



## 104TH GENERAL ASSEMBLY

### State of Illinois

### 2025 and 2026

### HB5367

Introduced 2/10/2026, by Rep. Norma Hernandez

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-9-2	from Ch. 38, par. 1003-9-2
730 ILCS 5/3-12-5	from Ch. 38, par. 1003-12-5
730 ILCS 5/3-13-5	from Ch. 38, par. 1003-13-5
820 ILCS 105/3	from Ch. 48, par. 1003
820 ILCS 105/4	from Ch. 48, par. 1004
820 ILCS 105/4b new	
820 ILCS 105/7.5 new	

Amends the he Unified Code of Corrections. Provides that the wages paid to committed persons shall not be less than the minimum hourly wage set forth in the Minimum Wage Law. Amends the Minimum Wage Law. Provides for increases in the minimum hourly wage through January 1, 2032. Provides that, on and after July 1, 2026, every employer shall pay to each of his or her employees who is under 18 years of age no less than the applicable minimum hourly wage. Provides that, on and after January 1, 2030, an employer shall not be entitled to an allowance for gratuities and shall pay each employee no less than the applicable minimum hourly wage. Provides that beginning on January 1, 2033, and on every January 1 thereafter, the minimum hourly wage from the previous year shall be increased in proportion to the increase in the consumer price index-u. Provides that the Department of Labor shall inquire into any alleged violations of this Act brought to its attention by an interested party. Sets forth the procedure for complaints brought by interested parties. Defines "interested party". Effective immediately.

LRB104 19736 SPS 33186 b

1 AN ACT concerning employment.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-9-2, 3-12-5, and 3-13-5 as follows:

6 (730 ILCS 5/3-9-2) (from Ch. 38, par. 1003-9-2)

7 Sec. 3-9-2. Work Training Programs.

8 (a) The Department of Juvenile Justice, in conjunction  
9 with the private sector, may establish and offer work training  
10 to develop work habits and equip persons committed to it with  
11 marketable skills to aid in their community placement upon  
12 release. Committed persons participating in this program shall  
13 be paid wages similar to those of comparable jobs in the  
14 surrounding community. The wages paid under this Section shall  
15 not be less than the minimum hourly wage set forth in Section 4  
16 of the Minimum Wage Law. A portion of the wages earned shall go  
17 to the Department of Juvenile Justice to pay part of the  
18 committed person's room and board, a portion shall be  
19 deposited into the Violent Crime Victim's Assistance Fund to  
20 assist victims of crime, and the remainder shall be placed  
21 into a savings account for the committed person which shall be  
22 given to the committed person upon release. The Department  
23 shall promulgate rules to regulate the distribution of the

1 wages earned.

2 (b) The Department of Juvenile Justice may establish  
3 programs of incentive by achievement, participation in which  
4 shall be on a voluntary basis, to sell goods or services to the  
5 public with the net earnings distributed to the program  
6 participants subject to rules of the Department of Juvenile  
7 Justice.

8 (c) For the purposes of this Section, "work" includes any  
9 task assigned to a committed person for which a wage would have  
10 been due, except for his or her status as a committed person.

11 (Source: P.A. 94-696, eff. 6-1-06.)

12 (730 ILCS 5/3-12-5) (from Ch. 38, par. 1003-12-5)

13 Sec. 3-12-5. Compensation. Persons performing a work  
14 assignment under subsection (a) of Section 3-12-2 shall ~~may~~  
15 receive wages under rules and regulations of the Department.  
16 In determining rates of compensation, the Department shall  
17 consider the effort, skill and economic value of the work  
18 performed. The compensation paid under this Section shall not  
19 be less than the minimum hourly wage set forth in Section 4 of  
20 the Minimum Wage Law. Compensation shall ~~may~~ be given to  
21 persons who participate in other programs of the Department.  
22 If the committed person files a lawsuit determined frivolous  
23 under Article XXII of the Code of Civil Procedure, 50% of the  
24 compensation shall be used to offset the filing fees and costs  
25 of the lawsuit as provided in that Article until all fees and

1 costs are paid in full. All other wages shall be deposited in  
2 the individual's account under rules and regulations of the  
3 Department. For the purposes of this Section, "work" includes  
4 any task assigned to a committed person for which a wage would  
5 have been due, except for his or her status as a committed  
6 person.

7 (Source: P.A. 101-235, eff. 1-1-20.)

8 (730 ILCS 5/3-13-5) (from Ch. 38, par. 1003-13-5)

9 Sec. 3-13-5. Wages and Working Conditions.

10 A person on work release shall not be required to work for  
11 less than the prevailing wage or under worse than prevailing  
12 working conditions in the area. The wages paid under this  
13 Section shall not be less than the minimum hourly wage set  
14 forth in Section 4 of the Minimum Wage Law. The Department  
15 shall charge businesses reasonable hourly rates for meals and  
16 the housing of committed persons on work release, if  
17 applicable. For the purposes of this Section, "work" includes  
18 any task assigned to a committed person for which a wage would  
19 have been due, except for his or her status as a committed  
20 person.

21 (Source: P.A. 77-2097.)

22 Section 10. The Minimum Wage Law is amended by changing  
23 Sections 3 and 4 and by adding Sections 4b and 7.5 as follows:

1 (820 ILCS 105/3) (from Ch. 48, par. 1003)

2 Sec. 3. As used in this Act:

3 (a) "Director" means the Director of the Department of  
4 Labor, and "Department" means the Department of Labor.

5 (b) "Wages" means compensation due to an employee by  
6 reason of his employment, including allowances determined by  
7 the Director in accordance with the provisions of this Act for  
8 gratuities and, when furnished by the employer, for meals and  
9 lodging actually used by the employee.

10 (c) "Employer" includes any individual, partnership,  
11 association, corporation, limited liability company, business  
12 trust, governmental or quasi-governmental body, or any person  
13 or group of persons acting directly or indirectly in the  
14 interest of an employer in relation to an employee, for which  
15 one or more persons are gainfully employed on some day within a  
16 calendar year. An employer is subject to this Act in a calendar  
17 year on and after the first day in such calendar year in which  
18 he employs one or more persons, and for the following calendar  
19 year.

20 (d) "Employee" includes any individual permitted to work  
21 by an employer in an occupation, and includes, notwithstanding  
22 subdivision (1) of this subsection (d), one or more domestic  
23 workers as defined in Section 10 of the Domestic Workers' Bill  
24 of Rights Act, but does not include any individual permitted  
25 to work:

26 (1) For an employer employing fewer than 4 employees

1 exclusive of the employer's parent, spouse or child or  
2 other members of his immediate family.

3 (2) As an employee employed in agriculture or  
4 aquaculture (A) if such employee is employed by an  
5 employer who did not, during any calendar quarter during  
6 the preceding calendar year, use more than 500 man-days of  
7 agricultural or aquacultural labor, (B) if such employee  
8 is the parent, spouse or child, or other member of the  
9 employer's immediate family, (C) if such employee (i) is  
10 employed as a hand harvest laborer and is paid on a piece  
11 rate basis in an operation which has been, and is  
12 customarily and generally recognized as having been, paid  
13 on a piece rate basis in the region of employment, (ii)  
14 commutes daily from his permanent residence to the farm on  
15 which he is so employed, and (iii) has been employed in  
16 agriculture less than 13 weeks during the preceding  
17 calendar year, (D) if such employee (other than an  
18 employee described in clause (C) of this subparagraph):  
19 (i) is 16 years of age or under and is employed as a hand  
20 harvest laborer, is paid on a piece rate basis in an  
21 operation which has been, and is customarily and generally  
22 recognized as having been, paid on a piece rate basis in  
23 the region of employment, (ii) is employed on the same  
24 farm as his parent or person standing in the place of his  
25 parent, and (iii) is paid at the same piece rate as  
26 employees over 16 are paid on the same farm.

1 (3) (Blank).

2 (4) As an outside salesman.

3 (5) As a member of a religious corporation or  
4 organization.

5 (6) At an accredited Illinois college or university  
6 employed by the college or university at which he is a  
7 student who is covered under the provisions of the Fair  
8 Labor Standards Act of 1938, as heretofore or hereafter  
9 amended.

10 (7) For a motor carrier and with respect to whom the  
11 U.S. Secretary of Transportation has the power to  
12 establish qualifications and maximum hours of service  
13 under the provisions of Title 49 U.S.C. or the State of  
14 Illinois under Section 18b-105 (Title 92 of the Illinois  
15 Administrative Code, Part 395 - Hours of Service of  
16 Drivers) of the Illinois Vehicle Code.

17 (8) As an employee employed as a player who is 28 years  
18 old or younger, a manager, a coach, or an athletic trainer  
19 by a minor league professional baseball team not  
20 affiliated with a major league baseball club, if (A) the  
21 minor league professional baseball team does not operate  
22 for more than 7 months in any calendar year or (B) during  
23 the preceding calendar year, the minor league professional  
24 baseball team's average receipts for any 6-month period of  
25 the year were not more than 33 1/3% of its average receipts  
26 for the other 6 months of the year.

1           The above exclusions from the term "employee" may be  
2 further defined by regulations of the Director.

3           (e) "Occupation" means an industry, trade, business or  
4 class of work in which employees are gainfully employed.

5           (f) "Gratuities" means voluntary monetary contributions to  
6 an employee from a guest, patron or customer in connection  
7 with services rendered.

8           (g) "Outside salesman" means an employee regularly engaged  
9 in making sales or obtaining orders or contracts for services  
10 where a major portion of such duties are performed away from  
11 his employer's place of business.

12           (h) "Day camp" means a seasonal recreation program in  
13 operation for no more than 16 weeks intermittently throughout  
14 the calendar year, accommodating for profit or under  
15 philanthropic or charitable auspices, 5 or more children under  
16 18 years of age, not including overnight programs. The term  
17 "day camp" does not include a "day care agency", "child care  
18 facility" or "foster family home" as licensed by the Illinois  
19 Department of Children and Family Services.

20           (i) "Interested party" means an organization that monitors  
21 or is attentive to compliance with public or worker safety  
22 laws, wage and hour requirements, or other statutory  
23 requirements.

24           (Source: P.A. 99-758, eff. 1-1-17; 100-192, eff. 8-18-17.)

25           (820 ILCS 105/4) (from Ch. 48, par. 1004)

1           Sec. 4. (a)(1) Every employer shall pay to each of his  
2 employees in every occupation wages of not less than \$2.30 per  
3 hour or in the case of employees under 18 years of age wages of  
4 not less than \$1.95 per hour, except as provided in Sections 5  
5 and 6 of this Act, and on and after January 1, 1984, every  
6 employer shall pay to each of his employees in every  
7 occupation wages of not less than \$2.65 per hour or in the case  
8 of employees under 18 years of age wages of not less than \$2.25  
9 per hour, and on and after October 1, 1984 every employer shall  
10 pay to each of his employees in every occupation wages of not  
11 less than \$3.00 per hour or in the case of employees under 18  
12 years of age wages of not less than \$2.55 per hour, and on or  
13 after July 1, 1985 every employer shall pay to each of his  
14 employees in every occupation wages of not less than \$3.35 per  
15 hour or in the case of employees under 18 years of age wages of  
16 not less than \$2.85 per hour, and from January 1, 2004 through  
17 December 31, 2004 every employer shall pay to each of his or  
18 her employees who is 18 years of age or older in every  
19 occupation wages of not less than \$5.50 per hour, and from  
20 January 1, 2005 through June 30, 2007 every employer shall pay  
21 to each of his or her employees who is 18 years of age or older  
22 in every occupation wages of not less than \$6.50 per hour, and  
23 from July 1, 2007 through June 30, 2008 every employer shall  
24 pay to each of his or her employees who is 18 years of age or  
25 older in every occupation wages of not less than \$7.50 per  
26 hour, and from July 1, 2008 through June 30, 2009 every

1 employer shall pay to each of his or her employees who is 18  
2 years of age or older in every occupation wages of not less  
3 than \$7.75 per hour, and from July 1, 2009 through June 30,  
4 2010 every employer shall pay to each of his or her employees  
5 who is 18 years of age or older in every occupation wages of  
6 not less than \$8.00 per hour, and from July 1, 2010 through  
7 December 31, 2019 every employer shall pay to each of his or  
8 her employees who is 18 years of age or older in every  
9 occupation wages of not less than \$8.25 per hour, and from  
10 January 1, 2020 through June 30, 2020, every employer shall  
11 pay to each of his or her employees who is 18 years of age or  
12 older in every occupation wages of not less than \$9.25 per  
13 hour, and from July 1, 2020 through December 31, 2020 every  
14 employer shall pay to each of his or her employees who is 18  
15 years of age or older in every occupation wages of not less  
16 than \$10 per hour, and from January 1, 2021 through December  
17 31, 2021 every employer shall pay to each of his or her  
18 employees who is 18 years of age or older in every occupation  
19 wages of not less than \$11 per hour, and from January 1, 2022  
20 through December 31, 2022 every employer shall pay to each of  
21 his or her employees who is 18 years of age or older in every  
22 occupation wages of not less than \$12 per hour, and from  
23 January 1, 2023 through December 31, 2023 every employer shall  
24 pay to each of his or her employees who is 18 years of age or  
25 older in every occupation wages of not less than \$13 per hour,  
26 and from January 1, 2024 through December 31, 2024, every

1 employer shall pay to each of his or her employees who is 18  
2 years of age or older in every occupation wages of not less  
3 than \$14 per hour; and from ~~on and after~~ January 1, 2025  
4 through June 30, 2026, every employer shall pay to each of his  
5 or her employees who is 18 years of age or older in every  
6 occupation wages of not less than \$15 per hour; and from July  
7 1, 2026 through December 31, 2027, every employer shall pay to  
8 each of his or her employees in every occupation wages of not  
9 less than \$17 per hour; and from January 1, 2028 through  
10 December 31, 2028, every employer shall pay to each of his or  
11 her employees in every occupation wages of not less than \$19  
12 per hour; and from January 1, 2029 through December 31, 2029,  
13 every employer shall pay to each of his or her employees in  
14 every occupation wages of not less than \$21 per hour; and from  
15 January 1, 2030 through December 31, 2030, every employer  
16 shall pay to each of his or her employees in every occupation  
17 wages of not less than \$23 per hour; and from January 1, 2031  
18 through December 31, 2031, every employer shall pay each of  
19 his or her employees in every occupation wages of not less than  
20 \$25 per hour; and on and after January 1, 2032, every employer  
21 shall pay to each of his or her employees in every occupation  
22 wages of not less than \$27 per hour, except as provided in  
23 Section 4b.

24 (2) Unless an employee's wages are reduced under Section  
25 6, then in lieu of the rate prescribed in item (1) of this  
26 subsection (a), an employer may pay an employee who is 18 years

1 of age or older, during the first 90 consecutive calendar days  
2 after the employee is initially employed by the employer, a  
3 wage that is not more than 50¢ less than the wage prescribed in  
4 item (1) of this subsection (a); however, an employer shall  
5 pay not less than the rate prescribed in item (1) of this  
6 subsection (a) to:

7 (A) a day or temporary laborer, as defined in Section  
8 5 of the Day and Temporary Labor Services Act, who is 18  
9 years of age or older; and

10 (B) an employee who is 18 years of age or older and  
11 whose employment is occasional or irregular and requires  
12 not more than 90 days to complete.

13 (3) At no time on or before December 31, 2019 shall the  
14 wages paid to any employee under 18 years of age be more than  
15 50¢ less than the wage required to be paid to employees who are  
16 at least 18 years of age under item (1) of this subsection (a).  
17 Beginning on January 1, 2020, every employer shall pay to each  
18 of his or her employees who is under 18 years of age that has  
19 worked more than 650 hours for the employer during any  
20 calendar year a wage not less than the wage required for  
21 employees who are 18 years of age or older under paragraph (1)  
22 of subsection (a) of Section 4 of this Act. Every employer  
23 shall pay to each of his or her employees who is under 18 years  
24 of age that has not worked more than 650 hours for the employer  
25 during any calendar year: (1) \$8 per hour from January 1, 2020  
26 through December 31, 2020; (2) \$8.50 per hour from January 1,

1 2021 through December 31, 2021; (3) \$9.25 per hour from  
2 January 1, 2022 through December 31, 2022; (4) \$10.50 per hour  
3 from January 1, 2023 through December 31, 2023; (5) \$12 per  
4 hour from January 1, 2024 through December 31, 2024; ~~and~~ (6)  
5 \$13 per hour from on and after January 1, 2025 through June 30,  
6 2026; and (7) on and after July 1, 2026, every employer shall  
7 pay to each of his or her employees who is under 18 years of  
8 age no less than the minimum hourly wage set forth in  
9 subsection (a) of Section 4, regardless of an employee's age  
10 or the number of hours worked.

11 (b) No employer shall discriminate between employees on  
12 the basis of sex or mental or physical disability, except as  
13 otherwise provided in this Act by paying wages to employees at  
14 a rate less than the rate at which he pays wages to employees  
15 for the same or substantially similar work on jobs the  
16 performance of which requires equal skill, effort, and  
17 responsibility, and which are performed under similar working  
18 conditions, except where such payment is made pursuant to (1)  
19 a seniority system; (2) a merit system; (3) a system which  
20 measures earnings by quantity or quality of production; or (4)  
21 a differential based on any other factor other than sex or  
22 mental or physical disability, except as otherwise provided in  
23 this Act.

24 (c) Every employer of an employee engaged in an occupation  
25 in which gratuities have customarily and usually constituted  
26 and have been recognized as part of the remuneration for hire

1 purposes is entitled to an allowance for gratuities as part of  
2 the hourly wage rate provided in Section 4, subsection (a) in  
3 an amount that follows: not to exceed 40% of the applicable  
4 minimum wage rate through June 30, 2026; not to exceed 30% of  
5 the applicable minimum wage rate from July 1, 2026 through  
6 December 31, 2027; not to exceed 20% of the applicable minimum  
7 wage rate from January 1, 2028 through December 31, 2028; and  
8 not to exceed 10% of the applicable minimum wage rate from  
9 January 1, 2029 through December 31, 2029. On and after  
10 January 1, 2030, an employer shall not be entitled to an  
11 allowance for gratuities and shall pay each employee no less  
12 than the applicable minimum wage rate provided in subsection  
13 (a) of Section 4. The Director shall require each employer  
14 desiring an allowance for gratuities to provide substantial  
15 evidence that the amount claimed, which may not exceed 40% of  
16 the applicable minimum wage rate, was received by the employee  
17 in the period for which the claim of exemption is made, and no  
18 part thereof was returned to the employer.

19 (d) No camp counselor who resides on the premises of a  
20 seasonal camp of an organized not-for-profit corporation shall  
21 be subject to the adult minimum wage if the camp counselor (1)  
22 works 40 or more hours per week, and (2) receives a total  
23 weekly salary of not less than the adult minimum wage for a  
24 40-hour week. If the counselor works less than 40 hours per  
25 week, the counselor shall be paid the minimum hourly wage for  
26 each hour worked. Every employer of a camp counselor under

1 this subsection is entitled to an allowance for meals and  
2 lodging as part of the hourly wage rate provided in Section 4,  
3 subsection (a), in an amount not to exceed 25% of the minimum  
4 wage rate.

5 (e) A camp counselor employed at a day camp is not subject  
6 to the adult minimum wage if the camp counselor is paid a  
7 stipend on a onetime or periodic basis and, if the camp  
8 counselor is a minor, the minor's parent, guardian or other  
9 custodian has consented in writing to the terms of payment  
10 before the commencement of such employment.

11 (Source: P.A. 101-1, eff. 2-19-19.)

12 (820 ILCS 105/4b new)

13 Sec. 4b. Consumer price index-u adjustments.

14 (a) Notwithstanding the provisions of subsection (b),  
15 beginning on January 1, 2033, and on every January 1  
16 thereafter, the minimum hourly wage from the previous year  
17 shall be increased in proportion to the increase, if any, in  
18 the consumer price index-u. If the consumer price index-u  
19 increases by more than 2.5% in any year, the minimum hourly  
20 wage shall not be increased by more than 2.5%. Any increase to  
21 the minimum hourly wage made in accordance with this  
22 subsection shall be rounded up to the nearest multiple of  
23 \$0.05. The new amount resulting from each annual adjustment  
24 shall be determined by the Department of Labor and made  
25 available to the public by the Department of Labor's website.

1 For the purposes of this subsection, "consumer price index-u"  
2 means the index published by the Bureau of Labor Statistics of  
3 the United States Department of Labor that measures the  
4 average change in prices of goods and services purchased by  
5 all urban consumers, United States city average, all items,  
6 1982-84 = 100.

7 (b) If the unemployment rate in this State for the  
8 preceding year, as calculated by the Department of Employment  
9 Security, is equal to or greater than 8.5%, the minimum hourly  
10 wage shall not be increased.

11 (820 ILCS 105/7.5 new)

12 Sec. 7.5. Powers of the Department and civil penalties.

13 (a) The Department shall inquire into any alleged  
14 violations of this Act, brought to its attention by an  
15 interested party, to institute the actions for the penalties  
16 provided in this Section and to enforce the provisions of this  
17 Act. In addition to the relief set forth in this Act, an  
18 employer shall be assessed a civil penalty of \$1,000 for each  
19 violation of this Act, payable to the Department. Each  
20 employee who is subject to a violation of this Act shall  
21 constitute a separate violation.

22 (b) Upon a reasonable belief that an employer covered by  
23 this Act is in violation of any part of this Act, an interested  
24 party may assert that a violation of this Act has occurred and  
25 bring an action for penalties in the county where the

1 violation is alleged to have occurred or where the principal  
2 office of the employer is located, pursuant to the following  
3 sequence of events:

4 (1) The interested party submits to the Department a  
5 complaint describing the violation and naming the employer  
6 alleged to have violated this Act.

7 (2) The Department sends notice of complaint to the  
8 named party alleged to have violated this Act and the  
9 interested party. The named party may either contest the  
10 alleged violation or cure the alleged violation.

11 (3) The named party contests or cures the alleged  
12 violation within 30 days after the receipt of the notice  
13 of complaint or, if the named party does not respond  
14 within 30 days, the Department issues a notice of right to  
15 sue to the interested party as described in this Act.

16 (4) The Department issues a notice of right to sue to  
17 the interested party, if one or more of the following has  
18 occurred:

19 (A) the named party has cured the alleged  
20 violation to the satisfaction of the Director;

21 (B) the Director has determined that the  
22 allegation is unjustified or that the Department does  
23 not have jurisdiction over the matter or the parties;  
24 or

25 (C) the Director has determined that the  
26 allegation is justified or has not made a

1 determination, and either has decided not to exercise  
2 jurisdiction over the matter or has concluded  
3 administrative enforcement of the matter.

4 (c) If, within 180 days after service of the notice of  
5 complaint to the parties, the Department has not (i) resolved  
6 the contest and cure period, (ii) with the mutual agreement of  
7 the parties, extended the time for the named party to cure the  
8 violation and resolve the complaint, or (iii) issued a right  
9 to sue letter, the interested party may initiate a civil  
10 action for penalties. The parties may extend the 180-day  
11 period by mutual agreement. The limitations period for the  
12 interested party to bring an action for the alleged violation  
13 of this Act shall be tolled for the 180-day period and for the  
14 period of any mutually agreed extensions. At the end of the  
15 180-day period, or any mutually agreed extensions, the  
16 Department shall issue a right to sue letter to the interested  
17 party.

18 (d) Any claim or action filed under this Section must be  
19 made within 3 years after the alleged conduct resulting in the  
20 complaint plus any period for which the limitations period has  
21 been tolled.

22 (e) In an action brought under this Section, an interested  
23 party may recover against the employer any statutory penalties  
24 set forth in subsection (a) and injunctive relief. An  
25 interested party who prevails in a civil action shall receive  
26 10% of any statutory penalties assessed, plus any attorney's

1 fees and expenses in bringing the action.

2 (f) Nothing in this Section shall be construed to prevent  
3 an employee from bringing a civil action for the employee's  
4 own claim for a violation of this Act as described in this Act.

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