

1 AN ACT concerning court actions.

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 10-101 and 10-102 as follows:

6 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

7 Sec. 10-101. Applicability. This Article shall apply
8 solely to civil actions arising under Articles 2 and Article
9 3 of this Act.

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

11 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)

12 Sec. 10-102. Court Actions. (A) Circuit Court Actions.
13 (1) An aggrieved party may commence a civil action in an
14 appropriate Circuit Court not later than 2 years after the
15 occurrence or the termination of an alleged civil rights
16 violation or the breach of a conciliation or settlement
17 agreement entered into under this Act, whichever occurs last,
18 to obtain appropriate relief with respect to the alleged
19 civil rights violation or breach. Venue for such civil
20 action shall be determined under Section 8-111(B)(6). In the
21 case of a civil action arising under Article 2 of this Act,
22 no action shall be commenced sooner than 180 days after the
23 filing of a charge under Section 7A-102(A)(1).

24 (2) The computation of such 2-year period shall not
25 include any time during which an administrative proceeding
26 under this Act was pending with respect to a complaint or
27 charge under this Act based upon the alleged civil rights
28 violation. This paragraph does not apply to actions arising
29 from a breach of a conciliation or settlement agreement.

30 (3) An aggrieved party may commence a civil action

1 arising under Article 3 of this Act under this subsection
 2 whether or not a charge has been filed under Section 7B-102
 3 and without regard to the status of any such charge.⁷
 4 However, if the Department or local agency has obtained a
 5 conciliation or settlement agreement with the consent of an
 6 aggrieved party, no action may be filed under this subsection
 7 by such aggrieved party arising under Article 2 or 3 with
 8 respect to the alleged civil rights violation practice which
 9 forms the basis for such complaint except for the purpose of
 10 enforcing the terms of such conciliation or settlement
 11 agreement.

12 (4) An aggrieved party shall not commence a civil action
 13 under this subsection with respect to an alleged civil rights
 14 violation which forms the basis of a complaint issued by the
 15 Department if a hearing officer has commenced a hearing on
 16 the record under Article 2 or 3 of this Act with respect to
 17 such complaint.

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

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

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

29 (C) Relief which may be granted. (1) In a civil action
 30 under subsection (A) if the court or jury finds that a civil
 31 rights violation has occurred or is about to occur, it the
 32 court may award to the plaintiff actual and punitive damages
 33 (except no punitive damages shall be awarded against the
 34 State), and the court may grant as relief, as the court deems

1 appropriate, any permanent or preliminary injunction,
2 temporary restraining order, or other order, including an
3 order enjoining the defendant from engaging in such civil
4 rights violation or ordering such affirmative action as may
5 be appropriate, including, in the case of civil actions under
6 Article 2 of this Act, reinstatement or hiring of employees,
7 with or without backpay, or any other equitable relief the
8 court deems appropriate.

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

14 (D) Intervention By The Department. The Attorney
15 General of Illinois may intervene on behalf of the Department
16 if the Department certifies that the case is of general
17 public importance. Upon such intervention the court may
18 award such relief as is authorized to be granted to a
19 plaintiff in a civil action under Section 10-102(C).

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