



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4051

Introduced 2/28/2005, by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/7A-102	from Ch. 68, par. 7A-102
775 ILCS 5/7A-103	from Ch. 68, par. 7A-103
775 ILCS 5/7B-102	from Ch. 68, par. 7B-102
775 ILCS 5/7B-103	from Ch. 68, par. 7B-103
775 ILCS 5/8-103	from Ch. 68, par. 8-103
775 ILCS 5/8-110	from Ch. 68, par. 8-110
775 ILCS 5/8-111	from Ch. 68, par. 8-111
775 ILCS 5/10-101	from Ch. 68, par. 10-101
775 ILCS 5/10-102	from Ch. 68, par. 10-102
775 ILCS 5/7-101.1 rep.	

Amends the Illinois Human Rights Act. Eliminates language providing that questions of credibility shall be considered by the Department of Human Rights in determining whether there is substantial evidence that a civil rights violation has been committed. Provides that a civil action arising under the Employment Article or the Additional Civil Rights Violations Article of the Act may be commenced 180 days after the filing of a charge with the Department, regardless of the Department's findings, if any. In provisions authorizing a civil action under the Employment Article, Real Estate Transactions Article, or Additional Civil Rights Violations Article, provides that the plaintiff or the defendant may demand a trial by jury. Effective January 1, 2006, except some provisions are effective immediately.

LRB094 08513 WGH 42537 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 Sections 7A-102, 7A-103, 7B-102, 7B-103, 8-103,  
6 8-110, 8-111, 10-101, and 10-102 as follows:

7 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

8 Sec. 7A-102. Procedures.

9 (A) Charge.

10 (1) Within 180 days after the date that a civil rights  
11 violation allegedly has been committed, a charge in writing  
12 under oath or affirmation may be filed with the Department  
13 by an aggrieved party or issued by the Department itself  
14 under the signature of the Director.

15 (2) The charge shall be in such detail as to  
16 substantially apprise any party properly concerned as to  
17 the time, place, and facts surrounding the alleged civil  
18 rights violation.

19 (B) Notice~~7~~ and Response to, ~~and Review of~~ Charge. The  
20 Department shall, within 10 days of the date on which the  
21 charge was filed, serve a copy of the charge on the respondent.  
22 This period shall not be construed to be jurisdictional. The  
23 charging party and the respondent may each file a position  
24 statement and other materials with the Department regarding the  
25 charge of alleged discrimination within 60 days of receipt of  
26 the notice of the charge. The position statements and other  
27 materials filed shall remain confidential unless otherwise  
28 agreed to by the party providing the information and shall not  
29 be served on or made available to the other party during  
30 pendency of a charge with the Department. The Department shall  
31 require the respondent to file a verified response to the  
32 allegations contained in the charge within 60 days of receipt

1 of the notice of the charge. The respondent shall serve a copy  
2 of its response on the complainant or his representative. All  
3 allegations contained in the charge not timely denied by the  
4 respondent shall be deemed admitted, unless the respondent  
5 states that it is without sufficient information to form a  
6 belief with respect to such allegation. The Department shall  
7 issue a notice of default directed to any respondent who fails  
8 to file a verified response to a charge within 60 days of  
9 receipt of the notice of the charge, unless the respondent can  
10 demonstrate good cause as to why such notice should not issue.  
11 Within 30 days of receipt of the respondent's response, the  
12 complainant may file a reply to said response and shall serve a  
13 copy of said reply on the respondent or his representative. A  
14 party shall have the right to supplement his response or reply  
15 at any time that the investigation of the charge is pending.  
16 The Department shall, within 10 days of the date on which the  
17 charge was filed, and again no later than 335 days thereafter,  
18 send by certified or registered mail written notice to the  
19 complainant and to the respondent informing the complainant of  
20 the right to file a complaint with the Human Rights Commission  
21 under subparagraph (2) of paragraph (G), including in such  
22 notice the dates within which the complainant may exercise this  
23 right. In the notice the Department shall notify the  
24 complainant that the charge of civil rights violation will be  
25 dismissed with prejudice and with no right to further proceed  
26 if a written complaint is not timely filed with the Commission  
27 by the complainant pursuant to subparagraph (2) of paragraph  
28 (G) or by the Department pursuant to subparagraph (1) of  
29 paragraph (G).

30 (B-1) Mediation. The complainant and respondent may agree  
31 to voluntarily submit the charge to mediation without waiving  
32 any rights that are otherwise available to either party  
33 pursuant to this Act and without incurring any obligation to  
34 accept the result of the mediation process. Nothing occurring  
35 in mediation shall be disclosed by the Department or admissible  
36 in evidence in any subsequent proceeding unless the complainant

1 and the respondent agree in writing that such disclosure be  
2 made.

3 (C) Investigation.

4 (1) After the respondent has been notified, the  
5 Department shall conduct a full investigation of the  
6 allegations set forth in the charge.

7 (2) The Director or his or her designated  
8 representatives shall have authority to request any member  
9 of the Commission to issue subpoenas to compel the  
10 attendance of a witness or the production for examination  
11 of any books, records or documents whatsoever.

12 (3) If any witness whose testimony is required for any  
13 investigation resides outside the State, or through  
14 illness or any other good cause as determined by the  
15 Director is unable to be interviewed by the investigator or  
16 appear at a fact finding conference, his or her testimony  
17 or deposition may be taken, within or without the State, in  
18 the same manner as is provided for in the taking of  
19 depositions in civil cases in circuit courts.

20 (4) Upon reasonable notice to the complainant and the  
21 respondent, the Department shall conduct a fact finding  
22 conference prior to 365 days after the date on which the  
23 charge was filed, unless the Director has determined  
24 whether there is substantial evidence that the alleged  
25 civil rights violation has been committed or the charge has  
26 been dismissed for lack of jurisdiction. If the parties  
27 agree in writing, the fact finding conference may be held  
28 at a time after the 365 day limit. Any party's failure to  
29 attend the conference without good cause shall result in  
30 dismissal or default. The term "good cause" shall be  
31 defined by rule promulgated by the Department. A notice of  
32 dismissal or default shall be issued by the Director and  
33 shall notify the relevant party that a request for review  
34 may be filed in writing with the Commission ~~Chief Legal~~  
35 ~~Counsel of the Department~~ within 30 days of receipt of  
36 notice of dismissal or default.

1 (D) Report.

2 (1) Each charge shall be the subject of a report to the  
3 Director. The report shall be a confidential document  
4 subject to review by the Director, authorized Department  
5 employees, the parties, and, where indicated by this Act,  
6 members of the Commission or their designated hearing  
7 officers.

8 (2) Upon review of the report, the Director shall  
9 determine whether there is substantial evidence that the  
10 alleged civil rights violation has been committed. The  
11 determination of substantial evidence is limited to  
12 determining the need for further consideration of the  
13 charge pursuant to this Act and includes, but is not  
14 limited to, findings of fact and conclusions, as well as  
15 the reasons for the determinations on all material issues  
16 ~~and questions of credibility~~. Substantial evidence is  
17 evidence which a reasonable mind accepts as sufficient to  
18 support a particular conclusion and which consists of more  
19 than a mere scintilla but may be somewhat less than a  
20 preponderance.

21 (3) ~~(a)~~ If the Director determines:

22 (a) that there is no substantial evidence, the  
23 charge shall be dismissed by order of the Director and  
24 the complainant notified that he or she may seek review  
25 of the dismissal order before the Commission ~~Chief~~  
26 ~~Legal Counsel of the Department~~. The complainant shall  
27 have 30 days from receipt of notice to file a request  
28 for review by the Commission ~~Chief Legal Counsel of the~~  
29 ~~Department~~.

30 ~~(b) If the Director determines~~ that there is  
31 substantial evidence, he or she shall designate a  
32 Department employee who is an attorney licensed to  
33 practice in Illinois to endeavor to eliminate the  
34 effect of the alleged civil rights violation and to  
35 prevent its repetition by means of conference and  
36 conciliation.

1 (E) Conciliation.

2 (1) When the Department determines that a formal  
3 conciliation conference is necessary, the complainant and  
4 respondent shall be notified of the time and place of the  
5 conference by registered or certified mail at least 10 days  
6 prior thereto and either or both parties shall appear at  
7 the conference in person or by attorney.

8 (2) The place fixed for the conference shall be within  
9 35 miles of the place where the civil rights violation is  
10 alleged to have been committed.

11 (3) Nothing occurring at the conference shall be  
12 disclosed by the Department unless the complainant and  
13 respondent agree in writing that such disclosure be made.

14 (F) Complaint.

15 (1) When there is a failure to settle or adjust any  
16 charge through conciliation, the Department shall prepare  
17 a written complaint, under oath or affirmation, stating the  
18 nature of the civil rights violation substantially as  
19 alleged in the charge previously filed and the relief  
20 sought on behalf of the aggrieved party.

21 (2) The complaint shall be filed with the Commission.

22 (G) Time Limit.

23 (1) When a charge of a civil rights violation has been  
24 properly filed, the Department, within 365 days thereof or  
25 within any extension of that period agreed to in writing by  
26 all parties, shall either issue and file a complaint in the  
27 manner and form set forth in this Section or shall order  
28 that no complaint be issued and dismiss the charge with  
29 prejudice without any further right to proceed except in  
30 cases in which the order was procured by fraud or duress.  
31 Any such order shall be duly served upon both the  
32 complainant and the respondent.

33 (2) Between 365 and 395 days after the charge is filed,  
34 or such longer period agreed to in writing by all parties,  
35 the aggrieved party may file a complaint with the  
36 Commission, if the Director has not sooner issued a report

1 and determination pursuant to paragraphs (D) (1) and (D) (2)  
2 of this Section. The form of the complaint shall be in  
3 accordance with the provisions of paragraph (F). The  
4 aggrieved party shall notify the Department that a  
5 complaint has been filed and shall serve a copy of the  
6 complaint on the Department on the same date that the  
7 complaint is filed with the Commission.

8 (3) If an aggrieved party files a complaint with the  
9 Human Rights Commission pursuant to paragraph (2) of this  
10 subsection, or if the time period for filing a complaint  
11 has expired, the Department shall immediately cease its  
12 investigation and dismiss the charge of civil rights  
13 violation. ~~Any final order entered by the Chief Legal~~  
14 ~~Counsel under this Section is appealable in accordance with~~  
15 ~~paragraph (A) (1) of Section 8-111.~~ Failure to immediately  
16 cease an investigation and dismiss the charge of civil  
17 rights violation as provided in this paragraph (3)  
18 constitutes grounds for entry of an order by the circuit  
19 court permanently enjoining the investigation. The  
20 Department may also be liable for any costs and other  
21 damages incurred by the respondent as a result of the  
22 action of the Department.

23 (4) The Department shall stay any administrative  
24 proceedings under this Section after the filing of a civil  
25 action by or on behalf of the aggrieved party under any  
26 federal or State law seeking relief with respect to the  
27 alleged civil rights violation.

28 (H) This amendatory Act of 1995 applies to causes of action  
29 filed on or after January 1, 1996.

30 (I) This amendatory Act of 1996 applies to causes of action  
31 filed on or after January 1, 1996.

32 (J) Except as provided in subsection (K), the changes made  
33 to this Section by this amendatory Act of the 94th General  
34 Assembly apply to charges filed on or after the effective date  
35 of those changes.

36 (K) The changes made to paragraph (D) (2) of this Section by

1 this amendatory Act of the 94th General Assembly apply to  
2 charges pending on the effective date of those changes.

3 (Source: P.A. 89-370, eff. 8-18-95; 89-520, eff. 7-18-96.)

4 (775 ILCS 5/7A-103) (from Ch. 68, par. 7A-103)

5 Sec. 7A-103. Settlement.

6 (A) Circumstances. A settlement of any charge prior to the  
7 filing of a complaint may be effectuated at any time upon  
8 agreement of the parties and the approval of the Department. A  
9 settlement of any charge after the filing of a complaint shall  
10 be effectuated as specified in Section 8-105(A) (2) of this Act.

11 (B) Form. Settlements of charges prior to the filing of  
12 complaints shall be reduced to writing by the Department,  
13 signed by the parties, and submitted by the Department to the  
14 Commission for approval. Settlements of charges after the  
15 filing of complaints shall be effectuated as specified in  
16 Section 8-105(A) (2) of this Act.

17 (C) Violation.

18 (1) When either party alleges that a settlement order  
19 has been violated, the Department shall conduct an  
20 investigation into the matter.

21 (2) Upon finding substantial evidence to demonstrate  
22 that a settlement has been violated, the Department shall  
23 file notice of a settlement order violation with the  
24 Commission and serve all parties.

25 (D) Dismissal For Refusal To Accept Settlement Offer. The  
26 Department shall dismiss a charge if it is satisfied that:

27 (1) the respondent has eliminated the effects of the  
28 civil rights violation charged and taken steps to prevent  
29 its repetition; or

30 (2) the respondent offers and the complainant declines  
31 to accept terms of settlement which the Department finds  
32 are sufficient to eliminate the effects of the civil rights  
33 violation charged and prevent its repetition.

34 When the Department dismisses a charge under this Section  
35 it shall notify the complainant that he or she may seek review



1 of the dismissal order before the Commission ~~Chief Legal~~  
2 ~~Counsel of the Department~~. The complainant shall have 30 days  
3 from receipt of notice to file a request for review by the  
4 Commission ~~Chief Legal Counsel of the Department~~.

5 In determining whether the respondent has eliminated the  
6 effects of the civil rights violation charged, or has offered  
7 terms of settlement sufficient to eliminate same, the  
8 Department shall consider the extent to which the respondent  
9 has either fully provided, or reasonably offered by way of  
10 terms of settlement, as the case may be, the relevant relief  
11 available to the complainant under Section 8-108 of this Act.

12 (E) This amendatory Act of 1995 applies to causes of action  
13 filed on or after January 1, 1996.

14 (F) The changes made to this Section by this amendatory Act  
15 of the 94th General Assembly apply to charges filed on or after  
16 the effective date of those changes.

17 (Source: P.A. 91-357, eff. 7-29-99.)

18 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

19 Sec. 7B-102. Procedures.

20 (A) Charge.

21 (1) Within one year after the date that a civil rights  
22 violation allegedly has been committed or terminated, a  
23 charge in writing under oath or affirmation may be filed  
24 with the Department by an aggrieved party or issued by the  
25 Department itself under the signature of the Director.

26 (2) The charge shall be in such detail as to  
27 substantially apprise any party properly concerned as to  
28 the time, place, and facts surrounding the alleged civil  
29 rights violation.

30 (B) Notice and Response to Charge.

31 (1) The Department shall serve notice upon the  
32 aggrieved party acknowledging such charge and advising the  
33 aggrieved party of the time limits and choice of forums  
34 provided under this Act. The Department shall, within 10  
35 days of the date on which the charge was filed or the

1 identification of an additional respondent under paragraph  
2 (2) of this subsection, serve on the respondent a copy of  
3 the charge along with a notice identifying the alleged  
4 civil rights violation and advising the respondent of the  
5 procedural rights and obligations of respondents under  
6 this Act and shall require the respondent to file a  
7 verified response to the allegations contained in the  
8 charge within 30 days. The respondent shall serve a copy of  
9 its response on the complainant or his representative. All  
10 allegations contained in the charge not timely denied by  
11 the respondent shall be deemed admitted, unless the  
12 respondent states that it is without sufficient  
13 information to form a belief with respect to such  
14 allegation. The Department shall issue a notice of default  
15 directed to any respondent who fails to file a verified  
16 response to a charge within 30 days of the date on which  
17 the charge was filed, unless the respondent can demonstrate  
18 good cause as to why such notice should not issue. Within  
19 10 days of the date he receives the respondent's response,  
20 the complainant may file his reply to said response. If he  
21 chooses to file a reply, the complainant shall serve a copy  
22 of said reply on the respondent or his representative. A  
23 party shall have the right to supplement his response or  
24 reply at any time that the investigation of the charge is  
25 pending.

26 (2) A person who is not named as a respondent in a  
27 charge, but who is identified as a respondent in the course  
28 of investigation, may be joined as an additional or  
29 substitute respondent upon written notice, under  
30 subsection (B), to such person, from the Department. Such  
31 notice, in addition to meeting the requirements of  
32 subsections (A) and (B), shall explain the basis for the  
33 Department's belief that a person to whom the notice is  
34 addressed is properly joined as a respondent.

35 (C) Investigation.

36 (1) The Department shall conduct a full investigation

1 of the allegations set forth in the charge and complete  
2 such investigation within 100 days after the filing of the  
3 charge, unless it is impracticable to do so.

4 (2) If the Department is unable to complete the  
5 investigation within 100 days after the charge is filed,  
6 the Department shall notify the complainant and respondent  
7 in writing of the reasons for not doing so.

8 (3) The Director or his or her designated  
9 representative shall have authority to request any member  
10 of the Commission to issue subpoenas to compel the  
11 attendance of a witness or the production for examination  
12 of any books, records or documents whatsoever.

13 (4) If any witness whose testimony is required for any  
14 investigation resides outside the State, or through  
15 illness or any other good cause as determined by the  
16 Director is unable to be interviewed by the investigator or  
17 appear at a fact finding conference, his or her testimony  
18 or deposition may be taken, within or without the State, in  
19 the same manner as provided for in the taking of  
20 depositions in civil cases in circuit courts.

21 (5) Upon reasonable notice to the complainant and the  
22 respondent, the Department shall conduct a fact finding  
23 conference, unless prior to 100 days from the date on which  
24 the charge was filed, the Director has determined whether  
25 there is substantial evidence that the alleged civil rights  
26 violation has been committed. A party's failure to attend  
27 the conference without good cause may result in dismissal  
28 or default. A notice of dismissal or default shall be  
29 issued by the Director and shall notify the relevant party  
30 that a request for review may be filed in writing with the  
31 Commission ~~Chief Legal Counsel of the Department~~ within 30  
32 days of receipt of notice of dismissal or default.

33 (D) Report.

34 (1) Each investigated charge shall be the subject of a  
35 report to the Director. The report shall be a confidential  
36 document subject to review by the Director, authorized

1 Department employees, the parties, and, where indicated by  
2 this Act, members of the Commission or their designated  
3 hearing officers.

4 The report shall contain:

5 (a) the names and dates of contacts with witnesses;

6 (b) a summary and the date of correspondence and  
7 other contacts with the aggrieved party and the  
8 respondent;

9 (c) a summary description of other pertinent  
10 records;

11 (d) a summary of witness statements; and

12 (e) answers to questionnaires.

13 A final report under this paragraph may be amended if  
14 additional evidence is later discovered.

15 (2) Upon review of the report and within 100 days of  
16 the filing of the charge, unless it is impracticable to do  
17 so, the Director shall determine whether there is  
18 substantial evidence that the alleged civil rights  
19 violation has been committed or is about to be committed.  
20 If the Director is unable to make the determination within  
21 100 days after the filing of the charge, the Director shall  
22 notify the complainant and respondent in writing of the  
23 reasons for not doing so.

24 (a) If the Director determines that there is no  
25 substantial evidence, the charge shall be dismissed  
26 and the aggrieved party notified that he or she may  
27 seek review of the dismissal order before the  
28 Commission. The aggrieved party shall have 30 days from  
29 receipt of notice to file a request for review by the  
30 Commission ~~Chief Legal Counsel of the Department~~. The  
31 Director shall make public disclosure of each such  
32 dismissal.

33 (b) If the Director determines that there is  
34 substantial evidence, he or she shall immediately  
35 issue a complaint on behalf of the aggrieved party  
36 pursuant to subsection (F).

1 (E) Conciliation.

2 (1) During the period beginning with the filing of  
3 charge and ending with the filing of a complaint or a  
4 dismissal by the Department, the Department shall, to the  
5 extent feasible, engage in conciliation with respect to  
6 such charge.

7 When the Department determines that a formal  
8 conciliation conference is feasible, the aggrieved party  
9 and respondent shall be notified of the time and place of  
10 the conference by registered or certified mail at least 7  
11 days prior thereto and either or both parties shall appear  
12 at the conference in person or by attorney.

13 (2) The place fixed for the conference shall be within  
14 35 miles of the place where the civil rights violation is  
15 alleged to have been committed.

16 (3) Nothing occurring at the conference shall be made  
17 public or used as evidence in a subsequent proceeding for  
18 the purpose of proving a violation under this Act unless  
19 the complainant and respondent agree in writing that such  
20 disclosure be made.

21 (4) A conciliation agreement arising out of such  
22 conciliation shall be an agreement between the respondent  
23 and the complainant, and shall be subject to approval by  
24 the Department and Commission.

25 (5) A conciliation agreement may provide for binding  
26 arbitration of the dispute arising from the charge. Any  
27 such arbitration that results from a conciliation  
28 agreement may award appropriate relief, including monetary  
29 relief.

30 (6) Each conciliation agreement shall be made public  
31 unless the complainant and respondent otherwise agree and  
32 the Department determines that disclosure is not required  
33 to further the purpose of this Act.

34 (F) Complaint.

35 (1) When there is a failure to settle or adjust any  
36 charge through a conciliation conference and the charge is

1 not dismissed, the Department shall prepare a written  
2 complaint, under oath or affirmation, stating the nature of  
3 the civil rights violation and the relief sought on behalf  
4 of the aggrieved party. Such complaint shall be based on  
5 the final investigation report and need not be limited to  
6 the facts or grounds alleged in the charge filed under  
7 subsection (A).

8 (2) The complaint shall be filed with the Commission.

9 (3) The Department may not issue a complaint under this  
10 Section regarding an alleged civil rights violation after  
11 the beginning of the trial of a civil action commenced by  
12 the aggrieved party under any State or federal law, seeking  
13 relief with respect to that alleged civil rights violation.

14 (G) Time Limit.

15 (1) When a charge of a civil rights violation has been  
16 properly filed, the Department, within 100 days thereof,  
17 unless it is impracticable to do so, shall either issue and  
18 file a complaint in the manner and form set forth in this  
19 Section or shall order that no complaint be issued. Any  
20 such order shall be duly served upon both the aggrieved  
21 party and the respondent.

22 (2) The Director shall make available to the aggrieved  
23 party and the respondent, at any time, upon request  
24 following completion of the Department's investigation,  
25 information derived from an investigation and any final  
26 investigative report relating to that investigation.

27 (H) This amendatory Act of 1995 applies to causes of action  
28 filed on or after January 1, 1996.

29 (I) The changes made to this Section by this amendatory Act  
30 of the 94th General Assembly apply to charges filed on or after  
31 the effective date of those changes.

32 (Source: P.A. 89-370, eff. 8-18-95.)

33 (775 ILCS 5/7B-103) (from Ch. 68, par. 7B-103)

34 Sec. 7B-103. Settlement.

35 (A) Circumstances. A settlement of any charge prior to the

1 filing of a complaint may be effectuated at any time upon  
2 agreement of the parties and the approval of the Department. A  
3 settlement of any charge after the filing of complaint shall be  
4 effectuated as specified in Section 8-105 (A) (2) of this Act.

5 (B) Form. Settlements of charges prior to the filing of  
6 complaints shall be reduced to writing by the Department,  
7 signed by the parties, and submitted by the Department to the  
8 Commission for approval. Settlements of charges after the  
9 filing of complaints shall be effectuated as specified in  
10 Section 8-105 (A) (2) of this Act.

11 (C) Violation.

12 (1) When either party alleges that a settlement order  
13 has been violated, the Department shall conduct an  
14 investigation into the matter.

15 (2) Upon finding substantial evidence to demonstrate  
16 that a settlement has been violated, the Department shall  
17 refer the matter to the Attorney General for enforcement in  
18 the circuit court in which the respondent or complainant  
19 resides or transacts business or in which the alleged  
20 violation took place.

21 (D) Dismissal For Refusal To Accept Settlement Offer. The  
22 Department may dismiss a charge if it is satisfied that:

23 (1) the respondent has eliminated the effects of the  
24 civil rights violation charged and taken steps to prevent  
25 its repetition; or

26 (2) the respondent offers and the aggrieved party  
27 declines to accept terms of settlement which the Department  
28 finds are sufficient to eliminate the effects of the civil  
29 rights violation charged and prevent its repetition.

30 (3) When the Department dismisses a charge under this  
31 Section it shall notify the complainant that he or she may  
32 seek review of the dismissal order before the Commission.  
33 The aggrieved party shall have 30 days from receipt of  
34 notice to file a request for review by the Commission ~~Chief~~  
35 ~~Legal Counsel of the Department.~~

36 (4) In determining whether the respondent has

1 eliminated the effects of the civil rights violation  
2 charged, or has offered terms of settlement sufficient to  
3 eliminate same, the Department shall consider the extent to  
4 which the respondent has either fully provided, or  
5 reasonably offered by way of terms of settlement, as the  
6 case may be, the relevant relief available to the aggrieved  
7 party under Section 8B-104 of this Act with the exception  
8 of civil penalties.

9 (E) This amendatory Act of 1995 applies to causes of action  
10 filed on or after January 1, 1996.

11 (F) The changes made to this Section by this amendatory Act  
12 of the 94th General Assembly apply to charges filed on or after  
13 the effective date of those changes.

14 (Source: P.A. 89-370, eff. 8-18-95.)

15 (775 ILCS 5/8-103) (from Ch. 68, par. 8-103)  
16 Sec. 8-103. Request for Review.

17 ~~(A) Applicability. This Section does not apply to any cause~~  
18 ~~of action filed on or after January 1, 1996.~~

19 ~~(A-1)~~ Jurisdiction. The Commission, through a panel of  
20 three members, shall have jurisdiction to hear and determine  
21 requests for review of (1) decisions of the Department to  
22 dismiss a charge; and (2) notices of default issued by the  
23 Department.

24 In each instance, the Department shall be the respondent.

25 (B) Review. When a request for review is properly filed,  
26 the Commission may consider the Department's report, any  
27 argument and supplemental evidence timely submitted, and the  
28 results of any additional investigation conducted by the  
29 Department in response to the request. In its discretion, the  
30 Commission may designate a hearing officer to conduct a hearing  
31 into the factual basis of the matter at issue.

32 (C) Default Order. When a respondent fails to file a timely  
33 request for review of a notice of default, or the default is  
34 sustained on review, the Commission shall enter a default order  
35 and set a hearing on damages.



1 (D) Time Period Toll. Proceedings on requests for review  
2 shall toll the time limitation established in paragraph (G) of  
3 Section 7A-102 from the date on which the Department's notice  
4 of dismissal or default is issued to the date on which the  
5 Commission's order is entered.

6 (E) The changes made to this Section by this amendatory Act  
7 of the 94th General Assembly apply to charges, complaints, or  
8 other proceedings filed with the Department or Commission on or  
9 after the effective date of those changes.

10 (Source: P.A. 89-370, eff. 8-18-95.)

11 (775 ILCS 5/8-110) (from Ch. 68, par. 8-110)

12 Sec. 8-110. Publication of Opinions. Decisions of the  
13 Commission or panels thereof, whether on requests for review or  
14 complaints, shall be published within 120 calendar days of the  
15 completion of service of the written decision on the parties to  
16 ensure ~~assure~~ a consistent source of precedent.

17 This amendatory Act of 1995 applies to causes of action  
18 filed on or after January 1, 1996.

19 The changes made to this Section by this amendatory Act of  
20 the 94th General Assembly apply to decisions of the Commission  
21 entered on or after the effective date of those changes.

22 (Source: P.A. 89-370, eff. 8-18-95.)

23 (775 ILCS 5/8-111) (from Ch. 68, par. 8-111)

24 Sec. 8-111. Court Proceedings.

25 (A) (1) Judicial Review. Any complainant or respondent may  
26 apply for and obtain judicial review of a ~~any~~ final order  
27 of the Commission entered under this Act by filing a  
28 petition for review in the Appellate Court within 35 days  
29 from the date that a copy of the decision sought to be  
30 reviewed was served upon the party affected by the  
31 decision. If a 3-member panel or the full Commission finds  
32 that an interlocutory order involves a question of law as  
33 to which there is substantial ground for difference of  
34 opinion and that an immediate appeal from the order may

1 materially advance the ultimate termination of the  
2 litigation, any party may petition the Appellate Court for  
3 permission to appeal the order. The procedure for obtaining  
4 the required Commission findings and the permission of the  
5 Appellate Court shall be governed by Supreme Court Rule  
6 308, except the references to the "trial court" shall be  
7 understood as referring to the Commission.

8 (2) In any proceeding brought for judicial review, the  
9 Commission's findings of fact ~~made at the administrative~~  
10 ~~level~~ shall be sustained unless the court determines that  
11 such findings are contrary to the manifest weight of the  
12 evidence.

13 (3) Venue. Proceedings for judicial review shall be  
14 commenced in the appellate court for the district wherein  
15 the civil rights violation which is the subject of the  
16 Commission's order was allegedly committed.

17 (B) Judicial Enforcement.

18 (1) When the Commission, at the instance of the  
19 Department or an aggrieved party, concludes that any person  
20 has violated a valid order of the Commission issued  
21 pursuant to this Act, and the violation and its effects are  
22 not promptly corrected, the Commission, through a panel of  
23 3 members, shall order the Department to commence an action  
24 in the name of the People of the State of Illinois by  
25 complaint, alleging the violation, attaching a copy of the  
26 order of the Commission and praying for the issuance of an  
27 order directing such person, his or her or its officers,  
28 agents, servants, successors and assigns to comply with the  
29 order of the Commission.

30 (2) An aggrieved party may file a complaint for  
31 enforcement of a valid order of the Commission directly in  
32 Circuit Court.

33 (3) Upon the commencement of an action filed under  
34 paragraphs (1) or (2) of subsection (B) of this Section the  
35 court shall have jurisdiction over the proceedings and  
36 power to grant or refuse, in whole or in part, the relief

1 sought or impose such other remedy as the court may deem  
2 proper.

3 (4) The court may stay an order of the Commission in  
4 accordance with the applicable Supreme Court rules,  
5 pending disposition of the proceedings.

6 (5) The court may punish for any violation of its order  
7 as in the case of civil contempt.

8 (6) Venue. Proceedings for judicial enforcement of a  
9 Commission order shall be commenced in the circuit court in  
10 the county wherein the civil rights violation which is the  
11 subject of the Commission's order was committed.

12 (C) Limitation. Except as otherwise provided by law, no  
13 court of this state shall have jurisdiction over the subject of  
14 an alleged civil rights violation other than as set forth in  
15 this Act.

16 (D) This amendatory Act of 1996 applies to causes of action  
17 filed on or after January 1, 1996.

18 (E) The changes made to this Section by this amendatory Act  
19 of the 94th General Assembly apply to charges, complaints, or  
20 other proceedings filed with the Department or the Commission  
21 on or after the effective date of those changes.

22 (Source: P.A. 88-1; 89-348, eff. 1-1-96; 89-520, eff. 7-18-96.)

23 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

24 Sec. 10-101. Applicability. This Article applies ~~With the~~  
25 ~~exception of Section 10-104, this Article shall apply solely to~~  
26 civil actions arising under Article 2, 3, or 6 of this Act as  
27 authorized by Sections 10-102 and 10-104.

28 The changes made to this Section by this amendatory Act of  
29 the 94th General Assembly apply to charges, complaints,  
30 proceedings, and actions pending before the Department, the  
31 Commission, or a court on the effective date of those changes.

32 (Source: P.A. 93-1017, eff. 8-24-04.)

33 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)

34 Sec. 10-102. Court Actions. (A) Circuit Court Actions. (1)

1 An aggrieved party may commence a civil action in an  
2 appropriate Circuit Court not later than 2 years after the  
3 occurrence or the termination of an alleged civil rights  
4 violation or the breach of a conciliation or settlement  
5 agreement entered into under this Act, whichever occurs last,  
6 to obtain appropriate relief with respect to the alleged civil  
7 rights violation or breach. Venue for such civil action shall  
8 be determined under Section 8-111(B)(6).

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

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

26 (3.1) A civil action arising under Article 2 or 6 of this  
27 Act may be commenced 180 days after the filing of a charge  
28 under Section 7A-102(A)(1) regardless of the Department's  
29 findings, if any.

30 (4) An aggrieved party shall not commence a civil action  
31 under this subsection with respect to an alleged civil rights  
32 violation which forms the basis of a complaint issued by the  
33 Department if a hearing officer has commenced a hearing on the  
34 record under Article 2, 3, or 6 of this Act with respect to  
35 such complaint.

36 (B) Appointment of Attorney by Court. Upon application by a

1 person alleging a civil rights violation or a person against  
2 whom the civil rights violation is alleged, if in the opinion  
3 of the court such person is financially unable to bear the  
4 costs of such action, the court may:

5 (1) appoint an attorney for such person, any attorney so  
6 appointed may petition for an award of attorneys fees pursuant  
7 to subsection (C) (2) of this Section; or

8 (2) authorize the commencement or continuation of a civil  
9 action under subsection (A) without the payment of fees, costs,  
10 or security.

11 (C) Jury demand; relief ~~Relief~~ which may be granted. (1) In  
12 a civil action under subsection (A), the plaintiff or the  
13 defendant may demand a trial by jury. In a civil action under  
14 subsection (A) if the court or jury finds that a civil rights  
15 violation has occurred or is about to occur, it ~~the court~~ may  
16 award to the plaintiff actual and punitive damages, and the  
17 court may grant as relief, as the court deems appropriate, any  
18 permanent or preliminary injunction, temporary restraining  
19 order, or other order, including an order enjoining the  
20 defendant from engaging in such civil rights violation or  
21 ordering such affirmative action as may be appropriate.

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

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

33 (E) The changes made to this Section by this amendatory Act  
34 of the 94th General Assembly apply to charges, complaints,  
35 proceedings, and actions pending before the Department, the  
36 Commission, or a court on the effective date of those changes.

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

2 (775 ILCS 5/7-101.1 rep.)

3 Section 10. The Illinois Human Rights Act is amended by  
4 repealing Section 7-101.1.

5 Section 99. Effective date. This Act takes effect on  
6 January 1, 2006, except that this Section and the changes made  
7 to paragraph (D)(2) of Section 7A-102 of the Illinois Human  
8 Rights Act take effect upon becoming law.