



Sen. Don Harmon

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09300SB2946sam001

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1 AMENDMENT TO SENATE BILL 2946

2 AMENDMENT NO. _____. Amend Senate Bill 2946 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Civil Rights Act of 2003 is
5 amended by changing Section 5 as follows:

6 (740 ILCS 23/5)

7 Sec. 5. Discrimination prohibited.

8 (a) No unit of State, county, or local government in
9 Illinois ~~shall~~ will:

10 (1) exclude a person from participation in, deny a
11 person the benefits of, or subject a person to
12 discrimination under any program or activity on the grounds
13 of that person's race, color, or national origin; or

14 (2) utilize criteria or methods of administration that
15 have the effect of subjecting individuals to
16 discrimination because of their race, color, or national
17 origin.

18 (b) Any party aggrieved by conduct that violates subsection
19 (a) may bring a civil lawsuit, in a State circuit court,
20 against the offending unit of government. This lawsuit must be
21 brought not later than 2 years after the violation of
22 subsection (a). If the court finds that a violation of
23 paragraph (1) of subsection (a) has occurred, the court may
24 award to the plaintiff actual and punitive damages and if the

1 court finds that a violation of paragraph (2) of subsection (a)
2 has occurred, the court may award to the plaintiff actual
3 damages. The court, as it deems appropriate, may grant as
4 relief any permanent or preliminary injunction, temporary
5 restraining order, or other order, including an order enjoining
6 the defendant from engaging in the violation of subsection (a)
7 or mandating affirmative action.

8 (c) Upon motion, a court shall award reasonable attorneys'
9 fees and costs, including expert witness fees and other
10 litigation expenses, to a plaintiff who is a prevailing party
11 in any action brought:

12 (1) pursuant to subsection (b); or

13 (2) to enforce a right arising under the Illinois
14 Constitution.

15 In awarding reasonable attorneys' fees, the court shall
16 consider the degree to which the relief obtained relates to the
17 relief sought.

18 (d) For the purpose of this Act, the term "prevailing
19 party" includes any party:

20 (1) who obtains some of his or her requested relief
21 through a judicial judgment in his or her favor;

22 (2) who obtains some of his or her requested relief
23 through any settlement agreement approved by the court; or

24 (3) whose pursuit of a non-frivolous claim was a
25 catalyst for a unilateral change in position by the
26 opposing party relative to the relief sought.

27 (Source: P.A. 93-425, eff. 1-1-04.)".