

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 circuit
20 court, against the offending unit of government. This lawsuit
21 must be brought not later than 2 years after the violation of
22 subsection (a). If the court finds that a violation of
23 paragraph (1) of subsection (a) has occurred, the court may
24 award to the plaintiff actual and punitive damages and if the
25 court finds that a violation of paragraph (2) of subsection
26 (a) has occurred, the court may award to the plaintiff actual
27 damages. The court, as it deems appropriate, may grant as
28 relief any permanent or preliminary injunction, temporary
29 restraining order, or other order, including an order
30 enjoining the defendant from engaging in the violation of
31 subsection (a) or mandating affirmative action.

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

- 5 (1) pursuant to subsection (b); or
- 6 (2) to enforce a right arising under the Illinois
7 Constitution.

8 In awarding reasonable attorneys' fees, the court shall
9 consider the degree to which the relief obtained relates to
10 the relief sought.

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

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

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

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