LRB093 06770 WGH 15230 a

- 1 AMENDMENT TO SENATE BILL 1492
- 2 AMENDMENT NO. ____. Amend Senate Bill 1492 by replacing
- 3 everything after the enacting clause with the following:
- 4 "Section 5. The Illinois Human Rights Act is amended by
- 5 changing Sections 10-101 and 10-102 as follows:
- 6 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)
- 7 Sec. 10-101. Applicability. This Article shall apply
- 8 solely to civil actions arising under Articles 2, Article 3,
- 9 and 6 of this Act.
- 10 (Source: P.A. 86-910.)
- 11 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)
- 12 Sec. 10-102. Court Actions. (A) Circuit Court Actions.
- 13 (1) An aggrieved party may commence a civil action in an
- 14 appropriate Circuit Court not later than 2 years after the
- 15 occurrence or the termination of an alleged civil rights
- 16 violation or the breach of a conciliation or settlement
- 17 agreement entered into under this Act, whichever occurs last,
- 18 to obtain appropriate relief with respect to the alleged
- 19 civil rights violation or breach. Venue for such civil
- action shall be determined under Section 8-111(B)(6). <u>In the</u>
- 21 <u>case of a civil action arising under Article 2 or 6 of this</u>

- 1 Act, no action shall be commenced sooner than 365 days after
- 2 the filing of a charge under Section 7A-102(A)(1) or within
- 3 <u>any extension of that period agreed to in writing by all</u>
- 4 <u>parties.</u>
- 5 (2) The computation of such 2-year period shall not
- 6 include any time during which an administrative proceeding
- 7 under this Act was pending with respect to a complaint or
- 8 charge under this Act based upon the alleged civil rights
- 9 violation. This paragraph does not apply to actions arising
- 10 from a breach of a conciliation or settlement agreement.
- 11 (3) An aggrieved party may commence a civil action
- 12 <u>arising under Article 3 of this Act</u> under this subsection
- whether or not a charge has been filed under Section 7B-102
- 14 and without regard to the status of any such charge $_{.7}$
- 15 However, if the Department or local agency has obtained a
- 16 conciliation or settlement agreement with the consent of an
- 17 aggrieved party, no action may be filed under this subsection
- by such aggrieved party <u>arising under Article 2, 3, or 6</u> with
- 19 respect to the alleged civil rights violation practice which
- 20 forms the basis for such complaint except for the purpose of
- 21 enforcing the terms of such conciliation or settlement
- 22 agreement.
- 23 (4) An aggrieved party shall not commence a civil action
- 24 under this subsection with respect to an alleged civil rights
- violation which forms the basis of a complaint issued by the
- 26 Department if a hearing officer has commenced a hearing on
- 27 the record under Article 2, 3, or 6 of this Act with respect
- 28 to such complaint.
- 29 (B) Appointment of Attorney by Court. Upon application
- 30 by a person alleging a civil rights violation or a person
- 31 against whom the civil rights violation is alleged, if in the
- 32 opinion of the court such person is financially unable to
- 33 bear the costs of such action, the court may:
- 34 (1) appoint an attorney for such person, any attorney so

- 1 appointed may petition for an award of attorneys fees
- 2 pursuant to subsection (C)(2) of this Section; or
- 3 (2) authorize the commencement or continuation of a
- 4 civil action under subsection (A) without the payment of
- 5 fees, costs, or security.
- 6 (C) Relief which may be granted. (1) In a civil action
- 7 under subsection (A) if the court or jury finds that a civil
- 8 rights violation has occurred or is about to occur, it the
- 9 court may award to the plaintiff actual and punitive damages
- 10 (except no punitive damages shall be awarded against the
- 11 State in a civil action under Article 2 or 6 of this Act),
- 12 and the court may grant as relief, as the court deems
- 13 appropriate, any permanent or preliminary injunction,
- 14 temporary restraining order, or other order, including an
- order enjoining the defendant from engaging in such civil
- 16 rights violation or ordering such affirmative action as may
- 17 be appropriate, including, in the case of civil actions under
- 18 Article 2 or 6 of this Act, reinstatement or hiring of
- 19 <u>employees</u>, with or without backpay, or any other equitable
- 20 <u>relief the court deems appropriate</u>.
- 21 (2) In a civil action under subsection (A), the court,
- in its discretion, may allow the prevailing party, other than
- 23 the State of Illinois, reasonable attorneys fees and costs.
- 24 The State of Illinois shall be liable for such fees and costs
- 25 to the same extent as a private person.
- 26 (D) Intervention By The Department. The Attorney
- 27 General of Illinois may intervene on behalf of the Department
- 28 if the Department certifies that the case is of general
- 29 public importance. Upon such intervention the court may
- 30 award such relief as is authorized to be granted to a
- 31 plaintiff in a civil action under Section 10-102(C).
- 32 (Source: P.A. 86-910.)".