



Rep. Ann M. Williams

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10300HB3135ham002

LRB103 27775 LNS 59148 a

1 AMENDMENT TO HOUSE BILL 3135

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3135 by replacing  
3 everything after the enacting clause with the following:

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,

1 settle, and dismiss charges filed in conformity with this Act.

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

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

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

10 (F) Equal Employment Opportunities. To take such action as  
11 may be authorized to provide for equal employment  
12 opportunities and affirmative action.

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

17 (H) Coordination with other Agencies. To coordinate its  
18 activities with federal, state, and local agencies in  
19 conformity with this Act.

20 (I) Grants; Private Gifts.

21 (1) To accept public grants and private gifts as may  
22 be authorized.

23 (2) To design grant programs and award grants to  
24 eligible recipients.

25 (J) Education and Training. To implement a formal and  
26 unbiased program of education and training for all employees

1 assigned to investigate and conciliate charges under Articles  
2 7A and 7B. The training program shall include the following:

3 (1) substantive and procedural aspects of the  
4 investigation and conciliation positions;

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

6 (3) lectures by specialists in substantive areas  
7 related to human rights matters;

8 (4) orientation to each operational unit of the  
9 Department and Commission;

10 (5) observation of experienced Department  
11 investigators and attorneys conducting conciliation  
12 conferences, combined with the opportunity to discuss  
13 evidence presented and rulings made;

14 (6) the use of hypothetical cases requiring the  
15 Department investigator and conciliation conference  
16 attorney to issue judgments as a means to evaluating  
17 knowledge and writing ability;

18 (7) writing skills;

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

21 A formal, unbiased and ongoing professional development  
22 program including, but not limited to, the above-noted areas  
23 shall be implemented to keep Department investigators and  
24 attorneys informed of recent developments and issues and to  
25 assist them in maintaining and enhancing their professional  
26 competence.

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

2 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

3 Sec. 7A-102. Procedures.

4 (A) Charge.

5 (1) Within 300 calendar days after the date that a  
6 civil rights violation allegedly has been committed, a  
7 charge in writing under oath or affirmation may be filed  
8 with the Department by an aggrieved party or issued by the  
9 Department itself under the signature of the Director.

10 (2) The charge shall be in such detail as to  
11 substantially apprise any party properly concerned as to  
12 the time, place, and facts surrounding the alleged civil  
13 rights violation.

14 (3) Charges deemed filed with the Department pursuant  
15 to subsection (A-1) of this Section shall be deemed to be  
16 in compliance with this subsection.

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

18 (1) If a charge is filed with the Equal Employment  
19 Opportunity Commission (EEOC) within 300 calendar days  
20 after the date of the alleged civil rights violation, the  
21 charge shall be deemed filed with the Department on the  
22 date filed with the EEOC. If the EEOC is the governmental  
23 agency designated to investigate the charge first, the  
24 Department shall take no action until the EEOC makes a  
25 determination on the charge and after the complainant

1 notifies the Department of the EEOC's determination. In  
2 such cases, after receiving notice from the EEOC that a  
3 charge was filed, the Department shall notify the parties  
4 that (i) a charge has been received by the EEOC and has  
5 been sent to the Department for dual filing purposes; (ii)  
6 the EEOC is the governmental agency responsible for  
7 investigating the charge and that the investigation shall  
8 be conducted pursuant to the rules and procedures adopted  
9 by the EEOC; (iii) it will take no action on the charge  
10 until the EEOC issues its determination; (iv) the  
11 complainant must submit a copy of the EEOC's determination  
12 within 30 days after service of the determination by the  
13 EEOC on the complainant; and (v) that the time period to  
14 investigate the charge contained in subsection (G) of this  
15 Section is tolled from the date on which the charge is  
16 filed with the EEOC until the EEOC issues its  
17 determination.

18 (2) If the EEOC finds reasonable cause to believe that  
19 there has been a violation of federal law and if the  
20 Department is timely notified of the EEOC's findings by  
21 the complainant, the Department shall notify the  
22 complainant that the Department has adopted the EEOC's  
23 determination of reasonable cause and that the complainant  
24 has the right, within 90 days after receipt of the  
25 Department's notice, to either file the complainant's ~~his~~  
26 ~~or her~~ own complaint with the Illinois Human Rights

1 Commission or commence a civil action in the appropriate  
2 circuit court or other appropriate court of competent  
3 jurisdiction. This notice shall be provided to the  
4 complainant within 10 business days after the Department's  
5 receipt of the EEOC's determination. The Department's  
6 notice to the complainant that the Department has adopted  
7 the EEOC's determination of reasonable cause shall  
8 constitute the Department's Report for purposes of  
9 subparagraph (D) of this Section.

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

1           (a) If the complainant does not file a written  
2 request with the Department to review the EEOC's  
3 determination within 35 days after receipt of the  
4 Department's notice, the Department shall notify the  
5 complainant, within 10 business days after the  
6 expiration of the 35-day period, that the decision of  
7 the EEOC has been adopted by the Department as a  
8 dismissal for lack of substantial evidence and that  
9 the complainant has the right, within 90 days after  
10 receipt of the Department's notice, to commence a  
11 civil action in the appropriate circuit court or other  
12 appropriate court of competent jurisdiction. The  
13 Department's notice to the complainant that the  
14 Department has adopted the EEOC's determination shall  
15 constitute the Department's report for purposes of  
16 subparagraph (D) of this Section.

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

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

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

24 (5) The time limit set out in subsection (G) of this  
25 Section is tolled from the date on which the charge is  
26 filed with the EEOC to the date on which the EEOC issues



1 its determination.

2 (6) The failure of the Department to meet the  
3 10-business-day notification deadlines set out in  
4 paragraph (2) of this subsection shall not impair the  
5 rights of any party.

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

1 notice of the charge, provided the respondent serves a copy of  
2 its response on the complainant or the complainant's ~~his or~~  
3 ~~her~~ representative. All allegations contained in the charge  
4 not denied by the respondent within 60 days of the  
5 Department's request for a response may be deemed admitted,  
6 unless the respondent states that it is without sufficient  
7 information to form a belief with respect to such allegation.  
8 The Department may issue a notice of default directed to any  
9 respondent who fails to file a response to a charge within 60  
10 days of receipt of the Department's request, unless the  
11 respondent can demonstrate good cause as to why such notice  
12 should not issue. The term "good cause" shall be defined by  
13 rule promulgated by the Department. Within 30 days of receipt  
14 of the respondent's response, the complainant may file a reply  
15 to said response and shall serve a copy of said reply on the  
16 respondent or the respondent's ~~his or her~~ representative. A  
17 party shall have the right to supplement the party's ~~his or her~~  
18 response or reply at any time that the investigation of the  
19 charge is pending. The Department shall, within 10 days of the  
20 date on which the charge was filed, and again no later than 335  
21 days thereafter, send by certified or registered mail, or  
22 electronic mail if elected by the party, written notice to the  
23 complainant and to the respondent informing the complainant of  
24 the complainant's rights to either file a complaint with the  
25 Human Rights Commission or commence a civil action in the  
26 appropriate circuit court under subparagraph (2) of paragraph

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

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

19 (C) Investigation.

20 (1) The Department shall conduct an investigation  
21 sufficient to determine whether the allegations set forth  
22 in the charge are supported by substantial evidence unless  
23 the complainant elects to opt out of an investigation  
24 pursuant to subsection (C-1).

25 (2) The Director or the Director's ~~his or her~~  
26 designated representatives shall have authority to request

1 any member of the Commission to issue subpoenas to compel  
2 the attendance of a witness or the production for  
3 examination of any books, records or documents whatsoever.

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

13 (4) Upon reasonable notice to the complainant and the  
14 respondent, the Department shall conduct a fact finding  
15 conference, unless prior to 365 days after the date on  
16 which the charge was filed the Director has determined  
17 whether there is substantial evidence that the alleged  
18 civil rights violation has been committed, the charge has  
19 been dismissed for lack of jurisdiction, or the parties  
20 voluntarily and in writing agree to waive the fact finding  
21 conference. Any party's failure to attend the conference  
22 without good cause shall result in dismissal or default.  
23 The term "good cause" shall be defined by rule promulgated  
24 by the Department. A notice of dismissal or default shall  
25 be issued by the Director. The notice of default issued by  
26 the Director shall notify the respondent that a request

1 for review may be filed in writing with the Commission  
2 within 30 days of receipt of notice of default. The notice  
3 of dismissal issued by the Director shall give the  
4 complainant notice of the complainant's ~~his or her~~ right  
5 to seek review of the dismissal before the Human Rights  
6 Commission or commence a civil action in the appropriate  
7 circuit court. If the complainant chooses to have the  
8 Human Rights Commission review the dismissal order, the  
9 complainant ~~he or she~~ shall file a request for review with  
10 the Commission within 90 days after receipt of the  
11 Director's notice. If the complainant chooses to file a  
12 request for review with the Commission, the complainant ~~he~~  
13 ~~or she~~ may not later commence a civil action in a circuit  
14 court. If the complainant chooses to commence a civil  
15 action in a circuit court, the complainant ~~he or she~~ must  
16 do so within 90 days after receipt of the Director's  
17 notice.

18 (C-1) Opt out of Department's investigation. At any time  
19 within 60 days after receipt of notice of the right to opt out,  
20 a complainant may submit a written request seeking notice from  
21 the Director indicating that the complainant has opted out of  
22 the investigation and may commence a civil action in the  
23 appropriate circuit court or other appropriate court of  
24 competent jurisdiction. Within 10 business days of receipt of  
25 the complainant's request to opt out of the investigation, the  
26 Director shall issue a notice to the parties stating that: (i)

1 the complainant has exercised the right to opt out of the  
2 investigation; (ii) the complainant has 90 days after receipt  
3 of the Director's notice to commence an action in the  
4 appropriate circuit court or other appropriate court of  
5 competent jurisdiction; and (iii) the Department has ceased  
6 its investigation and is administratively closing the charge.  
7 The complainant shall notify the Department and the respondent  
8 that a complaint has been filed with the appropriate circuit  
9 court or other appropriate court of competent jurisdiction and  
10 shall mail a copy of the complaint to the Department and the  
11 respondent on the same date that the complaint is filed with  
12 the appropriate court. Once a complainant has opted out of the  
13 investigation under this subsection, the complainant ~~he or she~~  
14 may not file or refile a substantially similar charge with the  
15 Department arising from the same incident of unlawful  
16 discrimination or harassment.

17 (D) Report.

18 (1) Each charge investigated under subsection (C)  
19 shall be the subject of a report to the Director. The  
20 report shall be a confidential document subject to review  
21 by the Director, authorized Department employees, the  
22 parties, and, where indicated by this Act, members of the  
23 Commission or their designated hearing officers.

24 (2) Upon review of the report, the Director shall  
25 determine whether there is substantial evidence that the  
26 alleged civil rights violation has been committed. The

1 determination of substantial evidence is limited to  
2 determining the need for further consideration of the  
3 charge pursuant to this Act and includes, but is not  
4 limited to, findings of fact and conclusions, as well as  
5 the reasons for the determinations on all material issues.  
6 Substantial evidence is evidence which a reasonable mind  
7 accepts as sufficient to support a particular conclusion  
8 and which consists of more than a mere scintilla but may be  
9 somewhat less than a preponderance.

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

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

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



1 in the appropriate circuit court. If the complainant files  
2 a complaint with the Human Rights Commission, the  
3 complainant shall notify the Department that a complaint  
4 has been filed by serving a copy of the complaint on the  
5 chief legal counsel of the Department within 21 days from  
6 the date that the complaint is filed ~~give notice to the~~  
7 ~~Department of the filing of the complaint~~ with the Human  
8 Rights Commission. This period shall not be construed to  
9 be jurisdictional.

10 (E) Conciliation.

11 (1) When there is a finding of substantial evidence,  
12 the Department may designate a Department employee who is  
13 an attorney licensed to practice in Illinois to endeavor  
14 to eliminate the effect of the alleged civil rights  
15 violation and to prevent its repetition by means of  
16 conference and conciliation.

17 (2) When the Department determines that a formal  
18 conciliation conference is necessary, the complainant and  
19 respondent shall be notified of the time and place of the  
20 conference by registered or certified mail at least 10  
21 days prior thereto and either or both parties shall appear  
22 at the conference in person or by attorney.

23 (3) The place fixed for the conference shall be within  
24 35 miles of the place where the civil rights violation is  
25 alleged to have been committed.

26 (4) Nothing occurring at the conference shall be

1 disclosed by the Department unless the complainant and  
2 respondent agree in writing that such disclosure be made.

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

6 (F) Complaint.

7 (1) When the complainant requests that the Department  
8 file a complaint with the Commission on the complainant's  
9 ~~his or her~~ behalf, the Department shall prepare a written  
10 complaint, under oath or affirmation, stating the nature  
11 of the civil rights violation substantially as alleged in  
12 the charge previously filed and the relief sought on  
13 behalf of the aggrieved party. The Department shall file  
14 the complaint with the Commission.

15 (1.5) If the complainant chooses to file a complaint  
16 with the Commission without the Department's assistance,  
17 the complainant shall give notice to the Department that a  
18 complaint has been filed by serving a copy of the  
19 complaint on the chief legal counsel of the Department  
20 within 21 days from the date that the complaint is filed  
21 with the Human Rights Commission. This period shall not be  
22 construed to be jurisdictional.

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

25 (i) The complainant shall file the civil action 7  
26 ~~he or she must do so~~ in the circuit court in the county

1           wherein the civil rights violation was allegedly  
2           committed.

3           (ii) The form of the complaint in any such civil  
4           action shall be in accordance with the Code of Civil  
5           Procedure.

6           (iii) The complainant shall notify the Department  
7           that a complaint has been filed by serving a copy of  
8           the complaint on the chief legal counsel of the  
9           Department within 21 days from the date that the  
10           complaint is filed in circuit court. This period shall  
11           not be construed to be jurisdictional.

12           (G) Time Limit.

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

19           (2) If the Department has not issued its report within  
20           365 days after the charge is filed, or any such longer  
21           period agreed to in writing by all the parties, the  
22           complainant shall have 90 days to either file the  
23           complainant's ~~his or her~~ own complaint with the Human  
24           Rights Commission or commence a civil action in the  
25           appropriate circuit court. If the complainant files a  
26           complaint with the Commission, the form of the complaint

1 shall be in accordance with the provisions of paragraph  
2 (F)(1). If the complainant commences a civil action in a  
3 circuit court, the form of the complaint shall be in  
4 accordance with the Code of Civil Procedure. The aggrieved  
5 party shall notify the Department that a complaint has  
6 been filed and shall serve a copy of the complaint on the  
7 chief legal counsel of the Department on the same date  
8 that the complaint is filed with the Commission or in  
9 circuit court. If the complainant files a complaint with  
10 the Commission, the complainant ~~he or she~~ may not later  
11 commence a civil action in circuit court.

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

1 Department.

2 (4) (Blank).

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

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

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

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

13 (L) The changes made to this Section by Public Act  
14 100-1066 apply to charges filed on or after August 24, 2018  
15 (the effective date of Public Act 100-1066).

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

17 (775 ILCS 5/7A-104) (from Ch. 68, par. 7A-104)

18 Sec. 7A-104. Judicial Proceedings.

19 (A) Temporary Relief.

20 (1) At any time after a charge is filed, the  
21 Department or complainant may petition the appropriate  
22 court for temporary relief, pending final determination of  
23 the proceedings under this Act, ~~including an order or~~  
24 ~~judgment restraining the respondent from doing or causing~~  
25 ~~any act which would render ineffectual an order which the~~

1 ~~Commission may enter with respect to the complainant.~~  
2 Whether it is brought by the Department or by the  
3 complainant, the petition shall contain a certification by  
4 the Director that the particular matter warrants ~~presents~~  
5 ~~exceptional circumstances in which irreparable injury will~~  
6 ~~result from a civil rights violation in the absence of~~  
7 temporary relief. The filing of a petition under this  
8 paragraph does not affect the initiation or continuation  
9 of administrative proceedings under Sections 7A-102 and  
10 8A-102.

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

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

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

25 ~~(b) The court finds that there is substantial~~  
26 ~~evidence to demonstrate that the respondent has~~

1           ~~engaged in unlawful discrimination.~~

2           (B) Expedited Proceedings.

3           (1) A complainant or the Department at the request of  
4           the complainant may at any time petition the circuit court  
5           for expedited proceedings. Except as to causes the circuit  
6           court considers to be of greater importance, consideration  
7           of petitions for expedited proceedings under this  
8           subsection shall take precedence on the docket over all  
9           other causes and be assigned for hearing at the earliest  
10          practicable date and expedited in every way.

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

14          (3) Any petition filed by the complainant shall name  
15          the Department, Commission and the respondent. Any  
16          petition filed by the Department, upon request of the  
17          complainant, shall name the Commission and the respondent.

18          (4) If the circuit court determines that the  
19          complainant is likely to die before the termination of the  
20          proceedings under this Act, it may order the proceedings  
21          expedited. When an order for expedited proceedings is  
22          issued, the processing of the complainant's charge by the  
23          Department and Commission shall take precedence over all  
24          matters except older matters of the same character. Where  
25          such order is issued, the Department, the Commission, any  
26          panel of the Commission, or any Commission hearing officer

1 shall be authorized to shorten any time period, other than  
2 the filing period set by Section 7A-102(A) (1). If such an  
3 order is issued and the complainant is before the  
4 Department, the Department shall immediately appoint an  
5 investigator if an investigator has not been appointed and  
6 shall in 90 days either file a complaint or order that no  
7 complaint be issued. If the Department fails to make a  
8 determination within 90 days the complainant shall have 30  
9 days to file a ~~his~~ complaint with the Commission.

10 (C) Enforcement of Commission Orders. When authorized by  
11 this Act, the Department, at the request of the Commission,  
12 may take whatever action may be authorized for the enforcement  
13 of Commission orders.

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

15 (775 ILCS 5/7B-104) (from Ch. 68, par. 7B-104)

16 Sec. 7B-104. Judicial Proceedings. (A) Temporary Relief.  
17 (1) At any time after a charge is filed, the Department or  
18 aggrieved party may petition the appropriate court for  
19 temporary relief, pending final determination of the  
20 proceedings under this Act, ~~including an order or judgment~~  
21 ~~restraining the respondent from doing or causing any act which~~  
22 ~~would render ineffectual an order which the Commission may~~  
23 ~~enter with respect to the aggrieved party.~~ Whether it is  
24 brought by the Department or by the aggrieved party, the  
25 petition shall contain a certification by the Director that



1 the particular matter warrants ~~presents exceptional~~  
2 ~~circumstances in which irreparable injury will result from a~~  
3 ~~civil rights violation in the absence of~~ temporary relief. The  
4 filing of a petition under this paragraph does not affect the  
5 initiation or continuation of administrative proceedings under  
6 Sections 7B-102 and 8B-102 ~~Section 7A 102 and Section 8A 102~~  
7 ~~of this Act.~~

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

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

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

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

23 (B) Enforcement of Commission Orders. When authorized by  
24 this Act, the Department, at the request of the Commission,  
25 may take whatever action may be authorized for the enforcement  
26 of Commission orders.

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

2 (775 ILCS 5/8-103) (from Ch. 68, par. 8-103)

3 Sec. 8-103. Request for review.

4 (A) Jurisdiction. The Commission, through a panel of 3  
5 ~~three~~ members, shall have jurisdiction to hear and determine  
6 requests for review of (1) decisions of the Department to  
7 dismiss a charge; and (2) notices of default issued by the  
8 Department.

9 In each instance, the Department shall be the respondent.  
10 The respondent on the charge, in the case of dismissal, or the  
11 complainant, in the case of default, may file a response to the  
12 request for review.

13 (B) Review. When a request for review is properly filed,  
14 the Commission may consider the Department's report, any  
15 argument and supplemental evidence timely submitted, and the  
16 results of any additional investigation conducted by the  
17 Department in response to the request. In its discretion, the  
18 Commission may designate a hearing officer to conduct a  
19 hearing into the factual basis of the matter at issue. Within  
20 120 days after the effective date of this amendatory Act of the  
21 100th General Assembly, the Commission shall adopt rules of  
22 minimum standards for the contents of responses to requests  
23 for review, including, but not limited to, proposed statements  
24 of uncontested facts and proposed statements of the legal  
25 issues.

1 (C) Default Order. When a respondent fails to file a  
2 timely request for review of a notice of default, or the  
3 default is sustained on review, the Commission shall enter a  
4 default order and notify the parties that the complainant has  
5 the right to either commence a civil action in the appropriate  
6 circuit court to determine the complainant's damages or  
7 request that the Commission set a hearing on damages before  
8 one of its hearing officers. The complainant shall have 90  
9 days after receipt of the Commission's default order to either  
10 commence a civil action in the appropriate circuit court or  
11 request that the Commission set a hearing on damages.

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

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

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

25 (G) The changes made to this Section by this amendatory  
26 Act of the 100th General Assembly apply to charges filed or

1 pending with the Department or Commission on or after the  
2 effective date of this amendatory Act of the 100th General  
3 Assembly.

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

5 (775 ILCS 5/8A-102) (from Ch. 68, par. 8A-102)

6 Sec. 8A-102. Hearing on Complaint.

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

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

19 (B-5) Intervention by the Department.

20 (1) After the filing of a complaint under Article 2,  
21 4, 5, 5A, or 6, the Department may petition and shall be  
22 permitted to intervene as a party in the proceeding if the  
23 Commission determines that:

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

1           (ii) the expertise of the Department makes it  
2           better suited to articulate a particular point of  
3           view; or

4           (iii) the representation of the Department's  
5           interest by existing parties is or may be inadequate  
6           and the Department will or may be bound by an order or  
7           judgment in the action.

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

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

14           (C) Amendment.

15           (1) A complaint may be amended under oath by leave of  
16           the presiding hearing officer, for good cause shown, upon  
17           timely written motion and reasonable notice to all  
18           interested parties at any time prior to the issuance of a  
19           recommended order pursuant to Section 8A-102(I) or  
20           8B-102(J). The amended complaint shall be served upon all  
21           parties of record and the Department of Human Rights by  
22           the complainant, or by the Department if it prepared and  
23           filed the amended complaint, within 7 days of the date of  
24           the order permitting its filing or such additional time as  
25           the hearing officer may order. Amendments to the complaint  
26           may encompass any unlawful discrimination which is like or

1 reasonably related to the charge and growing out of the  
2 allegations in such charge, including, but not limited to,  
3 allegations of retaliation.

4 (2) A motion that the complaint be amended to conform  
5 to the evidence, made prior to the close of the public  
6 hearing, may be addressed orally on the record to the  
7 hearing officer, and shall be granted for good and  
8 sufficient cause.

9 (D) Answer.

10 (1) The respondent shall file an answer under oath or  
11 affirmation to the original or amended complaint within 30  
12 days of the date of service thereof, but the hearing  
13 officer may, for good cause shown, grant further time for  
14 the filing of an answer.

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

19 (3) Any allegation in the complaint which is not  
20 denied or admitted in the answer is deemed admitted unless  
21 the respondent states in the answer that the respondent ~~he~~  
22 is without sufficient knowledge or information to form a  
23 belief with respect to such allegation.

24 (4) The failure to file an answer is deemed to  
25 constitute an admission of the allegations contained in  
26 the complaint.

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

4           (E) Proceedings In Forma Pauperis.

5           (1) If the hearing officer is satisfied that the  
6 complainant or respondent is a poor person, and unable to  
7 prosecute or defend the complaint and pay the costs and  
8 expenses thereof, the hearing officer may permit the party  
9 to commence and prosecute or defend the action as a poor  
10 person. Such party shall have all the necessary subpoenas,  
11 appearances, and proceedings without prepayment of witness  
12 fees or charges. Witnesses shall attend as in other cases  
13 under this Act and the same remedies shall be available  
14 for failure or refusal to obey the subpoena as are  
15 provided for in Section 8-104 of this Act.

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

20           (F) Discovery. The procedure for obtaining discovery of  
21 information from parties and witnesses shall be specified by  
22 the Commission in rules. If no rule has been promulgated by the  
23 Commission on a particular type of discovery, the Code of  
24 Civil Procedure may be considered persuasive authority. The  
25 types of discovery shall be the same as in civil cases in the  
26 circuit courts of this State, provided, however, that a party

1 may take discovery depositions only upon leave of the hearing  
2 officer and for good cause shown.

3 (G) Hearing.

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

6 (2) The testimony taken at the hearing shall be under  
7 oath or affirmation and a transcript shall be made and  
8 filed in the office of the Commission.

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

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

25 (I) Decision.

26 (1) When all the testimony has been taken, the hearing



1 officer shall determine whether the respondent has engaged  
2 in or is engaging in the civil rights violation with  
3 respect to the person aggrieved as charged in the  
4 complaint. A determination sustaining a complaint shall be  
5 based upon a preponderance of the evidence.

6 (2) The hearing officer shall make findings of fact in  
7 writing and, if the finding is against the respondent,  
8 shall issue and cause to be served on the parties and the  
9 Department a recommended order for appropriate relief as  
10 provided by this Act.

11 (3) If, upon all the evidence, the hearing officer  
12 finds that a respondent has not engaged in the  
13 discriminatory practice charged in the complaint or that a  
14 preponderance of the evidence does not sustain the  
15 complaint, the hearing officer ~~he~~ shall state the hearing  
16 officer's ~~his~~ findings of fact and shall issue and cause  
17 to be served on the parties and the Department a  
18 recommended order dismissing the complaint.

19 (4) The findings and recommended order of the hearing  
20 officer shall be filed with the Commission. The findings  
21 and recommended order may be authored by a hearing officer  
22 other than the hearing officer who presides at the public  
23 hearing if:

24 (a) the hearing officer who presides at the public  
25 hearing is unable to author the findings and  
26 recommended order by reason of death, disability, or

1 separation from employment; and

2 (b) all parties to a complaint file a joint motion  
3 agreeing to have the findings and recommended order  
4 written by a hearing officer who did not preside at the  
5 public hearing.

6 (5) A recommended order dismissing a complaint may  
7 include an award of reasonable attorneys fees in favor of  
8 the respondent against the complainant or the  
9 complainant's attorney, or both, if the hearing officer  
10 concludes that the complaint was frivolous, unreasonable  
11 or groundless or that the complainant continued to  
12 litigate after it became clearly so.

13 (6) The hearing officer may issue a recommended order  
14 of dismissal with prejudice or a recommended order of  
15 default as a sanction for the failure of a party to  
16 prosecute the party's ~~his or her~~ case, file a required  
17 pleading, appear at a hearing, or otherwise comply with  
18 this Act, the rules of the Commission, or a previous order  
19 of the hearing officer.

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

21 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

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

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

1 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)

2 Sec. 10-102. Court Actions.

3 (A) Circuit Court Actions.

4 (1) An aggrieved party may commence a civil action in  
5 an appropriate Circuit Court not later than 2 years after  
6 the occurrence or the termination of an alleged civil  
7 rights violation or the breach of a conciliation or  
8 settlement agreement entered into under this Act,  
9 whichever occurs last, to obtain appropriate relief with  
10 respect to the alleged civil rights violation or breach.  
11 The plaintiff or defendant may demand trial by jury for  
12 civil actions brought under this subsection. Venue for  
13 such civil action shall be determined under Section  
14 8-111(A)(1).

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

22 (3) An aggrieved party may commence a civil action  
23 under this subsection whether or not a charge has been  
24 filed under Section 7B-102 and without regard to the  
25 status of any such charge, however, if the Department or

1 local agency has obtained a conciliation or settlement  
2 agreement with the consent of an aggrieved party, no  
3 action may be filed under this subsection by such  
4 aggrieved party with respect to the alleged civil rights  
5 violation practice which forms the basis for such  
6 complaint except for the purpose of enforcing the terms of  
7 such conciliation or settlement agreement.

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

14 (B) Appointment of Attorney by Court. Upon application by  
15 a person alleging a civil rights violation or a person against  
16 whom the civil rights violation is alleged, if in the opinion  
17 of the court such person is financially unable to bear the  
18 costs of such action, the court may:

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

22 (2) authorize the commencement or continuation of a  
23 civil action under subsection (A) without the payment of  
24 fees, costs, or security.

25 (C) Relief which may be granted.

26 (1) In a civil action under subsection (A) if the

1 court finds that a civil rights violation has occurred or  
2 is about to occur, the court may award to the plaintiff  
3 actual and punitive damages, and may grant as relief, as  
4 the court deems appropriate, any permanent or preliminary  
5 injunction, temporary restraining order, or other order,  
6 including an order enjoining the defendant from engaging  
7 in such civil rights violation or ordering such  
8 affirmative action as may be appropriate.

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

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

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

1 (775 ILCS 5/10-105 new)

2 Sec. 10-105. Intervention by the Attorney General. If the  
3 Department certifies that the case is of general public  
4 importance, the Attorney General may seek to intervene on  
5 behalf of the Department in a civil action filed by a  
6 complainant in State or federal court under Section 7A-102.  
7 Upon such intervention, the court or jury may award any of the  
8 remedies set forth in Section 8A-104 and subsection (B) of  
9 Section 10-104."