

AN ACT concerning civil rights.

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

Section 1. Short title. This Act may be cited as the
Illinois Civil Rights Act of 2003.

Section 5. Discrimination prohibited.

(a) No unit of State, county, or local government in
Illinois shall:

(1) exclude a person from participation in, deny a
person the benefits of, or subject a person to
discrimination under any program or activity on the
grounds of that person's race, color, or national origin;
or

(2) utilize criteria or methods of administration
that have the effect of subjecting individuals to
discrimination because of their race, color, or national
origin.

(b) Any party aggrieved by conduct that violates
subsection (a) may bring a civil lawsuit, in a State circuit
court, against the offending unit of government. This lawsuit
must be brought not later than 2 years after the violation of
subsection (a). If the court finds that a violation of
paragraph (1) of subsection (a) has occurred, the court may
award to the plaintiff actual and punitive damages and if the
court finds that a violation of paragraph (2) of subsection
(a) has occurred, the court may award to the plaintiff actual
damages. The court, as it deems appropriate, may grant as
relief any permanent or preliminary injunction, temporary
restraining order, or other order, including an order
enjoining the defendant from engaging in the violation of
subsection (a) or mandating affirmative action.

(c) Upon motion, a court shall award reasonable attorneys' fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought:

(1) pursuant to subsection (b); or

(2) to enforce a right arising under the Illinois Constitution.

In awarding reasonable attorneys' fees, the court shall consider the degree to which the relief obtained relates to the relief sought.

(d) For the purpose of this Act, the term "prevailing party" includes any party:

(1) who obtains some of his or her requested relief through a judicial judgment in his or her favor;

(2) who obtains some of his or her requested relief through any settlement agreement approved by the court;
or

(3) whose pursuit of a non-frivolous claim was a catalyst for a unilateral change in position by the opposing party relative to the relief sought.