

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, the Attorney General may obtain as a  
17 remedy equitable relief (including any permanent or  
18 preliminary injunction, temporary restraining order, or  
19 other order, including an order enjoining the defendant  
20 from engaging in the civil rights violation or ordering  
21 such action as may be appropriate) and actual and punitive  
22 damages for the aggrieved party to the extent the aggrieved  
23 party is entitled to those damages under this Act. In  
24 addition, the Attorney General may request and the court  
25 may impose a civil penalty to vindicate the public  
26 interest:

27 (a) in an amount not exceeding \$10,000 if the  
28 defendant has not been adjudged to have committed any  
29 prior civil rights violations under the provision of  
30 the Act which is the basis of the complaint;

31 (b) in an amount not exceeding \$25,000 if the  
32 defendant has been adjudged to have committed one other  
33 civil rights violation under the provision of the Act  
34 which is the basis of the complaint; or

35 (c) in an amount not exceeding \$50,000 if the  
36 defendant has been adjudged to have committed 2 or more

1 civil rights violations under the provision of the Act  
2 which is the basis of the complaint.

3 (2) The court shall require that damages or other  
4 monetary relief awarded for injuries sustained by persons  
5 other than the State be paid to those persons to the extent  
6 they are identifiable and there is a practicable method for  
7 making the payment. The court shall direct that damages  
8 which cannot practicably be paid to injured individuals  
9 shall be paid to the State on such terms and conditions as  
10 in its discretion it determines will best serve the  
11 purposes of the Act.

12 (3) In any action in which monetary relief may be  
13 awarded for injuries sustained by a person other than the  
14 State, the court shall exclude from the amount of monetary  
15 relief awarded any amount of monetary relief: (a) which  
16 duplicates amounts that have been awarded for the same  
17 injury or (b) which is allocable to persons who have  
18 excluded their claims pursuant to this Section.

19 (4) A civil penalty imposed under paragraph (B) (1) or  
20 any damages directed by the court to be paid to the State  
21 under paragraph (B) (2) shall be deposited into the Attorney  
22 General Court Ordered and Voluntary Compliance Payment  
23 Projects Fund created under Section 7 of the Consumer Fraud  
24 and Deceptive Business Practices Act and shall be used as  
25 set forth in that Section.

26 (C) Notice and Election. In any action brought pursuant to  
27 this Section where the court deems it necessary, the Illinois  
28 Attorney General shall, at such times, in such manner, and with  
29 such content as the court may direct, cause notice to be given  
30 by publication or by other means determined by the court to  
31 accord notice to aggrieved parties who may be bound by the  
32 court's judgment in the Illinois Attorney General's action. Any  
33 aggrieved party who alleges that he or she has been subjected  
34 to the unlawful practices described in the Illinois Attorney  
35 General's complaint may elect to exclude his or her claim from  
36 adjudication in such time and in such manner as the court in

1 the notice directs.

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

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.