

1 AN ACT concerning human rights.

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 Sections 7A-102 and 8A-104 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 adopt the

1 EEOC's determination as a dismissal for lack of  
2 substantial evidence unless the complainant requests in  
3 writing within 35 days after receipt of the Department's  
4 notice that the Department review the EEOC's  
5 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 notify the  
10 complainant, within 10 business days after the  
11 expiration of the 35-day period, that the decision of  
12 the EEOC has been adopted by the Department as a  
13 dismissal for lack of substantial evidence and that  
14 the complainant has the right, within 90 days after  
15 receipt of the Department's notice, to commence a  
16 civil action in the appropriate circuit court or other  
17 appropriate court of competent jurisdiction. The  
18 Department's notice to the complainant that the  
19 Department has adopted the EEOC's determination shall  
20 constitute the Department's report for purposes of  
21 subparagraph (D) of this Section.

22 (b) If the complainant does file a written request  
23 with the Department to review the EEOC's  
24 determination, the Department shall review the EEOC's  
25 determination and any evidence obtained by the EEOC  
26 during its investigation. If, after reviewing the

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

20 (4) Pursuant to this Section, if the EEOC dismisses  
21 the charge or a portion of the charge of discrimination  
22 because, under federal law, the EEOC lacks jurisdiction  
23 over the charge, and if, under this Act, the Department  
24 has jurisdiction over the charge of discrimination, the  
25 Department shall investigate the charge or portion of the  
26 charge dismissed by the EEOC for lack of jurisdiction

1           pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),  
2           (E), (F), (G), (H), (I), (J), and (K) of this Section.

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

7           (6) The failure of the Department to meet the  
8           10-business-day notification deadlines set out in  
9           paragraph (2) of this subsection shall not impair the  
10          rights of any party.

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

1 respondent shall file a response to the charge within 60 days  
2 and shall serve a copy of its response on the complainant or  
3 the complainant's representative. Notwithstanding any request  
4 from the Department, the respondent may elect to file a  
5 response to the charge within 60 days of receipt of notice of  
6 the charge, provided the respondent serves a copy of its  
7 response on the complainant or the complainant's  
8 representative. All allegations contained in the charge not  
9 denied by the respondent within 60 days of the Department's  
10 request for a response may be deemed admitted, unless the  
11 respondent states that it is without sufficient information to  
12 form a belief with respect to such allegation. The Department  
13 may issue a notice of default directed to any respondent who  
14 fails to file a response to a charge within 60 days of receipt  
15 of the Department's request, unless the respondent can  
16 demonstrate good cause as to why such notice should not issue.  
17 The term "good cause" shall be defined by rule promulgated by  
18 the 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, send by certified or  
26 registered mail, or electronic mail if elected by the party,

1 written notice to the complainant and to the respondent  
2 informing the complainant of the complainant's rights to  
3 either file a complaint with the Human Rights Commission or  
4 commence a civil action in the appropriate circuit court under  
5 subparagraph (2) of paragraph (G), including in such notice  
6 the dates within which the complainant may exercise these  
7 rights. In the notice the Department shall notify the  
8 complainant that the charge of civil rights violation will be  
9 dismissed with prejudice and with no right to further proceed  
10 if a written complaint is not timely filed with the Commission  
11 or with the appropriate circuit court by the complainant  
12 pursuant to subparagraph (2) of paragraph (G) or by the  
13 Department pursuant to subparagraph (1) of paragraph (G).

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

23 (C) Investigation.

24 (1) The Department shall conduct an investigation  
25 sufficient to determine whether the allegations set forth  
26 in the charge are supported by substantial evidence unless

1 the complainant elects to opt out of an investigation  
2 pursuant to subsection (C-1).

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

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

16 (4) Upon reasonable notice to the complainant and the  
17 respondent, the Department in its discretion may ~~shall~~  
18 conduct a fact finding conference. If the complainant and  
19 respondent both submit a written request for a fact  
20 finding conference prior to 90 days after the date on  
21 which the charge was filed, the Department shall conduct a  
22 fact finding conference unless prior to the Department's  
23 receipt of both requests, the Department has issued its  
24 report. Any request for a fact finding conference must  
25 include the party's written agreement to grant an  
26 extension of 120 days to the time period if requested by

1        the Department to issue its report. If the Department  
2        conducts a fact finding conference, a complainant or  
3        respondent's , ~~unless prior to 365 days after the date on~~  
4        ~~which the charge was filed the Director has determined~~  
5        ~~whether there is substantial evidence that the alleged~~  
6        ~~civil rights violation has been committed, the charge has~~  
7        ~~been dismissed for lack of jurisdiction, or the parties~~  
8        ~~voluntarily and in writing agree to waive the fact finding~~  
9        ~~conference. Any party's~~ failure to attend the conference  
10       without good cause shall result in dismissal or default.  
11       The term "good cause" shall be defined by rule promulgated  
12       by the Department. A notice of dismissal or default shall  
13       be issued by the Director. The notice of default issued by  
14       the Director shall notify the respondent that a request  
15       for review may be filed in writing with the Commission  
16       within 30 days of receipt of notice of default. The notice  
17       of dismissal issued by the Director shall give the  
18       complainant notice of the complainant's right to seek  
19       review of the dismissal before the Human Rights Commission  
20       or commence a civil action in the appropriate circuit  
21       court. If the complainant chooses to have the Human Rights  
22       Commission review the dismissal order, the complainant  
23       shall file a request for review with the Commission within  
24       90 days after receipt of the Director's notice. If the  
25       complainant chooses to file a request for review with the  
26       Commission, the complainant may not later commence a civil

1 action in a circuit court. If the complainant chooses to  
2 commence a civil action in a circuit court, the  
3 complainant must do so within 90 days after receipt of the  
4 Director's notice.

5 (C-1) Opt out of Department's investigation. At any time  
6 within 60 days after receipt of notice of the right to opt out,  
7 a complainant may submit a written request seeking notice from  
8 the Director indicating that the complainant has opted out of  
9 the investigation and may commence a civil action in the  
10 appropriate circuit court or other appropriate court of  
11 competent jurisdiction. Within 10 business days of receipt of  
12 the complainant's request to opt out of the investigation, the  
13 Director shall issue a notice to the parties stating that: (i)  
14 the complainant has exercised the right to opt out of the  
15 investigation; (ii) the complainant has 90 days after receipt  
16 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.

5 (D) Report.

6 (1) Each charge investigated under subsection (C)  
7 shall be the subject of a report to the Director. The  
8 report shall be a confidential document subject to review  
9 by the Director, authorized Department employees, the  
10 parties, and, where indicated by this Act, members of the  
11 Commission or their designated hearing officers.

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

24 (3) If the Director determines that there is no  
25 substantial evidence, the charge shall be dismissed by the  
26 Director and the Director shall give the complainant

1 notice of the complainant's right to seek review of the  
2 notice of dismissal before the Commission or commence a  
3 civil action in the appropriate circuit court. If the  
4 complainant chooses to have the Human Rights Commission  
5 review the notice of dismissal, the complainant shall file  
6 a request for review with the Commission within 90 days  
7 after receipt of the Director's notice. If the complainant  
8 chooses to file a request for review with the Commission,  
9 the complainant may not later commence a civil action in a  
10 circuit court. If the complainant chooses to commence a  
11 civil action in a circuit court, the complainant must do  
12 so within 90 days after receipt of the Director's notice.  
13 The complainant shall notify the Department that a  
14 complaint has been filed by serving a copy of the  
15 complaint on the chief legal counsel of the Department  
16 within 21 days from the date that the complaint is filed in  
17 circuit court. This 21-day period for service on the chief  
18 legal counsel shall not be construed to be jurisdictional.

19 (4) If the Director determines that there is  
20 substantial evidence, the Director shall notify the  
21 complainant and respondent of that determination. The  
22 Director shall also notify the parties that the  
23 complainant has the right to either commence a civil  
24 action in the appropriate circuit court or request that  
25 the Department of Human Rights file a complaint with the  
26 Human Rights Commission on the complainant's behalf. Any

1 such complaint shall be filed within 90 days after receipt  
2 of the Director's notice. If the complainant chooses to  
3 have the Department file a complaint with the Human Rights  
4 Commission on the complainant's behalf, the complainant  
5 must, within 30 days after receipt of the Director's  
6 notice, request in writing that the Department file the  
7 complaint. If the complainant timely requests that the  
8 Department file the complaint, the Department shall file  
9 the complaint on the complainant's behalf. If the  
10 complainant fails to timely request that the Department  
11 file the complaint, the complainant may file the  
12 complainant's complaint with the Commission or commence a  
13 civil action in the appropriate circuit court. If the  
14 complainant files a complaint with the Human Rights  
15 Commission, the complainant shall notify the Department  
16 that a complaint has been filed by serving a copy of the  
17 complaint on the chief legal counsel of the Department  
18 within 21 days from the date that the complaint is filed  
19 with the Human Rights Commission. This 21-day period for  
20 service on the chief legal counsel shall not be construed  
21 to be jurisdictional.

22 (E) Conciliation.

23 (1) When there is a finding of substantial evidence,  
24 the Department may designate a Department employee who is  
25 an attorney licensed to practice in Illinois to endeavor  
26 to eliminate the effect of the alleged civil rights

1 violation and to prevent its repetition by means of  
2 conference and conciliation.

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

9 (3) The place fixed for the conference shall be within  
10 35 miles of the place where the civil rights violation is  
11 alleged to have been committed.

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

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

18 (F) Complaint.

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

1           (1.5) If the complainant chooses to file a complaint  
2 with the Commission without the Department's assistance,  
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  
7 with the Human Rights Commission. This 21-day period for  
8 service on the chief legal counsel shall not be construed  
9 to be jurisdictional.

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

12                 (i) The complainant shall file the civil action in  
13 the circuit court in the county wherein the civil  
14 rights violation was allegedly committed.

15                 (ii) The form of the complaint in any such civil  
16 action shall be in accordance with the Code of Civil  
17 Procedure.

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

25           (G) Time Limit.

26                 (1) When a charge of a civil rights violation has been

1 properly filed, the Department, within 365 days thereof or  
2 within any extension of that period agreed to in writing  
3 by all parties, shall issue its report as required by  
4 subparagraph (D). Any such report shall be duly served  
5 upon both the complainant and the respondent.

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

26 (3) If an aggrieved party files a complaint with the

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

16 (4) (Blank).

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

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

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

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

1 (L) The changes made to this Section by Public Act  
2 100-1066 apply to charges filed on or after August 24, 2018  
3 (the effective date of Public Act 100-1066).

4 (M) The changes made to this Section by this amendatory  
5 Act of the 104th General Assembly apply to charges pending or  
6 filed on or after the effective date this amendatory Act of the  
7 104th General Assembly.

8 (Source: P.A. 102-558, eff. 8-20-21; 103-335, eff. 1-1-24;  
9 103-973, eff. 1-1-25.)

10 (775 ILCS 5/8A-104) (from Ch. 68, par. 8A-104)

11 Sec. 8A-104. Relief; Penalties. Upon finding a civil  
12 rights violation, a hearing officer may recommend and the  
13 Commission or any three-member panel thereof may provide for  
14 any relief or penalty identified in this Section, separately  
15 or in combination, by entering an order directing the  
16 respondent to:

17 (A) Cease and Desist Order. Cease and desist from any  
18 violation of this Act.

19 (B) Actual Damages. Pay actual damages, as reasonably  
20 determined by the Commission, for injury or loss suffered by  
21 the complainant.

22 (C) Hiring; Reinstatement; Promotion; Backpay; Fringe  
23 Benefits. Hire, reinstate or upgrade the complainant with or  
24 without back pay or provide such fringe benefits as the  
25 complainant may have been denied.

1           (D) Restoration of Membership; Admission To Programs.  
2 Admit or restore the complainant to labor organization  
3 membership, to a guidance program, apprenticeship training  
4 program, on the job training program, or other occupational  
5 training or retraining program.

6           (E) Public Accommodations. Admit the complainant to a  
7 public accommodation.

8           (F) Services. Extend to the complainant the full and equal  
9 enjoyment of the goods, services, facilities, privileges,  
10 advantages, or accommodations of the respondent.

11           (G) Attorneys Fees; Costs. Pay to the complainant all or a  
12 portion of the costs of maintaining the action, including  
13 reasonable attorney fees and expert witness fees incurred in  
14 maintaining this action before the Department, the Commission  
15 and in any judicial review and judicial enforcement  
16 proceedings. Provided, however, that no award of attorney fees  
17 or costs shall be made pursuant to this amendatory Act of 1987  
18 with respect to any charge for which the complaint before the  
19 Commission was filed prior to December 1, 1987. With respect  
20 to all charges for which complaints were filed with the  
21 Commission prior to December 1, 1987, attorney fees and costs  
22 shall be awarded pursuant to the terms of this subsection as it  
23 existed prior to revision by this amendatory Act of 1987.

24           (H) Compliance Report. Report as to the manner of  
25 compliance.

26           (I) Posting of Notices. Post notices in a conspicuous

1 place which the Commission may publish or cause to be  
2 published setting forth requirements for compliance with this  
3 Act or other relevant information which the Commission  
4 determines necessary to explain this Act.

5 (J) Make Complainant Whole. Take such action as may be  
6 necessary to make the individual complainant whole, including,  
7 but not limited to, awards of interest on the complainant's  
8 actual damages and backpay from the date of the civil rights  
9 violation. Provided, however, that no award of prejudgment  
10 interest shall be made pursuant to this amendatory Act of 1987  
11 with respect to any charge in which the complaint before the  
12 Commission was filed prior to December 1, 1987. With respect  
13 to all charges for which complaints were filed with the  
14 Commission prior to December 1, 1987, make whole relief shall  
15 be awarded pursuant to this subsection as it existed prior to  
16 revision by this amendatory Act of 1987.

17 (K) Civil Penalty. Pay a civil penalty per violation to  
18 vindicate the public interest. In imposing a civil penalty to  
19 vindicate the public interest, a separate penalty may be  
20 imposed for each specific act constituting a civil rights  
21 violation as defined in Section 1-103, and for each aggrieved  
22 party injured by the civil rights violation:

23 (1) in an amount not exceeding \$16,000 if the  
24 respondent has not been adjudged to have committed any  
25 prior civil rights violation under this Act;

26 (2) in an amount not exceeding \$42,500 if the

1 respondent has been adjudged to have committed one other  
2 civil rights violation under this Act during the 5-year  
3 period ending on the date of the filing of this charge; and  
4 (3) in an amount not exceeding \$70,000 if the  
5 respondent has been adjudged to have committed 2 or more  
6 civil rights violations under this Act during the 7-year  
7 period ending on the date of the filing of this charge;  
8 except that if the acts constituting the civil rights  
9 violation that is the object of the charge are committed  
10 by the same natural person who has been previously  
11 adjudged to have committed acts constituting a civil  
12 rights violation under this Act, then the civil penalties  
13 set forth in subparagraphs (2) and (3) may be imposed  
14 without regard to the period of time within which any  
15 subsequent civil rights violation under this Act occurred.

16 There shall be no distinction made under this Section  
17 between complaints filed by the Department and those filed by  
18 the aggrieved party.

19 (Source: P.A. 86-910.)