



Rep. Monique D. Davis

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09500HB1359ham001

LRB095 08562 WGH 33581 a

1 AMENDMENT TO HOUSE BILL 1359

2 AMENDMENT NO. _____. Amend House Bill 1359 on page 2, line
3 12 by changing "Section 11" to "Sections 11 and 14"; and

4 on page 2, line 22 by changing "5 years" to "one year"; and

5 on page 3, by replacing lines 1 through 4 with the following:

6 "determine whether there is cause for investigation."; and

7 on page 4, by inserting after line 22 the following:

8 "(820 ILCS 115/14) (from Ch. 48, par. 39m-14)

9 Sec. 14. (a) Any employer or any agent of an employer, who,
10 being able to pay wages, final compensation, or wage
11 supplements and being under a duty to pay, wilfully refuses to
12 pay as provided in this Act, or falsely denies the amount or
13 validity thereof or that the same is due, with intent to secure
14 for himself or other person any underpayment of such

1 indebtedness or with intent to annoy, harass, oppress, hinder,
2 delay or defraud the person to whom such indebtedness is due,
3 upon conviction, is guilty of a Class C misdemeanor. Each day
4 during which any violation of this Act continues shall
5 constitute a separate and distinct offense.

6 (b) Any employer who has been demanded by the Director of
7 Labor or ordered by the court to pay wages due an employee and
8 who shall fail to do so within 15 days after such demand or
9 order is entered shall be liable to pay a penalty of 1% per
10 calendar day to the employee for each day of delay in paying
11 such wages to the employee up to an amount equal to twice the
12 sum of unpaid wages due the employee. Such employer shall also
13 be liable to the Department of Labor for 20% of such unpaid
14 wages.

15 (c) Penalties under this Section may be recovered in a
16 civil action brought by the Director in any circuit court. In
17 this litigation, the Director of Labor shall be represented by
18 the Attorney General.

19 (c) Any employer, or any agent of an employer, who
20 knowingly discharges or in any other manner knowingly
21 discriminates against any employee because that employee has
22 made a complaint to his employer, or to the Director of Labor
23 or his authorized representative, that he or she has not been
24 paid in accordance with the provisions of this Act, or because
25 that employee has caused to be instituted any proceeding under
26 or related to this Act, or because that employee has testified

1 or is about to testify in an investigation or proceeding under
2 this Act, is guilty, upon conviction, of a Class C misdemeanor.
3 (Source: P.A. 94-1025, eff. 7-14-06.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."