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09500HB1509ham001

LRB095 04301 WGH 33577 a

1 AMENDMENT TO HOUSE BILL 1509

2 AMENDMENT NO. _____. Amend House Bill 1509 by replacing
3 everything after the enacting clause with the following:

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, and 8-111 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

1 the time, place, and facts surrounding the alleged civil
2 rights violation.

3 (A-1) Equal Employment Opportunity Commission Charges. A
4 charge filed with the Equal Employment Opportunity Commission
5 within 180 days after the date of the alleged civil rights
6 violation shall be deemed filed with the Department on the date
7 filed with the Equal Employment Opportunity Commission. Upon
8 receipt of a charge filed with the Equal Employment Opportunity
9 Commission, the Department shall notify the complainant that he
10 or she may proceed with the Department. The complainant must
11 notify the Department of his or her decision in writing within
12 35 days of receipt of the Department's notice to the
13 complainant and the Department shall close the case if the
14 complainant does not do so. If the complainant proceeds with
15 the Department, the Department shall take no action until the
16 Equal Employment Opportunity Commission makes a determination
17 on the charge. Upon receipt of the Equal Employment Opportunity
18 Commission's determination, the Department shall cause the
19 charge to be filed under oath or affirmation and to be in such
20 detail as provided for under subparagraph (2) of paragraph (A).
21 At the Department's discretion, the Department shall either
22 adopt the Equal Employment Opportunity Commission's
23 determination or process the charge pursuant to this Act.
24 Adoption of the Equal Employment Opportunity Commission's
25 determination shall be deemed a determination by the Department
26 for all purposes under this Act.

1 (B) Notice~~7~~ and Response to, ~~and Review of~~ Charge. The
2 Department shall, within 10 days of the date on which the
3 charge was filed, serve a copy of the charge on the respondent.
4 This period shall not be construed to be jurisdictional. The
5 charging party and the respondent may each file a position
6 statement and other materials with the Department regarding the
7 charge of alleged discrimination within 60 days of receipt of
8 the notice of the charge. The position statements and other
9 materials filed shall remain confidential unless otherwise
10 agreed to by the party providing the information and shall not
11 be served on or made available to the other party during
12 pendency of a charge with the Department. The Department shall
13 require the respondent to file a verified response to the
14 allegations contained in the charge within 60 days of receipt
15 of the notice of the charge. The respondent shall serve a copy
16 of its response on the complainant or his representative. All
17 allegations contained in the charge not timely denied by the
18 respondent shall be deemed admitted, unless the respondent
19 states that it is without sufficient information to form a
20 belief with respect to such allegation. The Department may
21 issue a notice of default directed to any respondent who fails
22 to file a verified response to a charge within 60 days of
23 receipt of the notice of the charge, unless the respondent can
24 demonstrate good cause as to why such notice should not issue.
25 The term "good cause" shall be defined by rule promulgated by
26 the Department. Within 30 days of receipt of the respondent's

1 response, the complainant may file a reply to said response and
2 shall serve a copy of said reply on the respondent or his
3 representative. A party shall have the right to supplement his
4 response or reply at any time that the investigation of the
5 charge is pending. The Department shall, within 10 days of the
6 date on which the charge was filed, and again no later than 335
7 days thereafter, send by certified or registered mail written
8 notice to the complainant and to the respondent informing the
9 complainant of the complainant's right to either file a
10 complaint with the Human Rights Commission or commence a civil
11 action in the appropriate circuit court under subparagraph (2)
12 of paragraph (G), including in such notice the dates within
13 which the complainant may exercise this right. In the notice
14 the Department shall notify the complainant that the charge of
15 civil rights violation will be dismissed with prejudice and
16 with no right to further proceed if a written complaint is not
17 timely filed with the Commission or with the appropriate
18 circuit court by the complainant pursuant to subparagraph (2)
19 of paragraph (G) or by the Department pursuant to subparagraph
20 (1) of paragraph (G).

21 (B-1) Mediation. The complainant and respondent may agree
22 to voluntarily submit the charge to mediation without waiving
23 any rights that are otherwise available to either party
24 pursuant to this Act and without incurring any obligation to
25 accept the result of the mediation process. Nothing occurring
26 in mediation shall be disclosed by the Department or admissible

1 in evidence in any subsequent proceeding unless the complainant
2 and the respondent agree in writing that such disclosure be
3 made.

4 (C) Investigation.

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

8 (2) The Director or his or her designated
9 representatives 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 (3) 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 is provided for in the taking of
20 depositions in civil cases in circuit courts.

21 (4) Upon reasonable notice to the complainant and the
22 respondent, the Department shall conduct a fact finding
23 conference prior to 365 days after the date on which the
24 charge was filed, unless the Director has determined
25 whether there is substantial evidence that the alleged
26 civil rights violation has been committed or the charge has

1 been dismissed for lack of jurisdiction. If the parties
2 agree in writing, the fact finding conference may be held
3 at a time after the 365 day limit. Any party's failure to
4 attend the conference without good cause shall result in
5 dismissal or default. The term "good cause" shall be
6 defined by rule promulgated by the Department. A notice of
7 dismissal or default shall be issued by the Director and
8 shall notify the relevant party that a request for review
9 may be filed in writing with the Commission ~~Chief Legal~~
10 ~~Counsel of the Department~~ within 30 days of receipt of
11 notice of dismissal or default.

12 (D) Report.

13 (1) Each charge shall be the subject of a report to the
14 Director. The report shall be a confidential document
15 subject to review by the Director, authorized Department
16 employees, the parties, and, where indicated by this Act,
17 members of the Commission or their designated hearing
18 officers.

19 (2) Upon review of the report, the Director shall
20 determine whether there is substantial evidence that the
21 alleged civil rights violation has been committed. The
22 determination of substantial evidence is limited to
23 determining the need for further consideration of the
24 charge pursuant to this Act and includes, but is not
25 limited to, findings of fact and conclusions, as well as
26 the reasons for the determinations on all material issues.

1 Substantial evidence is evidence which a reasonable mind
2 accepts as sufficient to support a particular conclusion
3 and which consists of more than a mere scintilla but may be
4 somewhat less than a preponderance.

5 (3) ~~(a)~~ If the Director determines that there is no
6 substantial evidence, the charge shall be dismissed by
7 order of the Director and the Director shall give the
8 complainant notice of his or her right to ~~notified that he~~
9 ~~or she may~~ seek review of the dismissal order before the
10 Commission or commence a civil action in the appropriate
11 circuit court. If the complainant chooses to have the Human
12 Rights Commission review the dismissal order, he or she
13 shall file a request for review with the Commission within
14 30 days after receipt of the Director's notice. If the
15 complainant chooses to file a request for review with the
16 Commission, he or she may not later commence a civil action
17 in a circuit court. If the complainant chooses to commence
18 a civil action in a circuit court, he or she must do so
19 within 90 days after receipt of the Director's notice ~~Chief~~
20 ~~Legal Counsel of the Department. The complainant shall have~~
21 ~~30 days from receipt of notice to file a request for review~~
22 ~~by the Chief Legal Counsel of the Department.~~

23 (4) If the Director determines that there is
24 substantial evidence, he or she shall notify the
25 complainant and respondent of that determination. The
26 Director shall also notify the parties that the complainant

1 has the right to either commence a civil action in the
2 appropriate circuit court or request that the Department of
3 Human Rights file a complaint with the Human Rights
4 Commission on his or her behalf. Any such complaint shall
5 be filed within 90 days after receipt of the Director's
6 notice. If the complainant chooses to have the Department
7 file a complaint with the Human Rights Commission on his or
8 her behalf, the complainant must, within 14 days after
9 receipt of the Director's notice, request in writing that
10 the Department file the complaint. If the complainant
11 timely requests that the Department file the complaint, the
12 Department shall file the complaint on his or her behalf.
13 If the Complainant fails to timely request that the
14 Department file the complaint, the complainant may only
15 commence a civil action in the appropriate circuit court.

16 (E) Conciliation.

17 (1) When ~~(b) If the Director determines that there is~~
18 a finding of substantial evidence, the Department may ~~he or~~
19 ~~she shall~~ designate a Department employee who is an
20 attorney licensed to practice in Illinois to endeavor to
21 eliminate the effect of the alleged civil rights violation
22 and to prevent its repetition by means of conference and
23 conciliation.

24 ~~(E) Conciliation.~~

25 (2) (1) When the Department determines that a formal
26 conciliation conference is necessary, the complainant and

1 respondent shall be notified of the time and place of the
2 conference by registered or certified mail at least 10 days
3 prior thereto and either or both parties shall appear at
4 the conference in person or by attorney.

5 (3) ~~(2)~~ The place fixed for the conference shall be
6 within 35 miles of the place where the civil rights
7 violation is alleged to have been committed.

8 (4) ~~(3)~~ Nothing occurring at the conference shall be
9 disclosed by the Department unless the complainant and
10 respondent agree in writing that such disclosure be made.

11 (5) The Department's efforts to conciliate the matter
12 shall not stay or extend the time for filing the complaint
13 with the Commission or the circuit court.

14 (F) Complaint.

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

24 (2) If the complainant chooses to commence a civil
25 action in a circuit court, he or she must do so in the
26 circuit court in the county wherein the civil rights

1 violation was allegedly committed. The form of the
2 complaint in any such civil action shall be in accordance
3 with the Illinois Code of Civil Procedure ~~The complaint~~
4 ~~shall be filed with the Commission.~~

5 (G) Time Limit.

6 (1) When a charge of a civil rights violation has been
7 properly filed, the Department, within 365 days thereof or
8 within any extension of that period agreed to in writing by
9 all parties, shall issue its report as required by
10 subparagraph (D) ~~either issue and file a complaint in the~~
11 ~~manner and form set forth in this Section or shall order~~
12 ~~that no complaint be issued and dismiss the charge with~~
13 ~~prejudice without any further right to proceed except in~~
14 ~~cases in which the order was procured by fraud or duress.~~
15 Any such report ~~order~~ shall be duly served upon both the
16 complainant and the respondent.

17 (2) If the Department has not issued its report within
18 365 days after the charge is filed, or any such longer
19 period agreed to in writing by all the parties, the
20 complainant shall have 90 days to either file his or her
21 own complaint with the Human Rights Commission or commence
22 a civil action in the appropriate circuit court. If the
23 complainant files a complaint with the Commission, the
24 ~~Between 365 and 395 days after the charge is filed, or such~~
25 ~~longer period agreed to in writing by all parties, the~~
26 ~~aggrieved party may file a complaint with the Commission,~~

1 ~~if the Director has not sooner issued a report and~~
2 ~~determination pursuant to paragraphs (D) (1) and (D) (2) of~~
3 ~~this Section.~~ The form of the complaint shall be in
4 accordance with the provisions of paragraph (F) (1). If the
5 complainant commences a civil action in a circuit court,
6 the form of the complaint shall be in accordance with the
7 Illinois Code of Civil Procedure. The aggrieved party shall
8 notify the Department that a complaint has been filed and
9 shall serve a copy of the complaint on the Department on
10 the same date that the complaint is filed with the
11 Commission or in circuit court. If the complainant files a
12 complaint with the Commission, he or she may not later
13 commence a civil action in circuit court.

14 (3) If an aggrieved party files a complaint with the
15 Human Rights Commission or commences a civil action in
16 circuit court pursuant to paragraph (2) of this subsection,
17 or if the time period for filing a complaint has expired,
18 the Department shall immediately cease its investigation
19 and dismiss the charge of civil rights violation. Any final
20 order entered by the Commission ~~Chief Legal Counsel~~ under
21 this Section is appealable in accordance with paragraph
22 (B) (1) ~~(A) (1)~~ of Section 8-111. Failure to immediately
23 cease an investigation and dismiss the charge of civil
24 rights violation as provided in this paragraph (3)
25 constitutes grounds for entry of an order by the circuit
26 court permanently enjoining the investigation. The

1 Department may also be liable for any costs and other
2 damages incurred by the respondent as a result of the
3 action of the Department.

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

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

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

13 (J) The changes made to this Section by this amendatory Act
14 of the 95th General Assembly apply to charges filed on or after
15 the effective date of those changes.

16 (Source: P.A. 94-146, eff. 7-8-05; 94-326, eff. 7-26-05;
17 94-857, eff. 6-15-06.)

18 (775 ILCS 5/7A-103) (from Ch. 68, par. 7A-103)

19 Sec. 7A-103. Settlement.

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

25 (B) Form. Settlements of charges prior to the filing of

1 complaints shall be reduced to writing by the Department,
2 signed by the parties, and submitted by the Department to the
3 Commission for approval. Settlements of charges after the
4 filing of complaints shall be effectuated as specified in
5 Section 8-105(A) (2) of this Act.

6 (C) Violation.

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

10 (2) Upon finding substantial evidence to demonstrate
11 that a settlement has been violated, the Department shall
12 file notice of a settlement order violation with the
13 Commission and serve all parties.

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

16 (1) the respondent has eliminated the effects of the
17 civil rights violation charged and taken steps to prevent
18 its repetition; or

19 (2) the respondent offers and the complainant declines
20 to accept terms of settlement which the Department finds
21 are sufficient to eliminate the effects of the civil rights
22 violation charged and prevent its repetition.

23 When the Department dismisses a charge under this Section
24 it shall notify the complainant that he or she may seek review
25 of the dismissal order before the Commission ~~Chief Legal~~
26 ~~Counsel of the Department~~. The complainant shall have 30 days

1 from receipt of notice to file a request for review by the
2 Commission Chief Legal Counsel of the Department.

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

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

12 (F) The changes made to this Section by this amendatory Act
13 of the 95th General Assembly apply to charges filed on or after
14 the effective date of those changes.

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

16 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

17 Sec. 7B-102. Procedures.

18 (A) Charge.

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

24 (2) The charge shall be in such detail as to
25 substantially apprise any party properly concerned as to

1 the time, place, and facts surrounding the alleged civil
2 rights violation.

3 (B) Notice and Response to Charge.

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

1 "good cause" shall be defined by rule promulgated by the
2 Department. Within 10 days of the date he receives the
3 respondent's response, the complainant may file his reply
4 to said response. If he chooses to file a reply, the
5 complainant shall serve a copy of said reply on the
6 respondent or his representative. A party shall have the
7 right to supplement his response or reply at any time that
8 the investigation of the charge is pending.

9 (2) A person who is not named as a respondent in a
10 charge, but who is identified as a respondent in the course
11 of investigation, may be joined as an additional or
12 substitute respondent upon written notice, under
13 subsection (B), to such person, from the Department. Such
14 notice, in addition to meeting the requirements of
15 subsections (A) and (B), shall explain the basis for the
16 Department's belief that a person to whom the notice is
17 addressed is properly joined as a respondent.

18 (C) Investigation.

19 (1) The Department shall conduct a full investigation
20 of the allegations set forth in the charge and complete
21 such investigation within 100 days after the filing of the
22 charge, unless it is impracticable to do so. The
23 Department's failure to complete the investigation within
24 100 days after the proper filing of the charge does not
25 deprive the Department of jurisdiction over the charge.

26 (2) If the Department is unable to complete the

1 investigation within 100 days after the charge is filed,
2 the Department shall notify the complainant and respondent
3 in writing of the reasons for not doing so.

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

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

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

1 Commission ~~Chief Legal Counsel of the Department~~ within 30
2 days of receipt of notice of dismissal or default.

3 (D) Report.

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

10 The report shall contain:

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

12 (b) a summary and the date of correspondence and
13 other contacts with the aggrieved party and the
14 respondent;

15 (c) a summary description of other pertinent
16 records;

17 (d) a summary of witness statements; and

18 (e) answers to questionnaires.

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

21 (2) Upon review of the report and within 100 days of
22 the filing of the charge, unless it is impracticable to do
23 so, the Director shall determine whether there is
24 substantial evidence that the alleged civil rights
25 violation has been committed or is about to be committed.
26 If the Director is unable to make the determination within

1 100 days after the filing of the charge, the Director shall
2 notify the complainant and respondent in writing of the
3 reasons for not doing so. The Director's failure to make
4 the determination within 100 days after the proper filing
5 of the charge does not deprive the Department of
6 jurisdiction over the charge.

7 (a) If the Director determines that there is no
8 substantial evidence, the charge shall be dismissed
9 and the aggrieved party notified that he or she may
10 seek review of the dismissal order before the
11 Commission. The aggrieved party shall have 30 days from
12 receipt of notice to file a request for review by the
13 Commission ~~Chief Legal Counsel of the Department~~. The
14 Director shall make public disclosure of each such
15 dismissal.

16 (b) If the Director determines that there is
17 substantial evidence, he or she shall immediately
18 issue a complaint on behalf of the aggrieved party
19 pursuant to subsection (F).

20 (E) Conciliation.

21 (1) During the period beginning with the filing of
22 charge and ending with the filing of a complaint or a
23 dismissal by the Department, the Department shall, to the
24 extent feasible, engage in conciliation with respect to
25 such charge.

26 When the Department determines that a formal

1 conciliation conference is feasible, the aggrieved party
2 and respondent shall be notified of the time and place of
3 the conference by registered or certified mail at least 7
4 days prior thereto and either or both parties shall appear
5 at the conference in person or by attorney.

6 (2) The place fixed for the conference shall be within
7 35 miles of the place where the civil rights violation is
8 alleged to have been committed.

9 (3) Nothing occurring at the conference shall be made
10 public or used as evidence in a subsequent proceeding for
11 the purpose of proving a violation under this Act unless
12 the complainant and respondent agree in writing that such
13 disclosure be made.

14 (4) A conciliation agreement arising out of such
15 conciliation shall be an agreement between the respondent
16 and the complainant, and shall be subject to approval by
17 the Department and Commission.

18 (5) A conciliation agreement may provide for binding
19 arbitration of the dispute arising from the charge. Any
20 such arbitration that results from a conciliation
21 agreement may award appropriate relief, including monetary
22 relief.

23 (6) Each conciliation agreement shall be made public
24 unless the complainant and respondent otherwise agree and
25 the Department determines that disclosure is not required
26 to further the purpose of this Act.

1 (F) Complaint.

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

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

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

17 (G) Time Limit.

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

1 of the charge does not deprive the Department of
2 jurisdiction over the charge.

3 (2) The Director shall make available to the aggrieved
4 party and the respondent, at any time, upon request
5 following completion of the Department's investigation,
6 information derived from an investigation and any final
7 investigative report relating to that investigation.

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

10 (I) The changes made to this Section by this amendatory Act
11 of the 95th General Assembly apply to charges filed on or after
12 the effective date of those changes.

13 (Source: P.A. 94-326, eff. 7-26-05; 94-857, eff. 6-15-06.)

14 (775 ILCS 5/7B-103) (from Ch. 68, par. 7B-103)

15 Sec. 7B-103. Settlement.

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

21 (B) Form. Settlements of charges prior to the filing of
22 complaints shall be reduced to writing by the Department,
23 signed by the parties, and submitted by the Department to the
24 Commission for approval. Settlements of charges after the
25 filing of complaints shall be effectuated as specified in

1 Section 8-105 (A) (2) of this Act.

2 (C) Violation.

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

6 (2) Upon finding substantial evidence to demonstrate
7 that a settlement has been violated, the Department shall
8 refer the matter to the Attorney General for enforcement in
9 the circuit court in which the respondent or complainant
10 resides or transacts business or in which the alleged
11 violation took place.

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

14 (1) the respondent has eliminated the effects of the
15 civil rights violation charged and taken steps to prevent
16 its repetition; or

17 (2) the respondent offers and the aggrieved party
18 declines to accept terms of settlement which the Department
19 finds are sufficient to eliminate the effects of the civil
20 rights violation charged and prevent its repetition.

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

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

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

12 (F) The changes made to this Section by this amendatory Act
13 of the 95th General Assembly apply to charges filed on or after
14 the effective date of those changes.

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

16 (775 ILCS 5/8-103) (from Ch. 68, par. 8-103)

17 Sec. 8-103. Request for Review.

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

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

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

1 (B) Review. When a request for review is properly filed,
2 the Commission may consider the Department's report, any
3 argument and supplemental evidence timely submitted, and the
4 results of any additional investigation conducted by the
5 Department in response to the request. In its discretion, the
6 Commission may designate a hearing officer to conduct a hearing
7 into the factual basis of the matter at issue.

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

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

17 (E) The changes made to this Section by this amendatory Act
18 of the 95th General Assembly apply to charges or complaints
19 filed with the Department or Commission on or after the
20 effective date of those changes.

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

22 (775 ILCS 5/8-110) (from Ch. 68, par. 8-110)

23 Sec. 8-110. Publication of Opinions. Decisions of the
24 Commission or panels thereof, whether on requests for review or
25 complaints, shall be published within 120 calendar days of the

1 completion of service of the written decision on the parties to
2 ensure ~~assure~~ a consistent source of precedent.

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

5 The changes made to this Section by this amendatory Act of
6 the 95th General Assembly apply to decisions of the Commission
7 entered on or after the effective date of those changes.

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

9 (775 ILCS 5/8-111) (from Ch. 68, par. 8-111)

10 Sec. 8-111. Court Proceedings.

11 (A) Civil Actions Commenced in Circuit Court.

12 (1) Venue. Civil actions commenced in a circuit court
13 pursuant to Section 7A-102 shall be commenced in the
14 circuit court in the county in which the civil rights
15 violation was allegedly committed.

16 (2) If a civil action is commenced in a circuit court,
17 the form of the complaint shall be in accordance with the
18 Code of Civil Procedure.

19 (3) If a civil action is commenced in a circuit court
20 under Section 7A-102, the plaintiff or defendant may demand
21 trial by jury.

22 (4) Remedies. Upon the finding of a civil rights
23 violation, the circuit court or jury may award any of the
24 remedies set forth in Section 8A-104.

25 (B) ~~(A) (1)~~ Judicial Review.

1 (1) Any complainant or respondent may apply for and
2 obtain judicial review of a ~~any~~ final order of the
3 Commission entered under this Act by filing a petition for
4 review in the Appellate Court within 35 days from the date
5 that a copy of the decision sought to be reviewed was
6 served upon the party affected by the decision. If a
7 3-member panel or the full Commission finds that an
8 interlocutory order involves a question of law as to which
9 there is substantial ground for difference of opinion and
10 that an immediate appeal from the order may materially
11 advance the ultimate termination of the litigation, any
12 party may petition the Appellate Court for permission to
13 appeal the order. The procedure for obtaining the required
14 Commission findings and the permission of the Appellate
15 Court shall be governed by Supreme Court Rule 308, except
16 the references to the "trial court" shall be understood as
17 referring to the Commission.

18 (2) In any proceeding brought for judicial review, the
19 Commission's findings of fact ~~made at the administrative~~
20 ~~level~~ shall be sustained unless the court determines that
21 such findings are contrary to the manifest weight of the
22 evidence.

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

1 (C) ~~(B)~~ Judicial Enforcement.

2 (1) When the Commission, at the instance of the
3 Department or an aggrieved party, concludes that any person
4 has violated a valid order of the Commission issued
5 pursuant to this Act, and the violation and its effects are
6 not promptly corrected, the Commission, through a panel of
7 3 members, shall order the Department to commence an action
8 in the name of the People of the State of Illinois by
9 complaint, alleging the violation, attaching a copy of the
10 order of the Commission and praying for the issuance of an
11 order directing such person, his or her or its officers,
12 agents, servants, successors and assigns to comply with the
13 order of the Commission.

14 (2) An aggrieved party may file a complaint for
15 enforcement of a valid order of the Commission directly in
16 Circuit Court.

17 (3) Upon the commencement of an action filed under
18 paragraphs (1) or (2) of subsection (B) of this Section the
19 court shall have jurisdiction over the proceedings and
20 power to grant or refuse, in whole or in part, the relief
21 sought or impose such other remedy as the court may deem
22 proper.

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

26 (5) The court may punish for any violation of its order

1 as in the case of civil contempt.

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

6 (D) ~~(C)~~ Limitation. Except as otherwise provided by law, no
7 court of this state shall have jurisdiction over the subject of
8 an alleged civil rights violation other than as set forth in
9 this Act.

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

12 (F) The changes made to this Section by this amendatory Act
13 of the 95th General Assembly apply to charges or complaints
14 filed with the Department or the Commission on or after the
15 effective date of those changes.

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

17 (775 ILCS 5/7-101.1 rep.)

18 Section 10. The Illinois Human Rights Act is amended by
19 repealing Section 7-101.1.

20 Section 99. Effective date. This Act takes effect January
21 1, 2008."