

SB1065



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1065

Introduced 2/6/2009, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

740 ILCS 23/5

Amends the Illinois Civil Rights Act of 2003. Makes a technical change in a Section concerning the prohibition of discrimination by units of State, county, or local government.

LRB096 07136 AJO 17222 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Civil Rights Act of 2003 is amended
5 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:

10 (1) exclude a person from participation in, deny a
11 person the ~~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, national origin, or gender;
14 or

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

19 (b) Any party aggrieved by conduct that violates subsection
20 (a) may bring a civil lawsuit, in a federal district court or
21 State circuit court, against the offending unit of government.
22 Any State claim brought in federal district court shall be a
23 supplemental claim to a federal claim. This lawsuit must be

1 brought not later than 2 years after the violation of
2 subsection (a). If the court finds that a violation of
3 paragraph (1) or (2) of subsection (a) has occurred, the court
4 may award to the plaintiff actual damages. The court, as it
5 deems appropriate, may grant as relief any permanent or
6 preliminary negative or mandatory injunction, temporary
7 restraining order, or other order.

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.

SB1065

- 3 -

LRB096 07136 AJO 17222 b

1 (Source: P.A. 95-541, eff. 1-1-08.)