



Sen. Don Harmon

Filed: 4/7/2005

09400SB0257sam001

LRB094 07724 LCB 44464 a

1 AMENDMENT TO SENATE BILL 257

2 AMENDMENT NO. _____. Amend Senate Bill 257 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Civil Rights Act of 2003 is
5 amended by adding Section 10 as follows:

6 (740 ILCS 23/10 new)

7 Sec. 10. Private cause of action.

8 (a) Any person who is subjected to a violation of the
9 Illinois Constitution may bring a civil lawsuit, in a State
10 circuit court or a federal district court, against the
11 offending governmental unit or governmental person.

12 (b) Any claim brought pursuant to subsection (a) of this
13 Section must be brought no later than 2 years after the
14 violation of the Illinois Constitution.

15 (c) If the court finds that a violation of the Illinois
16 Constitution has occurred, the court may award the plaintiff:

17 (1) actual damages;

18 (2) punitive damages, but only against a governmental
19 person when he or she is sued in his or her individual
20 capacity;

21 (3) a declaratory judgment;

22 (4) any permanent or preliminary negative or mandatory
23 injunction, temporary restraining order, or other order;

1 and

2 (5) reasonable attorneys' fees and costs, as set forth
3 in subsections (c) and (d) of Section 5 of this Act.

4 (d) The cause of action provided for in subsection (a) of
5 this Section shall not include a cause of action for a
6 violation of Section 17 of Article I of the Illinois
7 Constitution.

8 (e) For purposes of this Section:

9 "Governmental unit" means any unit of State, county, or
10 local government in Illinois, both as to: (i) its own actions,
11 including through any statutes, ordinances, regulations,
12 policies, practices, and procedures; and (ii) the actions of
13 any of its officers, employees, or agents while they are acting
14 within the scope of their employment.

15 "Governmental person" means any officer, employee, or
16 agent of any unit of State, county, or local government in
17 Illinois."