

SB0578



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0578

Introduced 1/31/2019, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

775 ILCS 5/8-106.1

from Ch. 68, par. 8-106.1

Amends the Illinois Human Rights Act. Makes a technical change in a Section concerning summary decisions.

LRB101 04340 LNS 49348 b

A BILL FOR

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Section 8-106.1 as follows:

6 (775 ILCS 5/8-106.1) (from Ch. 68, par. 8-106.1)

7 Sec. 8-106.1. Summary Decision.

8 (1) At any time after the ~~the~~ service of a complaint and
9 prior to service of a decision pursuant to Section 8-106(I),
10 complainant or respondent may move with or without supporting
11 affidavits for a summary order in the moving party's favor as
12 to all or any part of the relief sought. A hearing officer may
13 not preclude the filing of said motion except within the 60-day
14 period prior to hearing on the merits of the complaint.

15 (2) Procedure. The non-moving party may file
16 counteraffidavits prior to the time of the ruling on the
17 motion. The hearing officer shall decide the motion without
18 delay and shall grant it if the pleadings and affidavits, if
19 any, show that there is no genuine issue as to any material
20 fact and that the moving party is entitled to a recommended
21 order as a matter of law. The term "without delay" shall be
22 defined by rule promulgated by the Commission. An interim
23 summary recommended order, interlocutory in character, may be

1 rendered on the issue of liability alone although there is a
2 genuine issue as to the relief to be awarded.

3 (3) Affidavits or Motions Made in Bad Faith. If it appears
4 to the satisfaction of the hearing officer at any time that any
5 affidavit or motion presented pursuant to this Section is
6 presented in bad faith or solely for the purpose of delay, the
7 hearing officer may recommend that the party employing the use
8 of affidavits for dilatory purposes shall pay to the other
9 party the amount of reasonable expenses incurred as a result of
10 the filing of the affidavit or motion, including reasonable
11 attorney's fees.

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