



Rep. Lilian Jiménez

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LRB103 03888 SPS 58755 a

1 AMENDMENT TO HOUSE BILL 361

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 361 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Illinois Work Without Fear Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds as follows:

8 Wage theft and other employment violations are a serious  
9 and widespread problem that cause severe hardship to workers,  
10 their families, and their communities.

11 When a worker is denied wages or forced to work "off the  
12 clock", there is an immediate and irreparable harm to the  
13 worker and their family.

14 Low-wage, often immigrant, workers are among the most  
15 frequent victims of wage theft and other employment violations  
16 and are also exposed to the greatest hazards at work.

1           Immigrant workers are among those most frequently injured  
2 or killed on the job.

3           These problems cannot be addressed unless workers are able  
4 to come forward and call attention to violations in their  
5 workplace.

6           Workers who come forward to expose unfair, unsafe, or  
7 illegal conditions face retaliation with alarming frequency.  
8 Where those workers are immigrants, retaliation often involves  
9 threats or efforts to contact law enforcement agencies,  
10 including immigration enforcement agencies, if a worker  
11 engages in protected conduct.

12           No worker should have to fear adverse action, whether it  
13 involves threats to cut hours, move a worker to an undesirable  
14 schedule, or contact law enforcement agencies, for engaging in  
15 employment rights guaranteed by the State.

16           It is in the public policy interest of the State that  
17 workers be able to report concerns to their employers, their  
18 coworkers, their communities, and to Illinois labor  
19 enforcement agencies without fear of retaliation or  
20 discrimination.

21           It is in the public policy interest of the State for  
22 workers to be willing to come forward to expose hazardous,  
23 unsafe, and unfair conditions at their worksites so that  
24 local, State, and federal agencies can effectively enforce the  
25 laws.

26           It is essential to the enforcement of State labor laws

1 that broad, clear, and effective protections exist for workers  
2 engaging in conduct protected by law from all forms of  
3 employer retaliation, including prohibiting  
4 immigration-related threats.

5 Section 10. Definitions. As used in this Act:

6 "Chapter" means Chapter 820 of the Illinois Compiled  
7 Statutes under the Title of Employment.

8 "Department" means the Department of Labor.

9 "Director" means the Director of the Department.

10 "Family or household member" means a spouse or party to a  
11 civil union, parent, grandparent, child, grandchild, sibling,  
12 or any other person related by blood or by present or prior  
13 marriage or civil union, any other person who shares a  
14 relationship through a child, or any other individual whose  
15 close association with the employee is the equivalent of a  
16 family relationship as determined by the employee, and persons  
17 jointly residing in the same household.

18 "Local employment ordinance" means any local ordinance  
19 applicable to the performance of work by an individual for any  
20 person or entity.

21 "License" means any agency permit, certificate, approval,  
22 registration, or charter that is required by law and that is  
23 issued by any agency for the purposes of operating a business  
24 in this State. "License" does not include a professional  
25 license.

1 "Person" means every natural person, firm, partnership,  
2 copartnership, limited liability company, corporation,  
3 association, business trust, or other legal entity, or its  
4 legal representatives, agents, or assigns.

5 "Violation" means each incident involving retaliation,  
6 without reference to the number of employees involved in the  
7 incident.

8 Section 15. Prohibited retaliation.

9 (a) It shall be unlawful for any person to engage in, or to  
10 direct another person to engage in, retaliation against any  
11 person or their family member or household member for the  
12 purpose of, or with the intent of, retaliating against any  
13 person for exercising any right protected under this Chapter  
14 or by any local employment ordinance, or as defined in  
15 subsection (b). Exercising a right protected by this Chapter  
16 or local employment ordinance includes, but is not limited to,  
17 the following:

18 (1) Filing a complaint or informing any person of any  
19 person's alleged violation of this Chapter or local  
20 employment ordinance, so long as the complaint or  
21 disclosure is made in good faith.

22 (2) Seeking information regarding whether any person  
23 is in compliance with this Chapter or local employment  
24 ordinance.

25 (3) Informing a person of his or her potential rights

1 and remedies under this Chapter or local employment  
2 ordinance, and assisting him or her in asserting those  
3 rights.

4 (4) Filing a complaint, seeking information, or  
5 informing a person of his or her rights concerning conduct  
6 prohibited by Section 2-101 of the Illinois Human Rights  
7 Act.

8 (b) As used in this Section, "retaliation" means any of  
9 the following practices, when undertaken for the retaliatory  
10 purposes prohibited by subsection (a):

11 (1) engaging in or threatening to engage in an adverse  
12 employment action to discharge, suspend, penalize, demote,  
13 or discriminate against a person in the terms or  
14 conditions of employment;

15 (2) engaging in or threatening adverse actions that  
16 would impact a person's current or future employment;

17 (3) contacting or threatening to contact United States  
18 immigration authorities, or otherwise reporting or  
19 threatening to report, a person's suspected citizenship or  
20 immigration status or the suspected citizenship or  
21 immigration status of a family or household member of the  
22 person to a federal, State, or local agency;

23 (4) filing or threatening to file a false police  
24 report;

25 (5) using the federal E-Verify system to check the  
26 employment authorization status of a person at a time or

1 in a manner not required under 8 U.S.C. 1324a(b) or not  
2 authorized under any memorandum of understanding governing  
3 the use of the federal E-Verify system; and

4 (6) engaging in unfair documentary practices by  
5 demanding more or different documents than necessary,  
6 requesting specific documents, or rejecting reasonably  
7 genuine-looking documents while verifying a person's  
8 citizenship, immigration status, or national origin, as  
9 defined by 8 U.S.C. 1324b(a) (6).

10 "Retaliation" does not include conduct undertaken at the  
11 express and specific direction or request of the federal  
12 government.

13 (c) Engaging in retaliation against a person within 90  
14 days of the person's exercise of rights protected under this  
15 Chapter or local employment ordinance shall raise a rebuttable  
16 presumption of having done so in retaliation for the exercise  
17 of those rights.

18 Section 20. Enforcement by Department.

19 (a) It shall be the duty of the Department to inquire  
20 diligently for any violations of this Act, institute the  
21 actions for penalties herein provided, and enforce generally  
22 the provisions of this Act.

23 (1) A person may file a complaint with the Department  
24 alleging violations of this Act by submitting a signed,  
25 completed application on the form provided by the

1 Department, alleging retaliation, and by submitting copies  
2 of all supporting documentation. Complaints shall be filed  
3 within one year after the date of the retaliation.

4 (2) Applications shall be reviewed by the Department  
5 to determine whether there is cause for investigation.

6 (b) The Department shall have the following powers to  
7 enforce this Act:

8 (1) to investigate and attempt equitably to adjust  
9 controversies between parties in respect of claims of  
10 retaliation under this Act and to that end the Department  
11 through the Director or any other person in the Department  
12 designated by the Director, shall have the power to  
13 administer oaths, subpoena and examine witnesses, issue  
14 subpoenas duces tecum requiring the production of such  
15 books, papers, records, and documents as may be evidence  
16 of any matter under inquiry, and examine and inspect the  
17 same as may relate to the question in dispute. Service of  
18 such subpoenas shall be made by any sheriff or any person.  
19 Any court in this State, upon the application of the  
20 Department may compel attendance of witnesses, the  
21 production of books and papers, and the giving of  
22 testimony before the Department by attachment for contempt  
23 or in any other way as the production of evidence may be  
24 compelled before such court;

25 (2) to take assignments of retaliation in the name of  
26 the Director and his or her successors in office and

1 prosecute actions for the collection of unfair retaliation  
2 for persons financially unable to prosecute such claims  
3 when in the judgment of the Department such claims are  
4 valid and enforceable in the courts. No court costs or any  
5 fees for necessary process and proceedings shall be  
6 payable in advance by the Department for prosecuting such  
7 actions. If there is a judgment rendered against the  
8 defendant, the court shall assess as part of such judgment  
9 the costs of such proceeding. Upon collection of such  
10 judgments the Department shall pay from the proceeds of  
11 such judgment such costs to such person who is by law  
12 entitled to same. The Department may join in a single  
13 proceeding any number of unfair retaliation claims against  
14 the same employer but the court shall have discretionary  
15 power to order a severance or separate trial for hearings;

16 (3) to make complaint in any court of competent  
17 jurisdiction of violations of this Act; and

18 (4) to order the appropriate government agency to  
19 suspend licenses held by violating parties as described in  
20 in paragraphs (1) through (3) of subsection (b) of Section  
21 15.

22 In addition to the aforementioned powers, subject to  
23 appropriation, the Department may establish an administrative  
24 procedure to adjudicate claims and to issue final and binding  
25 administrative decisions on such claims subject to the  
26 Administrative Review Law. To establish such a procedure, the



1 Director or the Director's authorized representative may adopt  
2 rules. The adoption, amendment, or rescission of rules for  
3 such a procedure shall be in conformity with the requirements  
4 of the Illinois Administrative Procedure Act. If a final and  
5 binding administrative decision issued by the Department  
6 requires an employer or other party to pay wages, penalties,  
7 or other amounts in connection with a retaliation claim, and  
8 the employer or other party has neither (i) made the required  
9 payment within 35 days of the issuance of the final and binding  
10 administrative decision, nor (ii) timely filed a complaint  
11 seeking review of the final and binding administrative  
12 decision pursuant to the Administrative Review Law in a court  
13 of competent jurisdiction, the Department may file a verified  
14 petition against the employer or other party to enforce the  
15 final administrative decision and to collect any amounts due  
16 in connection therewith in the circuit court of any county  
17 where an official office of the Department is located.

18 Section 25. Enforcement by Attorney General.

19 (a) Whenever the Attorney General has reasonable cause to  
20 believe that any person has violated this Act, the Attorney  
21 General may, pursuant to the authority in Section 6.3 of the  
22 Attorney General Act, initiate or intervene in a civil action  
23 in the name of the People of the State in any circuit court to  
24 obtain appropriate relief.

25 (b) Before initiating or intervening in an action, the

1 Attorney General may, pursuant to the authority in Section 6.3  
2 of the Attorney General Act, conduct an investigation and may:

3 (1) require any individual to file a statement or  
4 report in writing, under oath or otherwise, as to all  
5 information the Attorney General may consider necessary;

6 (2) examine under oath any individual alleged to have  
7 participated in or with knowledge of the alleged  
8 violation; or

9 (3) issue subpoenas or conduct hearings in aid of any  
10 investigation.

11 (c) Whenever a party refuses to produce a document, answer  
12 an interrogatory, or provide testimony under oath in response  
13 to a subpoena from the Attorney General, the Attorney General,  
14 pursuant to the authority in Section 6.3 of the Attorney  
15 General Act, may petition the circuit court for an order  
16 compelling compliance.

17 Section 30. Private right of action. Nothing in this Act  
18 shall be construed to prevent any person from making complaint  
19 or prosecuting his or her own claim for damages caused by  
20 retaliation. Any person aggrieved by an actual or suspected  
21 violation of this Act or any rule adopted under this Act may  
22 file suit in circuit court in the county where the alleged  
23 violation occurred or where any person who is party to the  
24 action resides, without regard to exhaustion of any  
25 alternative administrative remedies provided in this Act.

1 Actions may be brought by one or more persons for and on behalf  
2 of themselves and other persons similarly situated.

3 Section 35. Remedies and penalties.

4 (a) A person who is the subject of retaliation prohibited  
5 by this Act, or a representative of that person, may bring a  
6 civil action for any one or more of the following remedies:

7 (1) back pay, with interest, and front pay, or, in  
8 lieu of actual damages, at the person subject to  
9 retaliation's election, liquidated damages of \$30,000;

10 (2) a civil penalty in an amount of \$10,000, payable  
11 to the person subject to retaliation;

12 (3) reasonable attorney's fees and court costs,  
13 including any expert witness costs; and

14 (4) equitable relief as the court may deem appropriate  
15 and just.

16 (b) A person that violates any provision of this Act shall  
17 be subject to an additional civil penalty in an amount of  
18 \$25,000 for each violation of Section 15, or \$50,000 for each  
19 repeat violation within a 5-year period.

20 The penalty amount may be recovered in any administrative  
21 proceeding by the Department, or civil action filed in any  
22 circuit court by the Director or the Attorney General. All  
23 moneys received by the Department as fees and civil penalties  
24 under this Act shall be deposited into the Employee  
25 Classification Fund and shall be used, subject to

1 appropriation by the General Assembly, by the Department for  
2 administration, investigation, and other expenses incurred in  
3 carrying out its powers and duties under this Act.

4 In any civil action brought by the Attorney General, the  
5 penalty amount shall be deposited into the Attorney General  
6 Court Ordered and Voluntary Compliance Payment Projects Fund.  
7 Moneys in the Fund shall be used, subject to appropriation by  
8 the General Assembly, for the performance of any function  
9 pertaining to the exercise of the duties of the Attorney  
10 General, including, but not limited to, enforcement of any law  
11 of this State and conducting public education programs;  
12 however, any moneys in the Fund that are required by the court  
13 or by an agreement to be used for a particular purpose shall be  
14 used for that purpose. Any uncollected penalty amount shall be  
15 subject to the provisions of the Illinois State Collection Act  
16 of 1986.

17 (c) Upon a finding by a court of applicable jurisdiction  
18 of a violation of this Act:

19 (1) For a first violation, the court, in its  
20 discretion, may order the appropriate government agencies  
21 to suspend all licenses subject to this Chapter that are  
22 held by the violating party for a period of up to 14 days.  
23 For the purposes of this paragraph, the licenses that are  
24 subject to suspension are all licenses held by the  
25 violating party specific to the business location or  
26 locations where the retaliation occurred. In determining

1       whether a suspension of all licenses is appropriate, the  
2       court shall consider whether the violating party knowingly  
3       committed retaliation, the good faith efforts of the  
4       violating party to resolve any alleged retaliation after  
5       receiving notice of the violations, as well as the harm  
6       other persons performing work for the violating party, or  
7       for other parties sharing job sites with the violating  
8       party, will suffer as a result of the suspension of all  
9       licenses. On receipt of the court's order and  
10      notwithstanding any other law, the appropriate agencies  
11      shall suspend the licenses according to the court's order.

12           (2) For a second violation, the court, in its  
13      discretion, may order the appropriate government agencies  
14      to suspend all licenses that are held by the violating  
15      party specific to the business location or locations where  
16      the unfair retaliation occurred, for a period of up to 30  
17      days. In determining whether a suspension of all licenses  
18      is appropriate, the court shall consider whether the  
19      violating party knowingly committed retaliation, the good  
20      faith efforts of the violating party to resolve any  
21      alleged retaliation after receiving notice of the  
22      violations, as well as the harm other persons performing  
23      work for the violating party, or for other parties sharing  
24      job sites with the violating party, will suffer as a  
25      result of the suspension of all licenses. On receipt of  
26      the court's order and notwithstanding any other law, the

1 appropriate agencies shall immediately suspend the  
2 licenses.

3 (3) For a third violation, or any violation  
4 thereafter, the court, in its discretion, may order the  
5 appropriate government agencies to suspend for a period of  
6 up to 90 days all licenses that are held by the violating  
7 party specific to the business location or locations where  
8 the retaliation occurred. In determining whether a  
9 suspension of all licenses is appropriate, the court shall  
10 consider whether the violating party knowingly committed  
11 retaliation, the good faith efforts of the violating party  
12 to resolve any alleged retaliation after receiving notice  
13 of the violations, as well as the harm other persons  
14 performing work for the violating party, or for other  
15 parties sharing job sites with the violating party, will  
16 suffer as a result of the suspension of all licenses. On  
17 receipt of the court's order and notwithstanding any other  
18 law, the appropriate agencies shall immediately suspend  
19 the licenses.

20 (d) An action under this Act shall not limit or otherwise  
21 affect the applicability of other rights and remedies under  
22 this Chapter or under the Whistleblower Act.

23 Section 40. Administration. The Director or the Director's  
24 authorized representatives shall administer and enforce the  
25 provisions of this Act. In order to accomplish the objectives

1 of this Act and to carry out the duties prescribed by this Act,  
2 the Director or the Director's authorized representative  
3 shall, within 120 days of the effective date of this Act, adopt  
4 rules necessary to administer and enforce the provisions of  
5 this Act, including the procedures that shall be followed for  
6 investigations and hearings under Section 20. The adoption,  
7 amendment, or rescission of rules shall be in conformity with  
8 the requirements of the Illinois Administrative Procedure Act.

9 Section 45. The Whistleblower Act is amended by changing  
10 Sections 5, 15, 20, 20.1, 20.2, 25, and 30 and by adding  
11 Section 31 as follows:

12 (740 ILCS 174/5)

13 Sec. 5. Definitions. As used in this Act:

14 "Employer" means: an individual, sole proprietorship,  
15 partnership, firm, corporation, association, and any other  
16 entity that has one or more employees in this State, including  
17 a political subdivision of the State; a unit of local  
18 government; a school district, combination of school  
19 districts, or governing body of a joint agreement of any type  
20 formed by two or more school districts; a community college  
21 district, State college or university, or any State agency  
22 whose major function is providing educational services; any  
23 authority including a department, division, bureau, board,  
24 commission, or other agency of these entities; and any person

1 acting directly or indirectly in the interest of an employer  
2 in relation to an employee ~~within the scope of his or her~~  
3 ~~authority express or implied on behalf of those entities in~~  
4 ~~dealing with its employees.~~

5 "Employee" means any individual permitted to work ~~who is~~  
6 ~~employed on a full time, part time, or contractual basis~~ by an  
7 employer in an occupation. "Employee" also includes, but is  
8 not limited to, a licensed physician who practices his or her  
9 profession, in whole or in part, at a hospital, nursing home,  
10 clinic, or any medical facility that is a health care facility  
11 funded, in whole or in part, by the State. "Employee" does not  
12 include any individual:

13 (1) who has been and will continue to be free from  
14 control and direction over the performance of his or her  
15 work, both under his or her contract of service with his or  
16 her employer and in fact;

17 (2) who performs work which is either outside the  
18 usual course of business or is performed outside all of  
19 the places of business of the employer unless the employer  
20 is in the business of contracting with third parties for  
21 the placement of employees; and

22 (3) who is in an independently established trade,  
23 occupation, profession, or business.

24 "Public body" means the State or any officer, board, or  
25 commission of the State, or any political subdivision or  
26 department thereof, or any institution supported in whole or



1 in part by public funds, and includes every county, city,  
2 town, village, township, school district, irrigation, utility,  
3 reclamation improvement or other district and every other  
4 political subdivision, district, or municipality of the State  
5 whether such political subdivision, municipality, or district  
6 operates under a special charter or not, and any enforcement  
7 agency related to any such public body.

8 "Retaliatory action" means an adverse action taken by an  
9 employer or his or her agent to discharge, threaten, penalize,  
10 or in any other manner discriminate against any employee or  
11 former employee. "Retaliatory action" includes, but is not  
12 limited to:

13 (1) taking, or threatening to take, an adverse  
14 employment action, such as discharge, suspension, or  
15 demotion, against an employee in the terms or conditions  
16 of employment;

17 (2) taking, or threatening to take, any action that  
18 would adversely impact a former employee's current or  
19 future employment;

20 (3) contacting, or threatening to contact, United  
21 States immigration authorities, or otherwise reporting, or  
22 threatening to report, an employee's suspected citizenship  
23 or immigration status or the suspected citizenship or  
24 immigration status of an employee's family or household  
25 member to a federal, State, or local agency;

26 (4) using the federal E-Verify system to check the

1 employment authorization status of a person at a time or  
2 in a manner not required under 1324a(b) or not authorized  
3 under any memorandum of understanding governing the use of  
4 the federal E-Verify system; or

5 (5) engaging in unfair documentary practices by  
6 demanding more or different documents than necessary,  
7 requesting specific documents, or rejecting reasonably  
8 genuine-looking documents while verifying a worker's  
9 citizenship, immigration status, or national origin, as  
10 defined by 8 U.S.C. 1324b(a) (6)

11 "Supervisor" means any individual (i) within an employer's  
12 organization, or an organization the employer has a  
13 contractual relationship with, (ii) who has the authority to  
14 direct and control the work performance of the affected  
15 employee, or (iii) who has managerial authority to take  
16 corrective action regarding a violation of the law, rule, or  
17 regulation disclosed by an employee in accordance with Section  
18 15.

19 (Source: P.A. 95-128, eff. 1-1-08; 96-1253, eff. 1-1-11.)

20 (740 ILCS 174/15)

21 Sec. 15. Retaliation for certain disclosures prohibited.

22 (a) An employer may not take retaliatory action ~~retaliate~~  
23 against an employee who discloses or threatens to disclose  
24 information about an activity, policy, or practice of the  
25 employer to ~~in~~ a court, an administrative hearing, a public

1 body conducting an investigation, or ~~or before~~ a legislative  
2 commission or committee, or in any other proceeding initiated  
3 by a public body, where the employee has reasonable cause to  
4 believe that the activity, policy or practice (i) violates the  
5 information discloses a violation of a State or federal law,  
6 rule, or regulation or (ii) poses a substantial and specific  
7 danger to public health or safety..

8 (b) An employer may not take retaliatory action ~~retaliate~~  
9 against an employee for disclosing or threatening to disclose  
10 ~~information~~ to a government or law enforcement agency an  
11 activity, policy, or practice of the employer, where the  
12 employee has reasonable cause to believe that the activity,  
13 policy, or practice (i) violates the information discloses a  
14 violation of a State or federal law, rule, or regulation or  
15 (ii) poses a substantial and specific danger to public health  
16 or safety.

17 (c) An employer may not take retaliatory action against an  
18 employee for disclosing or threatening to disclose to a  
19 supervisor an activity, policy, or practice of the employer  
20 that the employee has reasonable cause to believe (i) violates  
21 a State or federal law, rule, or regulation or (ii) poses a  
22 substantial and specific danger to public health or safety.

23 (Source: P.A. 95-128, eff. 1-1-08.)

24 (740 ILCS 174/20)

25 Sec. 20. Retaliation for certain refusals prohibited. An

1 employer may not take retaliatory action ~~retaliate~~ against an  
2 employee for refusing to participate in an activity that would  
3 result in a violation of a State or federal law, rule, or  
4 regulation, including, but not limited to, violations of the  
5 Freedom of Information Act.

6 (Source: P.A. 96-555, eff. 8-18-09.)

7 (740 ILCS 174/20.1)

8 Sec. 20.1. Other retaliation. Any other act or omission  
9 not otherwise specifically set forth in this Act, whether  
10 within or without the workplace, also constitutes retaliatory  
11 action ~~retaliation~~ by an employer under this Act if the act or  
12 omission would be materially adverse to a reasonable employee  
13 and is because of the employee disclosing or attempting to  
14 disclose public corruption or wrongdoing.

15 (Source: P.A. 96-555, eff. 8-18-09.)

16 (740 ILCS 174/20.2)

17 Sec. 20.2. Threatening retaliation. An employer may not  
18 threaten any employee with any act or omission if that act or  
19 omission would constitute retaliatory action ~~retaliation~~  
20 against the employee under this Act.

21 (Source: P.A. 96-555, eff. 8-18-09.)

22 (740 ILCS 174/25)

23 Sec. 25. Criminal ~~Civil~~ penalty. Violation of this Act is

1 a Class A misdemeanor.

2 (Source: P.A. 93-544, eff. 1-1-04.)

3 (740 ILCS 174/30)

4 Sec. 30. Damages and penalties. If an employer takes any  
5 retaliatory action against an employee in violation of Section  
6 15 or 20, the employee may bring a civil action against the  
7 employer for all relief necessary to make the employee whole,  
8 including but not limited to the following, as appropriate:

9 (1) permanent or preliminary injunctive relief;

10 (2) reinstatement with the same seniority status that  
11 the employee would have had, but for the violation;

12 (3) (2) back pay, with interest, and front pay, or, in  
13 lieu of actual damages, at the employee's election,  
14 liquidated damages of \$30,000;; and

15 (4) (3) compensation for any costs incurred ~~damages~~  
16 ~~sustained~~ as a result of the violation, including  
17 litigation costs, expert witness fees, and reasonable  
18 attorney's fees.

19 In addition to the remedies specified in paragraphs (1)  
20 through (4), the Attorney General may request and the finder  
21 of fact may impose a civil penalty in the amount of \$30,000 for  
22 each violation, or \$50,000 for each repeat violation within a  
23 5-year period. For purposes of this Section, each violation of  
24 this Act for each employee the employer took or threatened to  
25 take retaliatory action against shall constitute a separate

1 and distinct violation. A civil penalty imposed under this  
2 Section shall be deposited into the Attorney General Court  
3 Ordered and Voluntary Compliance Payment Projects Fund. Moneys  
4 in the Fund shall be used, subject to appropriation, for the  
5 performance of any function pertaining to the exercise of the  
6 duties of the Attorney General, including, but not limited to,  
7 enforcement of any law of this State and conducting public  
8 education programs; however, any moneys in the Fund that are  
9 required by the court or by an agreement to be used for a  
10 particular purpose shall be used for that purpose.

11 (Source: P.A. 93-544, eff. 1-1-04.)

12 (740 ILCS 174/31 new)

13 Sec. 31. Attorney General enforcement.

14 (a) Whenever the Attorney General has reasonable cause to  
15 believe that any person or entity is engaged in a practice  
16 prohibited by this Act, the Attorney General may, pursuant to  
17 the authority conferred by Section 6.3 of the Attorney General  
18 Act, initiate or intervene in a civil action in the name of the  
19 People of the State in any appropriate court to obtain  
20 appropriate relief.

21 (b) Before initiating an action, the Attorney General may  
22 conduct an investigation and may:

23 (1) require an individual or entity to file a  
24 statement or report in writing, under oath or otherwise,  
25 as to all information the Attorney General may consider

1           necessary;

2           (2) examine under oath any person alleged to have  
3           participated in or with knowledge of the alleged  
4           violation; or

5           (3) issue subpoenas or conduct hearings in aid of any  
6           investigation.

7           (c) Service by the Attorney General of any notice  
8           requiring a person or entity to file a statement or report, or  
9           of a subpoena upon any person or entity, shall be made:

10           (1) personally by delivery of a duly executed copy  
11           thereof to the person to be served or, if a person is not a  
12           natural person, in the manner provided in the Code of  
13           Civil Procedure when a complaint is filed; or

14           (2) by mailing certified mail a duly executed copy  
15           thereof to the person to be served at his or her last known  
16           abode or principal place of business within this State or,  
17           if the person is not a natural person, in the manner  
18           provided in the Code of Civil Procedure when a complaint  
19           is filed.

20           The Attorney General may compel compliance with  
21           investigative demands under this Section through an order by  
22           any court of competent jurisdiction."