



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

SYNOPSIS AS INTRODUCED:

740 ILCS 23/5

Amends the Illinois Civil Rights Act of 2003. Makes a technical change in a Section concerning the prohibition of discrimination by units of State, county, or local government.

LRB093 17087 LCB 42753 b

1 AN ACT concerning civil liabilities.

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

4 Section 5. The Illinois Civil Rights Act of 2003 is amended
5 by changing Section 5 as follows:

6 (740 ILCS 23/5)

7 Sec. 5. Discrimination prohibited.

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

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

14 (2) utilize criteria or methods of administration that
15 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 subsection
19 (a) may bring a civil lawsuit, in a State circuit court,
20 against the offending unit of government. This lawsuit must be
21 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 (a)
26 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 enjoining
30 the defendant from engaging in the violation of subsection (a)
31 or mandating affirmative action.

32 (c) Upon motion, a court shall award reasonable attorneys'

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

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

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

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

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

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

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

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

19 (Source: P.A. 93-425, eff. 1-1-04.)