



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

775 ILCS 5/10-101
775 ILCS 5/10-104 new

from Ch. 68, par. 10-101

Amends the Illinois Human Rights Act. Provides that the Attorney General may commence a civil action in the name of the People of the State of Illinois as *parens patriae* to enforce the Act. Provides for venue and limitations. Provides that remedies are available to the Attorney General to the same extent that remedies are available to an aggrieved party, and that, in addition to those remedies, the court shall award the State, as monetary relief, 3 times the amount of profits that accrued to the respondent by reason of the act, conduct, practice, or system challenged in the action, plus costs and a reasonable attorney's fee as determined by the court. Provides that the court shall: require that damages for injuries sustained by persons other than the State be paid to those persons (with certain exceptions) to the extent they are identifiable and there is a practicable method for making the payment; and direct that damages that cannot practicably be paid to injured individuals shall be paid to the State. Provides for notice by publication or other means to aggrieved parties who may be bound by the court's judgment in the Attorney General's action and the right of any aggrieved party to elect to exclude his or her claim from adjudication. Provides that the Attorney General may intervene as *parens patriae* on behalf of persons in civil actions brought by aggrieved individuals under the Act. Effective immediately.

LRB093 16195 WGH 41828 b

1 AN ACT concerning human rights.

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 Section 10-101 and by adding Section 10-104 as
6 follows:

7 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

8 Sec. 10-101. Applicability. With the exception of Section
9 10-104, this ~~This~~ Article shall apply solely to civil actions
10 arising under Article 3 of this Act.

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

12 (775 ILCS 5/10-104 new)

13 Sec. 10-104. Circuit Court Actions by the Illinois Attorney
14 General.

15 (A) Standing, Venue, and Limitations on Actions.

16 (1) The Illinois Attorney General may commence a civil
17 action in the name of the People of the State of Illinois
18 as parens patriae on behalf of persons within this State to
19 enforce the provisions of this Act in any appropriate
20 circuit court. Venue for the civil action shall be
21 determined under Section 8-111(B)(6). The action shall be
22 commenced no later than 2 years after the occurrence or the
23 termination of an alleged civil rights violation or the
24 breach of a conciliation agreement entered into under this
25 Act, whichever occurs last, to obtain relief with respect
26 to the alleged civil rights violation or breach.

27 (2) The computation of the 2-year period shall not
28 include any time during which an administrative proceeding
29 under this Act was pending with respect to a complaint or
30 charge under this Act based upon the alleged civil rights
31 violation. This paragraph (2) does not apply to actions

1 arising from a breach of a conciliation or settlement
2 agreement.

3 (3) The Illinois Attorney General may commence a civil
4 action under this subsection (A) whether or not a charge
5 has been filed under Sections 7A-102 or 7B-102 and without
6 regard to the status of any such charge; however, if the
7 Department or local agency has obtained a conciliation or
8 settlement agreement with the consent of an aggrieved
9 party, no action may be filed under this subsection (A) by
10 that aggrieved party with respect to the alleged civil
11 rights violation practice which forms the basis for the
12 complaint, except for the purpose of enforcing the terms of
13 that conciliation or settlement agreement.

14 (B) Relief Which May Be Granted.

15 (1) In any civil action brought pursuant to subsection
16 (A) of this Section, remedies, including equitable relief,
17 actual and punitive damages, and civil penalties, are
18 available to the Illinois Attorney General to the same
19 extent as those remedies are available to an aggrieved
20 party in actions brought pursuant to this Act. Judgments
21 obtained in actions brought by the Illinois Attorney
22 General shall be binding on aggrieved parties unless the
23 parties elect not to be bound by the judgments in
24 accordance with subparagraph (C) of this Section.

25 (2) In addition to the remedies authorized by paragraph
26 (B)(1) of this Section, the court shall award the State as
27 monetary relief threefold the amount of profits that
28 accrued to the respondent by reason of the act, conduct,
29 practice, or system challenged in the suit, and the costs
30 of the suit, including a reasonable attorney's fee.

31 (3) The court shall require that damages or other
32 monetary relief awarded for injuries sustained by persons
33 other than the State be paid to those persons to the extent
34 they are identifiable and there is a practicable method for
35 making the payment. The court shall direct that damages
36 which cannot practicably be paid to injured individuals

1 shall be paid to the State on such terms and conditions as
2 in its discretion it determines will best serve the
3 purposes of the Act.

4 (4) In any action in which monetary relief may be
5 awarded for injuries sustained by a person other than the
6 State, the court shall exclude from the amount of monetary
7 relief awarded any amount of monetary relief: (a) which
8 duplicates amounts that have been awarded for the same
9 injury or (b) which is allocable to persons who have
10 excluded their claims pursuant to this Section.

11 (C) Notice and Election. In any action brought pursuant to
12 this Section where the court deems it necessary, the Illinois
13 Attorney General shall, at such times, in such manner, and with
14 such content as the court may direct, cause notice to be given
15 by publication or by other means determined by the court to
16 accord notice to aggrieved parties who may be bound by the
17 court's judgment in the Illinois Attorney General's action. Any
18 aggrieved party who alleges that he or she has been subjected
19 to the unlawful practices described in the Illinois Attorney
20 General's complaint may elect to exclude his or her claim from
21 adjudication in such time and in such manner as the court in
22 the notice directs.

23 (D) Intervention by the Illinois Attorney General. The
24 Illinois Attorney General may intervene as parens patriae on
25 behalf of persons within the State in civil actions brought by
26 aggrieved individuals pursuant to this Act. Upon such
27 intervention, the court may award relief that is authorized to
28 be granted under subsection (B) of this Section.

29 (E) Attorney's Fees. In any action under subsection (A) of
30 this Section, the amount of the Illinois Attorney General's
31 attorney's fee shall be determined by the court.

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.