



Rep. Arthur L. Turner

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LRB093 16195 LCB 50782 a

1 AMENDMENT TO SENATE BILL 2878

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2878, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Human Rights Act is amended by  
6 changing Section 10-101 and by adding Section 10-104 as  
7 follows:

8 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)  
9 Sec. 10-101. Applicability. With the exception of Section  
10 10-104, this ~~This~~ Article shall apply solely to civil actions  
11 arising under Article 3 of this Act.  
12 (Source: P.A. 86-910.)

13 (775 ILCS 5/10-104 new)  
14 Sec. 10-104. Circuit Court Actions by the Illinois Attorney  
15 General.

16 (A) Standing, venue, limitations on actions, preliminary  
17 investigations, notice, and Assurance of Voluntary Compliance.

18 (1) Whenever the Illinois Attorney General has  
19 reasonable cause to believe that any person or group of  
20 persons is engaged in a pattern and practice of  
21 discrimination prohibited by this Act, the Illinois  
22 Attorney General may commence a civil action in the name of  
23 the People of the State, as parents patriae on behalf of

1 persons within the State to enforce the provisions of this  
2 Act in any appropriate circuit court. Venue for this civil  
3 action shall be determined under Section 8-111(B)(6). Such  
4 actions shall be commenced no later than 2 years after the  
5 occurrence or the termination of an alleged civil rights  
6 violation or the breach of a conciliation agreement or  
7 Assurance of Voluntary Compliance entered into under this  
8 Act, whichever occurs last, to obtain relief with respect  
9 to the alleged civil rights violation or breach.

10 (2) Prior to initiating a civil action, the Attorney  
11 General shall conduct a preliminary investigation to  
12 determine whether there is reasonable cause to believe that  
13 any person or group of persons is engaged in a pattern and  
14 practice of discrimination declared unlawful by this Act  
15 and whether the dispute can be resolved without litigation.  
16 In conducting this investigation, the Attorney General  
17 may:

18 (a) require the individual or entity to file a  
19 statement or report in writing under oath or otherwise,  
20 as to all information the Attorney General may consider  
21 necessary;

22 (b) examine under oath any person alleged to have  
23 participated in or with knowledge of the alleged  
24 pattern and practice violation; or

25 (c) issue subpoenas or conduct hearings in aid of  
26 any investigation.

27 (3) Service by the Attorney General of any notice  
28 requiring a person to file a statement or report, or of a  
29 subpoena upon any person, shall be made:

30 (a) personally by delivery of a duly executed copy  
31 thereof to the person to be served or, if a person is  
32 not a natural person, in the manner provided in the  
33 Code of Civil Procedure when a complaint is filed; or

34 (b) by mailing by certified mail a duly executed

1           copy thereof to the person to be served at his or her  
2           last known abode or principal place of business within  
3           this State.

4           (4) In lieu of a civil action, the individual or entity  
5           alleged to have engaged in a pattern or practice of  
6           discrimination deemed violative of this Act may enter into  
7           an Assurance of Voluntary Compliance with respect to the  
8           alleged pattern or practice violation.

9           (5) The Illinois Attorney General may commence a civil  
10           action under this subsection (A) whether or not a charge  
11           has been filed under Sections 7A-102 or 7B-102 and without  
12           regard to the status of any charge, however, if the  
13           Department or local agency has obtained a conciliation or  
14           settlement agreement or if the parties have entered into an  
15           Assurance of Voluntary Compliance no action may be filed  
16           under this subsection (A) with respect to the alleged civil  
17           rights violation practice that forms the basis for the  
18           complaint except for the purpose of enforcing the terms of  
19           the conciliation or settlement agreement or the terms of  
20           the Assurance of Voluntary Compliance.

21           (6) If any person fails or refuses to file any  
22           statement or report, or obey any subpoena, issued pursuant  
23           to subdivision (A) (2) of this Section, the Attorney General  
24           will be deemed to have met the requirement of conducting a  
25           preliminary investigation and may proceed to initiate a  
26           civil action pursuant to subdivision (A) (1) of this  
27           Section.

28           (B) Relief which may be granted.

29           (1) In any civil action brought pursuant to subsection  
30           (A) of this Section, the Attorney General may obtain as a  
31           remedy, equitable relief (including any permanent or  
32           preliminary injunction, temporary restraining order, or  
33           other order, including an order enjoining the defendant  
34           from engaging in such civil rights violation or ordering

1 any action as may be appropriate). In addition, the  
2 Attorney General may request and the Court may impose a  
3 civil penalty to vindicate the public interest:

4 (a) in an amount not exceeding \$10,000 if the  
5 defendant has not been adjudged to have committed any  
6 prior civil rights violations under the provision of  
7 the Act that is the basis of the complaint;

8 (b) in an amount not exceeding \$25,000 if the  
9 defendant has been adjudged to have committed one other  
10 civil rights violation under the provision of the Act  
11 within 5 years of the occurrence of the civil rights  
12 violation that is the basis of the complaint: and

13 (c) in an amount not exceeding \$50,000 if the  
14 defendant has been adjudged to have committed 2 or more  
15 civil rights violations under the provision of the Act  
16 within 5 years of the occurrence of the civil rights  
17 violation that is the basis of the complaint.

18 (2) A civil penalty imposed under subdivision (B) (1) of  
19 this Section shall be deposited into the Attorney General  
20 Court Ordered and Voluntary Compliance Payment Projects  
21 Fund, which is a special fund in the State Treasury. Moneys  
22 in the Fund shall be used, subject to appropriation, for  
23 the performance of any function pertaining to the exercise  
24 of the duties of the Attorney General including but not  
25 limited to enforcement of any law of this State and  
26 conducting public education programs; however, any moneys  
27 in the Fund that are required by the court or by an  
28 agreement to be used for a particular purpose shall be used  
29 for that purpose.

30 (3) Aggrieved parties seeking actual damages must  
31 follow the procedure set out in Sections 7A-102 or 7B-102  
32 for filing a charge.

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.".