

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 with the EEOC, the Department shall
10 notify the parties that (i) a charge has been received by
11 the EEOC and has been sent to the Department for dual
12 filing purposes; (ii) the EEOC is the governmental agency
13 responsible for investigating the charge and that the
14 investigation shall be conducted pursuant to the rules and
15 procedures adopted by the EEOC; (iii) it will take no
16 action on the charge until the EEOC issues its
17 determination; (iv) the complainant must submit a copy of
18 the EEOC's determination within 30 days after service of
19 the determination by the EEOC on the complainant and may
20 request a Departmental notice of right to sue when
21 submitting the EEOC's determination; and (v) that the time
22 period to investigate the charge contained in subsection
23 (G) of this Section is tolled from the date on which the
24 charge is filed with the EEOC until the EEOC issues its
25 determination.

26 (2) If the EEOC finds reasonable cause to believe that

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

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

1 follows:

2 (a) If the complainant timely notifies the
3 Department of the EEOC's determination and also
4 requests in writing that the Department issue a
5 Departmental notice of right to sue, then the
6 Department shall issue the notice within 10 business
7 days after the receipt of the EEOC's determination and
8 request from the complainant.

9 (b) If the complainant does not submit the written
10 request mentioned in (A-1)(3)(a) when notifying the
11 Department of the EEOC's determination, then the
12 Department shall inform ~~notify~~ the parties, within 10
13 business days after receipt of the EEOC's
14 determination, that the Department will issue a
15 Departmental notice of right to sue ~~adopt the EEOC's~~
16 ~~determination as a dismissal for lack of substantial~~
17 ~~evidence~~ unless the complainant requests in writing
18 within 35 days after receipt ~~of the Department's~~
19 ~~notice~~ that the Department review the EEOC's
20 determination.

21 (i) ~~(a)~~ If the complainant does not file a
22 written request with the Department to review the
23 EEOC's determination within 35 days after receipt
24 ~~of the Department's notice,~~ the Department shall
25 issue to ~~notify~~ the complainant, within 10
26 business days after the expiration of the 35-day

1 period, a Departmental notice of right to sue ~~that~~
2 ~~the decision of the EEOC has been adopted by the~~
3 ~~Department as a dismissal for lack of substantial~~
4 ~~evidence and~~ that the complainant has the right,
5 within 90 days after receipt of the Department's
6 notice, to either file the complainant's own
7 complaint with the Human Rights Commission or
8 commence a civil action in the appropriate circuit
9 court or other appropriate court of competent
10 jurisdiction. ~~The Department's notice to the~~
11 ~~complainant that the Department has adopted the~~
12 ~~EEOC's determination shall constitute the~~
13 ~~Department's report for purposes of subparagraph~~
14 ~~(D) of this Section.~~

15 (ii) ~~(b)~~ If the complainant does file a
16 written request with the Department to review the
17 EEOC's determination, the Department shall review
18 the EEOC's determination and may review any
19 information submitted by the complainant with the
20 written request and any evidence obtained by the
21 EEOC during its investigation. If, after such
22 review ~~reviewing the EEOC's determination and any~~
23 ~~evidence obtained by the EEOC,~~ the Department
24 determines there is no need for further
25 investigation of the charge, the Department shall
26 issue a report and the Director shall determine

1 whether there is substantial evidence that the
2 alleged civil rights violation has been committed
3 pursuant to subsection (D) of this Section. If,
4 after such review ~~reviewing the EEOC's~~
5 ~~determination and any evidence obtained by the~~
6 ~~EEOC,~~ the Department determines there is a need
7 for further investigation of the charge, the
8 Department may conduct any further investigation
9 it deems necessary. After ~~reviewing the EEOC's~~
10 ~~determination, the evidence obtained by the EEOC,~~
11 ~~and~~ any additional investigation conducted by the
12 Department, the Department shall issue a report
13 and the Director shall determine whether there is
14 substantial evidence that the alleged civil rights
15 violation has been committed pursuant to
16 subsection (D) of this Section.

17 (4) Pursuant to this Section, if the EEOC dismisses
18 the charge or a portion of the charge of discrimination
19 because, under federal law, the EEOC lacks jurisdiction
20 over the charge, and if, under this Act, the Department
21 has jurisdiction over the charge of discrimination, the
22 Department shall investigate the charge or portion of the
23 charge dismissed by the EEOC for lack of jurisdiction
24 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
25 (E), (F), (G), (H), (I), (J), and (K) of this Section.

26 (5) The time limit set out in subsection (G) of this

1 Section is tolled from the date on which the charge is
2 filed with the EEOC to the date on which the EEOC issues
3 its determination.

4 (6) The failure of the Department to meet the
5 10-business-day notification deadlines set out in
6 paragraph (2) of this subsection shall not impair the
7 rights of any party.

8 (B) Notice and Response to Charge. The Department shall,
9 within 10 days of the date on which the charge was filed, serve
10 a copy of the charge on the respondent and provide all parties
11 with a notice of the complainant's right to opt out of the
12 investigation within 60 days to commence an action in circuit
13 court as set forth in subsection (C-1) and the complainant's
14 right to request a Departmental notice of right to sue after 60
15 days as set forth in subsection (C-2). This period shall not be
16 construed to be jurisdictional. The charging party and the
17 respondent may each file a position statement and other
18 materials with the Department regarding the charge of alleged
19 discrimination within 60 days of receipt of the notice of the
20 charge. The position statements and other materials filed
21 shall remain confidential unless otherwise agreed to by the
22 party providing the information and shall not be served on or
23 made available to the other party during the pendency of a
24 charge with the Department. The Department may require the
25 respondent to file a response to the allegations contained in
26 the charge. Upon the Department's request, the respondent

1 shall file a response to the charge within 60 days and shall
2 serve a copy of its response on the complainant or the
3 complainant's representative. Notwithstanding any request from
4 the Department, the respondent may elect to file a response to
5 the charge within 60 days of receipt of notice of the charge,
6 provided the respondent serves a copy of its response on the
7 complainant or the complainant's representative. All
8 allegations contained in the charge not denied by the
9 respondent within 60 days of the Department's request for a
10 response may be deemed admitted, unless the respondent states
11 that it is without sufficient information to form a belief
12 with respect to such allegation. The Department may issue a
13 notice of default directed to any respondent who fails to file
14 a response to a charge within 60 days of receipt of the
15 Department's request, unless the respondent can demonstrate
16 good cause as to why such notice should not issue. The term
17 "good cause" shall be defined by rule promulgated by the
18 Department. Within 30 days of receipt of the respondent's
19 response, the complainant may file a reply to said response
20 and shall serve a copy of said reply on the respondent or the
21 respondent's representative. A party shall have the right to
22 supplement the party's response or reply at any time that the
23 investigation of the charge is pending. The Department shall,
24 within 10 days of the date on which the charge was filed, and
25 again no later than 335 days thereafter if the Department has
26 not issued its report or otherwise closed or dismissed the

1 charge in accordance with this Act, send by certified or
2 registered mail, or electronic mail if elected by the party,
3 written notice to the complainant and to the respondent
4 informing the complainant of the complainant's right to
5 request a Departmental notice of right to sue under subsection
6 (C-2) and the complainant's right ~~rights~~ to either file a
7 complaint with the Human Rights Commission or commence a civil
8 action in the appropriate circuit court under subparagraph (2)
9 of paragraph (G), including in such notice the dates within
10 which the complainant may exercise these rights. In the notice
11 the Department shall notify the complainant that the charge of
12 civil rights violation will be dismissed with prejudice and
13 with no right to further proceed if a written complaint is not
14 timely filed with the Commission or with the appropriate
15 circuit court by the complainant pursuant to subparagraph (2)
16 of paragraph (G) or by the Department pursuant to subparagraph
17 (1) of paragraph (G).

18 (B-1) Mediation. The complainant and respondent may agree
19 to voluntarily submit the charge to mediation without waiving
20 any rights that are otherwise available to either party
21 pursuant to this Act and without incurring any obligation to
22 accept the result of the mediation process. Nothing occurring
23 in mediation shall be disclosed by the Department or
24 admissible in evidence in any subsequent proceeding unless the
25 complainant and the respondent agree in writing that such
26 disclosure be made.

1 (C) Investigation.

2 (1) The Department shall conduct an investigation
3 sufficient to determine whether the allegations set forth
4 in the charge are supported by substantial evidence unless
5 the complainant elects to opt out of an investigation
6 pursuant to subsection (C-1).

7 (2) The Director or the Director's designated
8 representatives shall have authority to request any member
9 of the Commission to issue subpoenas to compel the
10 attendance of a witness or the production for examination
11 of any books, records or documents whatsoever.

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

20 (4) Upon reasonable notice to the complainant and the
21 respondent, the Department in its discretion may conduct a
22 fact finding conference. If the complainant and respondent
23 both submit a written request for a fact finding
24 conference prior to 90 days after the date on which the
25 charge was filed, the Department shall conduct a fact
26 finding conference unless prior to the Department's

1 receipt of both requests, the Department has issued its
2 report. Any request for a fact finding conference must
3 include the party's written agreement to grant an
4 extension of 120 days to the time period if requested by
5 the Department to issue its report. If the Department
6 conducts a fact finding conference, a complainant or
7 respondent's failure to attend the conference without good
8 cause shall result in dismissal or default. The term "good
9 cause" shall be defined by rule promulgated by the
10 Department. A notice of dismissal or default shall be
11 issued by the Director. The notice of default issued by
12 the Director shall notify the respondent that a request
13 for review may be filed in writing with the Commission
14 within 30 days of receipt of notice of default. The notice
15 of dismissal issued by the Director shall give the
16 complainant notice of the complainant's right to seek
17 review of the dismissal before the Human Rights Commission
18 or commence a civil action in the appropriate circuit
19 court. If the complainant chooses to have the Human Rights
20 Commission review the dismissal order, the complainant
21 shall file a request for review with the Commission within
22 90 days after receipt of the Director's notice. If the
23 complainant chooses to file a request for review with the
24 Commission, the complainant may not later commence a civil
25 action in a circuit court. If the complainant chooses to
26 commence a civil action in a circuit court, the

1 complainant must do so within 90 days after receipt of the
2 Director's notice.

3 (C-1) Opt out of Department's investigation. At any time
4 within 60 days after receipt of notice of the right to opt out,
5 or request a Departmental notice of right to sue, a
6 complainant may submit a written request seeking notice from
7 the Director indicating that the complainant has opted out of
8 the investigation and may commence a civil action in the
9 appropriate circuit court or other appropriate court of
10 competent jurisdiction. Within 10 business days of receipt of
11 the complainant's timely request to opt out of the
12 investigation, the Director shall issue an opt-out a notice to
13 commence an action in circuit court to the parties stating
14 that: (i) the complainant has exercised the right to opt out of
15 the investigation; (ii) the complainant has 90 days after
16 receipt of the Director's notice to commence an action in the
17 appropriate circuit court or other appropriate court of
18 competent jurisdiction; and (iii) the Department has ceased
19 its investigation and is administratively closing the charge.
20 The complainant shall notify the Department that a complaint
21 has been filed with the appropriate circuit court by serving a
22 copy of the complaint on the chief legal counsel of the
23 Department within 21 days from the date that the complaint is
24 filed with the appropriate circuit court. This 21-day period
25 for service on the chief legal counsel shall not be construed
26 to be jurisdictional. Once a complainant has opted out of the

1 investigation under this subsection, the complainant may not
2 file or refile a substantially similar charge with the
3 Department arising from the same incident of unlawful
4 discrimination or harassment. If the Department receives a
5 written request from the complainant to opt out of the
6 investigation after the 60-day opt-out time period has
7 elapsed, the Department shall process the request as a request
8 for a Departmental notice of right to sue pursuant to (C-2).

9 (C-2) Right to request Departmental notice of right to
10 sue. 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 notice of right to sue.
13 The decision to issue such notice shall be at the Department's
14 discretion. If more than 365 days has elapsed after the charge
15 is filed, or any such longer period agreed to in writing by all
16 the parties, the complainant may exercise the complainant's
17 rights to either file a complaint with the Human Rights
18 Commission or commence a civil action in the appropriate
19 circuit court under subparagraph (2) of paragraph (G) without
20 requesting or obtaining a Departmental notice of right to sue.

21 (D) Report.

22 (1) Each charge investigated under subsection (C)
23 shall be the subject of a report to the Director. The
24 report shall be a confidential document subject to review
25 by the Director, authorized Department employees, the
26 parties, and, where indicated by this Act, members of the

1 Commission or their designated hearing officers.

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

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

1 civil action in a circuit court, the complainant must do
2 so within 90 days after receipt of the Director's notice.
3 The complainant shall notify the Department that a
4 complaint has been filed by serving a copy of the
5 complaint on the chief legal counsel of the Department
6 within 21 days from the date that the complaint is filed in
7 circuit court. This 21-day period for service on the chief
8 legal counsel shall not be construed to be jurisdictional.

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

1 file the complaint, the complainant may file the
2 complainant's complaint with the Commission or commence a
3 civil action in the appropriate circuit court. If the
4 complainant files a complaint with the Human Rights
5 Commission, the complainant shall notify the Department
6 that a complaint has been filed by serving a copy of the
7 complaint on the chief legal counsel of the Department
8 within 21 days from the date that the complaint is filed
9 with the Human Rights Commission. This 21-day period for
10 service on the chief legal counsel shall not be construed
11 to be jurisdictional.

12 (5) A Departmental notice of right to sue may
13 constitute the Department's report for purposes of this
14 subparagraph and does not constitute a finding of
15 substantial evidence or a lack of substantial evidence.
16 Any Departmental notice of right to sue shall state that
17 the complainant shall have 90 days to either file the
18 complainant's own complaint with the Human Rights
19 Commission or commence a civil action in the appropriate
20 circuit court or other appropriate court of competent
21 jurisdiction. If the complainant chooses to file a
22 complaint with the Human Rights Commission or commence a
23 civil action in the appropriate circuit court or other
24 appropriate court of competent jurisdiction, the
25 complainant must do so within 90 days after receipt of the
26 Departmental notice of right to sue.

1 (E) Conciliation.

2 (1) When there is a finding of substantial evidence,
3 the Department may designate a Department employee who is
4 an attorney licensed to practice in Illinois to endeavor
5 to eliminate the effect of the alleged civil rights
6 violation and to prevent its repetition by means of
7 conference and conciliation.

8 (2) When the Department determines that a formal
9 conciliation conference is necessary, the complainant and
10 respondent shall be notified of the time and place of the
11 conference by registered or certified mail at least 10
12 days prior thereto and either or both parties shall appear
13 at the conference in person or by attorney.

14 (3) The place fixed for the conference shall be within
15 35 miles of the place where the civil rights violation is
16 alleged to have been committed.

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

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

23 (F) Complaint.

24 (1) When the complainant requests that the Department
25 file a complaint with the Commission on the complainant's
26 behalf, the Department shall prepare a written complaint,

1 under oath or affirmation, stating the nature of the civil
2 rights violation substantially as alleged in the charge
3 previously filed and the relief sought on behalf of the
4 aggrieved party. The Department shall file the complaint
5 with the Commission.

6 (1.5) If the complainant chooses to file a complaint
7 with the Commission without the Department's assistance,
8 the complainant shall notify the Department that a
9 complaint has been filed by serving a copy of the
10 complaint on the chief legal counsel of the Department
11 within 21 days from the date that the complaint is filed
12 with the Human Rights Commission. This 21-day period for
13 service on the chief legal counsel shall not be construed
14 to be jurisdictional.

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

17 (i) The complainant shall file the civil action in
18 the circuit court in the county wherein the civil
19 rights violation was allegedly committed.

20 (ii) The form of the complaint in any such civil
21 action shall be in accordance with the Code of Civil
22 Procedure.

23 (iii) The complainant shall notify the Department
24 that a complaint has been filed by serving a copy of
25 the complaint on the chief legal counsel of the
26 Department within 21 days from the date that the

1 complaint is filed in circuit court. This 21-day
2 period for service on the chief legal counsel shall
3 not be construed to be jurisdictional.

4 (G) Time Limit.

5 (1) When a charge of a civil rights violation has been
6 properly filed, the Department, within 365 days thereof or
7 within any extension of that period agreed to in writing
8 by all parties, shall issue its report as required by
9 subparagraph (D). Any such report shall be duly served
10 upon both the complainant and the respondent.

11 (2) If the Department has not issued its report or
12 otherwise closed or dismissed the charge in accordance
13 with this Act within 365 days after the charge is filed, or
14 any such longer period agreed to in writing by all the
15 parties, the complainant shall have 90 days to either file
16 the complainant's own complaint with the Human Rights
17 Commission or commence a civil action in the appropriate
18 circuit court. If the complainant files a complaint with
19 the Commission, the form of the complaint shall be in
20 accordance with the provisions of paragraph (F)(1). If the
21 complainant commences a civil action in a circuit court,
22 the form of the complaint shall be in accordance with the
23 Code of Civil Procedure. The aggrieved party shall notify
24 the Department that a complaint has been filed by serving
25 a copy of the complaint on the chief legal counsel of the
26 Department within ~~with~~ 21 days from the date that the

1 complaint is filed with the Commission or in circuit
2 court. This 21-day period for service on the chief legal
3 counsel shall not be construed to be jurisdictional. If
4 the complainant files a complaint with the Commission, the
5 complainant may not later commence a civil action in
6 circuit court.

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

23 (4) (Blank).

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

26 (I) Public Act 89-520 applies to causes of action filed on

1 or after January 1, 1996.

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

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

8 (L) The changes made to this Section by Public Act
9 100-1066 apply to charges filed on or after August 24, 2018
10 (the effective date of Public Act 100-1066).

11 (M) The changes made to this Section by Public Act 104-425
12 ~~this amendatory Act of the 104th General Assembly~~ apply to
13 charges pending or filed on or after January 1, 2026 (the
14 effective date of Public Act 104-425) ~~this amendatory Act of~~
15 ~~the 104th General Assembly~~.

16 (Source: P.A. 103-335, eff. 1-1-24; 103-973, eff. 1-1-25;
17 104-425, eff. 1-1-26; revised 12-12-25.)