

1 Act, no action shall be commenced sooner than 365 days after
2 the filing of a charge under Section 7A-102(A)(1) or within
3 any extension of that period agreed to in writing by all
4 parties.

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

11 (3) An aggrieved party may commence a civil action
12 arising under Article 3 of this Act under this subsection
13 whether or not a charge has been filed under Section 7B-102
14 and without regard to the status of any such charge.⁷
15 However, if the Department or local agency has obtained a
16 conciliation or settlement agreement with the consent of an
17 aggrieved party, no action may be filed under this subsection
18 by such aggrieved party arising under Article 2, 3, or 6 with
19 respect to the alleged civil rights violation practice which
20 forms the basis for such complaint except for the purpose of
21 enforcing the terms of such conciliation or settlement
22 agreement.

23 (4) An aggrieved party shall not commence a civil action
24 under this subsection with respect to an alleged civil rights
25 violation which forms the basis of a complaint issued by the
26 Department if a hearing officer has commenced a hearing on
27 the record under Article 2, 3, or 6 of this Act with respect
28 to such complaint.

29 (B) Appointment of Attorney by Court. Upon application
30 by a person alleging a civil rights violation or a person
31 against whom the civil rights violation is alleged, if in the
32 opinion of the court such person is financially unable to
33 bear the costs of such action, the court may:

34 (1) appoint an attorney for such person, any attorney so

1 appointed may petition for an award of attorneys fees
2 pursuant to subsection (C)(2) of this Section; or

3 (2) authorize the commencement or continuation of a
4 civil action under subsection (A) without the payment of
5 fees, costs, or security.

6 (C) Relief which may be granted. (1) In a civil action
7 under subsection (A) if the court or jury finds that a civil
8 rights violation has occurred or is about to occur, it the
9 court may award to the plaintiff actual and punitive damages
10 (except no punitive damages shall be awarded against the
11 State in a civil action under Article 2 or 6 of this Act),
12 and the court may grant as relief, as the court deems
13 appropriate, any permanent or preliminary injunction,
14 temporary restraining order, or other order, including an
15 order enjoining the defendant from engaging in such civil
16 rights violation or ordering such affirmative action as may
17 be appropriate, including, in the case of civil actions under
18 Article 2 or 6 of this Act, reinstatement or hiring of
19 employees, with or without backpay, or any other equitable
20 relief the court deems appropriate.

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

26 (D) Intervention By The Department. The Attorney
27 General of Illinois may intervene on behalf of the Department
28 if the Department certifies that the case is of general
29 public importance. Upon such intervention the court may
30 award such relief as is authorized to be granted to a
31 plaintiff in a civil action under Section 10-102(C).

32 (Source: P.A. 86-910.)"