



Sen. Melinda Bush

Filed: 5/17/2018

10000SB0577sam001

LRB100 04835 HEP 40351 a

1 AMENDMENT TO SENATE BILL 577

2 AMENDMENT NO. _____. Amend Senate Bill 577 by replacing
3 everything after the enacting clause with the following:

4 "Article 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Sexual Harassment No Contact Order Act. References in this
7 Article to "this Act" mean this Article.

8 Section 1-5. Purpose. Sexual harassment is a form of sex
9 discrimination based on an individual's actual or perceived sex
10 or gender that includes unwelcome sexual advances, requests for
11 sexual favors, and other verbal or physical harassment of a
12 sexual nature. In some instances, sexual harassment can cause
13 severe emotional and physical distress, yet does not rise to a
14 criminal offense. In these situations, the person who is the
15 subject of the sexual harassment should be able to seek a civil

1 remedy requiring only that the person committing the sexual
2 harassment stay away from the victim. The purpose of this Act
3 is to prevent harassment that is sexual in nature by
4 co-workers, neighbors, strangers, and acquaintances.

5 Section 1-10. Definitions. As used in this Act:

6 "Contact" includes any contact with the petitioner that is
7 initiated or continued without the petitioner's consent, or
8 that is in disregard of the petitioner's expressed desire that
9 the contact be avoided or discontinued, including, but not
10 limited to: being in the physical presence of the petitioner;
11 intentionally appearing within the sight of the petitioner;
12 approaching or confronting the petitioner in a public place or
13 on private property; appearing at the workplace or residence of
14 the petitioner; entering onto or remaining on property owned,
15 leased, or occupied by the petitioner; or placing an object on,
16 or delivering an object to, property owned, leased, or occupied
17 by the petitioner.

18 "Course of conduct" means 2 or more acts, including, but
19 not limited to, acts in which a respondent directly,
20 indirectly, or through third parties, by any action, method,
21 device, or means: sexually harasses; makes unwelcome sexual
22 advances, requests, or threats; or engages in other contact
23 that is sexual in nature. "Course of conduct" includes contact
24 via electronic communications. The incarceration of a person in
25 a penal institution who commits the course of conduct is not a

1 bar to relief under this Act.

2 "Emotional distress" means significant mental suffering,
3 anxiety, or alarm.

4 "Petitioner" means any named petitioner for the sexual
5 harassment no contact order or any named complainant of sexual
6 harassment on whose behalf the petition is brought.

7 "Reasonable person" means a person in the petitioner's
8 circumstances with the petitioner's knowledge of the
9 respondent and the respondent's prior acts.

10 "Sexual harassment" means any harassment or discrimination
11 on the basis of an individual's actual or perceived sex or
12 gender, including unwelcome sexual advances, requests for
13 sexual favors, other verbal or physical conduct of a sexual
14 nature, or any other conduct of a sexual nature directed at a
15 specific person that would cause the victim or survivor
16 emotional distress.

17 "Sexual harassment no contact order" means an emergency
18 order or plenary order granted under this Act, and includes a
19 remedy authorized by Section 1-80.

20 Section 1-15. Persons protected by this Act. If relief is
21 not available to the petitioner under the Illinois Domestic
22 Violence Act of 1986, the Stalking No Contact Order Act, or the
23 Civil No Contact Order Act, a petition for a sexual harassment
24 no contact order may be filed by a person:

25 (1) who is the subject of sexual harassment; or

1 (2) on behalf of a minor child or an adult who is a
2 subject of sexual harassment but, because of age,
3 disability, health, or inaccessibility, cannot file the
4 petition.

5 Section 1-20. Commencement of action; filing fees.

6 (a) An action for a sexual harassment no contact order may
7 be commenced:

8 (1) independently, by filing a petition for a sexual
9 harassment no contact order in any circuit court, unless
10 specific divisions of the circuit court are designated by
11 local rule or order; or

12 (2) in conjunction with a delinquency petition or a
13 criminal prosecution as provided in Article 112A of the
14 Code of Criminal Procedure of 1963.

15 (b) Withdrawal or dismissal of a petition for a sexual
16 harassment no contact order prior to adjudication when the
17 petitioner is represented by the State shall operate as a
18 dismissal without prejudice. No action for a sexual harassment
19 no contact order shall be dismissed solely because the
20 respondent is being prosecuted for a crime against the
21 petitioner. For an action commenced under paragraph (2) of
22 subsection (a) of this Section, dismissal of the conjoined case
23 (or a finding of not guilty) shall not require dismissal of the
24 action for a sexual harassment no contact order; instead, it
25 may be treated as an independent action and, if necessary and

1 appropriate, transferred to a different court or division.

2 (c) No fee shall be charged by the clerk of the court for
3 filing a petition, or modifying or certifying an order, under
4 this Act. No fee shall be charged by the sheriff for service by
5 the sheriff of a petition, rule, motion, or order in an action
6 commenced under this Section.

7 (d) The court shall provide, through the office of the
8 clerk of the court, simplified forms for the filing of a
9 petition under this Section by a person not represented by
10 counsel.

11 Section 1-25. Pleading; nondisclosure of address.

12 (a) A petition for a sexual harassment no contact order
13 shall be in writing and verified or accompanied by an affidavit
14 and shall allege that the petitioner has been the subject of
15 sexual harassment by the respondent.

16 (b) If the petition states that disclosure of the
17 petitioner's address would risk abuse of the petitioner or any
18 member of the petitioner's family or household, that address
19 may be omitted from all documents filed with the court. If the
20 petitioner has not disclosed an address under this subsection,
21 the petitioner shall designate an alternative address at which
22 the respondent may serve notice of any motions.

23 Section 1-30. Application of rules of civil procedure;
24 victim advocates.

1 (a) A proceeding to obtain, modify, reopen or appeal a
2 sexual harassment no contact order shall be governed by the
3 rules of civil procedure of this State. The standard of proof
4 in the proceeding is proof by a preponderance of the evidence.
5 The Code of Civil Procedure and Supreme Court and local court
6 rules applicable to civil proceedings shall apply, except as
7 otherwise provided by this Act.

8 (b) In circuit courts, victim advocates shall be allowed to
9 accompany the petitioner and confer with the petitioner, unless
10 otherwise directed by the court. Court administrators shall
11 allow victim advocates to assist sexual harassment petitioners
12 in the preparation of petitions for sexual harassment no
13 contact orders. Victim advocates are not engaged in the
14 unauthorized practice of law when providing assistance of the
15 types specified in this subsection (b).

16 Section 1-35. Appointment of counsel. The court may appoint
17 counsel to represent the petitioner if the respondent is
18 represented by counsel.

19 Section 1-40. Trial by jury. There is no right to trial by
20 jury in any proceeding to obtain, modify, vacate, or extend any
21 sexual harassment no contact order under this Act. However,
22 nothing in this Section shall deny any otherwise existing right
23 to trial by jury in a criminal proceeding.

1 Section 1-45. Subject matter jurisdiction. Each of the
2 circuit courts has the power to issue sexual harassment no
3 contact orders.

4 Section 1-50. Jurisdiction over persons. The courts of
5 this State have jurisdiction to bind (1) State residents and
6 (2) nonresidents having minimum contacts with this State, to
7 the extent permitted by the long-arm statute, Section 2-209 of
8 the Code of Civil Procedure.

9 Section 1-55. Venue. A petition for a sexual harassment no
10 contact order may be filed in any county where:

- 11 (1) the petitioner resides;
12 (2) the respondent resides; or
13 (3) one or more acts of the alleged sexual harassment
14 occurred.

15 Section 1-60. Process.

16 (a) Any action for a sexual harassment no contact order
17 requires that a separate summons be issued and served. The
18 summons shall be in the form prescribed by Supreme Court Rule
19 101(d), except that it shall require the respondent to answer
20 or appear within 7 days. Attachments to the summons or notice
21 shall include the petition for sexual harassment no contact
22 order and supporting affidavits, if any, and any emergency
23 sexual harassment no contact order that has been issued.

1 (b) The summons shall be served by the sheriff or other law
2 enforcement officer at the earliest time and shall take
3 precedence over other summonses except those of a similar
4 emergency nature. Special process servers may be appointed at
5 any time, and their designation shall not affect the
6 responsibilities and authority of the sheriff or other official
7 process servers.

8 (c) Service of process on a member of the respondent's
9 household or by publication is adequate if:

10 (1) the petitioner has made all reasonable efforts to
11 accomplish actual service of process personally upon the
12 respondent, but the respondent cannot be found to effect
13 the service; and

14 (2) the petitioner files an affidavit or presents sworn
15 testimony as to those efforts.

16 (d) A plenary sexual harassment no contact order may be
17 entered by default for the remedy sought in the petition, if
18 the respondent has been served or given notice in accordance
19 with subsection (a) of this Section and if the respondent then
20 fails to appear as directed or fails to appear on any
21 subsequent appearance or hearing date agreed to by the parties
22 or set by the court.

23 Section 1-65. Service of notice of hearings. Except as
24 provided in Section 1-60, notice of hearings on petitions or
25 motions shall be served in accordance with Supreme Court Rules

1 11 and 12, unless notice is excused by Section 1-100 or by the
2 Code of Civil Procedure, Supreme Court Rules, or local rules.

3 Section 1-70. Hearings. A petition for a sexual harassment
4 no contact order shall be treated as an expedited proceeding,
5 and no court may transfer or otherwise decline to decide all or
6 part of the petition. Nothing in this Section shall prevent the
7 court from reserving issues if jurisdiction or notice
8 requirements are not met.

9 Section 1-75. Continuances.

10 (a) A petition for emergency remedies shall be granted or
11 denied in accordance with the standards of Section 1-100,
12 regardless of the respondent's appearance or presence in court.

13 (b) An action for a sexual harassment no contact order is
14 an expedited proceeding. Continuances shall be granted only for
15 good cause shown and kept to the minimum reasonable duration,
16 taking into account the reasons for the continuance.

17 Section 1-80. Sexual harassment no contact orders;
18 remedies.

19 (a) If the court finds that the petitioner has been a
20 victim of sexual harassment, a sexual harassment no contact
21 order shall be issued; provided that the petitioner must also
22 satisfy the requirements of Section 1-95 on emergency orders or
23 Section 1-100 on plenary orders. The petitioner shall not be

1 denied a sexual harassment no contact order because the
2 petitioner or the respondent is a minor. The court, when
3 determining whether to issue a sexual harassment no contact
4 order, may not require physical injury on the person of the
5 petitioner. Modification and extension of prior sexual
6 harassment no contact orders shall be in accordance with this
7 Act.

8 (b) A sexual harassment no contact order, consisting of one
9 or more of the following, shall:

10 (1) prohibit the respondent from continued harassment
11 of the petitioner;

12 (2) order the respondent to have no contact with the
13 petitioner or a third person specifically named by the
14 court;

15 (3) prohibit the respondent from knowingly coming
16 within or knowingly remaining within a specified distance
17 of the petitioner or the petitioner's residence, school,
18 daycare, or place of employment, or any specified place
19 frequented by the petitioner; however, the court may order
20 the respondent to stay away from the respondent's own
21 residence, school, or place of employment only if the
22 respondent has been provided actual notice of the
23 opportunity to appear and be heard on the petition;

24 (4) prohibit the respondent from possessing a Firearm
25 Owner's Identification Card, or possessing or buying
26 firearms, when there was a reported threat of force with a

1 weapon; and

2 (5) order other injunctive relief the court determines
3 to be necessary to protect the petitioner or a third party
4 specifically named by the court.

5 (c) If the petitioner and the respondent attend the same
6 public, private, or nonpublic elementary, middle, or high
7 school, the court, when issuing a sexual harassment no contact
8 order and providing relief, shall consider the severity of the
9 act, any continuing physical danger or emotional distress to
10 the petitioner, the educational rights guaranteed to the
11 petitioner and respondent under federal and State law, the
12 availability of a transfer of the respondent to another school,
13 a change of placement or a change of program of the respondent,
14 the expense, difficulty, and educational disruption that would
15 be caused by a transfer of the respondent to another school,
16 and any other relevant facts of the case. The court may order
17 that the respondent not attend the public, private, or
18 nonpublic elementary, middle, or high school attended by the
19 petitioner, order that the respondent accept a change of
20 placement or program, as determined by the school district or
21 private or nonpublic school, or place restrictions on the
22 respondent's movements within the school attended by the
23 petitioner. The respondent bears the burden of proving by a
24 preponderance of the evidence that a transfer, change of
25 placement, or change of program of the respondent is not
26 available. The respondent also bears the burden of production

1 with respect to the expense, difficulty, and educational
2 disruption that would be caused by a transfer of the respondent
3 to another school. A transfer, change of placement, or change
4 of program is not unavailable to the respondent solely on the
5 ground that the respondent does not agree with the school
6 district's or private or nonpublic school's transfer, change of
7 placement, or change of program or solely on the ground that
8 the respondent fails or refuses to consent to or otherwise does
9 not take an action required to effectuate a transfer, change of
10 placement, or change of program. When a court orders a
11 respondent to stay away from the public, private, or nonpublic
12 school attended by the petitioner and the respondent requests a
13 transfer to another attendance center within the respondent's
14 school district or private or nonpublic school, the school
15 district or private or nonpublic school shall have sole
16 discretion to determine the attendance center to which the
17 respondent is transferred. If the court order results in a
18 transfer of the minor respondent to another attendance center,
19 a change in the respondent's placement, or a change of the
20 respondent's program, the parents, guardian, or legal
21 custodian of the respondent is responsible for transportation
22 and other costs associated with the transfer or change.

23 (d) The court may order the parents, guardian, or legal
24 custodian of a minor respondent to take certain actions or to
25 refrain from taking certain actions to ensure that the
26 respondent complies with the order. If the court orders a

1 transfer of the respondent to another school, the parents,
2 guardian, or legal custodian of the respondent is responsible
3 for transportation and other costs associated with the change
4 of school by the respondent.

5 (e) The court shall not hold a school district or private
6 or nonpublic school or any of its employees in civil or
7 criminal contempt unless the school district or private or
8 nonpublic school has been allowed to intervene.

9 (f) The court may hold the parents, guardian, or legal
10 custodian of a minor respondent in civil or criminal contempt
11 for a violation of any provision of any order entered under
12 this Act for conduct of the minor respondent in violation of
13 this Act if the parents, guardian, or legal custodian directed,
14 encouraged, or assisted the respondent minor in the conduct.

15 (g) The court may award the petitioner costs and attorney's
16 fees if a sexual harassment no contact order is granted.

17 (h) Monetary damages are not recoverable as a remedy.

18 (i) If the sexual harassment no contact order prohibits the
19 respondent from possessing a Firearm Owner's Identification
20 Card or possessing or buying firearms when there was a threat
21 of force with a weapon, the court shall confiscate the
22 respondent's Firearm Owner's Identification Card and
23 immediately return the card to the Department of State Police
24 Firearm Owner's Identification Card Office.

25 Section 1-85. Mutual orders prohibited. Mutual sexual

1 harassment no contact orders are prohibited. Correlative
2 separate orders undermine the purposes of this Act. If separate
3 orders are sought, both must comply with all provisions of this
4 Act.

5 Section 1-90. Accountability for actions of others. For the
6 purposes of issuing a sexual harassment no contact order,
7 deciding what remedies should be included, and enforcing the
8 order, Article 5 of the Criminal Code of 2012 governs whether
9 respondent is legally accountable for the conduct of another
10 person.

11 Section 1-95. Emergency sexual harassment no contact
12 order.

13 (a) An emergency sexual harassment no contact order shall
14 be issued if the petitioner satisfies the requirements of this
15 subsection (a). The petitioner shall establish that:

16 (1) the court has jurisdiction under Section 1-50;
17 (2) the requirements of Section 1-80 are satisfied; and
18 (3) there is good cause to grant the remedy, regardless
19 of prior service of process or of notice upon the
20 respondent, because the harm that the remedy is intended to
21 prevent would be likely to occur if the respondent were
22 given any prior notice, or greater notice than was actually
23 given, of the petitioner's efforts to obtain judicial
24 relief.

1 An emergency sexual harassment no contact order shall be
2 issued by the court if it appears from the contents of the
3 petition and the examination of the petitioner that the
4 averments are sufficient to indicate sexual harassment by the
5 respondent and to support the granting of relief under the
6 issuance of the sexual harassment no contact order.

7 An emergency sexual harassment no contact order shall be
8 issued if the court finds that items (1), (2), and (3) of this
9 subsection (a) are met.

10 (b) If the respondent appears in court for the hearing for
11 an emergency order, he or she may elect to file a general
12 appearance and testify. Any resulting order may be an emergency
13 order, governed by this Section. Notwithstanding the
14 requirements of this Section, if all requirements of Section
15 1-100 have been met, the court may issue a plenary order.

16 (c) Emergency orders; court holidays and evenings.

17 (1) When the court is unavailable at the close of
18 business, the petitioner may file a petition for a 21-day
19 emergency order before any available circuit judge or
20 associate judge who may grant relief under this Act. If the
21 judge finds that there is an immediate and present danger
22 of abuse against the petitioner and that the petitioner has
23 satisfied the prerequisites set forth in subsection (a),
24 that judge may issue an emergency sexual harassment no
25 contact order.

26 (2) The chief judge of the circuit court may designate

1 for each county in the circuit at least one judge to be
2 reasonably available to issue orally, by telephone, by
3 facsimile, or otherwise, an emergency sexual harassment no
4 contact order at all times, whether or not the court is in
5 session.

6 (3) Any order issued under this Section and any
7 documentation in support of the order shall be certified on
8 the next court day to the appropriate court. The clerk of
9 that court shall immediately assign a case number, file the
10 petition, order, and other documents with the court, and
11 enter the order of record and file it with the sheriff for
12 service, in accordance with Section 1-60. Filing the
13 petition shall commence proceedings for further relief
14 under Section 1-20. Failure to comply with the requirements
15 of this paragraph (3) does not affect the validity of the
16 order.

17 Section 1-100. Plenary sexual harassment no contact order.
18 A plenary sexual harassment no contact order shall issue if the
19 petitioner has served notice of the hearing for that order on
20 the respondent, in accordance with Section 1-65, and satisfies
21 the requirements of this Section. The petitioner must establish
22 that:

23 (1) the court has jurisdiction under Section 1-50 of
24 this Act;

25 (2) the requirements of Section 1-80 are satisfied;

1 (3) a general appearance was made or filed by or for
2 the respondent or process was served on the respondent in
3 the manner required by Section 1-60; and

4 (4) the respondent has answered or is in default.

5 Section 1-105. Duration and extension of orders.

6 (a) Unless reopened or extended or voided by entry of an
7 order of greater duration, an emergency order shall be
8 effective for not less than 14 nor more than 21 days.

9 (b) Except as otherwise provided in this Section, a plenary
10 sexual harassment no contact order shall be effective for a
11 fixed period, not to exceed 2 years. A sexual harassment no
12 contact order entered in conjunction with a criminal
13 prosecution or delinquency petition shall remain in effect as
14 provided in Section 112A-20 of the Code of Criminal Procedure
15 of 1963.

16 (c) An emergency or plenary order may be extended one or
17 more times, as required, provided that the requirements of
18 Section 1-95 or 1-100, as appropriate, are satisfied. If the
19 motion for extension is uncontested and the petitioner seeks no
20 modification of the order, the order may be extended on the
21 basis of the petitioner's motion or affidavit stating that
22 there has been no material change in relevant circumstances
23 since entry of the order and stating the reason for the
24 requested extension. Extensions may be granted only in open
25 court and not under the provisions of subsection (c) of Section

1 1-95, which applies only when the court is unavailable at the
2 close of business or on a court holiday.

3 (d) A sexual harassment no contact order that would expire
4 on a court holiday shall instead expire at the close of the
5 next court business day.

6 (e) The practice of dismissing or suspending a criminal
7 prosecution in exchange for the issuance of a sexual harassment
8 no contact order undermines the purposes of this Act. This
9 Section shall not be construed as encouraging that practice.

10 Section 1-110. Contents of orders.

11 (a) A sexual harassment no contact order shall describe
12 each remedy granted by the court, in reasonable detail and not
13 by reference to any other document, so that the respondent may
14 clearly understand what he or she must do or refrain from
15 doing.

16 (b) A sexual harassment no contact order shall further
17 state the following:

18 (1) The name of each petitioner that the court finds
19 was the subject of sexual harassment by the respondent.

20 (2) The date and time the sexual harassment no contact
21 order was issued, whether it is an emergency or plenary
22 order, and the duration of the order.

23 (3) The date, time, and place for any scheduled hearing
24 for extension of that sexual harassment no contact order or
25 for another order of greater duration or scope.

1 (4) For each remedy in an emergency sexual harassment
2 no contact order, the reason for entering that remedy
3 without prior notice to the respondent or greater notice
4 than was actually given.

5 (5) For an emergency sexual harassment no contact
6 order, that the respondent may petition the court, in
7 accordance with Section 1-125, to reopen the order if he or
8 she did not receive actual prior notice of the hearing as
9 required under Section 1-65 and if the respondent alleges
10 that he or she had a meritorious defense to the order or
11 that the order or its remedy is not authorized by this Act.

12 (c) A sexual harassment no contact order shall include the
13 following notice, printed in conspicuous type: "An initial
14 knowing violation of a sexual harassment no contact order is a
15 Class A misdemeanor. A second or subsequent knowing violation
16 is a Class 4 felony."

17 Section 1-115. Notice of orders.

18 (a) Upon issuance of a sexual harassment no contact order,
19 the clerk shall immediately, or on the next court day if an
20 emergency order is issued in accordance with subsection (c) of
21 Section 1-95:

22 (1) enter the order on the record and file it in
23 accordance with the circuit court procedures; and

24 (2) provide a file stamped copy of the order to the
25 respondent, if present, and to the petitioner.

1 (b) The clerk of the issuing judge shall, or the petitioner
2 may, on the same day that a sexual harassment no contact order
3 is issued, file a certified copy of that order with the sheriff
4 or other law enforcement officials charged with maintaining
5 Department of State Police records or charged with serving the
6 order upon the respondent. If the order was issued in
7 accordance with subsection (c) of Section 1-95, the clerk
8 shall, on the next court day, file a certified copy of the
9 order with the sheriff or other law enforcement officials
10 charged with maintaining Department of State Police records. If
11 the respondent, at the time of the issuance of the order, is
12 committed to the custody of the Department of Corrections or
13 Department of Juvenile Justice or is on parole, aftercare
14 release, or mandatory supervised release, the sheriff or other
15 law enforcement officials charged with maintaining Department
16 of State Police records shall notify the Department of
17 Corrections or Department of Juvenile Justice within 48 hours
18 of receipt of a copy of the sexual harassment no contact order
19 from the clerk of the issuing judge or petitioner. The notice
20 shall include the name of the respondent, the respondent's
21 Department of Corrections inmate number or Department of
22 Juvenile Justice youth identification number, the respondent's
23 date of birth, and the Law Enforcement Agencies Data System
24 Record Index Number.

25 (c) Unless the respondent was present in court when the
26 order was issued, the sheriff, other law enforcement official,

1 or special process server shall promptly serve that order upon
2 the respondent and file proof of service in the manner provided
3 for service of process in civil proceedings. Instead of serving
4 the order upon the respondent, however, the sheriff, other law
5 enforcement official, special process server, or other persons
6 defined in Section 1-120 may serve the respondent with a short
7 form notification as provided in Section 1-120. If process has
8 not yet been served upon the respondent, it shall be served
9 with the order or short form notification if the service is
10 made by the sheriff, other law enforcement official, or special
11 process server.

12 (d) If the person against whom the sexual harassment no
13 contact order is issued is arrested and the written order is
14 issued in accordance with subsection (c) of Section 1-95 and
15 received by the custodial law enforcement agency before the
16 respondent or arrestee is released from custody, the custodial
17 law enforcement agent shall promptly serve the order upon the
18 respondent or arrestee before the respondent or arrestee is
19 released from custody. In no event shall detention of the
20 respondent or arrestee be extended for hearing on the petition
21 for sexual harassment no contact order or receipt of the order
22 issued under Section 1-95.

23 (e) An order extending, modifying, or revoking a sexual
24 harassment no contact order shall be promptly recorded, issued,
25 and served as provided in this Section.

26 (f) Upon the request of the petitioner, within 24 hours of

1 the issuance of a sexual harassment no contact order, the clerk
2 of the issuing judge shall send written notice of the order
3 along with a certified copy of the order to any school,
4 daycare, college, or university at which the petitioner is
5 enrolled.

6 Section 1-120. Short form notification.

7 (a) Instead of personal service of a sexual harassment no
8 contact order under Section 1-115, a sheriff, other law
9 enforcement official, special process server, or personnel
10 assigned by the Department of Corrections or Department of
11 Juvenile Justice to investigate the alleged misconduct of
12 committed persons or alleged violations of a parolee's or
13 releasee's conditions of parole, aftercare release, or
14 mandatory supervised release may serve a respondent with a
15 short form notification. The short form notification must
16 include the following items, either in checklist form or
17 handwritten:

- 18 (1) the respondent's name;
- 19 (2) the respondent's date of birth, if known;
- 20 (3) the petitioner's name;
- 21 (4) the names of other protected parties;
- 22 (5) the date and county in which the sexual harassment
23 no contact order was filed;
- 24 (6) the court file number;
- 25 (7) the hearing date and time, if known; and

1 (8) the conditions that apply to the respondent;

2 (b) The short form notification must contain the following
3 notice in bold print:

4 "The order is now enforceable. You must report to the
5 office of the sheriff or the office of the circuit court in
6 (name of county) County to obtain a copy of the order. You are
7 subject to arrest and may be charged with a misdemeanor or
8 felony if you violate any of the terms of the order."

9 (c) Upon verification of the identity of the respondent and
10 the existence of an unserved order against the respondent, a
11 sheriff or other law enforcement official may detain the
12 respondent for a reasonable time necessary to complete and
13 serve the short form notification.

14 (d) When service is made by short form notification under
15 this Section, it may be proved by the affidavit of the person
16 making the service.

17 (e) The Attorney General shall make the short form
18 notification form available to law enforcement agencies in this
19 State.

20 Section 1-125. Modification; reopening of orders.

21 (a) Except as otherwise provided in this Section, upon
22 motion by the petitioner, the court may modify an emergency or
23 plenary sexual harassment no contact order by altering the
24 remedy, subject to Section 1-80.

25 (b) After 30 days following entry of a plenary sexual

1 harassment no contact order, a court may modify that order only
2 when a change in the applicable law or facts since that plenary
3 order was entered warrants a modification of its terms.

4 (c) Upon 2 days' notice to the petitioner, or shorter
5 notice as the court may prescribe, a respondent subject to an
6 emergency sexual harassment no contact order issued under this
7 Act may appear and petition the court to rehear the original or
8 amended petition. A petition to rehear shall be verified and
9 shall allege the following:

10 (1) that the respondent did not receive prior notice of
11 the initial hearing in which the emergency order was
12 entered under Sections 1-65 and 1-95; and

13 (2) that the respondent had a meritorious defense to
14 the order or any of its remedies or that the order or any
15 of its remedies was not authorized by this Act.

16 Section 1-130. Violation. An initial knowing violation of a
17 sexual harassment no contact order is a Class A misdemeanor. A
18 second or subsequent knowing violation is a Class 4 felony.

19 Section 1-135. Arrest without warrant.

20 (a) A law enforcement officer may make an arrest without
21 warrant if the officer has probable cause to believe that the
22 person has committed or is committing a violation of a sexual
23 harassment no contact order.

24 (b) The law enforcement officer may verify the existence of

1 a sexual harassment no contact order by telephone or radio
2 communication with his or her law enforcement agency or by
3 referring to the copy of the order provided by the petitioner
4 or the respondent.

5 Section 1-140. Data maintenance by law enforcement
6 agencies.

7 (a) A sheriff shall furnish to the Department of State
8 Police, on the same day as received, in the form and detail the
9 Department requires, copies of any recorded emergency or
10 plenary sexual harassment no contact orders issued by the court
11 and transmitted to the sheriff by the clerk of the court in
12 accordance with subsection (b) of Section 1-115. Each sexual
13 harassment no contact order shall be entered in the Law
14 Enforcement Agencies Data System on the same day it is issued
15 by the court. If an emergency sexual harassment no contact
16 order was issued in accordance with subsection (c) of Section
17 1-100, the order shall be entered in the Law Enforcement
18 Agencies Data System as soon as possible after receipt from the
19 clerk of the court.

20 (b) The Department of State Police shall maintain a
21 complete and systematic record and index of all valid and
22 recorded sexual harassment no contact orders issued under this
23 Act. The data shall be used to inform all dispatchers and law
24 enforcement officers at the scene of an alleged incident of
25 sexual harassment or violation of a sexual harassment no

1 contact order of any recorded prior incident of sexual
2 harassment involving the petitioner and the effective dates and
3 terms of any recorded sexual harassment no contact order.

4 Section 1-900. The Criminal Code of 2012 is amended by
5 adding Section 12-3.10 as follows:

6 (720 ILCS 5/12-3.10 new)

7 Sec. 12-3.10. Violation of a sexual harassment no contact
8 order.

9 (a) A person commits violation of a sexual harassment no
10 contact order if:

11 (1) he or she knowingly commits an act that was
12 prohibited by a court or fails to commit an act that was
13 ordered by a court in violation of:

14 (A) a remedy in a valid sexual harassment no
15 contact order authorized under Section 1-80 of the
16 Sexual Harassment No Contact Order Act or Section
17 112A-14.8 of the Code of Criminal Procedure of 1963; or

18 (B) a remedy that is substantially similar to the
19 remedies authorized under Section 1-80 of the Sexual
20 Harassment No Contact Order Act or Section 112A-14.8 of
21 the Code of Criminal Procedure of 1963 or in a valid
22 sexual harassment no contact order that is authorized
23 under the laws of another state, tribe, or United
24 States territory; and

1 (2) the violation occurs after the offender has been
2 served notice of the contents of the order, under the
3 Sexual Harassment No Contact Order Act, Article 112A of the
4 Code of Criminal Procedure of 1963, or any substantially
5 similar statute of another state, tribe, or United States
6 territory, or otherwise has acquired actual knowledge of
7 the contents of the order.

8 A sexual harassment no contact order issued by a state,
9 tribal, or territorial court shall be deemed valid if the
10 issuing court had jurisdiction over the parties and matter
11 under the law of the state, tribe, or territory. There shall be
12 a presumption of validity when an order is certified and
13 appears authentic on its face.

14 (b) For purposes of this Section, a "sexual harassment no
15 contact order" may have been issued in a criminal or civil
16 proceeding.

17 (c) Failure to provide reasonable notice and opportunity to
18 be heard shall be an affirmative defense to any charge or
19 process filed seeking enforcement of a foreign sexual
20 harassment no contact order.

21 (d) Prosecution for a violation of a sexual harassment no
22 contact order shall not bar a concurrent prosecution for any
23 other crime, including any crime that may have been committed
24 at the time of the violation of the civil no contact order.

25 (e) Nothing in this Section shall be construed to diminish
26 the inherent authority of the courts to enforce their lawful

1 orders through civil or criminal contempt proceedings.

2 (f) A defendant who directed the actions of a third party
3 to violate this Section, under the principles of accountability
4 set forth in Article 5 of this Code, is guilty of violating
5 this Section as if the same had been personally done by the
6 defendant, without regard to the mental state of the third
7 party acting at the direction of the defendant.

8 (g) Sentence. A violation of a sexual harassment no contact
9 order is a Class A misdemeanor for a first violation, and a
10 Class 4 felony for a second or subsequent violation.

11 Section 1-905. The Code of Criminal Procedure of 1963 is
12 amended by changing Sections 112A-1.5, 112A-2.5, 112A-3,
13 112A-4, 112A-4.5, 112A-5.5, 112A-11.5, 112A-23, and 112A-28
14 and by adding Sections 112A-14.8 and 112A-21.8 as follows:

15 (725 ILCS 5/112A-1.5)

16 Sec. 112A-1.5. Purpose. The purpose of this Article is to
17 protect the safety of victims of domestic violence, sexual
18 assault, sexual abuse, sexual harassment, and stalking and the
19 safety of their family and household members; and to minimize
20 the trauma and inconvenience associated with attending
21 separate and multiple civil court proceedings to obtain
22 protective orders. This Article shall be interpreted in
23 accordance with the purposes set forth in Section 2 of the
24 Rights of Crime Victims and Witnesses Act.

1 (Source: P.A. 100-199, eff. 1-1-18.)

2 (725 ILCS 5/112A-2.5)

3 Sec. 112A-2.5. Types of protective orders. The following
4 protective orders may be entered in conjunction with a
5 delinquency petition or a criminal prosecution:

6 (1) an order of protection in cases involving domestic
7 violence;

8 (2) a civil no contact order in cases involving sexual
9 offenses; ~~or~~

10 (3) a stalking no contact order in cases involving
11 stalking offenses; or

12 (4) a sexual harassment no contact order in cases
13 involving sexual harassment.

14 (Source: P.A. 100-199, eff. 1-1-18.)

15 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

16 Sec. 112A-3. Definitions.

17 (a) For the purposes of this Article, "protective order"
18 means a domestic violence order of protection, a civil no
19 contact order, ~~or~~ a stalking no contact order, or a sexual
20 harassment no contact order.

21 (b) For the purposes of domestic violence cases, the
22 following terms shall have the following meanings in this
23 Article:

24 (1) "Abuse" means physical abuse, harassment,

1 intimidation of a dependent, interference with personal
2 liberty or willful deprivation but does not include
3 reasonable direction of a minor child by a parent or person
4 in loco parentis.

5 (2) "Domestic violence" means abuse as described in
6 paragraph (1).

7 (3) "Family or household members" include spouses,
8 former spouses, parents, children, stepchildren and other
9 persons related by blood or by present or prior marriage,
10 persons who share or formerly shared a common dwelling,
11 persons who have or allegedly have a child in common,
12 persons who share or allegedly share a blood relationship
13 through a child, persons who have or have had a dating or
14 engagement relationship, persons with disabilities and
15 their personal assistants, and caregivers as defined in
16 subsection (e) of Section 12-4.4a of the Criminal Code of
17 2012. For purposes of this paragraph, neither a casual
18 acquaintanceship nor ordinary fraternization between 2
19 individuals in business or social contexts shall be deemed
20 to constitute a dating relationship.

21 (4) "Harassment" means knowing conduct which is not
22 necessary to accomplish a purpose which is reasonable under
23 the circumstances; would cause a reasonable person
24 emotional distress; and does cause emotional distress to
25 the petitioner. Unless the presumption is rebutted by a
26 preponderance of the evidence, the following types of

1 conduct shall be presumed to cause emotional distress:

2 (i) creating a disturbance at petitioner's place
3 of employment or school;

4 (ii) repeatedly telephoning petitioner's place of
5 employment, home or residence;

6 (iii) repeatedly following petitioner about in a
7 public place or places;

8 (iv) repeatedly keeping petitioner under
9 surveillance by remaining present outside his or her
10 home, school, place of employment, vehicle or other
11 place occupied by petitioner or by peering in
12 petitioner's windows;

13 (v) improperly concealing a minor child from
14 petitioner, repeatedly threatening to improperly
15 remove a minor child of petitioner's from the
16 jurisdiction or from the physical care of petitioner,
17 repeatedly threatening to conceal a minor child from
18 petitioner, or making a single such threat following an
19 actual or attempted improper removal or concealment,
20 unless respondent was fleeing from an incident or
21 pattern of domestic violence; or

22 (vi) threatening physical force, confinement or
23 restraint on one or more occasions.

24 (5) "Interference with personal liberty" means
25 committing or threatening physical abuse, harassment,
26 intimidation, or willful deprivation ~~so as~~ to compel

1 another to engage in conduct from which she or he has a
2 right to abstain or to refrain from conduct in which she or
3 he has a right to engage.

4 (6) "Intimidation of a dependent" means subjecting a
5 person who is dependent because of age, health or
6 disability to participation in or the witnessing of:
7 physical force against another or physical confinement or
8 restraint of another which constitutes physical abuse as
9 defined in this Article, regardless of whether the abused
10 person is a family or household member.

11 (7) "Order of protection" means an order, granted
12 pursuant to this Article, which includes any or all of the
13 remedies authorized by Section 112A-14 of this Code.

14 (8) "Petitioner" may mean not only any named petitioner
15 for the order of protection and any named victim of abuse
16 on whose behalf the petition is brought, but also any other
17 person protected by this Article.

18 (9) "Physical abuse" includes sexual abuse and means
19 any of the following:

20 (i) knowing or reckless use of physical force,
21 confinement or restraint;

22 (ii) knowing, repeated and unnecessary sleep
23 deprivation; or

24 (iii) knowing or reckless conduct which creates an
25 immediate risk of physical harm.

26 (9.3) "Respondent" in a petition for an order of

1 protection means the defendant.

2 (9.5) "Stay away" means for the respondent to refrain
3 from both physical presence and nonphysical contact with
4 the petitioner whether direct, indirect (including, but
5 not limited to, telephone calls, mail, email, faxes, and
6 written notes), or through third parties who may or may not
7 know about the order of protection.

8 (10) "Willful deprivation" means willfully ~~wilfully~~
9 denying a person who because of age, health or disability
10 requires medication, medical care, shelter, accessible
11 shelter or services, food, therapeutic device, or other
12 physical assistance, and thereby exposing that person to
13 the risk of physical, mental or emotional harm, except with
14 regard to medical care and treatment when such dependent
15 person has expressed the intent to forgo such medical care
16 or treatment. This paragraph does not create any new
17 affirmative duty to provide support to dependent persons.

18 (c) For the purposes of cases involving sexual offenses,
19 the following terms shall have the following meanings in this
20 Article:

21 (1) "Civil no contact order" means an order granted
22 under this Article, which includes a remedy authorized by
23 Section 112A-14.5 of this Code.

24 (2) "Family or household members" include spouses,
25 parents, children, stepchildren, and persons who share a
26 common dwelling.

1 (3) "Non-consensual" means a lack of freely given
2 agreement.

3 (4) "Petitioner" means not only any named petitioner
4 for the civil no contact order and any named victim of
5 non-consensual sexual conduct or non-consensual sexual
6 penetration on whose behalf the petition is brought, but
7 includes any other person sought to be protected under this
8 Article.

9 (5) "Respondent" in a petition for a civil no contact
10 order means the defendant.

11 (6) "Sexual conduct" means any intentional or knowing
12 touching or fondling by the petitioner or the respondent,
13 either directly or through clothing, of the sex organs,
14 anus, or breast of the petitioner or the respondent, or any
15 part of the body of a child under 13 years of age, or any
16 transfer or transmission of semen by the respondent upon
17 any part of the clothed or unclothed body of the
18 petitioner, for the purpose of sexual gratification or
19 arousal of the petitioner or the respondent.

20 (7) "Sexual penetration" means any contact, however
21 slight, between the sex organ or anus of one person by an
22 object, the sex organ, mouth or anus of another person, or
23 any intrusion, however slight, of any part of the body of
24 one person or of any animal or object into the sex organ or
25 anus of another person, including but not limited to
26 cunnilingus, fellatio or anal penetration. Evidence of

1 emission of semen is not required to prove sexual
2 penetration.

3 (8) "Stay away" means to refrain from both physical
4 presence and nonphysical contact with the petitioner
5 directly, indirectly, or through third parties who may or
6 may not know of the order. "Nonphysical contact" includes,
7 but is not limited to, telephone calls, mail, email ~~e-mail~~,
8 fax, and written notes.

9 (d) For the purposes of cases involving stalking offenses,
10 the following terms shall have the following meanings in this
11 Article:

12 (1) "Course of conduct" means 2 or more acts,
13 including, but not limited to, acts in which a respondent
14 directly, indirectly, or through third parties, by any
15 action, method, device, or means follows, monitors,
16 observes, surveils, threatens, or communicates to or
17 about, a person, engages in other contact, or interferes
18 with or damages a person's property or pet. A course of
19 conduct may include contact via electronic communications.
20 The incarceration of a person in a penal institution who
21 commits the course of conduct is not a bar to prosecution.

22 (2) "Emotional distress" means significant mental
23 suffering, anxiety or alarm.

24 (3) "Contact" includes any contact with the victim,
25 that is initiated or continued without the victim's
26 consent, or that is in disregard of the victim's expressed

1 desire that the contact be avoided or discontinued,
2 including, but not limited to, being in the physical
3 presence of the victim; appearing within the sight of the
4 victim; approaching or confronting the victim in a public
5 place or on private property; appearing at the workplace or
6 residence of the victim; entering onto or remaining on
7 property owned, leased, or occupied by the victim; or
8 placing an object on, or delivering an object to, property
9 owned, leased, or occupied by the victim.

10 (4) "Petitioner" means any named petitioner for the
11 stalking no contact order or any named victim of stalking
12 on whose behalf the petition is brought.

13 (5) "Reasonable person" means a person in the
14 petitioner's circumstances with the petitioner's knowledge
15 of the respondent and the respondent's prior acts.

16 (6) "Respondent" in a petition for a civil no contact
17 order means the defendant.

18 (7) "Stalking" means engaging in a course of conduct
19 directed at a specific person, and he or she knows or
20 should know that this course of conduct would cause a
21 reasonable person to fear for his or her safety or the
22 safety of a third person or suffer emotional distress.
23 "Stalking" does not include an exercise of the right to
24 free speech or assembly that is otherwise lawful or
25 picketing occurring at the workplace that is otherwise
26 lawful and arises out of a bona fide labor dispute,

1 including any controversy concerning wages, salaries,
2 hours, working conditions or benefits, including health
3 and welfare, sick leave, insurance, and pension or
4 retirement provisions, the making or maintaining of
5 collective bargaining agreements, and the terms to be
6 included in those agreements.

7 (8) "Stalking no contact order" means an order granted
8 under this Article, which includes a remedy authorized by
9 Section 112A-14.7 of this Code.

10 (e) For the purposes of offenses involving sexual
11 harassment:

12 The following terms have the meanings provided in
13 Section 1-10 of the Sexual Harassment No Contact Order Act:
14 "contact", "course of conduct", "emotional distress",
15 "petitioner", "reasonable person", "sexual harassment",
16 and "sexual harassment no contact order".

17 "Offense involving sexual harassment" means any
18 violation of any the following Sections of the Criminal
19 Code of 2012 in which the defendant engaged in a course of
20 conduct directed at the victim that would cause a
21 reasonable person emotional distress:

22 (i) Section 12-1 (assault);

23 (ii) Section 12-2 (aggravated assault);

24 (iii) Section 12-3 (battery);

25 (iv) Section 12-3.05 (aggravated battery);

26 (v) Section 26-4 (unauthorized video recording or

1 live video transmission);
2 (vi) Section 26.5-1 (transmission of obscene
3 messages);
4 (vii) Section 26.5-2 (harassment by telephone); or
5 (viii) Section 26.5-3 (harassment through
6 electronic communications).

7 (Source: P.A. 100-199, eff. 1-1-18.)

8 (725 ILCS 5/112A-4) (from Ch. 38, par. 112A-4)

9 Sec. 112A-4. Persons protected by this Article.

10 (a) The following persons are protected by this Article in
11 cases involving domestic violence:

12 (1) any person abused by a family or household member;

13 (2) any minor child or dependent adult in the care of
14 such person; and

15 (3) any person residing or employed at a private home
16 or public shelter which is housing an abused family or
17 household member.

18 (a-5) The following persons are protected by this Article
19 in cases involving sexual offenses:

20 (1) any victim of non-consensual sexual conduct or
21 non-consensual sexual penetration on whose behalf the
22 petition is brought;

23 (2) any family or household member of the named victim;
24 and

25 (3) any employee of or volunteer at a rape crisis

1 center.

2 (a-10) The following persons are protected by this Article
3 in cases involving stalking offenses:

4 (1) any victim of stalking; and

5 (2) any family or household member of the named victim.

6 (a-15) A victim of offenses involving sexual harassment is
7 protected by this Article.

8 (b) (Blank).

9 (Source: P.A. 100-199, eff. 1-1-18.)

10 (725 ILCS 5/112A-4.5)

11 Sec. 112A-4.5. Who may file petition.

12 (a) A petition for an order of protection may be filed:

13 (1) by a person who has been abused by a family or
14 household member; or

15 (2) by any person on behalf of a minor child or an
16 adult who has been abused by a family or household member
17 and who, because of age, health, disability, or
18 inaccessibility, cannot file the petition.

19 (b) A petition for a civil no contact order may be filed:

20 (1) by any person who is a victim of non-consensual
21 sexual conduct or non-consensual sexual penetration,
22 including a single incident of non-consensual sexual
23 conduct or non-consensual sexual penetration; or

24 (2) by a person on behalf of a minor child or an adult
25 who is a victim of non-consensual sexual conduct or

1 non-consensual sexual penetration but, because of age,
2 disability, health, or inaccessibility, cannot file the
3 petition.

4 (c) A petition for a stalking no contact order may be
5 filed:

6 (1) by any person who is a victim of stalking; or

7 (2) by a person on behalf of a minor child or an adult
8 who is a victim of stalking but, because of age,
9 disability, health, or inaccessibility, cannot file the
10 petition.

11 (c-5) A petition for a sexual harassment no contact order
12 may be filed:

13 (1) by any person who is a victim of sexual harassment;

14 or

15 (2) by a person on behalf of a minor child or an adult
16 who is a victim of sexual harassment but, because of age,
17 disability, health, or inaccessibility, cannot file the
18 petition.

19 (d) The State's Attorney shall file a petition on behalf on
20 any person who may file a petition under subsection ~~subsections~~
21 (a), (b), ~~or~~ (c), or (c-5) of this Section if the person
22 requests the State's Attorney to file a petition on the
23 person's behalf.

24 (e) Any petition properly filed under this Article may seek
25 protection for any additional persons protected by this
26 Article.

1 (Source: P.A. 100-199, eff. 1-1-18.)

2 (725 ILCS 5/112A-5.5)

3 Sec. 112A-5.5. Time for filing petition. A petition for a
4 protective order may be filed at any time before the charge is
5 dismissed, the defendant is acquitted, or the defendant
6 completes service of his or her sentence. The petition can be
7 considered at any court proceeding in the delinquency or
8 criminal case at which the defendant is present. The court may
9 schedule a separate court proceeding to consider the petition.
10 A petition for a sexual harassment no contact order may be
11 filed at any time, regardless of whether any criminal charges
12 are ever filed.

13 (Source: P.A. 100-199, eff. 1-1-18.)

14 (725 ILCS 5/112A-11.5)

15 Sec. 112A-11.5. Issuance of protective order.

16 (a) The court shall grant the petition and enter a
17 protective order if the court finds prima facie evidence that a
18 crime involving domestic violence, a sexual offense, ~~or~~ a crime
19 involving stalking has been committed, or an offense involving
20 sexual harassment has been committed. The following shall be
21 considered prima facie evidence of the offense ~~crime~~:

22 (1) an information, complaint, indictment or
23 delinquency petition, charging a crime of domestic
24 violence, a sexual offense or stalking or charging an

1 attempt to commit a crime of domestic violence, a sexual
2 offense or stalking; or

3 (2) an adjudication of delinquency, a finding of guilt
4 based upon a plea, or a finding of guilt after a trial for
5 a crime of domestic battery, a sexual crime or stalking or
6 an attempt to commit a crime of domestic violence, a sexual
7 offense or stalking;

8 (3) any dispositional order issued under Section 5-710
9 of the Juvenile Court Act of 1987, the imposition of
10 supervision, conditional discharge, probation, periodic
11 imprisonment, parole, aftercare release or mandatory
12 supervised release for a crime of domestic violence, a
13 sexual offense or stalking or an attempt to commit a crime
14 of domestic violence, a sexual offense, or stalking, or
15 imprisonment in conjunction with a bond forfeiture
16 warrant; ~~or~~

17 (4) the entry of a protective order in a separate civil
18 case brought by the petitioner against the respondent; ~~or~~

19 (5) an administrative or judicial complaint of sexual
20 harassment under the Illinois Human Rights Act.

21 (b) The petitioner shall not be denied a protective order
22 because the petitioner or the respondent is a minor.

23 (c) The court, when determining whether or not to issue a
24 protective order, may not require physical injury on the person
25 of the victim.

26 (Source: P.A. 100-199, eff. 1-1-18.)

1 (725 ILCS 5/112A-14.8 new)

2 Sec. 112A-14.8. Sexual harassment no contact order;
3 remedies.

4 (a) The court may order any of the remedies listed in this
5 Section. The remedies listed in this Section shall be in
6 addition to other civil or criminal remedies available to
7 petitioner. A sexual harassment no contact order, consisting of
8 one or more of the following, shall:

9 (1) prohibit the respondent from continued harassment
10 of the petitioner;

11 (2) order the respondent not to have any contact with
12 the petitioner or a third person specifically named by the
13 court;

14 (3) prohibit the respondent from knowingly coming
15 within or knowingly remaining within a specified distance
16 of the petitioner or the petitioner's residence, school,
17 daycare, or place of employment, or any specified place
18 frequented by the petitioner; however, the court may order
19 the respondent to stay away from the respondent's own
20 residence, school, or place of employment only if the
21 respondent has been provided actual notice of the
22 opportunity to appear and be heard on the petition;

23 (4) prohibit the respondent from possessing a Firearm
24 Owners Identification Card, or possession or buying
25 firearms where there was a threat of force with a weapon;

1 and

2 (5) order other injunctive relief the court determines
3 to be necessary to protect the petitioner or third party
4 specifically named by the court.

5 (b) When the petitioner and the respondent attend the same
6 public, private, or nonpublic elementary, middle, or high
7 school, the court, when issuing a sexual harassment no contact
8 order and providing relief, shall consider the severity of the
9 act, any continuing physical danger or emotional distress to
10 the petitioner, the educational rights guaranteed to the
11 petitioner and respondent under federal and State law, the
12 availability of a transfer of the respondent to another school,
13 a change of placement or a change of program of the respondent,
14 the expense, difficulty, and educational disruption that would
15 be caused by a transfer of the respondent to another school,
16 and any other relevant facts of the case. The court may order
17 that the respondent not attend the public, private, or
18 nonpublic elementary, middle, or high school attended by the
19 petitioner, order that the respondent accept a change of
20 placement or program, as determined by the school district or
21 private or nonpublic school, or place restrictions on the
22 respondent's movements within the school attended by the
23 petitioner. The respondent bears the burden of proving by a
24 preponderance of the evidence that a transfer, change of
25 placement, or change of program of the respondent is not
26 available. The respondent also bears the burden of production

1 with respect to the expense, difficulty, and educational
2 disruption that would be caused by a transfer of the respondent
3 to another school. A transfer, change of placement, or change
4 of program is not unavailable to the respondent solely on the
5 ground that the respondent does not agree with the school
6 district's or private or nonpublic school's transfer, change of
7 placement, or change of program or solely on the ground that
8 the respondent fails or refuses to consent to or otherwise does
9 not take an action required to effectuate a transfer, change of
10 placement, or change of program. When a court orders a
11 respondent to stay away from the public, private, or nonpublic
12 school attended by the petitioner and the respondent requests a
13 transfer to another attendance center within the respondent's
14 school district or private or nonpublic school, the school
15 district or private or nonpublic school shall have sole
16 discretion to determine the attendance center to which the
17 respondent is transferred. If the court order results in a
18 transfer of the minor respondent to another attendance center,
19 a change in the respondent's placement, or a change of the
20 respondent's program, the parents, guardian, or legal
21 custodian of the respondent is responsible for transportation
22 and other costs associated with the transfer or change.

23 (c) The court may order the parents, guardian, or legal
24 custodian of a minor respondent to take certain actions or to
25 refrain from taking certain actions to ensure that the
26 respondent complies with the order. If the court orders a

1 transfer of the respondent to another school, the parents,
2 guardian, or legal custodian of the respondent is responsible
3 for transportation and other costs associated with the change
4 of school by the respondent.

5 (d) The court shall not hold a school district or private
6 or nonpublic school or any of its employees in civil or
7 criminal contempt unless the school district or private or
8 nonpublic school has been allowed to intervene.

9 (e) The court may hold the parents, guardian, or legal
10 custodian of a minor respondent in civil or criminal contempt
11 for a violation of any provision of any order entered under
12 this Act for conduct of the minor respondent in violation of
13 this Act if the parents, guardian, or legal custodian directed,
14 encouraged, or assisted the respondent minor in the conduct.

15 (f) The court may award the petitioner costs and attorney's
16 fees if a sexual harassment no contact order is granted.

17 (g) Monetary damages are not recoverable as a remedy.

18 (h) If the sexual harassment no contact order prohibits the
19 respondent from possessing a Firearm Owner's Identification
20 Card or possessing or buying firearms where there was a threat
21 of force with a weapon, the court shall confiscate the
22 respondent's Firearm Owner's Identification Card and
23 immediately return the card to the Department of State Police
24 Firearm Owner's Identification Card Office.

1 Sec. 112A-21.8. Contents of sexual harassment no contact
2 orders.

3 (a) A sexual harassment no contact order shall describe
4 each remedy granted by the court, in reasonable detail and not
5 by reference to any other document, so that the respondent may
6 clearly understand what he or she must do or refrain from
7 doing.

8 (b) A sexual harassment no contact order shall further
9 state the following:

10 (1) The name of each petitioner that the court finds
11 was the victim of sexual harassment by the respondent.

12 (2) The date and time the sexual harassment no contact
13 order was issued.

14 (c) A sexual harassment no contact order shall include the
15 following notice, printed in conspicuous type:

16 "An initial knowing violation of a sexual harassment no
17 contact order is a Class A misdemeanor. Any second or
18 subsequent knowing violation is a Class 4 felony."

19 "This Sexual Harassment No Contact Order is enforceable,
20 even without registration, in all 50 states, the District of
21 Columbia, tribal lands, and the U.S. territories under the
22 Violence Against Women Act (18 U.S.C. 2265)."

23 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

24 Sec. 112A-23. Enforcement of protective orders.

25 (a) When violation is crime. A violation of any order of

1 protection, whether issued in a civil, quasi-criminal
2 proceeding, shall be enforced by a criminal court when:

3 (1) The respondent commits the crime of violation of an
4 order of protection pursuant to Section 12-3.4 or 12-30 of
5 the Criminal Code of 1961 or the Criminal Code of 2012, by
6 having knowingly violated:

7 (i) remedies described in paragraphs (1), (2),
8 (3), (14), or (14.5) of subsection (b) of Section
9 112A-14,

10 (ii) a remedy, which is substantially similar to
11 the remedies authorized under paragraphs (1), (2),
12 (3), (14) or (14.5) of subsection (b) of Section 214 of
13 the Illinois Domestic Violence Act of 1986, in a valid
14 order of protection, which is authorized under the laws
15 of another state, tribe or United States territory,

16 (iii) or any other remedy when the act constitutes
17 a crime against the protected parties as defined by the
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 Prosecution for a violation of an order of protection
20 shall not bar concurrent prosecution for any other crime,
21 including any crime that may have been committed at the
22 time of the violation of the order of protection; or

23 (2) The respondent commits the crime of child abduction
24 pursuant to Section 10-5 of the Criminal Code of 1961 or
25 the Criminal Code of 2012, by having knowingly violated:

26 (i) remedies described in paragraphs (5), (6) or

1 (8) of subsection (b) of Section 112A-14, or

2 (ii) a remedy, which is substantially similar to
3 the remedies authorized under paragraphs (1), (5),
4 (6), or (8) of subsection (b) of Section 214 of the
5 Illinois Domestic Violence Act of 1986, in a valid
6 order of protection, which is authorized under the laws
7 of another state, tribe or United States territory.

8 (3) The respondent commits the crime of violation of a
9 civil no contact order when the respondent violates Section
10 12-3.8 of the Criminal Code of 2012. Prosecution for a
11 violation of a civil no contact order shall not bar
12 concurrent prosecution for any other crime, including any
13 crime that may have been committed at the time of the
14 violation of the civil no contact order.

15 (4) The respondent commits the crime of violation of a
16 stalking no contact order when the respondent violates
17 Section 12-3.9 of the Criminal Code of 2012. Prosecution
18 for a violation of a stalking no contact order shall not
19 bar concurrent prosecution for any other crime, including
20 any crime that may have been committed at the time of the
21 violation of the stalking no contact order.

22 (5) The respondent commits the crime of violation of a
23 sexual harassment no contact order when the respondent
24 violates Section 12-3.10 of the Criminal Code of 2012.
25 Prosecution for a violation of a sexual harassment no
26 contact order shall not bar concurrent prosecution for any

1 other crime, including any crime that may have been
2 committed at the time of the violation of the sexual
3 harassment no contact order.

4 (b) When violation is contempt of court. A violation of any
5 valid protective order, whether issued in a civil or criminal
6 proceeding, may be enforced through civil or criminal contempt
7 procedures, as appropriate, by any court with jurisdiction,
8 regardless where the act or acts which violated the protective
9 order were committed, to the extent consistent with the venue
10 provisions of this Article. Nothing in this Article shall
11 preclude any Illinois court from enforcing any valid protective
12 order issued in another state. Illinois courts may enforce
13 protective orders through both criminal prosecution and
14 contempt proceedings, unless the action which is second in time
15 is barred by collateral estoppel or the constitutional
16 prohibition against double jeopardy.

17 (1) In a contempt proceeding where the petition for a
18 rule to show cause sets forth facts evidencing an immediate
19 danger that the respondent will flee the jurisdiction,
20 conceal a child, or inflict physical abuse on the
21 petitioner or minor children or on dependent adults in
22 petitioner's care, the court may order the attachment of
23 the respondent without prior service of the rule to show
24 cause or the petition for a rule to show cause. Bond shall
25 be set unless specifically denied in writing.

26 (2) A petition for a rule to show cause for violation

1 of a protective order shall be treated as an expedited
2 proceeding.

3 (c) Violation of custody, allocation of parental
4 responsibility, or support orders. A violation of remedies
5 described in paragraphs (5), (6), (8), or (9) of subsection (b)
6 of Section 112A-14 may be enforced by any remedy provided by
7 Section 607.5 of the Illinois Marriage and Dissolution of
8 Marriage Act. The court may enforce any order for support
9 issued under paragraph (12) of subsection (b) of Section
10 112A-14 in the manner provided for under Parts V and VII of the
11 Illinois Marriage and Dissolution of Marriage Act.

12 (d) Actual knowledge. A protective order may be enforced
13 pursuant to this Section if the respondent violates the order
14 after respondent has actual knowledge of its contents as shown
15 through one of the following means:

16 (1) (Blank).

17 (2) (Blank).

18 (3) By service of an order of protection under Section
19 112A-22.

20 (4) By other means demonstrating actual knowledge of
21 the contents of the order.

22 (e) The enforcement of an order of protection in civil or
23 criminal court shall not be affected by either of the
24 following:

25 (1) The existence of a separate, correlative order
26 entered under Section 112A-15.

1 (2) Any finding or order entered in a conjoined
2 criminal proceeding.

3 (f) Circumstances. The court, when determining whether or
4 not a violation of a protective order has occurred, shall not
5 require physical manifestations of abuse on the person of the
6 victim.

7 (g) Penalties.

8 (1) Except as provided in paragraph (3) of this
9 subsection, where the court finds the commission of a crime
10 or contempt of court under subsections (a) or (b) of this
11 Section, the penalty shall be the penalty that generally
12 applies in such criminal or contempt proceedings, and may
13 include one or more of the following: incarceration,
14 payment of restitution, a fine, payment of attorneys' fees
15 and costs, or community service.

16 (2) The court shall hear and take into account evidence
17 of any factors in aggravation or mitigation before deciding
18 an appropriate penalty under paragraph (1) of this
19 subsection.

20 (3) To the extent permitted by law, the court is
21 encouraged to:

22 (i) increase the penalty for the knowing violation
23 of any protective order over any penalty previously
24 imposed by any court for respondent's violation of any
25 protective order or penal statute involving petitioner
26 as victim and respondent as defendant;

1 (ii) impose a minimum penalty of 24 hours
2 imprisonment for respondent's first violation of any
3 protective order; and

4 (iii) impose a minimum penalty of 48 hours
5 imprisonment for respondent's second or subsequent
6 violation of a protective order

7 unless the court explicitly finds that an increased penalty
8 or that period of imprisonment would be manifestly unjust.

9 (4) In addition to any other penalties imposed for a
10 violation of a protective order, a criminal court may
11 consider evidence of any violations of a protective order:

12 (i) to increase, revoke or modify the bail bond on
13 an underlying criminal charge pursuant to Section
14 110-6;

15 (ii) to revoke or modify an order of probation,
16 conditional discharge or supervision, pursuant to
17 Section 5-6-4 of the Unified Code of Corrections;

18 (iii) to revoke or modify a sentence of periodic
19 imprisonment, pursuant to Section 5-7-2 of the Unified
20 Code of Corrections.

21 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18.)

22 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

23 Sec. 112A-28. Data maintenance by law enforcement
24 agencies.

25 (a) All sheriffs shall furnish to the Department of State

1 Police, daily, in the form and detail the Department requires,
2 copies of any recorded protective orders issued by the court,
3 and any foreign orders of protection filed by the clerk of the
4 court, and transmitted to the sheriff by the clerk of the
5 court. Each protective order shall be entered in the Law
6 Enforcement Agencies Data System on the same day it is issued
7 by the court.

8 (b) The Department of State Police shall maintain a
9 complete and systematic record and index of all valid and
10 recorded protective orders issued or filed under this Act. The
11 data shall be used to inform all dispatchers and law
12 enforcement officers at the scene of an alleged incident of
13 abuse or violation of a protective order of any recorded prior
14 incident of abuse involving the abused party and the effective
15 dates and terms of any recorded protective order.

16 (c) The data, records and transmittals required under this
17 Section shall pertain to:

18 (1) any valid emergency, interim or plenary order of
19 protection, civil no contact order, ~~or~~ stalking no contact
20 order, or sexual harassment no contact order issued in a
21 civil proceeding; and

22 (2) any valid protective order issued in a criminal
23 proceeding or authorized under the laws of another state,
24 tribe, or United States territory.

25 (Source: P.A. 100-199, eff. 1-1-18.)

1 Article 2.

2 Section 2-5. The Code of Civil Procedure is amended by
3 adding Section 2-2302 as follows:

4 (735 ILCS 5/2-2302 new)

5 Sec. 2-2302. Nondisclosure agreements. Notwithstanding any
6 other law to the contrary, for any claim or cause of action,
7 whether arising under common law, equity, or any provision of
8 law, the factual foundation for which involves sexual
9 harassment, in resolving, by agreed judgment, stipulation,
10 decree, agreement to settle, assurance of discontinuance or
11 otherwise, neither an employer nor an officer or employee of
12 the employer has the authority to include or agree to include
13 in such resolution any term or condition that would prevent the
14 disclosure of the underlying facts and circumstances of the
15 claim or action unless the condition of confidentiality is the
16 plaintiff's preference. Any such term or condition must be
17 provided to all parties, and the plaintiff shall have 21 days
18 to consider such term or condition. If after 21 days such term
19 or condition is the plaintiff's preference, such preference
20 shall be memorialized in an agreement signed by all parties.
21 For a period of at least 7 days following the execution of such
22 agreement, the plaintiff may revoke the agreement, and the
23 agreement shall not become effective or be enforceable until
24 such revocation period has expired.

1 Article 3.

2 Section 3-5. The Illinois Human Rights Act is amended by
3 changing Sections 2-101 and 2-102 and by adding Section 2-108
4 as follows:

5 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

6 Sec. 2-101. Definitions. The following definitions are
7 applicable strictly in the context of this Article.

8 (A) Employee.

9 (1) "Employee" includes:

10 (a) Any individual performing services for
11 remuneration within this State for an employer,
12 including, but not limited to, a contractor,
13 subcontractor, vendor, consultant, or other person
14 providing services pursuant to a contract in the
15 workplace;

16 (b) An apprentice;

17 (c) An applicant for any apprenticeship.

18 For purposes of subsection (D) of Section 2-102 of this
19 Act, "employee" also includes an unpaid intern. An unpaid
20 intern is a person who performs work for an employer under
21 the following circumstances:

22 (i) the employer is not committed to hiring the
23 person performing the work at the conclusion of the

1 intern's tenure;

2 (ii) the employer and the person performing the
3 work agree that the person is not entitled to wages for
4 the work performed; and

5 (iii) the work performed:

6 (I) supplements training given in an
7 educational environment that may enhance the
8 employability of the intern;

9 (II) provides experience for the benefit of
10 the person performing the work;

11 (III) does not displace regular employees;

12 (IV) is performed under the close supervision
13 of existing staff; and

14 (V) provides no immediate advantage to the
15 employer providing the training and may
16 occasionally impede the operations of the
17 employer.

18 (2) "Employee" does not include:

19 (a) (Blank);

20 (b) Individuals employed by persons who are not
21 "employers" as defined by this Act;

22 (c) Elected public officials ~~or the members of~~
23 ~~their immediate personal staffs;~~

24 (d) Principal administrative officers of the State
25 or of any political subdivision, municipal corporation
26 or other governmental unit or agency;

1 (e) A person in a vocational rehabilitation
2 facility certified under federal law who has been
3 designated an evaluatee, trainee, or work activity
4 client.

5 (B) Employer.

6 (1) "Employer" includes:

7 (a) Any person employing 15 or more employees
8 within Illinois during 20 or more calendar weeks within
9 the calendar year of or preceding the alleged
10 violation;

11 (b) Any person employing one or more employees when
12 a complainant alleges civil rights violation due to
13 unlawful discrimination based upon his or her physical
14 or mental disability unrelated to ability, pregnancy,
15 or sexual harassment;

16 (c) The State and any political subdivision,
17 municipal corporation or other governmental unit or
18 agency, without regard to the number of employees;

19 (d) Any party to a public contract without regard
20 to the number of employees;

21 (e) A joint apprenticeship or training committee
22 without regard to the number of employees.

23 (2) "Employer" does not include any religious
24 corporation, association, educational institution,
25 society, or non-profit nursing institution conducted by
26 and for those who rely upon treatment by prayer through

1 spiritual means in accordance with the tenets of a
2 recognized church or religious denomination with respect
3 to the employment of individuals of a particular religion
4 to perform work connected with the carrying on by such
5 corporation, association, educational institution, society
6 or non-profit nursing institution of its activities.

7 (C) Employment Agency. "Employment Agency" includes both
8 public and private employment agencies and any person, labor
9 organization, or labor union having a hiring hall or hiring
10 office regularly undertaking, with or without compensation, to
11 procure opportunities to work, or to procure, recruit, refer or
12 place employees.

13 (D) Labor Organization. "Labor Organization" includes any
14 organization, labor union, craft union, or any voluntary
15 unincorporated association designed to further the cause of the
16 rights of union labor which is constituted for the purpose, in
17 whole or in part, of collective bargaining or of dealing with
18 employers concerning grievances, terms or conditions of
19 employment, or apprenticeships or applications for
20 apprenticeships, or of other mutual aid or protection in
21 connection with employment, including apprenticeships or
22 applications for apprenticeships.

23 (E) Sexual Harassment. "Sexual harassment" means any
24 harassment or discrimination on the basis of an individual's
25 actual or perceived sex or gender, including unwelcome sexual
26 advances, ~~or~~ requests for sexual favors, other verbal or

1 physical conduct of a sexual nature, or any other ~~or any~~
2 conduct of a sexual nature when (1) submission to such conduct
3 is made either explicitly or implicitly a term or condition of
4 an individual's employment, (2) submission to or rejection of
5 such conduct by an individual is used as the basis for
6 employment decisions affecting such individual, or (3) such
7 conduct has the purpose or effect of ~~substantially~~ interfering
8 with an individual's work performance or creating an
9 intimidating, hostile or offensive working environment.

10 (F) Religion. "Religion" with respect to employers
11 includes all aspects of religious observance and practice, as
12 well as belief, unless an employer demonstrates that he is
13 unable to reasonably accommodate an employee's or prospective
14 employee's religious observance or practice without undue
15 hardship on the conduct of the employer's business.

16 (G) Public Employer. "Public employer" means the State, an
17 agency or department thereof, unit of local government, school
18 district, instrumentality or political subdivision.

19 (H) Public Employee. "Public employee" means an employee of
20 the State, agency or department thereof, unit of local
21 government, school district, instrumentality or political
22 subdivision. "Public employee" does not include public
23 officers or employees of the General Assembly or agencies
24 thereof.

25 (I) Public Officer. "Public officer" means a person who is
26 elected to office pursuant to the Constitution or a statute or

1 ordinance, or who is appointed to an office which is
2 established, and the qualifications and duties of which are
3 prescribed, by the Constitution or a statute or ordinance, to
4 discharge a public duty for the State, agency or department
5 thereof, unit of local government, school district,
6 instrumentality or political subdivision.

7 (J) Eligible Bidder. "Eligible bidder" means a person who,
8 prior to contract award or prior to bid opening for State
9 contracts for construction or construction-related services,
10 has filed with the Department a properly completed, sworn and
11 currently valid employer report form, pursuant to the
12 Department's regulations. The provisions of this Article
13 relating to eligible bidders apply only to bids on contracts
14 with the State and its departments, agencies, boards, and
15 commissions, and the provisions do not apply to bids on
16 contracts with units of local government or school districts.

17 (K) Citizenship Status. "Citizenship status" means the
18 status of being:

19 (1) a born U.S. citizen;

20 (2) a naturalized U.S. citizen;

21 (3) a U.S. national; or

22 (4) a person born outside the United States and not a
23 U.S. citizen who is not an unauthorized alien and who is
24 protected from discrimination under the provisions of
25 Section 1324b of Title 8 of the United States Code, as now
26 or hereafter amended.

1 (Source: P.A. 99-78, eff. 7-20-15; 99-758, eff. 1-1-17; 100-43,
2 eff. 8-9-17.)

3 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

4 Sec. 2-102. Civil Rights Violations - Employment. It is a
5 civil rights violation:

6 (A) Employers. For any employer to refuse to hire, to
7 segregate, or to act with respect to recruitment, hiring,
8 promotion, renewal of employment, selection for training or
9 apprenticeship, discharge, discipline, tenure or terms,
10 privileges or conditions of employment on the basis of unlawful
11 discrimination or citizenship status.

12 (A-5) Language. For an employer to impose a restriction
13 that has the effect of prohibiting a language from being spoken
14 by an employee in communications that are unrelated to the
15 employee's duties.

16 For the purposes of this subdivision (A-5), "language"
17 means a person's native tongue, such as Polish, Spanish, or
18 Chinese. "Language" does not include such things as slang,
19 jargon, profanity, or vulgarity.

20 (B) Employment Agency. For any employment agency to fail or
21 refuse to classify properly, accept applications and register
22 for employment referral or apprenticeship referral, refer for
23 employment, or refer for apprenticeship on the basis of
24 unlawful discrimination or citizenship status or to accept from
25 any person any job order, requisition or request for referral

1 of applicants for employment or apprenticeship which makes or
2 has the effect of making unlawful discrimination or
3 discrimination on the basis of citizenship status a condition
4 of referral.

5 (C) Labor Organization. For any labor organization to
6 limit, segregate or classify its membership, or to limit
7 employment opportunities, selection and training for
8 apprenticeship in any trade or craft, or otherwise to take, or
9 fail to take, any action which affects adversely any person's
10 status as an employee or as an applicant for employment or as
11 an apprentice, or as an applicant for apprenticeships, or
12 wages, tenure, hours of employment or apprenticeship
13 conditions on the basis of unlawful discrimination or
14 citizenship status.

15 (D) Sexual Harassment. For any employer, employee, agent of
16 any employer, employment agency or labor organization to engage
17 in sexual harassment; provided, that an employer shall be
18 responsible for sexual harassment of the employer's employees
19 by nonemployees or nonmanagerial and nonsupervisory employees
20 only if the employer becomes aware of the conduct and fails to
21 take reasonable corrective measures.

22 (E) Public Employers. For any public employer to refuse to
23 permit a public employee under its jurisdiction who takes time
24 off from work in order to practice his or her religious beliefs
25 to engage in work, during hours other than such employee's
26 regular working hours, consistent with the operational needs of

1 the employer and in order to compensate for work time lost for
2 such religious reasons. Any employee who elects such deferred
3 work shall be compensated at the wage rate which he or she
4 would have earned during the originally scheduled work period.
5 The employer may require that an employee who plans to take
6 time off from work in order to practice his or her religious
7 beliefs provide the employer with a notice of his or her
8 intention to be absent from work not exceeding 5 days prior to
9 the date of absence.

10 (E-5) Religious discrimination. For any employer to impose
11 upon a person as a condition of obtaining or retaining
12 employment, including opportunities for promotion,
13 advancement, or transfer, any terms or conditions that would
14 require such person to violate or forgo a sincerely held
15 practice of his or her religion including, but not limited to,
16 the wearing of any attire, clothing, or facial hair in
17 accordance with the requirements of his or her religion,
18 unless, after engaging in a bona fide effort, the employer
19 demonstrates that it is unable to reasonably accommodate the
20 employee's or prospective employee's sincerely held religious
21 belief, practice, or observance without undue hardship on the
22 conduct of the employer's business.

23 Nothing in this Section prohibits an employer from enacting
24 a dress code or grooming policy that may include restrictions
25 on attire, clothing, or facial hair to maintain workplace
26 safety or food sanitation.

1 (F) Training and Apprenticeship Programs. For any
2 employer, employment agency or labor organization to
3 discriminate against a person on the basis of age in the
4 selection, referral for or conduct of apprenticeship or
5 training programs.

6 (G) Immigration-Related Practices.

7 (1) for an employer to request for purposes of
8 satisfying the requirements of Section 1324a(b) of Title 8
9 of the United States Code, as now or hereafter amended,
10 more or different documents than are required under such
11 Section or to refuse to honor documents tendered that on
12 their face reasonably appear to be genuine; or

13 (2) for an employer participating in the E-Verify
14 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
15 Programs for Employment Eligibility Confirmation (enacted
16 by PL 104-208, div. C title IV, subtitle A) to refuse to
17 hire, to segregate, or to act with respect to recruitment,
18 hiring, promotion, renewal of employment, selection for
19 training or apprenticeship, discharge, discipline, tenure
20 or terms, privileges or conditions of employment without
21 following the procedures under the E-Verify Program.

22 (H) (Blank).

23 (I) Pregnancy. For an employer to refuse to hire, to
24 segregate, or to act with respect to recruitment, hiring,
25 promotion, renewal of employment, selection for training or
26 apprenticeship, discharge, discipline, tenure or terms,

1 privileges or conditions of employment on the basis of
2 pregnancy, childbirth, or medical or common conditions related
3 to pregnancy or childbirth. Women affected by pregnancy,
4 childbirth, or medical or common conditions related to
5 pregnancy or childbirth shall be treated the same for all
6 employment-related purposes, including receipt of benefits
7 under fringe benefit programs, as other persons not so affected
8 but similar in their ability or inability to work, regardless
9 of the source of the inability to work or employment
10 classification or status.

11 (J) Pregnancy; reasonable accommodations.

12 (1) If after a job applicant or employee, including a
13 part-time, full-time, or probationary employee, requests a
14 reasonable accommodation, for an employer to not make
15 reasonable accommodations for any medical or common
16 condition of a job applicant or employee related to
17 pregnancy or childbirth, unless the employer can
18 demonstrate that the accommodation would impose an undue
19 hardship on the ordinary operation of the business of the
20 employer. The employer may request documentation from the
21 employee's health care provider concerning the need for the
22 requested reasonable accommodation or accommodations to
23 the same extent documentation is requested for conditions
24 related to disability if the employer's request for
25 documentation is job-related and consistent with business
26 necessity. The employer may require only the medical

1 justification for the requested accommodation or
2 accommodations, a description of the reasonable
3 accommodation or accommodations medically advisable, the
4 date the reasonable accommodation or accommodations became
5 medically advisable, and the probable duration of the
6 reasonable accommodation or accommodations. It is the duty
7 of the individual seeking a reasonable accommodation or
8 accommodations to submit to the employer any documentation
9 that is requested in accordance with this paragraph.
10 Notwithstanding the provisions of this paragraph, the
11 employer may require documentation by the employee's
12 health care provider to determine compliance with other
13 laws. The employee and employer shall engage in a timely,
14 good faith, and meaningful exchange to determine effective
15 reasonable accommodations.

16 (2) For an employer to deny employment opportunities or
17 benefits to or take adverse action against an otherwise
18 qualified job applicant or employee, including a
19 part-time, full-time, or probationary employee, if the
20 denial or adverse action is based on the need of the
21 employer to make reasonable accommodations to the known
22 medical or common conditions related to the pregnancy or
23 childbirth of the applicant or employee.

24 (3) For an employer to require a job applicant or
25 employee, including a part-time, full-time, or
26 probationary employee, affected by pregnancy, childbirth,

1 or medical or common conditions related to pregnancy or
2 childbirth to accept an accommodation when the applicant or
3 employee did not request an accommodation and the applicant
4 or employee chooses not to accept the employer's
5 accommodation.

6 (4) For an employer to require an employee, including a
7 part-time, full-time, or probationary employee, to take
8 leave under any leave law or policy of the employer if
9 another reasonable accommodation can be provided to the
10 known medical or common conditions related to the pregnancy
11 or childbirth of an employee. No employer shall fail or
12 refuse to reinstate the employee affected by pregnancy,
13 childbirth, or medical or common conditions related to
14 pregnancy or childbirth to her original job or to an
15 equivalent position with equivalent pay and accumulated
16 seniority, retirement, fringe benefits, and other
17 applicable service credits upon her signifying her intent
18 to return or when her need for reasonable accommodation
19 ceases, unless the employer can demonstrate that the
20 accommodation would impose an undue hardship on the
21 ordinary operation of the business of the employer.

22 For the purposes of this subdivision (J), "reasonable
23 accommodations" means reasonable modifications or adjustments
24 to the job application process or work environment, or to the
25 manner or circumstances under which the position desired or
26 held is customarily performed, that enable an applicant or

1 employee affected by pregnancy, childbirth, or medical or
2 common conditions related to pregnancy or childbirth to be
3 considered for the position the applicant desires or to perform
4 the essential functions of that position, and may include, but
5 is not limited to: more frequent or longer bathroom breaks,
6 breaks for increased water intake, and breaks for periodic
7 rest; private non-bathroom space for expressing breast milk and
8 breastfeeding; seating; assistance with manual labor; light
9 duty; temporary transfer to a less strenuous or hazardous
10 position; the provision of an accessible worksite; acquisition
11 or modification of equipment; job restructuring; a part-time or
12 modified work schedule; appropriate adjustment or
13 modifications of examinations, training materials, or
14 policies; reassignment to a vacant position; time off to
15 recover from conditions related to childbirth; and leave
16 necessitated by pregnancy, childbirth, or medical or common
17 conditions resulting from pregnancy or childbirth.

18 For the purposes of this subdivision (J), "undue hardship"
19 means an action that is prohibitively expensive or disruptive
20 when considered in light of the following factors: (i) the
21 nature and cost of the accommodation needed; (ii) the overall
22 financial resources of the facility or facilities involved in
23 the provision of the reasonable accommodation, the number of
24 persons employed at the facility, the effect on expenses and
25 resources, or the impact otherwise of the accommodation upon
26 the operation of the facility; (iii) the overall financial

1 resources of the employer, the overall size of the business of
2 the employer with respect to the number of its employees, and
3 the number, type, and location of its facilities; and (iv) the
4 type of operation or operations of the employer, including the
5 composition, structure, and functions of the workforce of the
6 employer, the geographic separateness, administrative, or
7 fiscal relationship of the facility or facilities in question
8 to the employer. The employer has the burden of proving undue
9 hardship. The fact that the employer provides or would be
10 required to provide a similar accommodation to similarly
11 situated employees creates a rebuttable presumption that the
12 accommodation does not impose an undue hardship on the
13 employer.

14 No employer is required by this subdivision (J) to create
15 additional employment that the employer would not otherwise
16 have created, unless the employer does so or would do so for
17 other classes of employees who need accommodation. The employer
18 is not required to discharge any employee, transfer any
19 employee with more seniority, or promote any employee who is
20 not qualified to perform the job, unless the employer does so
21 or would do so to accommodate other classes of employees who
22 need it.

23 (K) Notice.

24 (1) For an employer to fail to post or keep posted in a
25 conspicuous location on the premises of the employer where
26 notices to employees are customarily posted, or fail to

1 include in any employee handbook information concerning an
2 employee's rights under this Article, a notice, to be
3 prepared or approved by the Department, summarizing the
4 requirements of this Article and information pertaining to
5 the filing of a charge, including the right to be free from
6 unlawful discrimination, the right to be free from sexual
7 harassment, and the right to certain reasonable
8 accommodations. The Department shall make the documents
9 required under this paragraph available for retrieval from
10 the Department's website.

11 (2) Upon notification of a violation of paragraph (1)
12 of this subdivision (K), the Department shall ~~may~~ launch a
13 preliminary investigation. If the Department finds a
14 violation, the Department shall ~~may~~ issue a notice to show
15 cause giving the employer 30 days to correct the violation.
16 If the violation is not corrected, the Department may
17 initiate a charge of a civil rights violation.

18 (Source: P.A. 100-100, eff. 8-11-17.)

19 (775 ILCS 5/2-108 new)

20 Sec. 2-108. Employer disclosure requirements.

21 (A) Definitions. The following definitions are applicable
22 strictly to this Section:

23 (1) "Employer" includes:

24 (a) any party to a public contract without regard
25 to the number of employees;

1 (b) any person employing 100 or more employees
2 within Illinois during 20 or more calendar weeks within
3 the preceding calendar year; and

4 (c) the State and any political subdivision,
5 municipal corporation, or other governmental unit or
6 agency, without regard to the number of employees.

7 (2) "Settlement" means any commitment or agreement,
8 without regard to whether the commitment or agreement is in
9 writing, including any agreed judgment, stipulation,
10 decree, agreement to settle, assurance of discontinuance,
11 or otherwise, under which the employer directly or
12 indirectly:

13 (a) provides to an individual compensation or
14 other consideration because of an allegation that the
15 individual has been a victim of sexual harassment or
16 unlawful discrimination under this Act; or

17 (b) establishes conditions that affect the terms
18 of the employment, including terminating the
19 employment of the individual with the employer:

20 (i) because of the experience of the
21 individual with, or the participation of the
22 individual in, an alleged act of sexual harassment
23 or unlawful discrimination under this Act; and

24 (ii) in exchange for which the individual
25 agrees or commits not to bring legal,
26 administrative, or any other type of action

1 against the employer; or publicly disclose, for a
2 period of any length, any information regarding
3 the alleged act on which the commitment or
4 agreement, as applicable, is based.

5 (B) Required disclosures. Beginning July 1, 2019, each
6 employer under this Section must disclose annually to the
7 Illinois Department of Human Rights the following information:

8 (1) the total number of settlements entered into during
9 the preceding year by the employer, a corporate executive
10 of the employer, or a subsidiary, a contractor, or a
11 subcontractor of the employer that relate to any alleged
12 act of sexual harassment or unlawful discrimination that:

13 (a) occurred in the workplace of the employer or a
14 subsidiary, contractor, or subcontractor of the
15 employer; or

16 (b) involved the behavior of an employee of the
17 employer, a corporate executive of the employer, or a
18 subsidiary, contractor, or subcontractor of the
19 employer, without regard to whether that behavior
20 occurred in the workplace of the employer, subsidiary,
21 contractor, or subcontractor;

22 (2) the total and average dollar amount paid with
23 respect to the settlements described in paragraph (1);

24 (3) how many settlements described in paragraph (1) are
25 in each of the following categories:

26 (a) sexual harassment or discrimination on the

1 basis of sex;

2 (b) discrimination or harassment on the basis of
3 race, color, or national origin;

4 (c) discrimination or harassment on the basis of
5 religion;

6 (d) discrimination or harassment on the basis of
7 age;

8 (e) discrimination or harassment on the basis of
9 disability;

10 (f) discrimination or harassment on the basis of
11 military status or unfavorable discharge from military
12 status;

13 (g) discrimination or harassment on the basis of
14 sexual orientation or gender identity; and

15 (h) discrimination or harassment on the basis of
16 any other characteristic protected under this Act;

17 (4) the total number of adverse judgments or
18 administrative rulings during the preceding year based on
19 claims of sexual harassment or unlawful discrimination
20 brought under this Act, Title VII of the Civil Rights Act
21 of 1964, or any other federal, State, or local law
22 prohibiting sexual harassment or unlawful discrimination;

23 (5) the total and the average dollar amount of those
24 adverse judgments or administrative rulings described in
25 paragraph (4);

26 (6) whether any equitable relief was ordered against

1 the employer in any adverse judgment or administrative
2 ruling described in paragraph (4);

3 (7) how many adverse judgments or administrative
4 rulings described in paragraph (4) are in each of the
5 following categories:

6 (a) sexual harassment or discrimination on the
7 basis of sex;

8 (b) discrimination or harassment on the basis of
9 race, color, or national origin;

10 (c) discrimination or harassment on the basis of
11 religion;

12 (d) discrimination or harassment on the basis of
13 age;

14 (e) discrimination or harassment on the basis of
15 disability;

16 (f) discrimination or harassment on the basis of
17 military status or unfavorable discharge from military
18 status;

19 (g) discrimination or harassment on the basis of
20 sexual orientation or gender identity; and

21 (h) discrimination or harassment on the basis of
22 any other characteristic protected under this Act;

23 (8) the average length of time required for the
24 employer to resolve a complaint relating to sexual
25 harassment or unlawful discrimination during the preceding
26 year;

1 (9) as of the date on which the disclosure is made, the
2 total number of complaints relating to sexual harassment or
3 unlawful discrimination that the employer is working to
4 resolve through:

5 (a) processes that are internal to the employer;

6 (b) mediation or arbitration; and

7 (c) litigation; and

8 (10) a description of measures taken by the employer or
9 any subsidiary, contractor, or subcontractor of the
10 employer to prevent sexual harassment and unlawful
11 discrimination in the workplace.

12 (C) Prohibited disclosures. An employer may not disclose
13 the name of a victim of an act of alleged sexual harassment or
14 unlawful discrimination in any disclosures required under this
15 Section.

16 (D) Annual reporting. The Department shall publish an
17 annual report containing an anonymized summary of the
18 disclosures made under this Section and that report shall be
19 filed with the General Assembly electronically and made
20 available to the public. The report to the General Assembly
21 shall be filed with the Clerk of the House of Representatives
22 and the Secretary of the Senate in electronic form only, in the
23 manner that the Clerk and the Secretary shall direct.

24 (E) Continuing violations. The Department shall open a
25 preliminary investigation if the information disclosed under
26 this Section identifies an employer, a corporate executive of

1 the employer, or a subsidiary, contractor, or subcontractor of
2 the employer who has:

3 (1) disclosed more than 10 separate settlements,
4 adverse judgments, or administrative rulings in the
5 preceding year; or

6 (2) disclosed settlements, adverse judgments, or
7 administrative rulings requiring the employer to pay more
8 than \$1 million during the preceding year.

9 If a continuing violation is found, the Department shall
10 initiate a charge of a civil rights violation.

11 (G) Failure to report and penalties. If an employer fails
12 to make any disclosures required under this Section, the
13 Department shall issue a notice to show cause giving the
14 employer 30 days to disclose the required information. If the
15 employer does not make the required disclosures within 30 days,
16 the Department shall initiate a charge of a civil rights
17 violation.

18 (H) Rules. The Department shall adopt any rules it deems
19 necessary for implementation of this Section.

20 Article 4.

21 Section 4-5. The Illinois Human Rights Act is amended by
22 changing Sections 7-109.1, 7A-102, 7B-102, 8-102, 8-103,
23 8-110, 8A-103, and 8B-103 as follows:

1 (775 ILCS 5/7-109.1) (from Ch. 68, par. 7-109.1)

2 Sec. 7-109.1. Administrative dismissal of charges ~~Federal~~
3 ~~or State Court Proceedings.~~ For charges filed under this Act,
4 if the charging party has initiated litigation for the purpose
5 of seeking final relief in a State or federal court or before
6 an administrative law judge or hearing officer in an
7 administrative proceeding before a local government
8 administrative agency, and if a final decision on the merits in
9 that litigation or administrative hearing would preclude the
10 charging party from bringing another action based on the
11 pending charge, the Department shall cease its investigation
12 and dismiss the pending charge by order of the Director, who
13 shall provide the charging party notice of his or her right to
14 commence a civil action in the appropriate circuit court or
15 other appropriate court of competent jurisdiction. The
16 Director shall also provide the charging party notice of his or
17 her right to seek review of the dismissal order before the
18 Commission. Any review by the Commission of the dismissal shall
19 be limited to the question of whether the charge was properly
20 dismissed pursuant to this Section. Nothing in this Section
21 shall preclude the Department from continuing to investigate an
22 allegation in a charge that is unique to this Act or otherwise
23 could not have been included in the litigation or
24 administrative proceeding. ~~The Department may administratively~~
25 ~~close a charge pending before the Department if the issues~~
26 ~~which are the basis of the charge are being litigated in a~~

1 ~~State or federal court proceeding.~~

2 (Source: P.A. 86-1343.)

3 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

4 Sec. 7A-102. Procedures.

5 (A) Charge.

6 (1) Within 2 years ~~180 days~~ after the date that a civil
7 rights violation allegedly has been committed, a
8 charge in writing under oath or affirmation may be
9 filed with the Department by an aggrieved party or
10 issued by the Department itself under the signature of
11 the Director.

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

16 (3) Charges deemed filed with the Department pursuant
17 to subsection (A-1) of this Section shall be deemed to be
18 in compliance with this subsection.

19 (A-1) Equal Employment Opportunity Commission Charges.

20 (1) If a charge is filed with the Equal Employment
21 Opportunity Commission (EEOC) within 300 calendar ~~180~~ days
22 after the date of the alleged civil rights violation, the
23 charge shall be deemed filed with the Department on the
24 date filed with the EEOC. If the EEOC is the governmental
25 agency designated to investigate the charge first, the

1 Department shall take no action until the EEOC makes a
2 determination on the charge and after the complainant
3 notifies the Department of the EEOC's determination. In
4 such cases, after receiving notice from the EEOC that a
5 charge was filed, the Department shall notify the parties
6 that (i) a charge has been received by the EEOC and has
7 been sent to the Department for dual filing purposes; (ii)
8 the EEOC is the governmental agency responsible for
9 investigating the charge and that the investigation shall
10 be conducted pursuant to the rules and procedures adopted
11 by the EEOC; (iii) it will take no action on the charge
12 until the EEOC issues its determination; (iv) the
13 complainant must submit a copy of the EEOC's determination
14 within 30 days after service of the determination by the
15 EEOC on complainant; and (v) that the time period to
16 investigate the charge contained in subsection (G) of this
17 Section is tolled from the date on which the charge is
18 filed with the EEOC until the EEOC issues its
19 determination.

20 (2) If the EEOC finds reasonable cause to believe that
21 there has been a violation of federal law and if the
22 Department is timely notified of the EEOC's findings by
23 complainant, the Department shall notify complainant that
24 the Department has adopted the EEOC's determination of
25 reasonable cause and that complainant has the right, within
26 90 days after receipt of the Department's notice, to either

1 file his or her own complaint with the Illinois Human
2 Rights Commission or commence a civil action in the
3 appropriate circuit court or other appropriate court of
4 competent jurisdiction. This notice shall be provided to
5 the complainant within 10 business days after the
6 Department's receipt of the EEOC's determination. The
7 Department's notice to complainant that the Department has
8 adopted the EEOC's determination of reasonable cause shall
9 constitute the Department's Report for purposes of
10 subparagraph (D) of this Section.

11 (3) For those charges alleging violations within the
12 jurisdiction of both the EEOC and the Department and for
13 which the EEOC either (i) does not issue a determination,
14 but does issue the complainant a notice of a right to sue,
15 including when the right to sue is issued at the request of
16 the complainant, or (ii) determines that it is unable to
17 establish that illegal discrimination has occurred and
18 issues the complainant a right to sue notice, and if the
19 Department is timely notified of the EEOC's determination
20 by complainant, the Department shall notify the parties,
21 within 10 business days after receipt of the EEOC's
22 determination, that the Department will adopt the EEOC's
23 determination as a dismissal for lack of substantial
24 evidence unless the complainant requests in writing within
25 35 days after receipt of the Department's notice that the
26 Department review the EEOC's determination.

1 (a) If the complainant does not file a written
2 request with the Department to review the EEOC's
3 determination within 35 days after receipt of the
4 Department's notice, the Department shall notify
5 complainant, within 10 business days after the
6 expiration of the 35-day period, that the decision of
7 the EEOC has been adopted by the Department as a
8 dismissal for lack of substantial evidence and that the
9 complainant has the right, within 90 days after receipt
10 of the Department's notice, to commence a civil action
11 in the appropriate circuit court or other appropriate
12 court of competent jurisdiction. The Department's
13 notice to complainant that the Department has adopted
14 the EEOC's determination shall constitute the
15 Department's report for purposes of subparagraph (D)
16 of this Section.

17 (b) If the complainant does file a written request
18 with the Department to review the EEOC's
19 determination, the Department shall review the EEOC's
20 determination and any evidence obtained by the EEOC
21 during its investigation. If, after reviewing the
22 EEOC's determination and any evidence obtained by the
23 EEOC, the Department determines there is no need for
24 further investigation of the charge, the Department
25 shall issue a report and the Director shall determine
26 whether there is substantial evidence that the alleged

1 civil rights violation has been committed pursuant to
2 subsection (D) of Section 7A-102. If, after reviewing
3 the EEOC's determination and any evidence obtained by
4 the EEOC, the Department determines there is a need for
5 further investigation of the charge, the Department
6 may conduct any further investigation it deems
7 necessary. After reviewing the EEOC's determination,
8 the evidence obtained by the EEOC, and any additional
9 investigation conducted by the Department, the
10 Department shall issue a report and the Director shall
11 determine whether there is substantial evidence that
12 the alleged civil rights violation has been committed
13 pursuant to subsection (D) of Section 7A-102 of this
14 Act.

15 (4) Pursuant to this Section, if the EEOC dismisses the
16 charge or a portion of the charge of discrimination
17 because, under federal law, the EEOC lacks jurisdiction
18 over the charge, and if, under this Act, the Department has
19 jurisdiction over the charge of discrimination, the
20 Department shall investigate the charge or portion of the
21 charge dismissed by the EEOC for lack of jurisdiction
22 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
23 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of
24 this Act.

25 (5) The time limit set out in subsection (G) of this
26 Section is tolled from the date on which the charge is

1 filed with the EEOC to the date on which the EEOC issues
2 its determination.

3 (6) The failure of the Department to meet the
4 10-business day notification deadlines set out in
5 paragraph (2) of this subsection shall not impair the
6 rights of any party.

7 (B) Notice and Response to Charge. The Department shall,
8 within 10 days of the date on which the charge was filed, serve
9 a copy of the charge on the respondent. This period shall not
10 be construed to be jurisdictional. The charging party and the
11 respondent may each file a position statement and other
12 materials with the Department regarding the charge of alleged
13 discrimination within 60 days of receipt of the notice of the
14 charge. The position statements and other materials filed shall
15 remain confidential unless otherwise agreed to by the party
16 providing the information and shall not be served on or made
17 available to the other party during pendency of a charge with
18 the Department. The Department may require the respondent to
19 file a response to the allegations contained in the charge.
20 Upon the Department's request, the respondent shall file a
21 response to the charge within 60 days and shall serve a copy of
22 its response on the complainant or his or her representative.
23 Notwithstanding any request from the Department, the
24 respondent may elect to file a response to the charge within 60
25 days of receipt of notice of the charge, provided the
26 respondent serves a copy of its response on the complainant or

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

1 complainant that the charge of civil rights violation will be
2 dismissed with prejudice and with no right to further proceed
3 if a written complaint is not timely filed with the Commission
4 or with the appropriate circuit court by the complainant
5 pursuant to subparagraph (2) of paragraph (G) or subsection
6 (C-1) or by the Department pursuant to subparagraph (1) of
7 paragraph (G).

8 (B-1) Mediation. The complainant and respondent may agree
9 to voluntarily submit the charge to mediation without waiving
10 any rights that are otherwise available to either party
11 pursuant to this Act and without incurring any obligation to
12 accept the result of the mediation process. Nothing occurring
13 in mediation shall be disclosed by the Department or admissible
14 in evidence in any subsequent proceeding unless the complainant
15 and the respondent agree in writing that such disclosure be
16 made.

17 (C) Investigation.

18 (1) The Department shall conduct an investigation
19 sufficient to determine whether the allegations set forth
20 in the charge are supported by substantial evidence.

21 (2) The Director or his or her designated
22 representatives shall have authority to request any member
23 of the Commission to issue subpoenas to compel the
24 attendance of a witness or the production for examination
25 of any books, records or documents whatsoever.

26 (3) If any witness whose testimony is required for any

1 investigation resides outside the State, or through
2 illness or any other good cause as determined by the
3 Director is unable to be interviewed by the investigator or
4 appear at a fact finding conference, his or her testimony
5 or deposition may be taken, within or without the State, in
6 the same manner as is provided for in the taking of
7 depositions in civil cases in circuit courts.

8 (4) Upon reasonable notice to the complainant and the
9 respondent, the Department shall conduct a fact finding
10 conference, unless prior to 365 days after the date on
11 which the charge was filed the Director has determined
12 whether there is substantial evidence that the alleged
13 civil rights violation has been committed, the charge has
14 been dismissed for lack of jurisdiction, or the parties
15 voluntarily and in writing agree to waive the fact finding
16 conference. Any party's failure to attend the conference
17 without good cause shall result in dismissal or default.
18 The term "good cause" shall be defined by rule promulgated
19 by the Department. A notice of dismissal or default shall
20 be issued by the Director. The notice of default issued by
21 the Director shall notify the respondent that a request for
22 review may be filed in writing with the Commission within
23 30 days of receipt of notice of default. The notice of
24 dismissal issued by the Director shall give the complainant
25 notice of his or her right to seek review of the dismissal
26 before the Human Rights Commission or commence a civil

1 action in the appropriate circuit court. If the complainant
2 chooses to have the Human Rights Commission review the
3 dismissal order, he or she shall file a request for review
4 with the Commission within 90 days after receipt of the
5 Director's notice. If the complainant chooses to file a
6 request for review with the Commission, he or she may not
7 later commence a civil action in a circuit court. If the
8 complainant chooses to commence a civil action in a circuit
9 court, he or she must do so within 90 days after receipt of
10 the Director's notice.

11 (C-1) Notice of right to sue. At any time after the
12 expiration of 180 days from the date of filing a charge with
13 the Department, a complainant has the right to submit a written
14 request seeking notice from the Director indicating that the
15 complainant has opted out of the investigation and may commence
16 a civil action in the appropriate circuit court. The Department
17 shall respond to a complainant's request within 10 business
18 days. If the complainant chooses to commence an action in a
19 circuit court under this subsection (C-1), he or she may not
20 refile a substantially similar charge with the Department
21 arising from the same incident of unlawful discrimination or
22 harassment.

23 (D) Report.

24 (1) Each charge investigated under subsection (C)
25 shall be the subject of a report to the Director. The
26 report shall be a confidential document subject to review

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

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

16 (3) If the Director determines that there is no
17 substantial evidence, the charge shall be dismissed by
18 order of the Director and the Director shall give the
19 complainant notice of his or her right to seek review of
20 the dismissal order before the Commission or commence a
21 civil action in the appropriate circuit court. If the
22 complainant chooses to have the Human Rights Commission
23 review the dismissal order, he or she shall file a request
24 for review with the Commission within 90 days after receipt
25 of the Director's notice. If the complainant chooses to
26 file a request for review with the Commission, he or she

1 may not later commence a civil action in a circuit court.
2 If the complainant chooses to commence a civil action in a
3 circuit court, he or she must do so within 90 days after
4 receipt of the Director's notice.

5 (4) If the Director determines that there is
6 substantial evidence, he or she shall notify the
7 complainant and respondent of that determination. The
8 Director shall also notify the parties that the complainant
9 has the right to either commence a civil action in the
10 appropriate circuit court or request that the Department of
11 Human Rights file a complaint with the Human Rights
12 Commission on his or her behalf. Any such complaint shall
13 be filed within 90 days after receipt of the Director's
14 notice. If the complainant chooses to have the Department
15 file a complaint with the Human Rights Commission on his or
16 her behalf, the complainant must, within 30 days after
17 receipt of the Director's notice, request in writing that
18 the Department file the complaint. If the complainant
19 timely requests that the Department file the complaint, the
20 Department shall file the complaint on his or her behalf.
21 If the complainant fails to timely request that the
22 Department file the complaint, the complainant may file his
23 or her complaint with the Commission or commence a civil
24 action in the appropriate circuit court. If the complainant
25 files a complaint with the Human Rights Commission, the
26 complainant shall give notice to the Department of the

1 filing of the complaint with the Human Rights Commission.

2 (E) Conciliation.

3 (1) When there is a finding of substantial evidence,
4 the Department may designate a Department employee who is
5 an attorney licensed to practice in Illinois to endeavor to
6 eliminate the effect of the alleged civil rights violation
7 and to prevent its repetition by means of conference and
8 conciliation.

9 (2) When the Department determines that a formal
10 conciliation conference is necessary, the complainant and
11 respondent shall be notified of the time and place of the
12 conference by registered or certified mail at least 10 days
13 prior thereto and either or both parties shall appear at
14 the conference in person or by attorney.

15 (3) The place fixed for the conference shall be within
16 35 miles of the place where the civil rights violation is
17 alleged to have been committed.

18 (4) Nothing occurring at the conference shall be
19 disclosed by the Department unless the complainant and
20 respondent agree in writing that such disclosure be made.

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

24 (F) Complaint.

25 (1) When the complainant requests that the Department
26 file a complaint with the Commission on his or her behalf,

1 the Department shall prepare a written complaint, under
2 oath or affirmation, stating the nature of the civil rights
3 violation substantially as alleged in the charge
4 previously filed and the relief sought on behalf of the
5 aggrieved party. The Department shall file the complaint
6 with the Commission.

7 (2) If the complainant chooses to commence a civil
8 action in a circuit court, he or she must do so in the
9 circuit court in the county wherein the civil rights
10 violation was allegedly committed. The form of the
11 complaint in any such civil action shall be in accordance
12 with the Illinois Code of Civil Procedure.

13 (G) Time Limit.

14 (1) When a charge of a civil rights violation has been
15 properly filed, the Department, within 365 days thereof or
16 within any extension of that period agreed to in writing by
17 all parties, shall issue its report as required by
18 subparagraph (D). Any such report shall be duly served upon
19 both the complainant and the respondent.

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

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

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

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

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

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

10 (J) The changes made to this Section by Public Act 95-243
11 apply to charges filed on or after the effective date of those
12 changes.

13 (K) The changes made to this Section by this amendatory Act
14 of the 96th General Assembly apply to charges filed on or after
15 the effective date of those changes.

16 (L) The changes made to this Section by this amendatory Act
17 of the 100th General Assembly apply to charges filed on or
18 after the effective date of this amendatory Act of the 100th
19 General Assembly.

20 (Source: P.A. 100-492, eff. 9-8-17.)

21 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)
22 Sec. 7B-102. Procedures.

23 (A) Charge.

24 (1) Within one year after the date that a civil rights
25 violation allegedly has been committed or terminated, a

1 charge in writing under oath or affirmation may be filed
2 with the Department by an aggrieved party or issued by the
3 Department itself under the signature of the Director.

4 (2) The charge shall be in such detail as to
5 substantially apprise any party properly concerned as to
6 the time, place, and facts surrounding the alleged civil
7 rights violation.

8 (B) Notice and Response to Charge.

9 (1) The Department shall serve notice upon the
10 aggrieved party acknowledging such charge and advising the
11 aggrieved party of the time limits and choice of forums
12 provided under this Act. The Department shall, within 10
13 days of the date on which the charge was filed or the
14 identification of an additional respondent under paragraph
15 (2) of this subsection, serve on the respondent a copy of
16 the charge along with a notice identifying the alleged
17 civil rights violation and advising the respondent of the
18 procedural rights and obligations of respondents under
19 this Act and may require the respondent to file a response
20 to the allegations contained in the charge. Upon the
21 Department's request, the respondent shall file a response
22 to the charge within 30 days and shall serve a copy of its
23 response on the complainant or his or her representative.
24 Notwithstanding any request from the Department, the
25 respondent may elect to file a response to the charge
26 within 30 days of receipt of notice of the charge, provided

1 the respondent serves a copy of its response on the
2 complainant or his or her representative. All allegations
3 contained in the charge not denied by the respondent within
4 30 days after the Department's request for a response may
5 be deemed admitted, unless the respondent states that it is
6 without sufficient information to form a belief with
7 respect to such allegation. The Department may issue a
8 notice of default directed to any respondent who fails to
9 file a response to a charge within 30 days of the
10 Department's request, unless the respondent can
11 demonstrate good cause as to why such notice should not
12 issue. The term "good cause" shall be defined by rule
13 promulgated by the Department. Within 10 days of the date
14 he or she receives the respondent's response, the
15 complainant may file his or her reply to said response. If
16 he or she chooses to file a reply, the complainant shall
17 serve a copy of said reply on the respondent or his or her
18 representative. A party may supplement his or her response
19 or reply at any time that the investigation of the charge
20 is pending.

21 (2) A person who is not named as a respondent in a
22 charge, but who is identified as a respondent in the course
23 of investigation, may be joined as an additional or
24 substitute respondent upon written notice, under
25 subsection (B), to such person, from the Department. Such
26 notice, in addition to meeting the requirements of

1 subsections (A) and (B), shall explain the basis for the
2 Department's belief that a person to whom the notice is
3 addressed is properly joined as a respondent.

4 (C) Investigation.

5 (1) The Department shall conduct a full investigation
6 of the allegations set forth in the charge and complete
7 such investigation within 100 days after the filing of the
8 charge, unless it is impracticable to do so. The
9 Department's failure to complete the investigation within
10 100 days after the proper filing of the charge does not
11 deprive the Department of jurisdiction over the charge.

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

16 (3) The Director or his or her designated
17 representative shall have authority to request any member
18 of the Commission to issue subpoenas to compel the
19 attendance of a witness or the production for examination
20 of any books, records or documents whatsoever.

21 (4) If any witness whose testimony is required for any
22 investigation resides outside the State, or through
23 illness or any other good cause as determined by the
24 Director is unable to be interviewed by the investigator or
25 appear at a fact finding conference, his or her testimony
26 or deposition may be taken, within or without the State, in

1 the same manner as provided for in the taking of
2 depositions in civil cases in circuit courts.

3 (5) Upon reasonable notice to the complainant and the
4 respondent, the Department shall conduct a fact finding
5 conference, unless prior to 100 days from the date on which
6 the charge was filed, the Director has determined whether
7 there is substantial evidence that the alleged civil rights
8 violation has been committed or the parties voluntarily and
9 in writing agree to waive the fact finding conference. A
10 party's failure to attend the conference without good cause
11 may result in dismissal or default. A notice of dismissal
12 or default shall be issued by the Director and shall notify
13 the relevant party that a request for review may be filed
14 in writing with the Commission within 30 days of receipt of
15 notice of dismissal or default.

16 (C-1) Notice of right to sue. At any time after the
17 expiration of 180 days from the date of filing a charge with
18 the Department, a complainant has the right to submit a written
19 request seeking notice from the Director indicating that the
20 complainant has opted out of the investigation and may commence
21 a civil action in the appropriate circuit court. The Department
22 shall respond to a complainant's request within 10 business
23 days. If the complainant chooses to commence an action in a
24 circuit court under this subsection (C-1), he or she may not
25 refile a substantially similar charge with the Department
26 arising from the same incident of unlawful discrimination or

1 harassment.

2 (D) Report.

3 (1) Each ~~investigated~~ charge investigated under
4 subsection (C) shall be the subject of a report to the
5 Director. The report shall be a confidential document
6 subject to review by the Director, authorized Department
7 employees, the parties, and, where indicated by this Act,
8 members of the Commission or their designated hearing
9 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 90 days from
12 receipt of notice to file a request for review by the
13 Commission. The Director shall make public disclosure
14 of each such dismissal.

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

19 (E) Conciliation.

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

25 When the Department determines that a formal
26 conciliation conference is feasible, the aggrieved party

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

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

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

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

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

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

26 (F) Complaint.

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

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

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

16 (G) Time Limit.

17 (1) When a charge of a civil rights violation has been
18 properly filed, the Department, within 100 days thereof,
19 unless it is impracticable to do so, shall either issue and
20 file a complaint in the manner and form set forth in this
21 Section or shall order that no complaint be issued. Any
22 such order shall be duly served upon both the aggrieved
23 party and the respondent. The Department's failure to
24 either issue and file a complaint or order that no
25 complaint be issued within 100 days after the proper filing
26 of the charge does not deprive the Department of

1 jurisdiction over the charge.

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

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

9 (I) The changes made to this Section by Public Act 95-243
10 apply to charges filed on or after the effective date of those
11 changes.

12 (J) The changes made to this Section by this amendatory Act
13 of the 96th General Assembly apply to charges filed on or after
14 the effective date of those changes.

15 (Source: P.A. 100-492, eff. 9-8-17.)

16 (775 ILCS 5/8-102) (from Ch. 68, par. 8-102)

17 Sec. 8-102. Powers and Duties. In addition to the other
18 powers and duties prescribed in this Act, the Commission shall
19 have the following powers and duties:

20 (A) Meetings. To meet and function at any place within the
21 State.

22 (B) Offices. To establish and maintain offices in
23 Springfield and Chicago.

24 (C) Employees. To select and fix the compensation of such
25 technical advisors and employees as it may deem necessary

1 pursuant to the provisions of "The Personnel Code".

2 (D) Hearing Officers. To select and fix the compensation of
3 hearing officers who shall be attorneys duly licensed to
4 practice law in this State and full time employees of the
5 Commission.

6 A formal and unbiased training program for hearing officers
7 shall be implemented. The training program shall include the
8 following:

9 (1) substantive and procedural aspects of the hearing
10 officer position;

11 (2) current issues in human rights law and practice;

12 (3) lectures by specialists in substantive areas
13 related to human rights matters;

14 (4) orientation to each operational unit of the
15 Department and Commission;

16 (5) observation of experienced hearing officers
17 conducting hearings of cases, combined with the
18 opportunity to discuss evidence presented and rulings
19 made;

20 (6) the use of hypothetical cases requiring the hearing
21 officer to issue judgments as a means to evaluating
22 knowledge and writing ability;

23 (7) writing skills;

24 (8) computer skills, including but not limited to word
25 processing and document management.

26 A formal, unbiased and ongoing professional development

1 program including, but not limited to, the above-noted areas
2 shall be implemented to keep hearing officers informed of
3 recent developments and issues and to assist them in
4 maintaining and enhancing their professional competence.

5 (E) Rules and Regulations. To adopt, promulgate, amend, and
6 rescind rules and regulations not inconsistent with the
7 provisions of this Act pursuant to the Illinois Administrative
8 Procedure Act.

9 (F) Compulsory Process. To issue and authorize requests for
10 enforcement of subpoenas and other compulsory process
11 established by this Act.

12 (G) Decisions. Through a panel of three members designated
13 by the Chairperson on a random basis, to hear and decide by
14 majority vote complaints filed in conformity with this Act and
15 to approve proposed settlements.

16 (H) Rehearings. To order, by a vote of 3 ~~6~~ members,
17 rehearing of its decisions by the entire Commission in
18 conformity with this Act.

19 (I) Judicial Enforcement. To authorize requests for
20 judicial enforcement of its orders in conformity with this Act.

21 (J) Opinions. To publish each decision within 180 days of
22 the decision ~~its decisions in timely fashion~~ to assure a
23 consistent source of precedent. Published decisions shall be
24 subject to the Personal Information Protection Act.

25 (K) Public Grants; Private Gifts. To accept public grants
26 and private gifts as may be authorized.

1 (L) Interpreters. To appoint at the expense of the
2 Commission a qualified sign language interpreter whenever a
3 hearing impaired person is a party or witness at a public
4 hearing.

5 (M) Automated Processing Plan. To prepare an electronic
6 data processing and telecommunications plan jointly with the
7 Department in accordance with Section 7-112.

8 (N) The provisions of this amendatory Act of 1995 amending
9 subsection (G) of this Section apply to causes of action filed
10 on or after January 1, 1996.

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

12 (775 ILCS 5/8-103) (from Ch. 68, par. 8-103)
13 Sec. 8-103. Request for Review.

14 (A) Jurisdiction. The Commission, through a panel of three
15 members, shall have jurisdiction to hear and determine requests
16 for review of (1) decisions of the Department to dismiss a
17 charge; and (2) notices of default issued by the Department.

18 In each instance, the Department shall be the respondent.
19 The respondent on the charge, in the case of dismissal, or the
20 complainant, in the case of default, may file a response to the
21 request for review.

22 (B) Review. When a request for review is properly filed,
23 the Commission may consider the Department's report, any
24 argument and supplemental evidence timely submitted, and the
25 results of any additional investigation conducted by the

1 Department in response to the request. In its discretion, the
2 Commission may designate a hearing officer to conduct a hearing
3 into the factual basis of the matter at issue.

4 (C) Default Order. When a respondent fails to file a timely
5 request for review of a notice of default, or the default is
6 sustained on review, the Commission shall enter a default order
7 and notify the parties that the complainant has the right to
8 either commence a civil action in the appropriate circuit court
9 to determine the complainant's damages or request that the
10 Commission set a hearing on damages before one of its hearing
11 officers. The complainant shall have 90 days after receipt of
12 the Commission's default order to either commence a civil
13 action in the appropriate circuit court or request that the
14 Commission set a hearing on damages.

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

20 (E) The changes made to this Section by Public Act 95-243
21 apply to charges or complaints filed with the Department or
22 Commission on or after the effective date of those changes.

23 (F) The changes made to this Section by this amendatory Act
24 of the 96th General Assembly apply to charges or complaints
25 filed with the Department or Commission on or after the
26 effective date of those changes.

1 (G) The changes made to this Section by this amendatory Act
2 of the 100th General Assembly apply to charges filed with the
3 Department or Commission on or after the effective date of this
4 amendatory Act of the 100th General Assembly.

5 (Source: P.A. 95-243, eff. 1-1-08; 96-876, eff. 2-2-10.)

6 (775 ILCS 5/8-110) (from Ch. 68, par. 8-110)

7 Sec. 8-110. Publication of Opinions. Decisions of the
8 Commission or panels thereof, whether on requests for review or
9 complaints, shall be made available on the Commission's website
10 and to online legal research companies within 14 calendar days
11 after publication by the Commission as required by subsection
12 (J) of Section 8-102. Published decisions shall be subject to
13 the Personal Information Protection Act ~~published within 120~~
14 ~~calendar days of the completion of service of the written~~
15 ~~decision on the parties to ensure a consistent source of~~
16 ~~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 95th General Assembly apply to decisions of the Commission~~
21 ~~entered on or after the effective date of those changes.~~

22 (Source: P.A. 95-243, eff. 1-1-08.)

23 (775 ILCS 5/8A-103) (from Ch. 68, par. 8A-103)

24 Sec. 8A-103. Review by Commission.

1 (A) Exceptions. Within 30 days of the receipt of service of
2 the hearing officer's recommended order, a party may file with
3 the Commission any written exceptions to any part of the order.
4 Exceptions shall be supported by argument and served on all
5 parties at the time they are filed. If no exceptions are filed,
6 the recommended order shall become the order of the Commission
7 without further review. The Commission shall issue a notice
8 that no exceptions have been filed no later than 30 days after
9 the exceptions were due.

10 (B) Response. Within 21 days of the receipt of service of
11 exceptions, a party may file with the Commission any response
12 to the exceptions. Responses shall be supported by argument and
13 served on all parties at the time they are filed.

14 (C) Oral Argument. A party may request oral argument at the
15 time of filing exceptions or a response to exceptions. When any
16 party requests oral argument in this manner, the Commission may
17 schedule oral argument to be heard by a panel of 3 Commission
18 members. If the panel grants oral argument, it shall notify all
19 parties of the time and place of argument. Any party so
20 notified may present oral argument.

21 (D) Remand.

22 (1) The Commission, on its own motion or at the written
23 request of any party made at the time of filing exceptions
24 or responses, may remand a case to a hearing officer for
25 purposes of a rehearing to reconsider evidence or hear
26 additional evidence in the matter. The Commission shall

1 issue and serve on all parties a written order remanding
2 the cause and specifying the additional evidence.

3 (2) The hearing officer presiding at a rehearing shall
4 set a hearing date, in accordance with subsection (B) of
5 Section 8A-102, upon due notice to all parties.

6 (3) After conclusion of the rehearing, the hearing
7 officer shall file written findings and recommendations
8 with the Commission and serve copies at the same time on
9 all parties in the same manner as provided in subsection
10 (I) of Section 8A-102. The findings and recommendations
11 shall be subject to review by the Commission as provided in
12 this Section.

13 (E) Review.

14 (1) Following the filing of the findings and
15 recommended order of the hearing officer and any written
16 exceptions and responses, and any other proceedings
17 provided for in this Section, the Commission, through a
18 panel of 3 members, shall decide whether to accept the case
19 for review. If the panel declines to review the recommended
20 order, it shall become the order of the Commission. The
21 Commission shall issue a notice within 30 days after a
22 Commission panel votes to decline review. If the panel
23 accepts the case, it shall review the record and may adopt,
24 modify, or reverse in whole or in part the findings and
25 recommendations of the hearing officer.

26 (2) When reviewing a recommended order, the Commission

1 shall adopt the hearing officer's findings of fact if they
2 are not contrary to the manifest weight of the evidence.

3 (3) If the Commission accepts a case for review, it
4 shall file its written order and decision in its office and
5 serve copies on all parties together with a notification of
6 the date when it was filed. If the Commission declines to
7 review a recommended order or if no exceptions have been
8 filed, it shall issue a short statement notifying the
9 parties that the recommended order has become the order of
10 the Commission. The statement shall be served on the
11 parties by first class mail.

12 (4) A recommended order authored by a non-presiding
13 hearing officer under subparagraph 8A-102(I)(4) of this
14 Act shall be reviewed in the same manner as a recommended
15 order authored by a presiding hearing officer.

16 (F) Rehearing.

17 (1) Within 30 days after service of the Commission's
18 order or statement declining review, a party may file an
19 application for rehearing before the full Commission. The
20 application shall be served on all other parties. The
21 Commission shall have discretion to order a response to the
22 application. The filing of an application for rehearing is
23 optional. The failure to file an application for rehearing
24 shall not be considered a failure to exhaust administrative
25 remedies. This amendatory Act of 1991 applies to pending
26 proceedings as well as those filed on or after its

1 effective date.

2 (2) Applications for rehearing shall be viewed with
3 disfavor and may be granted, by vote of 6 Commission
4 members, only upon a clear demonstration that a matter
5 raises legal issues of significant impact or that
6 Commission decisions are in conflict.

7 (3) When an application for rehearing is granted, the
8 original order shall be nullified and oral argument before
9 the full Commission shall be scheduled. The Commission may
10 request the parties to file any additional written
11 arguments it deems necessary.

12 (G) Modification of Order.

13 (1) At any time before a final order of the court in a
14 proceeding for judicial review under this Act, the
15 Commission or the 3-member panel that decided the matter,
16 upon reasonable notice, may modify or set aside in whole or
17 in part any finding or order made by it in accordance with
18 this Section.

19 (2) Any modification shall be accomplished by the
20 filing and service of a supplemental order and decision by
21 the Commission in the same manner as provided in this
22 Section.

23 (H) Extensions of time. All motions for extensions of time
24 with respect to matters being considered by the Commission
25 shall be decided by the full Commission or a 3-member panel. If
26 a motion for extension of time cannot be ruled upon before the

1 filing deadline sought to be extended, the Chairperson of the
2 Commission shall be authorized to extend the filing deadline to
3 the date of the next Commission meeting at which the motion can
4 be considered.

5 (Source: P.A. 89-348, eff. 1-1-96; 89-370, eff. 8-18-95;
6 89-626, eff. 8-9-96.)

7 (775 ILCS 5/8B-103) (from Ch. 68, par. 8B-103)
8 Sec. 8B-103. Review by Commission.

9 (A) Exceptions. Within 30 days of the receipt of service of
10 the hearing officer's recommended order, a party may file with
11 the Commission any written exceptions to any part of the order.
12 Exceptions shall be supported by argument and served on all
13 parties at the time they are filed. If no exceptions are filed,
14 the recommended order shall become the order of the Commission
15 without further review. The Commission shall issue a notice
16 that no exceptions have been filed no later than 30 days after
17 the exceptions were due.

18 (B) Response. Within 21 days of the receipt of service of
19 exceptions, a party may file with the Commission any response
20 to the exceptions. Responses shall be supported by argument and
21 served on all parties at the time they are filed.

22 (C) Oral Argument. A party may request oral argument at the
23 time of filing exceptions or a response to exceptions. When any
24 party requests oral argument in this manner, the Commission may
25 schedule oral argument to be heard by a panel of 3 Commission

1 members. If the panel grants oral argument, it shall notify all
2 parties of the time and place of argument. Any party so
3 notified may present oral argument.

4 (D) Remand.

5 (1) The Commission, on its own motion or at the written
6 request of any party made at the time of filing exceptions
7 or responses, may remand a case to a hearing officer for
8 purposes of a rehearing to reconsider evidence or hear
9 additional evidence in the matter. The Commission shall
10 issue and serve on all parties a written order remanding
11 the cause and specifying the additional evidence.

12 (2) The hearing officer presiding at a rehearing shall
13 set a hearing date, in accordance with Section 8B-102(C),
14 upon due notice to all parties.

15 (3) After conclusion of the rehearing, the hearing
16 officer shall file written findings and recommendations
17 with the Commission and serve copies at the same time on
18 all parties in the same manner as provided in Section
19 8B-102(J). The findings and recommendations shall be
20 subject to review by the Commission as provided in this
21 Section.

22 (E) Review.

23 (1) Following the filing of the findings and
24 recommended order of the hearing officer and any written
25 exceptions and responses, and any other proceedings
26 provided for in this Section, the Commission, through a

1 panel of 3 members, may review the record and may adopt,
2 modify, or reverse in whole or in part the findings and
3 recommendations of the hearing officer.

4 (2) When reviewing a recommended order, the Commission
5 shall adopt the hearing officer's findings of fact if they
6 are not contrary to the manifest weight of the evidence.

7 (3) If the Commission accepts a case for review, it
8 shall file its written order and decision in its office and
9 serve copies on all parties together with a notification of
10 the date when it was filed. If the Commission declines to
11 review a recommended order or if no exceptions have been
12 filed, it shall issue a short statement notifying the
13 parties that the recommended order has become the order of
14 the Commission. The statement shall be served on the
15 parties by first class mail.

16 (3.1) A recommended order authored by a non-presiding
17 hearing officer under subparagraph 8B-102(J)(4) shall be
18 reviewed in the same manner as a recommended order authored
19 by a presiding hearing officer.

20 (4) The Commission shall issue a final decision within
21 one year of the date a charge is filed with the Department
22 unless it is impracticable to do so. If the Commission is
23 unable to issue a final decision within one year of the
24 date the charge is filed with the Department, it shall
25 notify all parties in writing of the reasons for not doing
26 so.

1 (F) Rehearing.

2 (1) Within 30 days after service of the Commission's
3 order or statement declining review, a party may file an
4 application for rehearing before the full Commission. The
5 application shall be served on all other parties. The
6 Commission shall have discretion to order a response to the
7 application. The filing of an application for rehearing is
8 optional. The failure to file an application for rehearing
9 shall not be considered a failure to exhaust administrative
10 remedies. This amendatory Act of 1991 applies to pending
11 proceedings as well as those filed on or after its
12 effective date.

13 (2) Applications for rehearing shall be viewed with
14 disfavor, and may be granted, by vote of 6 Commission
15 members, only upon a clear demonstration that a matter
16 raises legal issues of significant impact or that
17 Commission decisions are in conflict.

18 (3) When an application for rehearing is granted, the
19 original order shall be nullified and oral argument before
20 the full Commission shall be scheduled. The Commission may
21 request the parties to file any additional written
22 arguments it deems necessary.

23 (G) Modification of Order.

24 (1) At any time before a final order of the court in a
25 proceeding for judicial review under this Act, the
26 Commission or the 3-member panel that decided the matter,

1 upon reasonable notice, may modify or set aside in whole or
 2 in part any finding or order made by it in accordance with
 3 this Section.

4 (2) Any modification shall be accomplished by the
 5 filing and service of a supplemental order and decision by
 6 the Commission in the same manner as provided in this
 7 Section.

8 (H) Extensions of time. All motions for extensions of time
 9 with respect to matters being considered by the Commission
 10 shall be decided by the full Commission or a 3-member panel. If
 11 a motion for extension of time cannot be ruled upon before the
 12 filing deadline sought to be extended, the Chairperson of the
 13 Commission shall be authorized to extend the filing deadline to
 14 the date of the next Commission meeting at which the motion can
 15 be considered.

16 (Source: P.A. 89-348, eff. 1-1-96; 89-370, eff. 8-18-95;
 17 89-626, eff. 8-9-96.)

18 Article 5.

19 Section 5-1. Short title. This Article may be cited as the
 20 Hotel and Casino Employee Safety Act. References in this
 21 Article to "this Act" mean this Article.

22 Section 5-5. Definitions. As used in this Act:

23 "Casino" means any gambling operation, person,

1 association, corporation, partnership, or trust subject to the
2 jurisdiction of the Gaming Board pursuant to the Riverboat
3 Gambling Act.

4 "Complaining employee" means an employee who has alleged an
5 instance of sexual assault and sexual harassment by a guest.

6 "Employee" means any natural person who works full time or
7 part time at a hotel or casino for or under the direction of
8 the hotel or casino or any subcontractor of the hotel or casino
9 for wages or salary or remuneration of any type under a
10 contract or subcontract of employment, whether expressed or
11 implied.

12 "Guest" means any invitee to a hotel or casino, including
13 registered guests, persons occupying guest rooms with a
14 registered guest or other occupant of a guest room, persons
15 patronizing food or beverage facilities provided by the hotel
16 or casino, or any other person whose presence at the hotel or
17 casino is permitted by the hotel or casino. "Guest" does not
18 include employees.

19 "Guest room" means any room made available by a hotel for
20 overnight occupancy by guests.

21 "Hotel" means any building or buildings maintained,
22 advertised, and held out to the public to be a place where
23 lodging is offered for consideration to travelers and guests.
24 "Hotel" includes inns, motels, tourist homes or courts, and
25 lodging houses.

26 "Notification device" or "panic button" means a portable

1 emergency contact device that is designed so that an employee
2 can quickly and easily activate the button or device to
3 effectively summon to the employee's location prompt
4 assistance by a hotel or casino security officer, manager, or
5 other appropriate hotel or casino staff member designated by
6 the hotel or casino.

7 "Offending guest" means a guest a complaining employee has
8 alleged sexually assaulted or sexually harassed the
9 complaining employee.

10 "Restroom" means any room equipped with toilets or urinals.

11 "Sexual harassment" means any harassment or discrimination
12 on the basis of an individual's actual or perceived sex or
13 gender, including unwelcome sexual advances, requests for
14 sexual favors, or other verbal or physical conduct of a sexual
15 nature.

16 Section 5-10. Hotels and casinos; panic buttons;
17 anti-sexual harassment policies.

18 (a) Each hotel and casino shall equip an employee who is
19 assigned to work in a guest room, restroom, or casino floor,
20 under circumstances where no other employee is present in the
21 room or area, with a panic button or notification device. The
22 employee may use the panic button or notification device to
23 summon help if the employee reasonably believes that an ongoing
24 crime, sexual harassment, sexual assault, or other emergency is
25 occurring in the employee's presence. The panic button or

1 notification device shall be provided by the hotel or casino at
2 no cost to the employee.

3 (b) Each hotel and casino shall develop, maintain, and
4 comply with a written anti-sexual harassment policy to protect
5 employees against sexual assault and sexual harassment by
6 guests. This policy shall:

7 (1) encourage an employee to immediately report to the
8 hotel or casino any instance of alleged sexual assault or
9 sexual harassment by a guest;

10 (2) describe the procedures that the complaining
11 employee and hotel or casino shall follow in cases under
12 paragraph (1);

13 (3) instruct the complaining employee to cease work and
14 to leave the immediate area where danger is perceived until
15 hotel or casino security personnel or police arrive to
16 provide assistance;

17 (4) offer temporary work assignments to the
18 complaining employee during the duration of the offending
19 guest's stay at the hotel or casino, which may include
20 assigning the complaining employee to work on a different
21 floor or at a different station or work area away from the
22 offending guest;

23 (5) provide the complaining employee with necessary
24 paid time off to:

25 (A) sign a police complaint against the offending
26 guest; and

1 (B) testify as a witness at any legal proceeding
2 that may ensue as a result of the complaint, if the
3 complaining employee is still in the employ of the
4 hotel or casino at the time the legal proceeding
5 occurs;

6 (6) inform the complaining employee that the Illinois
7 Human Rights Act and Title VII of the Civil Rights Act of
8 1964 provide additional protections against sexual
9 harassment in the workplace; and

10 (7) inform the complaining employee that Section 5-15
11 makes it illegal for an employer to retaliate against any
12 employee who reasonably uses a panic button or notification
13 device; in good faith avails himself or herself of the
14 requirements set forth in paragraph (3), (4), or (5); or
15 discloses, reports, or testifies about any violation of
16 this Act or rules adopted under this Act.

17 Each hotel and casino shall provide all employees with a
18 current copy in English, Spanish, and Polish, or other
19 predominant language of the workforce, of the anti-sexual
20 harassment policy of the hotel or casino, and post the policy
21 in English, Spanish and Polish, or other available language, in
22 conspicuous places in areas of the hotel or casino, such as
23 supply rooms or employee lunch rooms, where employees can
24 reasonably be expected to see it.

25 Section 5-15. Retaliation prohibited. It is unlawful for a

1 hotel or casino to retaliate against an employee for:

2 (1) reasonably using a panic button or notification
3 device;

4 (2) availing himself or herself of the provisions of
5 paragraph (3), (4), or (5) of subsection (b) of Section
6 5-10; or

7 (3) disclosing, reporting, or testifying about any
8 violation of this Act or any rule adopted under this Act.

9 Section 5-20. Violations. An employee or representative of
10 employees claiming a violation of this Act may bring an action
11 in the circuit court of the county in which the hotel or casino
12 is located and is entitled to all remedies available under the
13 law or in equity appropriate to remedy any such violation,
14 including, but not limited to, injunctive relief or other
15 equitable relief including reinstatement and compensatory
16 damages. For a willful violation of this Act, the amount of
17 damages attributable to lost income due to the violation shall
18 be trebled. An employee or representative of employees securing
19 any relief pursuant to this Section shall be awarded reasonable
20 attorney's fees and costs.

21 Section 5-25. Home rule. A home rule unit of local
22 government, non-home rule municipality, or non-home rule
23 county may regulate the implementation of this Act, but that
24 regulation must be no less restrictive than this Act. This Act

1 is a limitation under subsection (i) of Section 6 of Article
2 VII of the Illinois Constitution on the concurrent exercise by
3 home rule units of powers and functions exercised by the State.

4 Article 6.

5 Section 6-5. The Illinois Freedom to Work Act is amended by
6 changing Section 5 and by adding Section 20 as follows:

7 (820 ILCS 90/5)

8 Sec. 5. Definitions. In this Act:

9 "Covenant not to compete" means an agreement:

10 (1) between an employer and a low-wage employee that
11 restricts such low-wage employee from performing:

12 (A) any work for another employer for a specified
13 period of time;

14 (B) any work in a specified geographical area; or

15 (C) work for another employer that is similar to
16 such low-wage employee's work for the employer
17 included as a party to the agreement; and

18 (2) that is entered into after the effective date of
19 this Act.

20 "Employer" has the meaning given to such term in subsection
21 (c) of Section 3 of the Minimum Wage Law. "Employer" does not
22 include governmental or quasi-governmental bodies.

23 "Low-wage employee" means an employee whose earnings do not

1 exceed the greater of (1) the hourly rate equal to the minimum
2 wage required by the applicable federal, State, or local
3 minimum wage law or (2) \$13.00 per hour.

4 "Nondisclosure agreement" means an agreement between an
5 employer and a low-wage employee, entered into after the
6 effective date of this Amendatory Act of the 100th General
7 Assembly, that includes any term or condition that would
8 prevent the disclosure of any facts or circumstances relating
9 to the employment or impose any condition of confidentiality
10 related to the employment.

11 (Source: P.A. 99-860, eff. 1-1-17; 100-225, eff. 8-18-17.)

12 (820 ILCS 90/20 new)

13 Sec. 20. Nondisclosure agreements prohibited.

14 (a) No employer shall enter into a nondisclosure agreement
15 with any low-wage employee of the employer.

16 (b) A nondisclosure agreement between an employer and a
17 low-wage employee is illegal and void.

18 Article 7.

19 Section 7-5. The Victims' Economic Security and Safety Act
20 is amended by changing Sections 10, 15, 20, 25, 30, 35, and 45
21 as follows:

22 (820 ILCS 180/10)

1 Sec. 10. Definitions. In this Act, except as otherwise
2 expressly provided:

3 (1) "Commerce" includes trade, traffic, commerce,
4 transportation, or communication; and "industry or
5 activity affecting commerce" means any activity, business,
6 or industry in commerce or in which a labor dispute would
7 hinder or obstruct commerce or the free flow of commerce,
8 and includes "commerce" and any "industry affecting
9 commerce".

10 (2) "Course of conduct" means a course of repeatedly
11 maintaining a visual or physical proximity to a person or
12 conveying oral or written threats, including threats
13 conveyed through electronic communications, or threats
14 implied by conduct.

15 (3) "Department" means the Department of Labor.

16 (4) "Director" means the Director of Labor.

17 (5) "Domestic or sexual violence" means domestic
18 violence, sexual assault, or stalking.

19 (6) "Domestic violence" means abuse, as defined in
20 Section 103 of the Illinois Domestic Violence Act of 1986,
21 by a family or household member, as defined in Section 103
22 of the Illinois Domestic Violence Act of 1986.

23 (7) "Electronic communications" includes
24 communications via telephone, mobile phone, computer,
25 e-mail, video recorder, fax machine, telex, ~~or~~ pager,
26 online platform (including, but not limited to, any

1 public-facing website, web application, digital
2 application, or social network), or any other electronic
3 communication, as defined in Section 12-7.5 of the Criminal
4 Code of 2012.

5 (8) "Employ" includes to suffer or permit to work.

6 (9) Employee.

7 (A) In general. "Employee" means any person
8 employed by an employer.

9 (B) Basis. "Employee" includes a person employed
10 as described in subparagraph (A) on a full or part-time
11 basis, or as a participant in a work assignment as a
12 condition of receipt of federal or State income-based
13 public assistance.

14 (10) "Employer" means any of the following: (A) the
15 State or any agency of the State; (B) any unit of local
16 government or school district; or (C) any person that
17 employs at least one employee.

18 (11) "Employment benefits" means all benefits provided
19 or made available to employees by an employer, including
20 group life insurance, health insurance, disability
21 insurance, sick leave, annual leave, educational benefits,
22 pensions, and profit-sharing, regardless of whether such
23 benefits are provided by a practice or written policy of an
24 employer or through an "employee benefit plan". "Employee
25 benefit plan" or "plan" means an employee welfare benefit
26 plan or an employee pension benefit plan or a plan which is

1 both an employee welfare benefit plan and an employee
2 pension benefit plan.

3 (12) "Family or household member", for employees with a
4 family or household member who is a victim of domestic
5 violence, sexual violence, or sexual harassment ~~or sexual~~
6 ~~violence~~, means a spouse, parent, son, daughter, other
7 person related by blood or by present or prior marriage,
8 other person who shares a relationship through a son or
9 daughter, and persons jointly residing in the same
10 household.

11 (13) "Parent" means the biological parent of an
12 employee or an individual who stood in loco parentis to an
13 employee when the employee was a son or daughter. "Son or
14 daughter" means a biological, adopted, or foster child, a
15 stepchild, a legal ward, or a child of a person standing in
16 loco parentis, who is under 18 years of age, or is 18 years
17 of age or older and incapable of self-care because of a
18 mental or physical disability.

19 (14) "Perpetrator" means an individual who commits or
20 is alleged to have committed any act or threat of domestic
21 violence, sexual violence, or sexual harassment ~~or sexual~~
22 ~~violence~~.

23 (15) "Person" means an individual, partnership,
24 association, corporation, business trust, legal
25 representative, or any organized group of persons.

26 (16) "Public agency" means the Government of the State

1 or political subdivision thereof; any agency of the State,
2 or of a political subdivision of the State; or any
3 governmental agency.

4 (17) "Public assistance" includes cash, food stamps,
5 medical assistance, housing assistance, and other benefits
6 provided on the basis of income by a public agency or
7 public employer.

8 (18) "Reduced work schedule" means a work schedule that
9 reduces the usual number of hours per workweek, or hours
10 per workday, of an employee.

11 (19) "Repeatedly" means on 2 or more occasions.

12 (20) "Sexual assault" means any conduct proscribed by:
13 (i) Article 11 of the Criminal Code of 2012 except Sections
14 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1,
15 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a
16 similar provision of the Criminal Code of 1961. ~~the~~
17 ~~Criminal Code of 1961 or the Criminal Code of 2012 in~~
18 ~~Sections 11 1.20, 11 1.30, 11 1.40, 11 1.50, 11 1.60,~~
19 ~~12 13, 12 14, 12 14.1, 12 15, and 12 16.~~

20 (21) "Stalking" means any conduct proscribed by the
21 Criminal Code of 1961 or the Criminal Code of 2012 in
22 Sections 12-7.3, 12-7.4, and 12-7.5.

23 (22) "Victim" or "survivor" means an individual who has
24 been subjected to domestic violence, sexual violence, or
25 sexual harassment ~~or sexual violence.~~

26 (23) "Victim services organization" means a nonprofit,

1 nongovernmental organization that provides assistance to
2 victims of domestic violence, sexual violence, or sexual
3 harassment ~~or sexual violence~~ or to advocates for such
4 victims, including a rape crisis center, an organization
5 carrying out a domestic violence program, an organization
6 operating a shelter or providing counseling services, or a
7 legal services organization or other organization
8 providing assistance through the legal process.

9 (24) "Emotional distress" means significant mental
10 suffering, anxiety, or alarm.

11 (25) "Sexual harassment" means any harassment or
12 discrimination on the basis of an individual's actual or
13 perceived sex or gender, including unwelcome sexual
14 advances, requests for sexual favors, other verbal or
15 physical conduct of a sexual nature, or any other conduct
16 of a sexual nature directed at a specific person that would
17 cause the victim or survivor emotional distress.

18 (Source: P.A. 99-765, eff. 1-1-17.)

19 (820 ILCS 180/15)

20 Sec. 15. Purposes. The purposes of this Act are:

21 (1) to promote the State's interest in reducing
22 domestic violence, dating violence, sexual assault, sexual
23 harassment, and stalking by enabling victims of domestic
24 violence, sexual violence, or sexual harassment ~~or sexual~~
25 ~~violence~~ to maintain the financial independence necessary

1 to leave abusive situations, achieve safety, and minimize
2 the physical and emotional injuries from domestic
3 violence, sexual violence, or sexual harassment ~~or sexual~~
4 ~~violence~~, and to reduce the devastating economic
5 consequences of domestic violence, sexual violence, or
6 sexual harassment ~~or sexual violence~~ to employers and
7 employees;

8 (2) to address the failure of existing laws to protect
9 the employment rights of employees who are victims of
10 domestic violence, sexual violence, or sexual harassment
11 ~~or sexual violence~~ and employees with a family or household
12 member who is a victim of domestic violence, sexual
13 violence, or sexual harassment ~~or sexual violence~~, by
14 protecting the civil and economic rights of those
15 employees, and by furthering the equal opportunity of women
16 for economic self-sufficiency and employment free from
17 discrimination;

18 (3) to accomplish the purposes described in paragraphs
19 (1) and (2) by (A) entitling employed victims of domestic
20 violence, sexual violence, or sexual harassment ~~or sexual~~
21 ~~violence~~ and employees with a family or household member
22 who is a victim of domestic violence, sexual violence, or
23 sexual harassment ~~or sexual violence~~ to take unpaid leave
24 to seek medical help, legal assistance, counseling, safety
25 planning, and other assistance without penalty from their
26 employers for the employee or the family or household

1 member who is a victim; and (B) prohibiting employers from
2 discriminating against any employee who is a victim of
3 domestic violence, sexual violence, or sexual harassment
4 ~~or sexual violence~~ or any employee who has a family or
5 household member who is a victim of domestic violence,
6 sexual violence, or sexual harassment ~~or sexual violence,~~
7 in a manner that accommodates the legitimate interests of
8 employers and protects the safety of all persons in the
9 workplace.

10 (Source: P.A. 96-635, eff. 8-24-09.)

11 (820 ILCS 180/20)

12 Sec. 20. Entitlement to leave due to domestic violence,
13 sexual violence, or sexual harassment ~~or sexual violence.~~

14 (a) Leave requirement.

15 (1) Basis. An employee who is a victim of domestic
16 violence, sexual violence, or sexual harassment ~~or sexual~~
17 ~~violence~~ or an employee who has a family or household
18 member who is a victim of domestic violence, sexual
19 violence, or sexual harassment ~~or sexual violence~~ whose
20 interests are not adverse to the employee as it relates to
21 the domestic violence, sexual violence, or sexual
22 harassment ~~or sexual violence~~ may take unpaid leave from
23 work if the employee or employee's family or household
24 member is experiencing an incident of domestic violence,
25 sexual violence, or sexual harassment ~~or sexual violence~~ or

1 to address domestic violence, sexual violence, or sexual
2 harassment ~~or sexual violence~~ by:

3 (A) seeking medical attention for, or recovering
4 from, physical or psychological injuries caused by
5 domestic violence, sexual violence, or sexual
6 harassment ~~or sexual violence~~ to the employee or the
7 employee's family or household member;

8 (B) obtaining services from a victim services
9 organization for the employee or the employee's family
10 or household member;

11 (C) obtaining psychological or other counseling
12 for the employee or the employee's family or household
13 member;

14 (D) participating in safety planning, temporarily
15 or permanently relocating, or taking other actions to
16 increase the safety of the employee or the employee's
17 family or household member from future domestic
18 violence, sexual violence, or sexual harassment ~~or~~
19 ~~sexual violence~~ or ensure economic security; or

20 (E) seeking legal assistance or remedies to ensure
21 the health and safety of the employee or the employee's
22 family or household member, including preparing for or
23 participating in any civil or criminal legal
24 proceeding related to or derived from domestic
25 violence, sexual violence, or sexual harassment ~~or~~
26 ~~sexual violence~~.

1 (2) Period. Subject to subsection (c), an employee
2 working for an employer that employs at least 50 employees
3 shall be entitled to a total of 12 workweeks of leave
4 during any 12-month period. Subject to subsection (c), an
5 employee working for an employer that employs at least 15
6 but not more than 49 employees shall be entitled to a total
7 of 8 workweeks of leave during any 12-month period. Subject
8 to subsection (c), an employee working for an employer that
9 employs at least one but not more than 14 employees shall
10 be entitled to a total of 4 workweeks of leave during any
11 12-month period. The total number of workweeks to which an
12 employee is entitled shall not decrease during the relevant
13 12-month period. This Act does not create a right for an
14 employee to take unpaid leave that exceeds the unpaid leave
15 time allowed under, or is in addition to the unpaid leave
16 time permitted by, the federal Family and Medical Leave Act
17 of 1993 (29 U.S.C. 2601 et seq.).

18 (3) Schedule. Leave described in paragraph (1) may be
19 taken consecutively, intermittently, or on a reduced work
20 schedule.

21 (b) Notice. The employee shall provide the employer with at
22 least 48 hours' advance notice of the employee's intention to
23 take the leave, unless providing such notice is not
24 practicable. When an unscheduled absence occurs, the employer
25 may not take any action against the employee if the employee,
26 upon request of the employer and within a reasonable period

1 after the absence, provides certification under subsection
2 (c).

3 (c) Certification.

4 (1) In general. The employer may require the employee
5 to provide certification to the employer that:

6 (A) the employee or the employee's family or
7 household member is a victim of domestic violence,
8 sexual violence, or sexual harassment ~~or sexual~~
9 ~~violence~~; and

10 (B) the leave is for one of the purposes enumerated
11 in paragraph (a) (1).

12 The employee shall provide such certification to the
13 employer within a reasonable period after the employer
14 requests certification.

15 (2) Contents. An employee shall ~~may~~ satisfy the
16 certification requirement of paragraph (1) by providing to
17 the employer a sworn statement of the employee, and, if the
18 employee has possession of such documents, the employee
19 shall provide one of the following: ~~upon obtaining such~~
20 ~~documents the employee shall provide:~~

21 (A) documentation from an employee, agent, or
22 volunteer of a victim services organization, an
23 attorney, a member of the clergy, or a medical or other
24 professional from whom the employee or the employee's
25 family or household member has sought assistance in
26 addressing domestic violence, sexual violence, or

1 sexual harassment ~~or sexual violence~~ and the effects of
2 the violence or harassment;

3 (B) a police or court record; or

4 (C) other corroborating evidence.

5 The employee shall choose which document to submit, and
6 the employer shall not request or require more than one
7 document to be submitted if the reason for leave is related
8 to the same incident of domestic violence, sexual violence,
9 or sexual harassment or the same perpetrator of the
10 domestic violence, sexual violence, or sexual harassment.

11 (d) Confidentiality. All information provided to the
12 employer pursuant to subsection (b) or (c), including a
13 statement of the employee or any other documentation, record,
14 or corroborating evidence, and the fact that the employee has
15 requested or obtained leave pursuant to this Section, shall be
16 retained in the strictest confidence by the employer, except to
17 the extent that disclosure is:

18 (1) requested or consented to in writing by the
19 employee; or

20 (2) otherwise required by applicable federal or State
21 law.

22 (e) Employment and benefits.

23 (1) Restoration to position.

24 (A) In general. Any employee who takes leave under
25 this Section for the intended purpose of the leave
26 shall be entitled, on return from such leave:

1 (i) to be restored by the employer to the
2 position of employment held by the employee when
3 the leave commenced; or

4 (ii) to be restored to an equivalent position
5 with equivalent employment benefits, pay, and
6 other terms and conditions of employment.

7 (B) Loss of benefits. The taking of leave under
8 this Section shall not result in the loss of any
9 employment benefit accrued prior to the date on which
10 the leave commenced.

11 (C) Limitations. Nothing in this subsection shall
12 be construed to entitle any restored employee to:

13 (i) the accrual of any seniority or employment
14 benefits during any period of leave; or

15 (ii) any right, benefit, or position of
16 employment other than any right, benefit, or
17 position to which the employee would have been
18 entitled had the employee not taken the leave.

19 (D) Construction. Nothing in this paragraph shall
20 be construed to prohibit an employer from requiring an
21 employee on leave under this Section to report
22 periodically to the employer on the status and
23 intention of the employee to return to work.

24 (2) Maintenance of health benefits.

25 (A) Coverage. Except as provided in subparagraph
26 (B), during any period that an employee takes leave

1 under this Section, the employer shall maintain
2 coverage for the employee and any family or household
3 member under any group health plan for the duration of
4 such leave at the level and under the conditions
5 coverage would have been provided if the employee had
6 continued in employment continuously for the duration
7 of such leave.

8 (B) Failure to return from leave. The employer may
9 recover the premium that the employer paid for
10 maintaining coverage for the employee and the
11 employee's family or household member under such group
12 health plan during any period of leave under this
13 Section if:

14 (i) the employee fails to return from leave
15 under this Section after the period of leave to
16 which the employee is entitled has expired; and

17 (ii) the employee fails to return to work for a
18 reason other than:

19 (I) the continuation, recurrence, or onset
20 of domestic violence, sexual violence, or
21 sexual harassment ~~or sexual violence~~ that
22 entitles the employee to leave pursuant to this
23 Section; or

24 (II) other circumstances beyond the
25 control of the employee.

26 (C) Certification.

1 (i) Issuance. An employer may require an
2 employee who claims that the employee is unable to
3 return to work because of a reason described in
4 subclause (I) or (II) of subparagraph (B)(ii) to
5 provide, within a reasonable period after making
6 the claim, certification to the employer that the
7 employee is unable to return to work because of
8 that reason. The employee shall choose which
9 document to submit.

10 (ii) Contents. An employee may satisfy the
11 certification requirement of clause (i) by
12 providing to the employer:

13 (I) a sworn statement of the employee;

14 (II) documentation from an employee,
15 agent, or volunteer of a victim services
16 organization, an attorney, a member of the
17 clergy, or a medical or other professional from
18 whom the employee has sought assistance in
19 addressing domestic violence, sexual violence,
20 or sexual harassment ~~or sexual violence~~ and the
21 effects of that violence or harassment;

22 (III) a police or court record; or

23 (IV) other corroborating evidence.

24 (D) Confidentiality. All information provided to
25 the employer pursuant to subparagraph (C), including a
26 statement of the employee or any other documentation,

1 record, or corroborating evidence, and the fact that
2 the employee is not returning to work because of a
3 reason described in subclause (I) or (II) of
4 subparagraph (B)(ii) shall be retained in the
5 strictest confidence by the employer, except to the
6 extent that disclosure is:

7 (i) requested or consented to in writing by the
8 employee; or

9 (ii) otherwise required by applicable federal
10 or State law.

11 (f) Prohibited acts.

12 (1) Interference with rights.

13 (A) Exercise of rights. It shall be unlawful for
14 any employer to interfere with, restrain, or deny the
15 exercise of or the attempt to exercise any right
16 provided under this Section.

17 (B) Employer discrimination. It shall be unlawful
18 for any employer to discharge or harass any individual,
19 or otherwise discriminate against any individual with
20 respect to compensation, terms, conditions, or
21 privileges of employment of the individual (including
22 retaliation in any form or manner) because the
23 individual:

24 (i) exercised any right provided under this
25 Section; or

26 (ii) opposed any practice made unlawful by

1 this Section.

2 (C) Public agency sanctions. It shall be unlawful
3 for any public agency to deny, reduce, or terminate the
4 benefits of, otherwise sanction, or harass any
5 individual, or otherwise discriminate against any
6 individual with respect to the amount, terms, or
7 conditions of public assistance of the individual
8 (including retaliation in any form or manner) because
9 the individual:

10 (i) exercised any right provided under this
11 Section; or

12 (ii) opposed any practice made unlawful by
13 this Section.

14 (2) Interference with proceedings or inquiries. It
15 shall be unlawful for any person to discharge or in any
16 other manner discriminate (as described in subparagraph
17 (B) or (C) of paragraph (1)) against any individual because
18 such individual:

19 (A) has filed any charge, or has instituted or
20 caused to be instituted any proceeding, under or
21 related to this Section;

22 (B) has given, or is about to give, any information
23 in connection with any inquiry or proceeding relating
24 to any right provided under this Section; or

25 (C) has testified, or is about to testify, in any
26 inquiry or proceeding relating to any right provided

1 under this Section.

2 (Source: P.A. 99-765, eff. 1-1-17.)

3 (820 ILCS 180/25)

4 Sec. 25. Existing leave usable for addressing domestic
5 violence, sexual violence, or sexual harassment ~~or sexual~~
6 ~~violence~~. An employee who is entitled to take paid or unpaid
7 leave (including family, medical, sick, annual, personal, or
8 similar leave) from employment, pursuant to federal, State, or
9 local law, a collective bargaining agreement, or an employment
10 benefits program or plan, may elect to substitute any period of
11 such leave for an equivalent period of leave provided under
12 Section 20. The employer may not require the employee to
13 substitute available paid or unpaid leave for leave provided
14 under Section 20.

15 (Source: P.A. 96-635, eff. 8-24-09.)

16 (820 ILCS 180/30)

17 Sec. 30. Victims' employment sustainability; prohibited
18 discriminatory acts.

19 (a) An employer shall not fail to hire, refuse to hire,
20 discharge, constructively discharge, or harass any individual,
21 otherwise discriminate against any individual with respect to
22 the compensation, terms, conditions, or privileges of
23 employment of the individual, or retaliate against an
24 individual in any form or manner, and a public agency shall not

1 deny, reduce, or terminate the benefits of, otherwise sanction,
2 or harass any individual, otherwise discriminate against any
3 individual with respect to the amount, terms, or conditions of
4 public assistance of the individual, or retaliate against an
5 individual in any form or manner, because:

6 (1) the individual involved:

7 (A) is or is perceived to be a victim of domestic
8 violence, sexual violence, or sexual harassment ~~or~~
9 ~~sexual violence~~;

10 (B) attended, participated in, prepared for, or
11 requested leave to attend, participate in, or prepare
12 for a criminal or civil court proceeding relating to an
13 incident of domestic violence, sexual violence, or
14 sexual harassment ~~or sexual violence~~ of which the
15 individual or a family or household member of the
16 individual was a victim, or requested or took leave for
17 any other reason provided under Section 20;

18 (C) requested an adjustment to a job structure,
19 workplace facility, or work requirement, including a
20 transfer, reassignment, or modified schedule, leave, a
21 changed telephone number or seating assignment,
22 installation of a lock, or implementation of a safety
23 procedure or any other reasonable accommodation in
24 response to actual or threatened domestic violence,
25 sexual violence, or sexual harassment ~~or sexual~~
26 ~~violence~~, regardless of whether the request was

1 granted; or

2 (D) is an employee whose employer is subject to
3 Section 21 of the Workplace Violence Prevention Act; or

4 (2) the workplace is disrupted or threatened by the
5 action of a person whom the individual states has committed
6 or threatened to commit domestic violence, sexual
7 violence, or sexual harassment ~~or sexual violence~~ against
8 the individual or the individual's family or household
9 member.

10 (b) In this Section:

11 (1) "Discriminate", used with respect to the terms,
12 conditions, or privileges of employment or with respect to
13 the terms or conditions of public assistance, includes not
14 making a reasonable accommodation to the known limitations
15 resulting from circumstances relating to being a victim of
16 domestic violence, sexual violence, or sexual harassment
17 ~~or sexual violence~~ or a family or household member being a
18 victim of domestic violence, sexual violence, or sexual
19 harassment ~~or sexual violence~~ of an otherwise qualified
20 individual:

21 (A) who is:

22 (i) an applicant or employee of the employer
23 (including a public agency); or

24 (ii) an applicant for or recipient of public
25 assistance from a public agency; and

26 (B) who is:

1 (i) or is perceived to be a victim of domestic
2 violence, sexual violence, or sexual harassment ~~a~~
3 ~~victim of domestic or sexual violence~~; or

4 (ii) with a family or household member who is a
5 victim of domestic violence, sexual violence, or
6 sexual harassment ~~or sexual violence~~ whose
7 interests are not adverse to the individual in
8 subparagraph (A) as it relates to the domestic
9 violence, sexual violence, or sexual harassment ~~or~~
10 ~~sexual violence~~;

11 unless the employer or public agency can demonstrate that
12 the accommodation would impose an undue hardship on the
13 operation of the employer or public agency.

14 A reasonable accommodation must be made in a timely
15 fashion. Any exigent circumstances or danger facing the
16 employee or his or her family or household member shall be
17 considered in determining whether the accommodation is
18 reasonable.

19 (2) "Qualified individual" means:

20 (A) in the case of an applicant or employee
21 described in paragraph (1)(A)(i), an individual who,
22 but for being a victim of domestic violence, sexual
23 violence, or sexual harassment ~~or sexual violence~~ or
24 with a family or household member who is a victim of
25 domestic violence, sexual violence, or sexual
26 harassment ~~or sexual violence~~, can perform the

1 essential functions of the employment position that
2 such individual holds or desires; or

3 (B) in the case of an applicant or recipient
4 described in paragraph (1)(A)(ii), an individual who,
5 but for being a victim of domestic violence, sexual
6 violence, or sexual harassment ~~or sexual violence~~ or
7 with a family or household member who is a victim of
8 domestic violence, sexual violence, or sexual
9 harassment ~~or sexual violence~~, can satisfy the
10 essential requirements of the program providing the
11 public assistance that the individual receives or
12 desires.

13 (3) "Reasonable accommodation" may include, but is not
14 limited to, an adjustment to a job structure, workplace
15 facility, or work requirement, including a transfer,
16 reassignment, or modified schedule, leave, a changed
17 telephone number or seating assignment, installation of a
18 lock, or implementation of a safety procedure, or
19 assistance in documenting domestic violence, sexual
20 violence, or sexual harassment ~~or sexual violence~~ that
21 occurs at the workplace or in work-related settings, in
22 response to actual or threatened domestic violence, sexual
23 violence, or sexual harassment ~~or sexual violence~~.

24 (4) Undue hardship.

25 (A) In general. "Undue hardship" means an action
26 requiring significant difficulty or expense, when

1 considered in light of the factors set forth in
2 subparagraph (B).

3 (B) Factors to be considered. In determining
4 whether a reasonable accommodation would impose an
5 undue hardship on the operation of an employer or
6 public agency, factors to be considered include:

7 (i) the nature and cost of the reasonable
8 accommodation needed under this Section;

9 (ii) the overall financial resources of the
10 facility involved in the provision of the
11 reasonable accommodation, the number of persons
12 employed at such facility, the effect on expenses
13 and resources, or the impact otherwise of such
14 accommodation on the operation of the facility;

15 (iii) the overall financial resources of the
16 employer or public agency, the overall size of the
17 business of an employer or public agency with
18 respect to the number of employees of the employer
19 or public agency, and the number, type, and
20 location of the facilities of an employer or public
21 agency; and

22 (iv) the type of operation of the employer or
23 public agency, including the composition,
24 structure, and functions of the workforce of the
25 employer or public agency, the geographic
26 separateness of the facility from the employer or

1 public agency, and the administrative or fiscal
2 relationship of the facility to the employer or
3 public agency.

4 (c) An employer subject to Section 21 of the Workplace
5 Violence Prevention Act shall not violate any provisions of the
6 Workplace Violence Prevention Act.

7 (d) All information provided to the employer pursuant to
8 subsection (b) or (c), including a statement of the employee
9 and any other documentation, record, or corroborating
10 evidence, and the fact that the employee has requested or
11 obtained leave pursuant to this Section, shall be retained in
12 the strictest confidence by the employer, except to the extent
13 that disclosure is:

14 (1) requested or consented to in writing by the
15 employee; or

16 (2) otherwise required by applicable federal or State
17 law.

18 (Source: P.A. 98-766, eff. 7-16-14; 99-78, eff. 7-20-15.)

19 (820 ILCS 180/35)

20 Sec. 35. Enforcement; remedies.

21 (a) Department of Labor.

22 (1) The Director or his or her authorized
23 representative shall administer and enforce the provisions
24 of this Act. Any employee or a representative of employees
25 who believes his or her rights under this Act have been

1 violated may, within 3 years after the alleged violation
2 occurs, file a complaint with the Department requesting a
3 review of the alleged violation. A copy of the complaint
4 shall be sent to the person who allegedly committed the
5 violation, who shall be the respondent. Upon receipt of a
6 complaint, the Director shall cause such investigation to
7 be made as he or she deems appropriate. The investigation
8 shall provide an opportunity for a public hearing at the
9 request of any party to the review to enable the parties to
10 present information relating to the alleged allegation.
11 The parties shall be given written notice of the time and
12 place of the hearing at least 7 days before the hearing.
13 Upon receiving the report of the investigation, the
14 Director shall make findings of fact. If the Director finds
15 that a violation did occur, he or she shall issue a
16 decision incorporating his or her findings and requiring
17 the party committing the violation to take such affirmative
18 action to abate the violation as the Director deems
19 appropriate, including:

20 (A) damages equal to the amount of wages, salary,
21 employment benefits, public assistance, or other
22 compensation denied or lost to such individual by
23 reason of the violation, and the interest on that
24 amount calculated at the prevailing rate;

25 (B) such equitable relief as may be appropriate,
26 including but not limited to hiring, reinstatement,

1 promotion, and reasonable accommodations; and

2 (C) reasonable attorney's fees, reasonable expert
3 witness fees, and other costs of the action to be paid
4 by the respondent to a prevailing employee.

5 If the Director finds that there was no violation, he
6 or she shall issue an order denying the complaint. An order
7 issued by the Director under this Section shall be final
8 and subject to judicial review under the Administrative
9 Review Law.

10 (2) The Director shall adopt rules necessary to
11 administer and enforce this Act in accordance with the
12 Illinois Administrative Procedure Act. The Director shall
13 have the powers and the parties shall have the rights
14 provided in the Illinois Administrative Procedure Act for
15 contested cases, including, but not limited to, provisions
16 for depositions, subpoena power and procedures, and
17 discovery and protective order procedures.

18 (3) Intervention. The Attorney General of Illinois may
19 intervene on behalf of the Department if the Department
20 certifies that the case is of general public importance.
21 Upon such intervention the court may award such relief as
22 is authorized to be granted to an employee who has filed a
23 complaint or whose representative has filed a complaint
24 under this Section.

25 (b) Refusal to pay damages. Any employer who has been
26 ordered by the Director of Labor or the court to pay damages

1 under this Section and who fails to do so within 30 days after
2 the order is entered is liable to pay a penalty of 1% per
3 calendar day to the employee for each day of delay in paying
4 the damages to the employee.

5 (c) An employee who believes his or her rights under this
6 Act or any rule adopted under this Act have been violated may,
7 within 3 years after the date of the last event constituting
8 the alleged violation for which the action is brought, file a
9 complaint with the Department of Labor or file a civil action.
10 In a claim filed in the circuit court, any employer that
11 violates this Act or any rule adopted under this Act is liable
12 to each affected individual for actual and compensatory
13 damages, punitive damages, and such equitable relief as may be
14 appropriate, in addition to reasonable attorney's fees,
15 reasonable expert witness fees, and other costs of the action
16 paid to the prevailing employee. A civil action may be brought
17 without first filing an administrative complaint.

18 (Source: P.A. 93-591, eff. 8-25-03.)

19 (820 ILCS 180/45)

20 Sec. 45. Effect on other laws and employment benefits.

21 (a) More protective laws, agreements, programs, and plans.
22 Nothing in this Act shall be construed to supersede any
23 provision of any federal, State, or local law, collective
24 bargaining agreement, or employment benefits program or plan
25 that provides:

1 (1) greater leave benefits for victims of domestic
2 violence, sexual violence, or sexual harassment ~~or sexual~~
3 ~~violence~~ than the rights established under this Act; or

4 (2) leave benefits for a larger population of victims
5 of domestic violence, sexual violence, or sexual
6 harassment ~~or sexual violence~~ (as defined in such law,
7 agreement, program, or plan) than the victims of domestic
8 violence, sexual violence, or sexual harassment ~~or sexual~~
9 ~~violence~~ covered under this Act.

10 (b) Less protective laws, agreements, programs, and plans.
11 The rights established for employees who are victims of
12 domestic violence, sexual violence, or sexual harassment ~~or~~
13 ~~sexual violence~~ and employees with a family or household member
14 who is a victim of domestic violence, sexual violence, or
15 sexual harassment ~~or sexual violence~~ under this Act shall not
16 be diminished by any federal, State or local law, collective
17 bargaining agreement, or employment benefits program or plan.

18 (Source: P.A. 93-591, eff. 8-25-03.)

19 Article 8.

20 Section 8-5. The State Officials and Employees Ethics Act
21 is amended by changing Section 5-65 as follows:

22 (5 ILCS 430/5-65)

23 Sec. 5-65. Prohibition on sexual harassment.

1 (a) All persons have a right to work in an environment free
2 from sexual harassment. All persons subject to this Act are
3 prohibited from sexually harassing any person, regardless of
4 any employment relationship or lack thereof.

5 (b) For purposes of this Act, "sexual harassment" means any
6 harassment or discrimination on the basis of an individual's
7 actual or perceived sex or gender, including unwelcome sexual
8 advances, ~~or~~ requests for sexual favors, other verbal or
9 physical conduct of a sexual nature, or any other conduct ~~or~~
10 ~~any conduct of a sexual nature~~ when: (i) submission to such
11 conduct is made either explicitly or implicitly a term or
12 condition of an individual's employment; (ii) submission to or
13 rejection of such conduct by an individual is used as the basis
14 for employment decisions affecting such individual; or (iii)
15 such conduct has the purpose or effect of ~~substantially~~
16 interfering with an individual's work performance or creating
17 an intimidating, hostile, or offensive working environment.
18 For purposes of this definition, the phrase "working
19 environment" is not limited to a physical location an employee
20 is assigned to perform his or her duties and does not require
21 an employment relationship.

22 (Source: P.A. 100-554, eff. 11-16-17.)

23 Section 8-10. The Lobbyist Registration Act is amended by
24 changing Section 4.7 as follows:

1 (25 ILCS 170/4.7)

2 Sec. 4.7. Prohibition on sexual harassment.

3 (a) All persons have the right to work in an environment
4 free from sexual harassment. All persons subject to this Act
5 shall refrain from sexual harassment of any person.

6 (b) Beginning January 1, 2018, each natural person required
7 to register as a lobbyist under this Act must complete, at
8 least annually, a sexual harassment training program provided
9 by the Secretary of State. A natural person registered under
10 this Act must complete the training program no later than 30
11 days after registration or renewal under this Act. This
12 requirement does not apply to a lobbying entity or a client
13 that hires a lobbyist that (i) does not have employees of the
14 lobbying entity or client registered as lobbyists, or (ii) does
15 not have an actual presence in Illinois.

16 (c) No later than January 1, 2018, each natural person and
17 any entity required to register under this Act shall have a
18 written sexual harassment policy that shall include, at a
19 minimum: (i) a prohibition on sexual harassment; (ii) details
20 on how an individual can report an allegation of sexual
21 harassment, including options for making a confidential report
22 to a supervisor, ethics officer, Inspector General, or the
23 Department of Human Rights; (iii) a prohibition on retaliation
24 for reporting sexual harassment allegations, including
25 availability of whistleblower protections under the State
26 Officials and Employee Ethics Act, the Whistleblower Act, and

1 the Illinois Human Rights Act; and (iv) the consequences of a
2 violation of the prohibition on sexual harassment and the
3 consequences for knowingly making a false report.

4 (d) For purposes of this Act, "sexual harassment" means any
5 harassment or discrimination on the basis of an individual's
6 actual or perceived sex or gender, including unwelcome sexual
7 advances, ~~or~~ requests for sexual favors, other verbal or
8 physical conduct of a sexual nature, or any other conduct ~~or~~
9 ~~any conduct of a sexual nature~~ when: (i) submission to such
10 conduct is made either explicitly or implicitly a term or
11 condition of an individual's employment; (ii) submission to or
12 rejection of such conduct by an individual is used as the basis
13 for employment decisions affecting such individual; or (iii)
14 such conduct has the purpose or effect of ~~substantially~~
15 interfering with an individual's work performance or creating
16 an intimidating, hostile, or offensive working environment.
17 For the purposes of this definition, the phrase "working
18 environment" is not limited to a physical location an employee
19 is assigned to perform his or her duties and does not require
20 an employment relationship.

21 (e) The Secretary of State shall adopt rules for the
22 implementation of this Section. In order to provide for the
23 expeditious and timely implementation of this Section, the
24 Secretary of State shall adopt emergency rules under subsection
25 (z) of Section 5-45 of the Illinois Administrative Procedure
26 Act for the implementation of this Section no later than 60

1 days after the effective date of this amendatory Act of the
2 100th General Assembly.

3 (Source: P.A. 100-554, eff. 11-16-17.)

4 Section 8-15. The Illinois Human Rights Act is amended by
5 changing Section 5A-101 as follows:

6 (775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)

7 Sec. 5A-101. Definitions. The following definitions are
8 applicable strictly in the content of this Article, except that
9 the term "sexual harassment in elementary, secondary, and
10 higher education" as defined herein has the meaning herein
11 ascribed to it whenever that term is used anywhere in this Act.

12 (A) Institution of Elementary, Secondary, or Higher
13 Education. "Institution of elementary, secondary, or higher
14 education" means: (1) a publicly or privately operated
15 university, college, community college, junior college,
16 business or vocational school, or other educational
17 institution offering degrees and instruction beyond the
18 secondary school level; or (2) a publicly or privately operated
19 elementary school or secondary school.

20 (B) Degree. "Degree" means: (1) a designation,
21 appellation, series of letters or words or other symbols which
22 signifies or purports to signify that the recipient thereof has
23 satisfactorily completed an organized academic, business or
24 vocational program of study offered beyond the secondary school

1 level; or (2) a designation signifying that the recipient has
2 graduated from an elementary school or secondary school.

3 (C) Student. "Student" means any individual admitted to or
4 applying for admission to an institution of elementary,
5 secondary, or higher education, or enrolled on a full or part
6 time basis in a course or program of academic, business or
7 vocational instruction offered by or through an institution of
8 elementary, secondary, or higher education.

9 (D) Elementary, Secondary, or Higher Education
10 Representative. "Elementary, secondary, or higher education
11 representative" means and includes the president, chancellor
12 or other holder of any executive office on the administrative
13 staff of an institution of higher education, an administrator
14 of an elementary school or secondary school, a member of the
15 faculty of an institution of higher education, including but
16 not limited to a dean or associate or assistant dean, a
17 professor or associate or assistant professor, and a full or
18 part time instructor or visiting professor, including a
19 graduate assistant or other student who is employed on a
20 temporary basis of less than full time as a teacher or
21 instructor of any course or program of academic, business or
22 vocational instruction offered by or through an institution of
23 higher education, and any teacher, instructor, or other
24 employee of an elementary school or secondary school.

25 (E) Sexual Harassment in Elementary, Secondary, and Higher
26 Education. "Sexual harassment in elementary, secondary, and

1 higher education" means any harassment or discrimination on the
2 basis of an individual's actual or perceived sex or gender,
3 including unwelcome sexual advances or requests for sexual
4 favors made by an elementary, secondary, or higher education
5 representative to a student, verbal or physical conduct of a
6 sexual nature, or any other conduct ~~or any conduct of a sexual~~
7 ~~nature~~ exhibited by an elementary, secondary, or higher
8 education representative toward a student, when such conduct
9 has the purpose of substantially interfering with the student's
10 educational performance or creating an intimidating, hostile
11 or offensive educational environment; or when the elementary,
12 secondary, or higher education representative either
13 explicitly or implicitly makes the student's submission to such
14 conduct a term or condition of, or uses the student's
15 submission to or rejection of such conduct as a basis for
16 determining:

17 (1) Whether the student will be admitted to an
18 institution of elementary, secondary, or higher education;

19 (2) The educational performance required or expected
20 of the student;

21 (3) The attendance or assignment requirements
22 applicable to the student;

23 (4) To what courses, fields of study or programs,
24 including honors and graduate programs, the student will be
25 admitted;

26 (5) What placement or course proficiency requirements

1 are applicable to the student;

2 (6) The quality of instruction the student will
3 receive;

4 (7) What tuition or fee requirements are applicable to
5 the student;

6 (8) What scholarship opportunities are available to
7 the student;

8 (9) What extracurricular teams the student will be a
9 member of or in what extracurricular competitions the
10 student will participate;

11 (10) Any grade the student will receive in any
12 examination or in any course or program of instruction in
13 which the student is enrolled;

14 (11) The progress of the student toward successful
15 completion of or graduation from any course or program of
16 instruction in which the student is enrolled; or

17 (12) What degree, if any, the student will receive.

18 (Source: P.A. 96-1319, eff. 7-27-10.)

19 Article 9.

20 Section 9-1. Short title. This Article may be cited as the
21 Stopping Predators from Evading Allegations of Abuse of Kids
22 Act. References in this Article to "this Act" mean this
23 Article.

1 Section 9-5. Definitions. As used in this Act:

2 "Minor" means any person under the age of eighteen years.

3 "Youth recreational athletic entity" means a team, program
4 or event, including practice and competition, not associated
5 with a school, during which youth athletes participate or
6 practice to participate in an organized athletic game or
7 competition against another team, club, entity, or individual.
8 "Youth recreational athletic entity" includes, but is not
9 limited to, athletic activity sponsored by a recreation center,
10 community center, or private sports club.

11 Section 9-10. Prohibition on sexual abuse of children in
12 youth sports. No person who owns, is employed by, or volunteers
13 with a youth recreational athletic entity shall, in that
14 capacity, employ, use, persuade, induce, entice, or coerce a
15 minor to engage in, or assist another person to engage in,
16 sexually explicit conduct or the rape, molestation,
17 prostitution, or other form of sexual exploitation of a minor,
18 including actual or simulated:

19 (1) sexual intercourse, including sexual contact in
20 the manner of genital-genital, oral-genital, anal-genital,
21 or oral-anal contact. Sexual contact means the intentional
22 touching, either directly or through clothing, of the
23 genitalia, anus, groin, breast, inner thigh, or buttocks of
24 any person with an intent to abuse, humiliate, harass,
25 degrade, or arouse or gratify the sexual desire of any

1 person;

2 (2) bestiality;

3 (3) masturbation;

4 (4) lascivious exhibition of the genitals or pubic

5 area;

6 (5) sadistic or masochistic abuse; or

7 (6) any other sexual conduct or sexual penetration, as

8 those terms are defined in Section 11-0.1 of the Criminal

9 Code of 2012.

10 Section 9-15. Required reporting of child and sexual abuse

11 in youth sports.

12 (a) Any person who owns, is employed by, or volunteers with

13 a youth recreational athletic entity and learns of facts that

14 give reason to suspect that a minor has suffered an incident of

15 abuse as described in Section 9-10, or learns of facts that a

16 person who owns, is employed by, or volunteers with a youth

17 recreational athletic entity has abused a minor as described in

18 Section 9-10 at an earlier date (even if the victim is no

19 longer a minor), shall make a confidential report of the

20 suspected abuse to the Illinois Department of Children and

21 Family Services and all governing organizations or leagues that

22 regulate or oversee the youth recreational athletic entity as

23 soon as practicable, but in no event later than 7 days after

24 learning of the incident.

25 (b) Nothing in this Act shall be construed to require a

1 victim of abuse to self-report the abuse.

2 Section 9-20. Posting of rights by youth recreational
3 athletic entity. Each youth recreational athletic entity shall
4 post in a clear and conspicuous place in its athletic
5 facilities and on its website a notice stating a minor's rights
6 under this Act as well as the toll-free number to the 24-hour
7 child abuse hotline of the Illinois Department of Children and
8 Family Services.

9 Section 9-25. Enforcement.

10 (a) Any person who, as a result of a violation of Section
11 9-10, suffers personal injury, regardless of whether the injury
12 occurred when the person was a minor, has a right of action in
13 a State circuit court. A prevailing plaintiff may recover for
14 each violation actual and compensatory damages, including, but
15 not limited to, damages for emotional distress; punitive
16 damages; reasonable attorney's fees and costs, including
17 expert witness fees and other litigation expenses; and such
18 equitable relief as may be appropriate.

19 (b) Any person who violates Section 9-15 is subject to a
20 civil penalty as follows: for a first offense, a penalty not to
21 exceed \$500; for a second offense, a penalty not to exceed
22 \$2,500; for a third or subsequent offense, a penalty not to
23 exceed \$5,000. In determining the amount of the penalty, the
24 appropriateness of the penalty and the gravity of the violation

1 shall be considered. The penalty may be recovered in a civil
2 action brought by the Director of the Department of Children
3 and Family Services in any circuit court.

4 Article 99.

5 Section 99-99. Effective date. This Act takes effect upon
6 becoming law.".