



Sen. Jacqueline Y. Collins

Filed: 3/12/2008

09500SB1879sam001

LRB095 15221 MJR 48269 a

1 AMENDMENT TO SENATE BILL 1879

2 AMENDMENT NO. _____. Amend Senate Bill 1879 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by
5 changing Section 10-104 as follows:

6 (775 ILCS 5/10-104)

7 Sec. 10-104. Circuit Court Actions by the Illinois Attorney
8 General.

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

11 (1) Whenever the Illinois Attorney General has
12 reasonable cause to believe that any person or group of
13 persons is engaged in a pattern and practice of
14 discrimination prohibited by this Act, the Illinois
15 Attorney General may commence a civil action in the name of
16 the People of the State, as parens 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.

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

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

8 (b) by mailing by certified mail a duly executed
9 copy thereof to the person to be served at his or her
10 last known abode or principal place of business within
11 this State.

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

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

1 the conciliation or settlement agreement or the terms of
2 the Assurance of Voluntary Compliance.

3 (6) If any person fails or refuses to file any
4 statement or report, or obey any subpoena, issued pursuant
5 to subdivision (A)(2) of this Section, the Attorney General
6 will be deemed to have met the requirement of conducting a
7 preliminary investigation and may proceed to initiate a
8 civil action pursuant to subdivision (A)(1) of this
9 Section.

10 (B) Relief which may be granted.

11 (1) In any civil action brought pursuant to subsection
12 (A) of this Section, the Attorney General may obtain as a
13 remedy, equitable relief (including any permanent or
14 preliminary injunction, temporary restraining order, or
15 other order, including an order enjoining the defendant
16 from engaging in such civil rights violation or ordering
17 any action as may be appropriate). In addition, the
18 Attorney General may request and the Court may impose a
19 civil penalty to vindicate the public interest:

20 (a) for violations of Article 3 and Article 4 in an
21 amount not exceeding \$25,000 per violation, and in the
22 case of all other violations in an amount not exceeding
23 \$10,000 if the defendant has not been adjudged to have
24 committed any prior civil rights violations under the
25 provision of the Act that is the basis of the
26 complaint;

1 (b) for violations of Article 3 and Article 4 in an
2 amount not exceeding \$50,000 per violation, and in the
3 case of all other violations in an amount not exceeding
4 ~~\$25,000~~ if the defendant has been adjudged to have
5 committed one other civil rights violation under the
6 provision of the Act within 5 years of the occurrence
7 of the civil rights violation that is the basis of the
8 complaint; and

9 (c) for violations of Article 3 and Article 4 in an
10 amount not exceeding \$75,000 per violation, and in the
11 case of all other violations in an amount not exceeding
12 \$50,000 if the defendant has been adjudged to have
13 committed 2 or more civil rights violations under the
14 provision of the Act within 5 years of the occurrence
15 of the civil rights violation that is the basis of the
16 complaint.

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

1 agreement to be used for a particular purpose shall be used
2 for that purpose.

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

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

7 Section 10. The Illinois Fairness in Lending Act is amended
8 by changing Section 3 as follows:

9 (815 ILCS 120/3) (from Ch. 17, par. 853)

10 Sec. 3. No financial institution, in connection with or in
11 contemplation of any loan to any person, may:

12 (a) Deny or vary the terms of a loan on the basis that a
13 specific parcel of real estate offered as security is located
14 in a specific geographical area.

15 (b) Deny or vary the terms of a loan without having
16 considered all of the regular and dependable income of each
17 person who would be liable for repayment of the loan.

18 (c) Deny or vary the terms of a loan on the sole basis of
19 the childbearing capacity of an applicant or an applicant's
20 spouse.

21 (c-5) Deny or vary the terms of a loan on the basis of the
22 borrower's race, gender, disability, or national origin.

23 (d) Utilize lending standards that have no economic basis
24 and which are discriminatory in effect.

1 (e) Engage in equity stripping or loan flipping.

2 (Source: P.A. 93-561, eff. 1-1-04.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".