

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 7-101, 7A-102, 7A-104, 7B-104, 8-103,
6 8A-102, 10-101, and 10-102 and by adding Section 10-105 as
7 follows:

8 (775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

9 Sec. 7-101. Powers and Duties. In addition to other powers
10 and duties prescribed in this Act, the Department shall have
11 the following powers:

12 (A) Rules and Regulations. To adopt, promulgate, amend,
13 and rescind rules and regulations not inconsistent with the
14 provisions of this Act pursuant to the Illinois Administrative
15 Procedure Act.

16 (B) Charges. To issue, receive, investigate, conciliate,
17 settle, and dismiss charges filed in conformity with this Act.

18 (C) Compulsory Process. To request subpoenas as it deems
19 necessary for its investigations.

20 (D) Complaints. To file complaints with the Commission in
21 conformity with this Act and to intervene in complaints
22 pending before the Commission filed under Article 2, 4, 5, 5A,
23 or 6.

1 (E) Judicial Enforcement. To seek temporary relief and to
2 enforce orders of the Commission in conformity with this Act.

3 (F) Equal Employment Opportunities. To take such action as
4 may be authorized to provide for equal employment
5 opportunities and affirmative action.

6 (G) Recruitment; Research; Public Communication; Advisory
7 Councils. To engage in such recruitment, research and public
8 communication and create such advisory councils as may be
9 authorized to effectuate the purposes of this Act.

10 (H) Coordination with other Agencies. To coordinate its
11 activities with federal, state, and local agencies in
12 conformity with this Act.

13 (I) Grants; Private Gifts.

14 (1) To accept public grants and private gifts as may
15 be authorized.

16 (2) To design grant programs and award grants to
17 eligible recipients.

18 (J) Education and Training. To implement a formal and
19 unbiased program of education and training for all employees
20 assigned to investigate and conciliate charges under Articles
21 7A and 7B. The training program shall include the following:

22 (1) substantive and procedural aspects of the
23 investigation and conciliation positions;

24 (2) current issues in human rights law and practice;

25 (3) lectures by specialists in substantive areas
26 related to human rights matters;

1 (4) orientation to each operational unit of the
2 Department and Commission;

3 (5) observation of experienced Department
4 investigators and attorneys conducting conciliation
5 conferences, combined with the opportunity to discuss
6 evidence presented and rulings made;

7 (6) the use of hypothetical cases requiring the
8 Department investigator and conciliation conference
9 attorney to issue judgments as a means to evaluating
10 knowledge and writing ability;

11 (7) writing skills;

12 (8) computer skills, including but not limited to word
13 processing and document management.

14 A formal, unbiased and ongoing professional development
15 program including, but not limited to, the above-noted areas
16 shall be implemented to keep Department investigators and
17 attorneys informed of recent developments and issues and to
18 assist them in maintaining and enhancing their professional
19 competence.

20 (Source: P.A. 102-1115, eff. 1-9-23.)

21 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

22 Sec. 7A-102. Procedures.

23 (A) Charge.

24 (1) Within 300 calendar days after the date that a
25 civil rights violation allegedly has been committed, a

1 charge in writing under oath or affirmation may be filed
2 with the Department by an aggrieved party or issued by the
3 Department itself under the signature of the Director.

4 (2) The charge shall be in such detail as to
5 substantially apprise any party properly concerned as to
6 the time, place, and facts surrounding the alleged civil
7 rights violation.

8 (3) Charges deemed filed with the Department pursuant
9 to subsection (A-1) of this Section shall be deemed to be
10 in compliance with this subsection.

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

12 (1) If a charge is filed with the Equal Employment
13 Opportunity Commission (EEOC) within 300 calendar days
14 after the date of the alleged civil rights violation, the
15 charge shall be deemed filed with the Department on the
16 date filed with the EEOC. If the EEOC is the governmental
17 agency designated to investigate the charge first, the
18 Department shall take no action until the EEOC makes a
19 determination on the charge and after the complainant
20 notifies the Department of the EEOC's determination. In
21 such cases, after receiving notice from the EEOC that a
22 charge was filed, the Department shall notify the parties
23 that (i) a charge has been received by the EEOC and has
24 been sent to the Department for dual filing purposes; (ii)
25 the EEOC is the governmental agency responsible for
26 investigating the charge and that the investigation shall

1 be conducted pursuant to the rules and procedures adopted
2 by the EEOC; (iii) it will take no action on the charge
3 until the EEOC issues its determination; (iv) the
4 complainant must submit a copy of the EEOC's determination
5 within 30 days after service of the determination by the
6 EEOC on the complainant; and (v) that the time period to
7 investigate the charge contained in subsection (G) of this
8 Section is tolled from the date on which the charge is
9 filed with the EEOC until the EEOC issues its
10 determination.

11 (2) If the EEOC finds reasonable cause to believe that
12 there has been a violation of federal law and if the
13 Department is timely notified of the EEOC's findings by
14 the complainant, the Department shall notify the
15 complainant that the Department has adopted the EEOC's
16 determination of reasonable cause and that the complainant
17 has the right, within 90 days after receipt of the
18 Department's notice, to either file the complainant's ~~his~~
19 ~~or her~~ own complaint with the Illinois Human Rights
20 Commission or commence a civil action in the appropriate
21 circuit court or other appropriate court of competent
22 jurisdiction. This notice shall be provided to the
23 complainant within 10 business days after the Department's
24 receipt of the EEOC's determination. The Department's
25 notice to the complainant that the Department has adopted
26 the EEOC's determination of reasonable cause shall

1 constitute the Department's Report for purposes of
2 subparagraph (D) of this Section.

3 (3) For those charges alleging violations within the
4 jurisdiction of both the EEOC and the Department and for
5 which the EEOC either (i) does not issue a determination,
6 but does issue the complainant a notice of a right to sue,
7 including when the right to sue is issued at the request of
8 the complainant, or (ii) determines that it is unable to
9 establish that illegal discrimination has occurred and
10 issues the complainant a right to sue notice, and if the
11 Department is timely notified of the EEOC's determination
12 by the complainant, the Department shall notify the
13 parties, within 10 business days after receipt of the
14 EEOC's determination, that the Department will adopt the
15 EEOC's determination as a dismissal for lack of
16 substantial evidence unless the complainant requests in
17 writing within 35 days after receipt of the Department's
18 notice that the Department review the EEOC's
19 determination.

20 (a) If the complainant does not file a written
21 request with the Department to review the EEOC's
22 determination within 35 days after receipt of the
23 Department's notice, the Department shall notify the
24 complainant, within 10 business days after the
25 expiration of the 35-day period, that the decision of
26 the EEOC has been adopted by the Department as a

1 dismissal for lack of substantial evidence and that
2 the complainant has the right, within 90 days after
3 receipt of the Department's notice, to commence a
4 civil action in the appropriate circuit court or other
5 appropriate court of competent jurisdiction. The
6 Department's notice to the complainant that the
7 Department has adopted the EEOC's determination shall
8 constitute the Department's report for purposes of
9 subparagraph (D) of this Section.

10 (b) If the complainant does file a written request
11 with the Department to review the EEOC's
12 determination, the Department shall review the EEOC's
13 determination and any evidence obtained by the EEOC
14 during its investigation. If, after reviewing the
15 EEOC's determination and any evidence obtained by the
16 EEOC, the Department determines there is no need for
17 further investigation of the charge, the Department
18 shall issue a report and the Director shall determine
19 whether there is substantial evidence that the alleged
20 civil rights violation has been committed pursuant to
21 subsection (D) of this Section. If, after reviewing
22 the EEOC's determination and any evidence obtained by
23 the EEOC, the Department determines there is a need
24 for further investigation of the charge, the
25 Department may conduct any further investigation it
26 deems necessary. After reviewing the EEOC's

1 determination, the evidence obtained by the EEOC, and
2 any additional investigation conducted by the
3 Department, the Department shall issue a report and
4 the Director shall determine whether there is
5 substantial evidence that the alleged civil rights
6 violation has been committed pursuant to subsection
7 (D) of this Section.

8 (4) Pursuant to this Section, if the EEOC dismisses
9 the charge or a portion of the charge of discrimination
10 because, under federal law, the EEOC lacks jurisdiction
11 over the charge, and if, under this Act, the Department
12 has jurisdiction over the charge of discrimination, the
13 Department shall investigate the charge or portion of the
14 charge dismissed by the EEOC for lack of jurisdiction
15 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
16 (E), (F), (G), (H), (I), (J), and (K) of this Section.

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

21 (6) The failure of the Department to meet the
22 10-business-day notification deadlines set out in
23 paragraph (2) of this subsection shall not impair the
24 rights of any party.

25 (B) Notice and Response to Charge. The Department shall,
26 within 10 days of the date on which the charge was filed, serve

1 a copy of the charge on the respondent and provide all parties
2 with a notice of the complainant's right to opt out of the
3 investigation within 60 days as set forth in subsection (C-1).
4 This period shall not be construed to be jurisdictional. The
5 charging party and the respondent may each file a position
6 statement and other materials with the Department regarding
7 the charge of alleged discrimination within 60 days of receipt
8 of the notice of the charge. The position statements and other
9 materials filed shall remain confidential unless otherwise
10 agreed to by the party providing the information and shall not
11 be served on or made available to the other party during the
12 pendency of a charge with the Department. The Department may
13 require the respondent to file a response to the allegations
14 contained in the charge. Upon the Department's request, the
15 respondent shall file a response to the charge within 60 days
16 and shall serve a copy of its response on the complainant or
17 the complainant's ~~his or her~~ representative. Notwithstanding
18 any request from the Department, the respondent may elect to
19 file a response to the charge within 60 days of receipt of
20 notice of the charge, provided the respondent serves a copy of
21 its response on the complainant or the complainant's ~~his or~~
22 ~~her~~ representative. All allegations contained in the charge
23 not denied by the respondent within 60 days of the
24 Department's request for a response may be deemed admitted,
25 unless the respondent states that it is without sufficient
26 information to form a belief with respect to such allegation.

1 The Department may issue a notice of default directed to any
2 respondent who fails to file a response to a charge within 60
3 days of receipt of the Department's request, unless the
4 respondent can demonstrate good cause as to why such notice
5 should not issue. The term "good cause" shall be defined by
6 rule promulgated by the Department. Within 30 days of receipt
7 of the respondent's response, the complainant may file a reply
8 to said response and shall serve a copy of said reply on the
9 respondent or the respondent's ~~his or her~~ representative. A
10 party shall have the right to supplement the party's ~~his or her~~
11 response or reply at any time that the investigation of the
12 charge is pending. The Department shall, within 10 days of the
13 date on which the charge was filed, and again no later than 335
14 days thereafter, send by certified or registered mail, or
15 electronic mail if elected by the party, written notice to the
16 complainant and to the respondent informing the complainant of
17 the complainant's rights to either file a complaint with the
18 Human Rights Commission or commence a civil action in the
19 appropriate circuit court under subparagraph (2) of paragraph
20 (G), including in such notice the dates within which the
21 complainant may exercise these rights. In the notice the
22 Department shall notify the complainant that the charge of
23 civil rights violation will be dismissed with prejudice and
24 with no right to further proceed if a written complaint is not
25 timely filed with the Commission or with the appropriate
26 circuit court by the complainant pursuant to subparagraph (2)

1 of paragraph (G) or by the Department pursuant to subparagraph
2 (1) of paragraph (G).

3 (B-1) Mediation. The complainant and respondent may agree
4 to voluntarily submit the charge to mediation without waiving
5 any rights that are otherwise available to either party
6 pursuant to this Act and without incurring any obligation to
7 accept the result of the mediation process. Nothing occurring
8 in mediation shall be disclosed by the Department or
9 admissible in evidence in any subsequent proceeding unless the
10 complainant and the respondent agree in writing that such
11 disclosure be made.

12 (C) Investigation.

13 (1) The Department shall conduct an investigation
14 sufficient to determine whether the allegations set forth
15 in the charge are supported by substantial evidence unless
16 the complainant elects to opt out of an investigation
17 pursuant to subsection (C-1).

18 (2) The Director or the Director's ~~his or her~~
19 designated representatives shall have authority to request
20 any member of the Commission to issue subpoenas to compel
21 the attendance of a witness or the production for
22 examination of any books, records or documents whatsoever.

23 (3) If any witness whose testimony is required for any
24 investigation resides outside the State, or through
25 illness or any other good cause as determined by the
26 Director is unable to be interviewed by the investigator

1 or appear at a fact finding conference, the witness' ~~his~~
2 ~~or her~~ testimony or deposition may be taken, within or
3 without the State, in the same manner as is provided for in
4 the taking of depositions in civil cases in circuit
5 courts.

6 (4) Upon reasonable notice to the complainant and the
7 respondent, the Department shall conduct a fact finding
8 conference, unless prior to 365 days after the date on
9 which the charge was filed the Director has determined
10 whether there is substantial evidence that the alleged
11 civil rights violation has been committed, the charge has
12 been dismissed for lack of jurisdiction, or the parties
13 voluntarily and in writing agree to waive the fact finding
14 conference. Any party's failure to attend the conference
15 without good cause shall result in dismissal or default.
16 The term "good cause" shall be defined by rule promulgated
17 by the Department. A notice of dismissal or default shall
18 be issued by the Director. The notice of default issued by
19 the Director shall notify the respondent that a request
20 for review may be filed in writing with the Commission
21 within 30 days of receipt of notice of default. The notice
22 of dismissal issued by the Director shall give the
23 complainant notice of the complainant's ~~his or her~~ right
24 to seek review of the dismissal before the Human Rights
25 Commission or commence a civil action in the appropriate
26 circuit court. If the complainant chooses to have the

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

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

1 that a complaint has been filed with the appropriate circuit
2 court or other appropriate court of competent jurisdiction and
3 shall mail a copy of the complaint to the Department and the
4 respondent on the same date that the complaint is filed with
5 the appropriate court. Once a complainant has opted out of the
6 investigation under this subsection, the complainant ~~he or she~~
7 may not file or refile a substantially similar charge with the
8 Department arising from the same incident of unlawful
9 discrimination or harassment.

10 (D) Report.

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

17 (2) Upon review of the report, the Director shall
18 determine whether there is substantial evidence that the
19 alleged civil rights violation has been committed. The
20 determination of substantial evidence is limited to
21 determining the need for further consideration of the
22 charge pursuant to this Act and includes, but is not
23 limited to, findings of fact and conclusions, as well as
24 the reasons for the determinations on all material issues.
25 Substantial evidence is evidence which a reasonable mind
26 accepts as sufficient to support a particular conclusion

1 and which consists of more than a mere scintilla but may be
2 somewhat less than a preponderance.

3 (3) If the Director determines that there is no
4 substantial evidence, the charge shall be dismissed by
5 ~~order of~~ the Director and the Director shall give the
6 complainant notice of the complainant's ~~his or her~~ right
7 to seek review of the notice of dismissal ~~order~~ before the
8 Commission or commence a civil action in the appropriate
9 circuit court. If the complainant chooses to have the
10 Human Rights Commission review the notice of dismissal
11 ~~order~~, the complainant ~~he or she~~ shall file a request for
12 review with the Commission within 90 days after receipt of
13 the Director's notice. If the complainant chooses to file
14 a request for review with the Commission, the complainant
15 ~~he or she~~ may not later commence a civil action in a
16 circuit court. If the complainant chooses to commence a
17 civil action in a circuit court, the complainant ~~he or she~~
18 must do so within 90 days after receipt of the Director's
19 notice. The complainant shall notify the Department that a
20 complaint has been filed by serving a copy of the
21 complaint on the chief legal counsel of the Department
22 within 21 days from the date that the complaint is filed in
23 circuit court. This period shall not be construed to be
24 jurisdictional.

25 (4) If the Director determines that there is
26 substantial evidence, the Director ~~he or she~~ shall notify

1 the complainant and respondent of that determination. The
2 Director shall also notify the parties that the
3 complainant has the right to either commence a civil
4 action in the appropriate circuit court or request that
5 the Department of Human Rights file a complaint with the
6 Human Rights Commission on the complainant's ~~his or her~~
7 behalf. Any such complaint shall be filed within 90 days
8 after receipt of the Director's notice. If the complainant
9 chooses to have the Department file a complaint with the
10 Human Rights Commission on the complainant's ~~his or her~~
11 behalf, the complainant must, within 30 days after receipt
12 of the Director's notice, request in writing that the
13 Department file the complaint. If the complainant timely
14 requests that the Department file the complaint, the
15 Department shall file the complaint on the complainant's
16 ~~his or her~~ behalf. If the complainant fails to timely
17 request that the Department file the complaint, the
18 complainant may file the complainant's ~~his or her~~
19 complaint with the Commission or commence a civil action
20 in the appropriate circuit court. If the complainant files
21 a complaint with the Human Rights Commission, the
22 complainant shall notify the Department that a complaint
23 has been filed by serving a copy of the complaint on the
24 chief legal counsel of the Department within 21 days from
25 the date that the complaint is filed ~~give notice to the~~
26 ~~Department of the filing of the complaint~~ with the Human

1 Rights Commission. This period shall not be construed to
2 be jurisdictional.

3 (E) Conciliation.

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

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

16 (3) The place fixed for the conference shall be within
17 35 miles of the place where the civil rights violation is
18 alleged to have been committed.

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

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

25 (F) Complaint.

26 (1) When the complainant requests that the Department

1 file a complaint with the Commission on the complainant's
2 ~~his or her~~ behalf, the Department shall prepare a written
3 complaint, under oath or affirmation, stating the nature
4 of the civil rights violation substantially as alleged in
5 the charge previously filed and the relief sought on
6 behalf of the aggrieved party. The Department shall file
7 the complaint with the Commission.

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

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

18 (i) The complainant shall file the civil action 7
19 ~~he or she must do so~~ in the circuit court in the county
20 wherein the civil rights violation was allegedly
21 committed.

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

25 (iii) The complainant shall notify the Department
26 that a complaint has been filed by serving a copy of

1 the complaint on the chief legal counsel of the
2 Department within 21 days from the date that the
3 complaint is filed in circuit court. This period shall
4 not be construed to be jurisdictional.

5 (G) Time Limit.

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

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

1 that the complaint is filed with the Commission or in
2 circuit court. If the complainant files a complaint with
3 the Commission, the complainant ~~he or she~~ may not later
4 commence a civil action in circuit court.

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

21 (4) (Blank).

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

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

26 (J) The changes made to this Section by Public Act 95-243

1 apply to charges filed on or after the effective date of those
2 changes.

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

6 (L) The changes made to this Section by Public Act
7 100-1066 apply to charges filed on or after August 24, 2018
8 (the effective date of Public Act 100-1066).

9 (Source: P.A. 101-221, eff. 1-1-20; 102-558, eff. 8-20-21.)

10 (775 ILCS 5/7A-104) (from Ch. 68, par. 7A-104)

11 Sec. 7A-104. Judicial Proceedings.

12 (A) Temporary Relief.

13 (1) At any time after a charge is filed, the
14 Department or complainant may petition the appropriate
15 court for temporary relief, pending final determination of
16 the proceedings under this Act, ~~including an order or~~
17 ~~judgment restraining the respondent from doing or causing~~
18 ~~any act which would render ineffectual an order which the~~
19 ~~Commission may enter with respect to the complainant.~~
20 Whether it is brought by the Department or by the
21 complainant, the petition shall contain a certification by
22 the Director that the particular matter warrants ~~presents~~
23 ~~exceptional circumstances in which irreparable injury will~~
24 ~~result from a civil rights violation in the absence of~~
25 temporary relief. The filing of a petition under this

1 paragraph does not affect the initiation or continuation
2 of administrative proceedings under Sections 7A-102 and
3 8A-102.

4 (2) The petition shall be filed in the circuit court
5 for the county in which the respondent resides or
6 transacts business or in which the alleged violation took
7 place, and the proceedings shall be governed by Part I of
8 Article XI of the "Code of Civil Procedure", as amended.
9 ~~The Except as provided in subsection (A) (3),~~ the court
10 may grant temporary relief or a temporary restraining
11 order as it deems just and proper.

12 (3) (Blank). ~~When the petition is based upon a civil~~
13 ~~rights violation as defined in Article 3 of this Act, the~~
14 ~~relief or restraining order entered by the court shall not~~
15 ~~exceed 5 days unless:~~

16 ~~(a) A longer period is agreed to by the~~
17 ~~respondent; or~~

18 ~~(b) The court finds that there is substantial~~
19 ~~evidence to demonstrate that the respondent has~~
20 ~~engaged in unlawful discrimination.~~

21 (B) Expedited Proceedings.

22 (1) A complainant or the Department at the request of
23 the complainant may at any time petition the circuit court
24 for expedited proceedings. Except as to causes the circuit
25 court considers to be of greater importance, consideration
26 of petitions for expedited proceedings under this

1 subsection shall take precedence on the docket over all
2 other causes and be assigned for hearing at the earliest
3 practicable date and expedited in every way.

4 (2) Venue for a petition filed under this subsection
5 shall lie in the county where the respondent resides or is
6 found or where the alleged violation was committed.

7 (3) Any petition filed by the complainant shall name
8 the Department, Commission and the respondent. Any
9 petition filed by the Department, upon request of the
10 complainant, shall name the Commission and the respondent.

11 (4) If the circuit court determines that the
12 complainant is likely to die before the termination of the
13 proceedings under this Act, it may order the proceedings
14 expedited. When an order for expedited proceedings is
15 issued, the processing of the complainant's charge by the
16 Department and Commission shall take precedence over all
17 matters except older matters of the same character. Where
18 such order is issued, the Department, the Commission, any
19 panel of the Commission, or any Commission hearing officer
20 shall be authorized to shorten any time period, other than
21 the filing period set by Section 7A-102(A)(1). If such an
22 order is issued and the complainant is before the
23 Department, the Department shall immediately appoint an
24 investigator if an investigator has not been appointed and
25 shall in 90 days either file a complaint or order that no
26 complaint be issued. If the Department fails to make a

1 determination within 90 days the complainant shall have 30
2 days to file a ~~his~~ complaint with the Commission.

3 (C) Enforcement of Commission Orders. When authorized by
4 this Act, the Department, at the request of the Commission,
5 may take whatever action may be authorized for the enforcement
6 of Commission orders.

7 (Source: P.A. 101-661, eff. 4-2-21.)

8 (775 ILCS 5/7B-104) (from Ch. 68, par. 7B-104)

9 Sec. 7B-104. Judicial Proceedings. (A) Temporary Relief.

10 (1) At any time after a charge is filed, the Department or
11 aggrieved party may petition the appropriate court for
12 temporary relief, pending final determination of the
13 proceedings under this Act, ~~including an order or judgment~~
14 ~~restraining the respondent from doing or causing any act which~~
15 ~~would render ineffectual an order which the Commission may~~
16 ~~enter with respect to the aggrieved party.~~ Whether it is
17 brought by the Department or by the aggrieved party, the
18 petition shall contain a certification by the Director that
19 the particular matter warrants ~~presents exceptional~~
20 ~~circumstances in which irreparable injury will result from a~~
21 ~~civil rights violation in the absence of~~ temporary relief. The
22 filing of a petition under this paragraph does not affect the
23 initiation or continuation of administrative proceedings under
24 Sections 7B-102 and 8B-102 ~~Section 7A-102 and Section 8A-102~~
25 ~~of this Act.~~

1 (2) The petition shall be filed in the circuit court for
2 the county in which the respondent resides or transacts
3 business or in which the alleged violation took place, and the
4 proceedings shall be governed by Part 1 of Article XI of the
5 "Code of Civil Procedure", as amended. The ~~Except as provided~~
6 ~~in subsection (A) (3),~~ the court may grant temporary relief or
7 a temporary restraining order as it deems just and proper.

8 (3) (Blank). ~~When the petition is based upon a civil~~
9 ~~rights violation as defined in Article 3 of this Act, the~~
10 ~~duration of the relief or restraining order entered by the~~
11 ~~court shall not exceed 5 days unless:~~

12 ~~(a) A longer period is agreed to by the respondent; or~~

13 ~~(b) The court finds that there is substantial evidence to~~
14 ~~demonstrate that the respondent has engaged in unlawful~~
15 ~~discrimination.~~

16 (B) Enforcement of Commission Orders. When authorized by
17 this Act, the Department, at the request of the Commission,
18 may take whatever action may be authorized for the enforcement
19 of Commission orders.

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

21 (775 ILCS 5/8-103) (from Ch. 68, par. 8-103)

22 Sec. 8-103. Request for review.

23 (A) Jurisdiction. The Commission, through a panel of 3
24 ~~three~~ members, shall have jurisdiction to hear and determine
25 requests for review of (1) decisions of the Department to

1 dismiss a charge; and (2) notices of default issued by the
2 Department.

3 In each instance, the Department shall be the respondent.
4 The respondent on the charge, in the case of dismissal, or the
5 complainant, in the case of default, may file a response to the
6 request for review.

7 (B) Review. When a request for review is properly filed,
8 the Commission may consider the Department's report, any
9 argument and supplemental evidence timely submitted, and the
10 results of any additional investigation conducted by the
11 Department in response to the request. In its discretion, the
12 Commission may designate a hearing officer to conduct a
13 hearing into the factual basis of the matter at issue. Within
14 120 days after the effective date of this amendatory Act of the
15 100th General Assembly, the Commission shall adopt rules of
16 minimum standards for the contents of responses to requests
17 for review, including, but not limited to, proposed statements
18 of uncontested facts and proposed statements of the legal
19 issues.

20 (C) Default Order. When a respondent fails to file a
21 timely request for review of a notice of default, or the
22 default is sustained on review, the Commission shall enter a
23 default order and notify the parties that the complainant has
24 the right to either commence a civil action in the appropriate
25 circuit court to determine the complainant's damages or
26 request that the Commission set a hearing on damages before

1 one of its hearing officers. The complainant shall have 90
2 days after receipt of the Commission's default order to either
3 commence a civil action in the appropriate circuit court or
4 request that the Commission set a hearing on damages.

5 (D) Time Period Toll. Proceedings on requests for review
6 shall toll the time limitation established in paragraph (G) of
7 Section 7A-102 from the date on which the Department's notice
8 of dismissal or default is issued until 30 days after ~~to~~ the
9 date on which the Commission's order is served on the chief
10 legal counsel of the Department ~~entered~~.

11 (E) The changes made to this Section by Public Act 95-243
12 apply to charges or complaints filed with the Department or
13 Commission on or after the effective date of those changes.

14 (F) The changes made to this Section by this amendatory
15 Act of the 96th General Assembly apply to charges or
16 complaints filed with the Department or Commission on or after
17 the effective date of those changes.

18 (G) The changes made to this Section by this amendatory
19 Act of the 100th General Assembly apply to charges filed or
20 pending with the Department or Commission on or after the
21 effective date of this amendatory Act of the 100th General
22 Assembly.

23 (Source: P.A. 100-1066, eff. 8-24-18.)

24 (775 ILCS 5/8A-102) (from Ch. 68, par. 8A-102)
25 Sec. 8A-102. Hearing on Complaint.

1 (A) Services. Within five days after a complaint is filed
2 by the Department, or the aggrieved party, as the case may be,
3 the Commission shall cause it to be served on the respondent
4 together with a notice of hearing before a hearing officer of
5 the Commission at a place therein fixed.

6 (B) Time and Location of Hearing. An initial hearing date
7 shall be scheduled for not less than 30 ~~thirty~~ nor more than 90
8 ~~ninety~~ days after service of the complaint at a place that is
9 within 100 ~~one hundred~~ miles of the place at which the civil
10 rights violation is alleged to have occurred. The hearing
11 officer may, for good cause shown, extend the date of the
12 hearing.

13 (B-5) Intervention by the Department.

14 (1) After the filing of a complaint under Article 2,
15 4, 5, 5A, or 6, the Department may petition and shall be
16 permitted to intervene as a party in the proceeding if the
17 Commission determines that:

18 (i) the Department has an interest different from
19 one or more of the parties;

20 (ii) the expertise of the Department makes it
21 better suited to articulate a particular point of
22 view; or

23 (iii) the representation of the Department's
24 interest by existing parties is or may be inadequate
25 and the Department will or may be bound by an order or
26 judgment in the action.

1 (2) The Department, as an intervenor, shall have all
2 of the rights of an original party subject to the order of
3 the administrative law judge.

4 (3) Upon such intervention, the Commission may award
5 such relief as is authorized to be granted to a
6 complainant under Section 8A-104.

7 (C) Amendment.

8 (1) A complaint may be amended under oath by leave of
9 the presiding hearing officer, for good cause shown, upon
10 timely written motion and reasonable notice to all
11 interested parties at any time prior to the issuance of a
12 recommended order pursuant to Section 8A-102(I) or
13 8B-102(J). The amended complaint shall be served upon all
14 parties of record and the Department of Human Rights by
15 the complainant, or by the Department if it prepared and
16 filed the amended complaint, within 7 days of the date of
17 the order permitting its filing or such additional time as
18 the hearing officer may order. Amendments to the complaint
19 may encompass any unlawful discrimination which is like or
20 reasonably related to the charge and growing out of the
21 allegations in such charge, including, but not limited to,
22 allegations of retaliation.

23 (2) A motion that the complaint be amended to conform
24 to the evidence, made prior to the close of the public
25 hearing, may be addressed orally on the record to the
26 hearing officer, and shall be granted for good and

1 sufficient cause.

2 (D) Answer.

3 (1) The respondent shall file an answer under oath or
4 affirmation to the original or amended complaint within 30
5 days of the date of service thereof, but the hearing
6 officer may, for good cause shown, grant further time for
7 the filing of an answer.

8 (2) When the respondent files a motion to dismiss the
9 complaint within 30 days and the motion is denied by the
10 hearing officer, the time for filing the answer shall be
11 within 15 days of the date of denial of the motion.

12 (3) Any allegation in the complaint which is not
13 denied or admitted in the answer is deemed admitted unless
14 the respondent states in the answer that the respondent ~~he~~
15 is without sufficient knowledge or information to form a
16 belief with respect to such allegation.

17 (4) The failure to file an answer is deemed to
18 constitute an admission of the allegations contained in
19 the complaint.

20 (5) The respondent has the right to amend the
21 respondent's ~~his~~ answer, upon leave of the hearing
22 officer, for good cause shown.

23 (E) Proceedings In Forma Pauperis.

24 (1) If the hearing officer is satisfied that the
25 complainant or respondent is a poor person, and unable to
26 prosecute or defend the complaint and pay the costs and

1 expenses thereof, the hearing officer may permit the party
2 to commence and prosecute or defend the action as a poor
3 person. Such party shall have all the necessary subpoenas,
4 appearances, and proceedings without prepayment of witness
5 fees or charges. Witnesses shall attend as in other cases
6 under this Act and the same remedies shall be available
7 for failure or refusal to obey the subpoena as are
8 provided for in Section 8-104 of this Act.

9 (2) A person desiring to proceed without payment of
10 fees or charges shall file with the hearing officer an
11 affidavit stating that the person ~~he~~ is a poor person and
12 unable to pay costs, and that the action is meritorious.

13 (F) Discovery. The procedure for obtaining discovery of
14 information from parties and witnesses shall be specified by
15 the Commission in rules. If no rule has been promulgated by the
16 Commission on a particular type of discovery, the Code of
17 Civil Procedure may be considered persuasive authority. The
18 types of discovery shall be the same as in civil cases in the
19 circuit courts of this State, provided, however, that a party
20 may take discovery depositions only upon leave of the hearing
21 officer and for good cause shown.

22 (G) Hearing.

23 (1) Both the complainant and the respondent may appear
24 at the hearing and examine and cross-examine witnesses.

25 (2) The testimony taken at the hearing shall be under
26 oath or affirmation and a transcript shall be made and

1 filed in the office of the Commission.

2 (3) The testimony taken at the hearing is subject to
3 the same rules of evidence that apply in courts of this
4 State in civil cases.

5 (H) Compelling Appearance of Parties at Hearing. The
6 appearance at the hearing of a party or a person who at the
7 time of the hearing is an officer, director, or employee of a
8 party may be required by serving the party with a notice
9 designating the person who is required to appear. The notice
10 also may require the production at the hearing of documents or
11 tangible things. If the party or person is a nonresident of the
12 county, the hearing officer may order any terms and conditions
13 in connection with the party's or person's ~~his~~ appearance at
14 the hearing that are just, including payment of the party's or
15 person's ~~his~~ reasonable expenses. Upon a failure to comply
16 with the notice, the hearing officer may enter any order that
17 is just.

18 (I) Decision.

19 (1) When all the testimony has been taken, the hearing
20 officer shall determine whether the respondent has engaged
21 in or is engaging in the civil rights violation with
22 respect to the person aggrieved as charged in the
23 complaint. A determination sustaining a complaint shall be
24 based upon a preponderance of the evidence.

25 (2) The hearing officer shall make findings of fact in
26 writing and, if the finding is against the respondent,

1 shall issue and cause to be served on the parties and the
2 Department a recommended order for appropriate relief as
3 provided by this Act.

4 (3) If, upon all the evidence, the hearing officer
5 finds that a respondent has not engaged in the
6 discriminatory practice charged in the complaint or that a
7 preponderance of the evidence does not sustain the
8 complaint, the hearing officer ~~he~~ shall state the hearing
9 officer's ~~his~~ findings of fact and shall issue and cause
10 to be served on the parties and the Department a
11 recommended order dismissing the complaint.

12 (4) The findings and recommended order of the hearing
13 officer shall be filed with the Commission. The findings
14 and recommended order may be authored by a hearing officer
15 other than the hearing officer who presides at the public
16 hearing if:

17 (a) the hearing officer who presides at the public
18 hearing is unable to author the findings and
19 recommended order by reason of death, disability, or
20 separation from employment; and

21 (b) all parties to a complaint file a joint motion
22 agreeing to have the findings and recommended order
23 written by a hearing officer who did not preside at the
24 public hearing.

25 (5) A recommended order dismissing a complaint may
26 include an award of reasonable attorneys fees in favor of

1 the respondent against the complainant or the
2 complainant's attorney, or both, if the hearing officer
3 concludes that the complaint was frivolous, unreasonable
4 or groundless or that the complainant continued to
5 litigate after it became clearly so.

6 (6) The hearing officer may issue a recommended order
7 of dismissal with prejudice or a recommended order of
8 default as a sanction for the failure of a party to
9 prosecute the party's ~~his or her~~ case, file a required
10 pleading, appear at a hearing, or otherwise comply with
11 this Act, the rules of the Commission, or a previous order
12 of the hearing officer.

13 (Source: P.A. 92-472, eff. 1-1-02.)

14 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

15 Sec. 10-101. Applicability. With the exception of Sections
16 ~~Section~~ 10-104 and 10-105, this Article shall apply solely to
17 civil actions arising under Article 3 of this Act.

18 (Source: P.A. 93-1017, eff. 8-24-04.)

19 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)

20 Sec. 10-102. Court Actions.

21 (A) Circuit Court Actions.

22 (1) An aggrieved party may commence a civil action in
23 an appropriate Circuit Court not later than 2 years after
24 the occurrence or the termination of an alleged civil

1 rights violation or the breach of a conciliation or
2 settlement agreement entered into under this Act,
3 whichever occurs last, to obtain appropriate relief with
4 respect to the alleged civil rights violation or breach.
5 The plaintiff or defendant may demand trial by jury for
6 civil actions brought under this subsection. Venue for
7 such civil action shall be determined under Section
8 8-111(A)(1).

9 (2) The computation of such 2-year period shall not
10 include any time during which an administrative proceeding
11 under this Act was pending with respect to a complaint or
12 charge under this Act based upon the alleged civil rights
13 violation. This paragraph does not apply to actions
14 arising from a breach of a conciliation or settlement
15 agreement.

16 (3) An aggrieved party may commence a civil action
17 under this subsection whether or not a charge has been
18 filed under Section 7B-102 and without regard to the
19 status of any such charge, however, if the Department or
20 local agency has obtained a conciliation or settlement
21 agreement with the consent of an aggrieved party, no
22 action may be filed under this subsection by such
23 aggrieved party with respect to the alleged civil rights
24 violation practice which forms the basis for such
25 complaint except for the purpose of enforcing the terms of
26 such conciliation or settlement agreement.

1 (4) An aggrieved party shall not commence a civil
2 action under this subsection with respect to an alleged
3 civil rights violation which forms the basis of a
4 complaint issued by the Department if a hearing officer
5 has commenced a hearing on the record under Article 3 of
6 this Act with respect to such complaint.

7 (B) Appointment of Attorney by Court. Upon application by
8 a person alleging a civil rights violation or a person against
9 whom the civil rights violation is alleged, if in the opinion
10 of the court such person is financially unable to bear the
11 costs of such action, the court may:

12 (1) appoint an attorney for such person, any attorney
13 so appointed may petition for an award of attorneys fees
14 pursuant to subsection (C) (2) of this Section; or

15 (2) authorize the commencement or continuation of a
16 civil action under subsection (A) without the payment of
17 fees, costs, or security.

18 (C) Relief which may be granted.

19 (1) In a civil action under subsection (A) if the
20 court finds that a civil rights violation has occurred or
21 is about to occur, the court may award to the plaintiff
22 actual and punitive damages, and may grant as relief, as
23 the court deems appropriate, any permanent or preliminary
24 injunction, temporary restraining order, or other order,
25 including an order enjoining the defendant from engaging
26 in such civil rights violation or ordering such

1 affirmative action as may be appropriate.

2 (2) In a civil action under subsection (A), the court,
3 in its discretion, may allow the prevailing party, other
4 than the State of Illinois, reasonable attorneys fees and
5 costs. The State of Illinois shall be liable for such fees
6 and costs to the same extent as a private person.

7 (D) Intervention by the Attorney General ~~By The~~
8 ~~Department.~~ If the Department certifies that the case is of
9 general public importance, the ~~The~~ Attorney General ~~of~~
10 ~~Illinois~~ may seek to intervene on behalf of the Department in a
11 civil action filed by a complainant in State or federal court
12 under this Section ~~if the Department certifies that the case~~
13 ~~is of general public importance.~~ Upon such intervention, the
14 court may award any of the remedies set forth in Section 8B-104
15 and subsection (B) of Section 10-104 ~~such relief as is~~
16 ~~authorized to be granted to a plaintiff in a civil action under~~
17 ~~Section 10-102(C).~~

18 (Source: P.A. 101-661, eff. 4-2-21; 102-706, eff. 4-22-22.)

19 (775 ILCS 5/10-105 new)

20 Sec. 10-105. Intervention by the Attorney General. If the
21 Department certifies that the case is of general public
22 importance, the Attorney General may seek to intervene on
23 behalf of the Department in a civil action filed by a
24 complainant in State or federal court under Section 7A-102.
25 Upon such intervention, the court or jury may award any of the

1 remedies set forth in Section 8A-104 and subsection (B) of
2 Section 10-104.