine under oath any person alleged to have
14 participated in or with knowledge of the alleged
15 pattern and practice violation; or

16 (c) issue subpoenas or conduct hearings in aid of
17 any investigation.

18 (3) Service by the Attorney General of any notice
19 requiring a person to file a statement or report, or of a
20 subpoena upon any person, shall be made:

21 (a) personally by delivery of a duly executed copy
22 thereof to the person to be served or, if a person is
23 not a natural person, in the manner provided in the
24 Code of Civil Procedure when a complaint is filed; or

25 (b) by mailing by certified mail a duly executed
26 copy thereof to the person to be served at his or her

1 last known abode or principal place of business within
2 this State.

3 (4) In lieu of a civil action, the individual or
4 entity alleged to have engaged in a pattern or practice of
5 discrimination deemed violative of this Act may enter into
6 an Assurance of Voluntary Compliance with respect to the
7 alleged pattern or practice violation.

8 (5) The Illinois Attorney General may commence a civil
9 action under this subsection (A) whether or not a charge
10 has been filed under Sections 7A-102 or 7B-102 and without
11 regard to the status of any charge, however, if the
12 Department or local agency has obtained a conciliation or
13 settlement agreement or if the parties have entered into
14 an Assurance of Voluntary Compliance no action may be
15 filed under this subsection (A) with respect to the
16 alleged civil rights violation practice that forms the
17 basis for the complaint except for the purpose of
18 enforcing the terms of the conciliation or settlement
19 agreement or the terms of the Assurance of Voluntary
20 Compliance.

21 (6) Subpoenas.

22 (a) Petition for enforcement. Whenever any person
23 fails to comply with any subpoena issued under
24 paragraph (2) of this subsection (A), or whenever
25 satisfactory copying or reproduction of any material
26 requested in an investigation cannot be done and the

1 person refuses to surrender the material, the Attorney
2 General may file in any appropriate circuit court, and
3 serve upon the person, a petition for a court order for
4 the enforcement of the subpoena or other request.
5 Venue for this enforcement action shall be determined
6 under paragraph (E) (1) of Section 8-104.

7 (b) Petition to modify or set aside a subpoena.

8 (i) Any person who has received a subpoena
9 issued under paragraph (2) of this subsection (A)
10 may file in the appropriate circuit court, and
11 serve upon the Attorney General, a petition for a
12 court order to modify or set aside the subpoena or
13 other request. The petition must be filed either
14 (I) within 20 days after the date of service of the
15 subpoena or at any time before the return date
16 specified in the subpoena, whichever date is
17 earlier, or (II) within such longer period as may
18 be prescribed in writing by the Attorney General.

19 (ii) The petition shall specify each ground
20 upon which the petitioner relies in seeking relief
21 under subdivision (i) and may be based upon any
22 failure of the subpoena to comply with the
23 provisions of this Section or upon any
24 constitutional or other legal right or privilege
25 of the petitioner. During the pendency of the
26 petition in the court, the court may stay, as it

1 deems proper, the running of the time allowed for
2 compliance with the subpoena or other request, in
3 whole or in part, except that the petitioner shall
4 comply with any portion of the subpoena or other
5 request not sought to be modified or set aside.

6 (c) Jurisdiction. Whenever any petition is filed
7 in any circuit court under this paragraph (6), the
8 court shall have jurisdiction to hear and determine
9 the matter so presented and to enter such orders as may
10 be required to carry out the provisions of this
11 Section. Any final order so entered shall be subject
12 to appeal in the same manner as appeals of other final
13 orders in civil matters. Any disobedience of any final
14 order entered under this paragraph (6) by any court
15 shall be punished as a contempt of the court.

16 (B) Relief which may be granted.

17 (1) In any civil action brought pursuant to subsection
18 (A) of this Section, the Attorney General may obtain as a
19 remedy, equitable relief (including any permanent or
20 preliminary injunction, temporary restraining order, or
21 other order, including an order enjoining the defendant
22 from engaging in such civil rights violation or ordering
23 any action as may be appropriate). In addition, the
24 Attorney General may request and the Court may impose
25 restitution to any aggrieved party injured by the pattern
26 or practice of discrimination, to the extent not covered

1 by other sources, and a civil penalty per civil rights
2 violation to vindicate the public interest. In imposing a
3 civil penalty to vindicate the public interest, each
4 instance in which a provision of this Act is violated as
5 part of a pattern or practice of discrimination may be
6 considered to constitute a separate violation or
7 violations, as may each aggrieved party harmed:

8 (a) for violations of this Act ~~Article 3 and~~
9 ~~Article 4~~ in an amount not exceeding \$50,000 ~~\$25,000~~
10 per violation, ~~and in the case of violations of all~~
11 ~~other Articles in an amount not exceeding \$10,000~~ if
12 the defendant has not been adjudged to have committed
13 any prior civil rights violations under any ~~the~~
14 provision of the Act that is the basis of the
15 complaint;

16 (b) for violations of this Act ~~Article 3 and~~
17 ~~Article 4~~ in an amount not exceeding \$75,000 ~~\$50,000~~
18 per violation, ~~and in the case of violations of all~~
19 ~~other Articles in an amount not exceeding \$25,000~~ if
20 the defendant has been adjudged to have committed one
21 other civil rights violation under any ~~the~~ provision
22 of the Act within 5 years of the occurrence of the
23 civil rights violation that is the basis of the
24 complaint; and

25 (c) for violations of this Act ~~Article 3 and~~
26 ~~Article 4~~ in an amount not exceeding \$100,000 ~~\$75,000~~

1 per violation, ~~and in the case of violations of all~~
2 ~~other Articles in an amount not exceeding \$50,000~~ if
3 the defendant has been adjudged to have committed 2 or
4 more civil rights violations under any ~~the~~ provision
5 of the Act within 5 years of the occurrence of the
6 civil rights violation that is the basis of the
7 complaint.

8 (2) A civil penalty imposed under subdivision (B)(1)
9 of this Section shall be deposited into the Attorney
10 General Court Ordered and Voluntary Compliance Payment
11 Projects Fund, which is a special fund in the State
12 Treasury. Moneys in the Fund shall be used, subject to
13 appropriation, for the performance of any function
14 pertaining to the exercise of the duties of the Attorney
15 General including but not limited to enforcement of any
16 law of this State and conducting public education
17 programs; however, any moneys in the Fund that are
18 required by the court or by an agreement to be used for a
19 particular purpose shall be used for that purpose.

20 (3) Aggrieved parties seeking actual damages must
21 follow the procedure set out in Sections 7A-102 or 7B-102
22 for filing a charge. An action brought by the Illinois
23 Attorney General pursuant to this Section is independent
24 of any other action, remedy, or procedure that may be
25 available to an aggrieved party under any other provision
26 of law, including, but not limited to, an action, remedy,

1 or procedure brought pursuant to the procedures set out in
2 Section 7A-102 or 7B-102.

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

4 (775 ILCS 5/8-113 rep.)

5 Section 10. The Illinois Human Rights Act is amended by
6 repealing Section 8-113.

1 INDEX

2 Statutes amended in order of appearance

3 775 ILCS 5/2-102 from Ch. 68, par. 2-102

4 775 ILCS 5/3-101 from Ch. 68, par. 3-101

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

6 775 ILCS 5/8-101

7 775 ILCS 5/8-111 from Ch. 68, par. 8-111

8 775 ILCS 5/8B-104 from Ch. 68, par. 8B-104

9 775 ILCS 5/10-103 from Ch. 68, par. 10-103

10 775 ILCS 5/10-104

11 775 ILCS 5/8-113 rep.