



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5068

Introduced 2/10/2026, by Rep. Tracy Katz Muhl

SYNOPSIS AS INTRODUCED:

775 ILCS 5/7A-102

from Ch. 68, par. 7A-102

Amends the Illinois Human Rights Act. Provides that for charges alleging violations under the Equal Employment Opportunity Commission or the Illinois Human Rights Act, if the EEOC issues a right to sue, the Department will issue a Departmental right to sue. Provides that if the complainant does not file a written request with the Department to review the EEOC's determination within 35 days after receipt of the Department's notice, the Department shall issue to the complainant, within 10 business days after the expiration of the 35-day period, a Departmental right to sue notice stating that the complainant has the right, within 90 days after receipt of the Department's notice, to either file the complainant's own complaint with the Human Rights Commission or commence a civil action in the appropriate circuit court. Requires the Department, within 10 days of the date on which the charge was filed, to serve a copy of the charge on the respondent and provide all parties with a notice of the complainant's right to opt out of the investigation within 60 days to commence an action in circuit court and the complainant's right to request a Departmental right to sue notice after 60 days has elapsed to file in the Human Rights Commission or commence a civil action in circuit court. Provides that within 10 business days of receipt of the complainant's request to opt out of the investigation, the Director shall issue an opt out notice to commence an action in circuit court to the parties. Provides that a Departmental right to sue notice does not constitute a finding of substantial evidence or of a lack of substantial evidence. Requires that any Departmental right to sue notice to state that the complainant shall have 90 days from the date of receipt of the notice to either file the complainant's own complaint with the Human Rights Commission or commence a civil action in the appropriate circuit court.

LRB104 20022 JRC 33473 b

1 AN ACT concerning civil law.

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 7A-102 as follows:

6 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

7 Sec. 7A-102. Procedures.

8 (A) Charge.

9 (1) Within 2 years after the date that a civil rights
10 violation allegedly has been committed, a charge in
11 writing under oath or affirmation may be filed with the
12 Department by an aggrieved party or issued by the
13 Department itself under the signature of the Director.

14 (2) The charge shall be in such detail as to
15 substantially apprise any party properly concerned as to
16 the time, place, and facts surrounding the alleged civil
17 rights violation.

18 (3) Charges deemed filed with the Department pursuant
19 to subsection (A-1) of this Section shall be deemed to be
20 in compliance with this subsection.

21 (A-1) Equal Employment Opportunity Commission Charges.

22 (1) If a charge is filed with the Equal Employment
23 Opportunity Commission (EEOC) within 300 calendar days

1 after the date of the alleged civil rights violation, the
2 charge shall be deemed filed with the Department on the
3 date filed with the EEOC. If the EEOC is the governmental
4 agency designated to investigate the charge first, the
5 Department shall take no action until the EEOC makes a
6 determination on the charge and after the complainant
7 notifies the Department of the EEOC's determination. In
8 such cases, after receiving notice from the EEOC that a
9 charge was filed, the Department shall notify the parties
10 that (i) a charge has been received by the EEOC and has
11 been sent to the Department for dual filing purposes; (ii)
12 the EEOC is the governmental agency responsible for
13 investigating the charge and that the investigation shall
14 be conducted pursuant to the rules and procedures adopted
15 by the EEOC; (iii) it will take no action on the charge
16 until the EEOC issues its determination; (iv) the
17 complainant must submit a copy of the EEOC's determination
18 within 30 days after service of the determination by the
19 EEOC on the complainant; and (v) that the time period to
20 investigate the charge contained in subsection (G) of this
21 Section is tolled from the date on which the charge is
22 filed with the EEOC until the EEOC issues its
23 determination.

24 (2) If the EEOC finds reasonable cause to believe that
25 there has been a violation of federal law and if the
26 Department is timely notified of the EEOC's findings by

1 the complainant, the Department shall notify the
2 complainant that the Department has adopted the EEOC's
3 determination of reasonable cause and that the complainant
4 has the right, within 90 days after receipt of the
5 Department's notice, to either file the complainant's own
6 complaint with the Illinois Human Rights Commission or
7 commence a civil action in the appropriate circuit court
8 or other appropriate court of competent jurisdiction. This
9 notice shall be provided to the complainant within 10
10 business days after the Department's receipt of the EEOC's
11 determination. The Department's notice to the complainant
12 that the Department has adopted the EEOC's determination
13 of reasonable cause shall constitute the Department's
14 Report for purposes of subparagraph (D) of this Section.

15 (3) For those charges alleging violations within the
16 jurisdiction of both the EEOC and the Department and for
17 which the EEOC either (i) does not issue a determination,
18 but does issue the complainant a notice of a right to sue,
19 including when the right to sue is issued at the request of
20 the complainant, or (ii) determines that it is unable to
21 establish that illegal discrimination has occurred and
22 issues the complainant a right to sue notice, and if the
23 Department is timely notified of the EEOC's determination
24 by the complainant, the Department shall notify the
25 parties, within 10 business days after receipt of the
26 EEOC's determination, that the Department will issue a

1 ~~Departmental right to sue notice adopt the EEOC's~~
2 ~~determination as a dismissal for lack of substantial~~
3 ~~evidence~~ unless the complainant requests in writing within
4 35 days after receipt of the Department's notice that the
5 Department review the EEOC's determination.

6 (a) If the complainant does not file a written
7 request with the Department to review the EEOC's
8 determination within 35 days after receipt of the
9 Department's notice, the Department shall issue to
10 ~~notify~~ the complainant, within 10 business days after
11 the expiration of the 35-day period, a Departmental
12 right to sue notice stating ~~that the decision of the~~
13 ~~EEOC has been adopted by the Department as a dismissal~~
14 ~~for lack of substantial evidence and~~ that the
15 complainant has the right, within 90 days after
16 receipt of the Department's notice, to either file the
17 complainant's own complaint with the Human Rights
18 Commission or commence a civil action in the
19 appropriate circuit court or other appropriate court
20 of competent jurisdiction. ~~The Department's notice to~~
21 ~~the complainant that the Department has adopted the~~
22 ~~EEOC's determination shall constitute the Department's~~
23 ~~report for purposes of subparagraph (D) of this~~
24 ~~Section.~~

25 (b) If the complainant does file a written request
26 with the Department to review the EEOC's

1 determination, the Department shall review the EEOC's
2 determination and any evidence obtained by the EEOC
3 during its investigation. If, after reviewing the
4 EEOC's determination and any evidence obtained by the
5 EEOC, the Department determines there is no need for
6 further investigation of the charge, the Department
7 shall issue a report and the Director shall determine
8 whether there is substantial evidence that the alleged
9 civil rights violation has been committed pursuant to
10 subsection (D) of this Section. If, after reviewing
11 the EEOC's determination and any evidence obtained by
12 the EEOC, the Department determines there is a need
13 for further investigation of the charge, the
14 Department may conduct any further investigation it
15 deems necessary. After reviewing the EEOC's
16 determination, the evidence obtained by the EEOC, and
17 any additional investigation conducted by the
18 Department, the Department shall issue a report and
19 the Director shall determine whether there is
20 substantial evidence that the alleged civil rights
21 violation has been committed pursuant to subsection
22 (D) of this Section.

23 (4) Pursuant to this Section, if the EEOC dismisses
24 the charge or a portion of the charge of discrimination
25 because, under federal law, the EEOC lacks jurisdiction
26 over the charge, and if, under this Act, the Department

1 has jurisdiction over the charge of discrimination, the
2 Department shall investigate the charge or portion of the
3 charge dismissed by the EEOC for lack of jurisdiction
4 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
5 (E), (F), (G), (H), (I), (J), and (K) of this Section.

6 (5) The time limit set out in subsection (G) of this
7 Section is tolled from the date on which the charge is
8 filed with the EEOC to the date on which the EEOC issues
9 its determination.

10 (6) The failure of the Department to meet the
11 10-business-day notification deadlines set out in
12 paragraph (2) of this subsection shall not impair the
13 rights of any party.

14 (B) Notice and Response to Charge. The Department shall,
15 within 10 days of the date on which the charge was filed, serve
16 a copy of the charge on the respondent and provide all parties
17 with a notice of the complainant's right to opt out of the
18 investigation within 60 days to commence an action in circuit
19 court as set forth in subsection (C-1) and the complainant's
20 right to request a Departmental right to sue notice after 60
21 days has elapsed to file in the Human Rights Commission or
22 commence a civil action in circuit court as set forth in
23 subsection (C-2). This period shall not be construed to be
24 jurisdictional. The charging party and the respondent may each
25 file a position statement and other materials with the
26 Department regarding the charge of alleged discrimination

1 within 60 days of receipt of the notice of the charge. The
2 position statements and other materials filed shall remain
3 confidential unless otherwise agreed to by the party providing
4 the information and shall not be served on or made available to
5 the other party during the pendency of a charge with the
6 Department. The Department may require the respondent to file
7 a response to the allegations contained in the charge. Upon
8 the Department's request, the respondent shall file a response
9 to the charge within 60 days and shall serve a copy of its
10 response on the complainant or the complainant's
11 representative. Notwithstanding any request from the
12 Department, the respondent may elect to file a response to the
13 charge within 60 days of receipt of notice of the charge,
14 provided the respondent serves a copy of its response on the
15 complainant or the complainant's representative. All
16 allegations contained in the charge not denied by the
17 respondent within 60 days of the Department's request for a
18 response may be deemed admitted, unless the respondent states
19 that it is without sufficient information to form a belief
20 with respect to such allegation. The Department may issue a
21 notice of default directed to any respondent who fails to file
22 a response to a charge within 60 days of receipt of the
23 Department's request, unless the respondent can demonstrate
24 good cause as to why such notice should not issue. The term
25 "good cause" shall be defined by rule promulgated by the
26 Department. Within 30 days of receipt of the respondent's

1 response, the complainant may file a reply to said response
2 and shall serve a copy of said reply on the respondent or the
3 respondent's representative. A party shall have the right to
4 supplement the party's response or reply at any time that the
5 investigation of the charge is pending. The Department shall,
6 within 10 days of the date on which the charge was filed, and
7 again no later than 335 days thereafter if no report or
8 Departmental right to sue notice has been issued, send by
9 certified or registered mail, or electronic mail if elected by
10 the party, written notice to the complainant and to the
11 respondent informing the complainant of the complainant's
12 rights to either file a complaint with the Human Rights
13 Commission or commence a civil action in the appropriate
14 circuit court under subparagraph (2) of paragraph (G),
15 including in such notice the dates within which the
16 complainant may exercise these rights. In the notice the
17 Department shall notify the complainant that the charge of
18 civil rights violation will be dismissed with prejudice and
19 with no right to further proceed if a written complaint is not
20 timely filed with the Commission or with the appropriate
21 circuit court by the complainant pursuant to subparagraph (2)
22 of paragraph (G) or by the Department pursuant to subparagraph
23 (1) of paragraph (G).

24 (B-1) Mediation. The complainant and respondent may agree
25 to voluntarily submit the charge to mediation without waiving
26 any rights that are otherwise available to either party

1 pursuant to this Act and without incurring any obligation to
2 accept the result of the mediation process. Nothing occurring
3 in mediation shall be disclosed by the Department or
4 admissible in evidence in any subsequent proceeding unless the
5 complainant and the respondent agree in writing that such
6 disclosure be made.

7 (C) Investigation.

8 (1) The Department shall conduct an investigation
9 sufficient to determine whether the allegations set forth
10 in the charge are supported by substantial evidence unless
11 the complainant elects to opt out of an investigation
12 pursuant to subsection (C-1).

13 (2) The Director or the Director's designated
14 representatives shall have authority to request any member
15 of the Commission to issue subpoenas to compel the
16 attendance of a witness or the production for examination
17 of any books, records or documents whatsoever.

18 (3) If any witness whose testimony is required for any
19 investigation resides outside the State, or through
20 illness or any other good cause as determined by the
21 Director is unable to be interviewed by the investigator
22 or appear at a fact finding conference, the witness'
23 testimony or deposition may be taken, within or without
24 the State, in the same manner as is provided for in the
25 taking of depositions in civil cases in circuit courts.

26 (4) Upon reasonable notice to the complainant and the

1 respondent, the Department in its discretion may conduct a
2 fact finding conference. If the complainant and respondent
3 both submit a written request for a fact finding
4 conference prior to 90 days after the date on which the
5 charge was filed, the Department shall conduct a fact
6 finding conference unless prior to the Department's
7 receipt of both requests, the Department has issued its
8 report. Any request for a fact finding conference must
9 include the party's written agreement to grant an
10 extension of 120 days to the time period if requested by
11 the Department to issue its report. If the Department
12 conducts a fact finding conference, a complainant or
13 respondent's failure to attend the conference without good
14 cause shall result in dismissal or default. The term "good
15 cause" shall be defined by rule promulgated by the
16 Department. A notice of dismissal or default shall be
17 issued by the Director. The notice of default issued by
18 the Director shall notify the respondent that a request
19 for review may be filed in writing with the Commission
20 within 30 days of receipt of notice of default. The notice
21 of dismissal issued by the Director shall give the
22 complainant notice of the complainant's right to seek
23 review of the dismissal before the Human Rights Commission
24 or commence a civil action in the appropriate circuit
25 court. If the complainant chooses to have the Human Rights
26 Commission review the dismissal order, the complainant

1 shall file a request for review with the Commission within
2 90 days after receipt of the Director's notice. If the
3 complainant chooses to file a request for review with the
4 Commission, the complainant may not later commence a civil
5 action in a circuit court. If the complainant chooses to
6 commence a civil action in a circuit court, the
7 complainant must do so within 90 days after receipt of the
8 Director's notice.

9 (C-1) Opt out of Department's investigation. At any time
10 within 60 days after receipt of notice of the right to opt out,
11 a complainant may submit a written request seeking notice from
12 the Director indicating that the complainant has opted out of
13 the investigation and may commence a civil action in the
14 appropriate circuit court or other appropriate court of
15 competent jurisdiction. Within 10 business days of receipt of
16 the complainant's request to opt out of the investigation, the
17 Director shall issue an opt out ~~a~~ notice to commence an action
18 in circuit court the parties stating that: (i) the complainant
19 has exercised the right to opt out of the investigation; (ii)
20 the complainant has 90 days after receipt of the Director's
21 notice to commence an action in the appropriate circuit court
22 or other appropriate court of competent jurisdiction; and
23 (iii) the Department has ceased its investigation and is
24 administratively closing the charge. The complainant shall
25 notify the Department that a complaint has been filed with the
26 appropriate circuit court by serving a copy of the complaint

1 on the chief legal counsel of the Department within 21 days
2 from the date that the complaint is filed with the appropriate
3 circuit court. This 21-day period for service on the chief
4 legal counsel shall not be construed to be jurisdictional.
5 Once a complainant has opted out of the investigation under
6 this subsection, the complainant may not file or refile a
7 substantially similar charge with the Department arising from
8 the same incident of unlawful discrimination or harassment.

9 (C-2) Right to request Departmental right to sue notice.
10 At any time after the opt out time period has elapsed as
11 defined in subsection (C-1), a complainant may submit a
12 written request seeking a Departmental right to sue notice. If
13 the complainant submits a written request, the decision to
14 issue the right to sue notice shall be at the Department's
15 discretion unless the Department has not issued its report
16 within 365 days after the charge is filed, or any such longer
17 period agreed to in writing by all the parties.

18 (D) Report.

19 (1) Each charge investigated under subsection (C)
20 shall be the subject of a report to the Director. The
21 report shall be a confidential document subject to review
22 by the Director, authorized Department employees, the
23 parties, and, where indicated by this Act, members of the
24 Commission or their designated hearing officers.

25 (2) Upon review of the report, the Director shall
26 determine whether there is substantial evidence that the

1 alleged civil rights violation has been committed. The
2 determination of substantial evidence is limited to
3 determining the need for further consideration of the
4 charge pursuant to this Act and includes, but is not
5 limited to, findings of fact and conclusions, as well as
6 the reasons for the determinations on all material issues.
7 Substantial evidence is evidence which a reasonable mind
8 accepts as sufficient to support a particular conclusion
9 and which consists of more than a mere scintilla but may be
10 somewhat less than a preponderance.

11 (3) If the Director determines that there is no
12 substantial evidence, the charge shall be dismissed by the
13 Director and the Director shall give the complainant
14 notice of the complainant's right to seek review of the
15 notice of dismissal before the Commission or commence a
16 civil action in the appropriate circuit court. If the
17 complainant chooses to have the Human Rights Commission
18 review the notice of dismissal, the complainant shall file
19 a request for review with the Commission within 90 days
20 after receipt of the Director's notice. If the complainant
21 chooses to file a request for review with the Commission,
22 the complainant may not later commence a civil action in a
23 circuit court. If the complainant chooses to commence a
24 civil action in a circuit court, the complainant must do
25 so within 90 days after receipt of the Director's notice.
26 The complainant shall notify the Department that a

1 complaint has been filed by serving a copy of the
2 complaint on the chief legal counsel of the Department
3 within 21 days from the date that the complaint is filed in
4 circuit court. This 21-day period for service on the chief
5 legal counsel shall not be construed to be jurisdictional.

6 (4) If the Director determines that there is
7 substantial evidence, the Director shall notify the
8 complainant and respondent of that determination. The
9 Director shall also notify the parties that the
10 complainant has the right to either commence a civil
11 action in the appropriate circuit court or request that
12 the Department of Human Rights file a complaint with the
13 Human Rights Commission on the complainant's behalf. Any
14 such complaint shall be filed within 90 days after receipt
15 of the Director's notice. If the complainant chooses to
16 have the Department file a complaint with the Human Rights
17 Commission on the complainant's behalf, the complainant
18 must, within 30 days after receipt of the Director's
19 notice, request in writing that the Department file the
20 complaint. If the complainant timely requests that the
21 Department file the complaint, the Department shall file
22 the complaint on the complainant's behalf. If the
23 complainant fails to timely request that the Department
24 file the complaint, the complainant may file the
25 complainant's complaint with the Commission or commence a
26 civil action in the appropriate circuit court. If the

1 complainant files a complaint with the Human Rights
2 Commission, the complainant shall notify the Department
3 that a complaint has been filed by serving a copy of the
4 complaint on the chief legal counsel of the Department
5 within 21 days from the date that the complaint is filed
6 with the Human Rights Commission. This 21-day period for
7 service on the chief legal counsel shall not be construed
8 to be jurisdictional.

9 (5) A Departmental right to sue notice may constitute
10 the Department's report for purposes of this subparagraph
11 and does not constitute a finding of substantial evidence
12 or of a lack of substantial evidence. Any Departmental
13 right to sue notice shall state that the complainant shall
14 have 90 days from the date of receipt of the notice to
15 either file the complainant's own complaint with the Human
16 Rights Commission or commence a civil action in the
17 appropriate circuit court or other appropriate court of
18 competent jurisdiction.

19 (E) Conciliation.

20 (1) When there is a finding of substantial evidence,
21 the Department may designate a Department employee who is
22 an attorney licensed to practice in Illinois to endeavor
23 to eliminate the effect of the alleged civil rights
24 violation and to prevent its repetition by means of
25 conference and conciliation.

26 (2) When the Department determines that a formal

1 conciliation conference is necessary, the complainant and
2 respondent shall be notified of the time and place of the
3 conference by registered or certified mail at least 10
4 days prior thereto and either or both parties shall appear
5 at the conference in person or by attorney.

6 (3) The place fixed for the conference shall be within
7 35 miles of the place where the civil rights violation is
8 alleged to have been committed.

9 (4) Nothing occurring at the conference shall be
10 disclosed by the Department unless the complainant and
11 respondent agree in writing that such disclosure be made.

12 (5) The Department's efforts to conciliate the matter
13 shall not stay or extend the time for filing the complaint
14 with the Commission or the circuit court.

15 (F) Complaint.

16 (1) When the complainant requests that the Department
17 file a complaint with the Commission on the complainant's
18 behalf, the Department shall prepare a written complaint,
19 under oath or affirmation, stating the nature of the civil
20 rights violation substantially as alleged in the charge
21 previously filed and the relief sought on behalf of the
22 aggrieved party. The Department shall file the complaint
23 with the Commission.

24 (1.5) If the complainant chooses to file a complaint
25 with the Commission without the Department's assistance,
26 the complainant shall notify the Department that a

1 complaint has been filed by serving a copy of the
2 complaint on the chief legal counsel of the Department
3 within 21 days from the date that the complaint is filed
4 with the Human Rights Commission. This 21-day period for
5 service on the chief legal counsel shall not be construed
6 to be jurisdictional.

7 (2) If the complainant chooses to commence a civil
8 action in a circuit court:

9 (i) The complainant shall file the civil action in
10 the circuit court in the county wherein the civil
11 rights violation was allegedly committed.

12 (ii) The form of the complaint in any such civil
13 action shall be in accordance with the Code of Civil
14 Procedure.

15 (iii) The complainant shall notify the Department
16 that a complaint has been filed by serving a copy of
17 the complaint on the chief legal counsel of the
18 Department within 21 days from the date that the
19 complaint is filed in circuit court. This 21-day
20 period for service on the chief legal counsel shall
21 not be construed to be jurisdictional.

22 (G) Time Limit.

23 (1) When a charge of a civil rights violation has been
24 properly filed, the Department, within 365 days thereof or
25 within any extension of that period agreed to in writing
26 by all parties, shall issue its report as required by

1 subparagraph (D). Any such report shall be duly served
2 upon both the complainant and the respondent.

3 (2) If the Department has not issued its report within
4 365 days after the charge is filed, or any such longer
5 period agreed to in writing by all the parties, the
6 complainant shall have 90 days to either file the
7 complainant's own complaint with the Human Rights
8 Commission or commence a civil action in the appropriate
9 circuit court. If the complainant files a complaint with
10 the Commission, the form of the complaint shall be in
11 accordance with the provisions of paragraph (F) (1). If the
12 complainant commences a civil action in a circuit court,
13 the form of the complaint shall be in accordance with the
14 Code of Civil Procedure. The aggrieved party shall notify
15 the Department that a complaint has been filed by serving
16 a copy of the complaint on the chief legal counsel of the
17 Department within ~~with~~ 21 days from the date that the
18 complaint is filed with the Commission or in circuit
19 court. This 21-day period for service on the chief legal
20 counsel shall not be construed to be jurisdictional. If
21 the complainant files a complaint with the Commission, the
22 complainant may not later commence a civil action in
23 circuit court.

24 (3) If an aggrieved party files a complaint with the
25 Human Rights Commission or commences a civil action in
26 circuit court pursuant to paragraph (2) of this

1 subsection, or if the time period for filing a complaint
2 has expired, the Department shall immediately cease its
3 investigation and dismiss the charge of civil rights
4 violation. Any final order entered by the Commission under
5 this Section is appealable in accordance with paragraph
6 (B)(1) of Section 8-111. Failure to immediately cease an
7 investigation and dismiss the charge of civil rights
8 violation as provided in this paragraph (3) constitutes
9 grounds for entry of an order by the circuit court
10 permanently enjoining the investigation. The Department
11 may also be liable for any costs and other damages
12 incurred by the respondent as a result of the action of the
13 Department.

14 (4) (Blank).

15 (H) Public Act 89-370 applies to causes of action filed on
16 or after January 1, 1996.

17 (I) Public Act 89-520 applies to causes of action filed on
18 or after January 1, 1996.

19 (J) The changes made to this Section by Public Act 95-243
20 apply to charges filed on or after the effective date of those
21 changes.

22 (K) The changes made to this Section by Public Act 96-876
23 apply to charges filed on or after the effective date of those
24 changes.

25 (L) The changes made to this Section by Public Act
26 100-1066 apply to charges filed on or after August 24, 2018

1 (the effective date of Public Act 100-1066).

2 (M) The changes made to this Section by Public Act 104-425
3 ~~this amendatory Act of the 104th General Assembly~~ apply to
4 charges pending or filed on or after January 1, 2026 (the
5 effective date of Public Act 104-425) ~~this amendatory Act of~~
6 ~~the 104th General Assembly~~.

7 (Source: P.A. 103-335, eff. 1-1-24; 103-973, eff. 1-1-25;
8 104-425, eff. 1-1-26; revised 12-12-25.)