

1 AN ACT concerning civil rights.

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

4 Section 1. Short title. This Act may be cited as the  
5 Illinois Civil Rights Act of 2003.

6 Section 5. Discrimination prohibited.

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

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

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

18 (b) Any party aggrieved by conduct that violates  
19 subsection (a) may bring a civil lawsuit, in a State or  
20 federal court, against the offending unit of government. This  
21 lawsuit must be brought not later than 2 years after the  
22 violation of subsection (a). If the court finds that a  
23 violation of subsection (a) has occurred or is about to  
24 occur, the court may award to the plaintiff actual and  
25 punitive damages, and may grant as relief, as the court deems  
26 appropriate, any permanent or preliminary injunction,  
27 temporary restraining order, or other order, including an  
28 order enjoining the defendant from engaging in that violation  
29 of subsection (a) or ordering affirmative action as may be  
30 appropriate.

31 (c) Upon motion, a court shall award attorneys' fees and

1 costs, including expert witness fees and other litigation  
2 expenses, to a plaintiff who is a prevailing party in any  
3 action brought:

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

5 (2) to enforce a right arising under the Illinois  
6 Constitution.

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

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

11 (2) who obtains some of his or her requested relief  
12 through any settlement agreement; or

13 (3) whose pursuit of a nonfrivolous claim or  
14 defense was a catalyst for a voluntary or unilateral  
15 change in position by the opposing party that provides  
16 any part of the relief sought.