

1 AN ACT concerning civil law.

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

4 Section 3. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 103-472)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other
20 records prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmissible
3 disease or any information the disclosure of which is
4 restricted under the Illinois Sexually Transmissible
5 Disease Control Act.

6 (e) Information the disclosure of which is exempted
7 under Section 30 of the Radon Industry Licensing Act.

8 (f) Firm performance evaluations under Section 55 of
9 the Architectural, Engineering, and Land Surveying
10 Qualifications Based Selection Act.

11 (g) Information the disclosure of which is restricted
12 and exempted under Section 50 of the Illinois Prepaid
13 Tuition Act.

14 (h) Information the disclosure of which is exempted
15 under the State Officials and Employees Ethics Act, and
16 records of any lawfully created State or local inspector
17 general's office that would be exempt if created or
18 obtained by an Executive Inspector General's office under
19 that Act.

20 (i) Information contained in a local emergency energy
21 plan submitted to a municipality in accordance with a
22 local emergency energy plan ordinance that is adopted
23 under Section 11-21.5-5 of the Illinois Municipal Code.

24 (j) Information and data concerning the distribution
25 of surcharge moneys collected and remitted by carriers
26 under the Emergency Telephone System Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the
16 Capital Crimes Litigation Act (repealed). This subsection
17 (n) shall apply until the conclusion of the trial of the
18 case, even if the prosecution chooses not to pursue the
19 death penalty prior to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Department of Transportation under Sections 2705-300 and

1 2705-616 of the Department of Transportation Law of the
2 Civil Administrative Code of Illinois, the Regional
3 Transportation Authority under Section 2.11 of the
4 Regional Transportation Authority Act, or the St. Clair
5 County Transit District under the Bi-State Transit Safety
6 Act (repealed).

7 (q) Information prohibited from being disclosed by the
8 Personnel Record Review Act.

9 (r) Information prohibited from being disclosed by the
10 Illinois School Student Records Act.

11 (s) Information the disclosure of which is restricted
12 under Section 5-108 of the Public Utilities Act.

13 (t) (Blank).

14 (u) Records and information provided to an independent
15 team of experts under the Developmental Disability and
16 Mental Health Safety Act (also known as Brian's Law).

17 (v) Names and information of people who have applied
18 for or received Firearm Owner's Identification Cards under
19 the Firearm Owners Identification Card Act or applied for
20 or received a concealed carry license under the Firearm
21 Concealed Carry Act, unless otherwise authorized by the
22 Firearm Concealed Carry Act; and databases under the
23 Firearm Concealed Carry Act, records of the Concealed
24 Carry Licensing Review Board under the Firearm Concealed
25 Carry Act, and law enforcement agency objections under the
26 Firearm Concealed Carry Act.

1 (v-5) Records of the Firearm Owner's Identification
2 Card Review Board that are exempted from disclosure under
3 Section 10 of the Firearm Owners Identification Card Act.

4 (w) Personally identifiable information which is
5 exempted from disclosure under subsection (g) of Section
6 19.1 of the Toll Highway Act.

7 (x) Information which is exempted from disclosure
8 under Section 5-1014.3 of the Counties Code or Section
9 8-11-21 of the Illinois Municipal Code.

10 (y) Confidential information under the Adult
11 Protective Services Act and its predecessor enabling
12 statute, the Elder Abuse and Neglect Act, including
13 information about the identity and administrative finding
14 against any caregiver of a verified and substantiated
15 decision of abuse, neglect, or financial exploitation of
16 an eligible adult maintained in the Registry established
17 under Section 7.5 of the Adult Protective Services Act.

18 (z) Records and information provided to a fatality
19 review team or the Illinois Fatality Review Team Advisory
20 Council under Section 15 of the Adult Protective Services
21 Act.

22 (aa) Information which is exempted from disclosure
23 under Section 2.37 of the Wildlife Code.

24 (bb) Information which is or was prohibited from
25 disclosure by the Juvenile Court Act of 1987.

26 (cc) Recordings made under the Law Enforcement

1 Officer-Worn Body Camera Act, except to the extent
2 authorized under that Act.

3 (dd) Information that is prohibited from being
4 disclosed under Section 45 of the Condominium and Common
5 Interest Community Ombudsperson Act.

6 (ee) Information that is exempted from disclosure
7 under Section 30.1 of the Pharmacy Practice Act.

8 (ff) Information that is exempted from disclosure
9 under the Revised Uniform Unclaimed Property Act.

10 (gg) Information that is prohibited from being
11 disclosed under Section 7-603.5 of the Illinois Vehicle
12 Code.

13 (hh) Records that are exempt from disclosure under
14 Section 1A-16.7 of the Election Code.

15 (ii) Information which is exempted from disclosure
16 under Section 2505-800 of the Department of Revenue Law of
17 the Civil Administrative Code of Illinois.

18 (jj) Information and reports that are required to be
19 submitted to the Department of Labor by registering day
20 and temporary labor service agencies but are exempt from
21 disclosure under subsection (a-1) of Section 45 of the Day
22 and Temporary Labor Services Act.

23 (kk) Information prohibited from disclosure under the
24 Seizure and Forfeiture Reporting Act.

25 (ll) Information the disclosure of which is restricted
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

2 (mm) Records that are exempt from disclosure under
3 Section 4.2 of the Crime Victims Compensation Act.

4 (nn) Information that is exempt from disclosure under
5 Section 70 of the Higher Education Student Assistance Act.

6 (oo) Communications, notes, records, and reports
7 arising out of a peer support counseling session
8 prohibited from disclosure under the First Responders
9 Suicide Prevention Act.

10 (pp) Names and all identifying information relating to
11 an employee of an emergency services provider or law
12 enforcement agency under the First Responders Suicide
13 Prevention Act.

14 (qq) Information and records held by the Department of
15 Public Health and its authorized representatives collected
16 under the Reproductive Health Act.

17 (rr) Information that is exempt from disclosure under
18 the Cannabis Regulation and Tax Act.

19 (ss) Data reported by an employer to the Department of
20 Human Rights pursuant to Section 2-108 of the Illinois
21 Human Rights Act.

22 (tt) Recordings made under the Children's Advocacy
23 Center Act, except to the extent authorized under that
24 Act.

25 (uu) Information that is exempt from disclosure under
26 Section 50 of the Sexual Assault Evidence Submission Act.

1 (vv) Information that is exempt from disclosure under
2 subsections (f) and (j) of Section 5-36 of the Illinois
3 Public Aid Code.

4 (wv) Information that is exempt from disclosure under
5 Section 16.8 of the State Treasurer Act.

6 (xx) Information that is exempt from disclosure or
7 information that shall not be made public under the
8 Illinois Insurance Code.

9 (yy) Information prohibited from being disclosed under
10 the Illinois Educational Labor Relations Act.

11 (zz) Information prohibited from being disclosed under
12 the Illinois Public Labor Relations Act.

13 (aaa) Information prohibited from being disclosed
14 under Section 1-167 of the Illinois Pension Code.

15 (bbb) Information that is prohibited from disclosure
16 by the Illinois Police Training Act and the Illinois State
17 Police Act.

18 (ccc) Records exempt from disclosure under Section
19 2605-304 of the Illinois State Police Law of the Civil
20 Administrative Code of Illinois.

21 (ddd) Information prohibited from being disclosed
22 under Section 35 of the Address Confidentiality for
23 Victims of Domestic Violence, Sexual Assault, Human
24 Trafficking, or Stalking Act.

25 (eee) Information prohibited from being disclosed
26 under subsection (b) of Section 75 of the Domestic

1 Violence Fatality Review Act.

2 (fff) Images from cameras under the Expressway Camera
3 Act. This subsection (fff) is inoperative on and after
4 July 1, 2025.

5 (ggg) Information prohibited from disclosure under
6 paragraph (3) of subsection (a) of Section 14 of the Nurse
7 Agency Licensing Act.

8 (hhh) Information submitted to the Illinois State
9 Police in an affidavit or application for an assault
10 weapon endorsement, assault weapon attachment endorsement,
11 .50 caliber rifle endorsement, or .50 caliber cartridge
12 endorsement under the Firearm Owners Identification Card
13 Act.

14 (iii) Data exempt from disclosure under Section 50 of
15 the School Safety Drill Act.

16 (jjj) ~~(hhh)~~ Information exempt from disclosure under
17 Section 30 of the Insurance Data Security Law.

18 (kkk) ~~(iii)~~ Confidential business information
19 prohibited from disclosure under Section 45 of the Paint
20 Stewardship Act.

21 (lll) (Reserved).

22 (mmm) ~~(iii)~~ Information prohibited from being
23 disclosed under subsection (e) of Section 1-129 of the
24 Illinois Power Agency Act.

25 (nnn) Information that is exempt from disclosure under
26 Section 7-101 of the Illinois Human Rights Act.

1 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
2 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
3 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
4 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
5 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
6 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
7 revised 1-2-24.)

8 (Text of Section after amendment by P.A. 103-472)

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19 Human Rights pursuant to Section 2-108 of the Illinois
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7 Illinois Insurance Code.

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12 (aaa) Information prohibited from being disclosed
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16 Police Act.

17 (ccc) Records exempt from disclosure under Section
18 2605-304 of the Illinois State Police Law of the Civil
19 Administrative Code of Illinois.

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21 under Section 35 of the Address Confidentiality for
22 Victims of Domestic Violence, Sexual Assault, Human
23 Trafficking, or Stalking Act.

24 (eee) Information prohibited from being disclosed
25 under subsection (b) of Section 75 of the Domestic
26 Violence Fatality Review Act.

1 (fff) Images from cameras under the Expressway Camera
2 Act. This subsection (fff) is inoperative on and after
3 July 1, 2025.

4 (ggg) Information prohibited from disclosure under
5 paragraph (3) of subsection (a) of Section 14 of the Nurse
6 Agency Licensing Act.

7 (hhh) Information submitted to the Illinois State
8 Police in an affidavit or application for an assault
9 weapon endorsement, assault weapon attachment endorsement,
10 .50 caliber rifle endorsement, or .50 caliber cartridge
11 endorsement under the Firearm Owners Identification Card
12 Act.

13 (iii) Data exempt from disclosure under Section 50 of
14 the School Safety Drill Act.

15 (jjj) ~~(hhh)~~ Information exempt from disclosure under
16 Section 30 of the Insurance Data Security Law.

17 (kkk) ~~(iii)~~ Confidential business information
18 prohibited from disclosure under Section 45 of the Paint
19 Stewardship Act.

20 (lll) ~~(iii)~~ Data exempt from disclosure under Section
21 2-3.196 of the School Code.

22 (mmm) ~~(iii)~~ Information prohibited from being
23 disclosed under subsection (e) of Section 1-129 of the
24 Illinois Power Agency Act.

25 (nnn) Information that is exempt from disclosure under
26 Section 7-101 of the Illinois Human Rights Act.

1 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
2 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
3 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
4 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
5 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
6 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
7 103-580, eff. 12-8-23; revised 1-2-24.)

8 Section 5. The Illinois Human Rights Act is amended by
9 changing Sections 2-102, 3-101, 3-102, 7-101, 8-101, 8-111,
10 8B-104, 10-103, and 10-104 as follows:

11 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

12 Sec. 2-102. Civil rights violations - employment. It is a
13 civil rights violation:

14 (A) Employers. For any employer to refuse to hire, to
15 segregate, to engage in harassment as defined in
16 subsection (E-1) of Section 2-101, or to act with respect
17 to recruitment, hiring, promotion, renewal of employment,
18 selection for training or apprenticeship, discharge,
19 discipline, tenure or terms, privileges or conditions of
20 employment on the basis of unlawful discrimination,
21 citizenship status, or work authorization status. An
22 employer shall be ~~is~~ responsible for harassment of the
23 employer's employees by the employer's nonmanagerial and
24 nonsupervisory employees, nonemployees as defined in

1 subsection (A-10) of this Section, and third parties,
2 including, but not limited to, customers, clients,
3 vendors, or other visitors only if the employer becomes
4 aware of the conduct and fails to take reasonable
5 corrective measures.

6 (A-5) Language. For an employer to impose a
7 restriction that has the effect of prohibiting a language
8 from being spoken by an employee in communications that
9 are unrelated to the employee's duties.

10 For the purposes of this subdivision (A-5), "language"
11 means a person's native tongue, such as Polish, Spanish,
12 or Chinese. "Language" does not include such things as
13 slang, jargon, profanity, or vulgarity.

14 (A-10) Harassment of nonemployees. For any employer,
15 employment agency, or labor organization to engage in
16 harassment of nonemployees in the workplace. An employer
17 shall be ~~is~~ responsible for harassment of nonemployees by
18 the employer's nonmanagerial and nonsupervisory employees
19 only if the employer becomes aware of the conduct and
20 fails to take reasonable corrective measures. For the
21 purposes of this subdivision (A-10), "nonemployee" means a
22 person who is not otherwise an employee of the employer
23 and is directly performing services for the employer
24 pursuant to a contract with that employer. "Nonemployee"
25 includes contractors and consultants. This subdivision
26 applies to harassment occurring on or after the effective

1 date of this amendatory Act of the 101st General Assembly.

2 (B) Employment agency. For any employment agency to
3 fail or refuse to classify properly, accept applications
4 and register for employment referral or apprenticeship
5 referral, refer for employment, or refer for
6 apprenticeship on the basis of unlawful discrimination,
7 citizenship status, or work authorization status or to
8 accept from any person any job order, requisition or
9 request for referral of applicants for employment or
10 apprenticeship which makes or has the effect of making
11 unlawful discrimination or discrimination on the basis of
12 citizenship status or work authorization status a
13 condition of referral.

14 (C) Labor organization. For any labor organization to
15 limit, segregate or classify its membership, or to limit
16 employment opportunities, selection and training for
17 apprenticeship in any trade or craft, or otherwise to
18 take, or fail to take, any action which affects adversely
19 any person's status as an employee or as an applicant for
20 employment or as an apprentice, or as an applicant for
21 apprenticeships, or wages, tenure, hours of employment or
22 apprenticeship conditions on the basis of unlawful
23 discrimination, citizenship status, or work authorization
24 status.

25 (D) Sexual harassment. For any employer, employee,
26 agent of any employer, employment agency or labor

1 organization to engage in sexual harassment. ~~An, provided,~~
2 ~~that an~~ employer shall be responsible for sexual
3 harassment of the employer's employees by ~~nonemployees or~~
4 nonmanagerial and nonsupervisory employees, nonemployees
5 as defined in subsection (D-5) of this Section, and third
6 parties, including, but not limited to, customers,
7 clients, vendors, or other visitors only if the employer
8 becomes aware of the conduct and fails to take reasonable
9 corrective measures.

10 (D-5) Sexual harassment of nonemployees. For any
11 employer, employee, agent of any employer, employment
12 agency, or labor organization to engage in sexual
13 harassment of nonemployees in the workplace. An employer
14 shall be ~~is~~ responsible for sexual harassment of
15 nonemployees by the employer's nonmanagerial and
16 nonsupervisory employees only if the employer becomes
17 aware of the conduct and fails to take reasonable
18 corrective measures. For the purposes of this subdivision
19 (D-5), "nonemployee" means a person who is not otherwise
20 an employee of the employer and is directly performing
21 services for the employer pursuant to a contract with that
22 employer. "Nonemployee" includes contractors and
23 consultants. This subdivision applies to sexual harassment
24 occurring on or after the effective date of this
25 amendatory Act of the 101st General Assembly.

26 (E) Public employers. For any public employer to

1 refuse to permit a public employee under its jurisdiction
2 who takes time off from work in order to practice his or
3 her religious beliefs to engage in work, during hours
4 other than such employee's regular working hours,
5 consistent with the operational needs of the employer and
6 in order to compensate for work time lost for such
7 religious reasons. Any employee who elects such deferred
8 work shall be compensated at the wage rate which he or she
9 would have earned during the originally scheduled work
10 period. The employer may require that an employee who
11 plans to take time off from work in order to practice his
12 or her religious beliefs provide the employer with a
13 notice of his or her intention to be absent from work not
14 exceeding 5 days prior to the date of absence.

15 (E-5) Religious discrimination. For any employer to
16 impose upon a person as a condition of obtaining or
17 retaining employment, including opportunities for
18 promotion, advancement, or transfer, any terms or
19 conditions that would require such person to violate or
20 forgo a sincerely held practice of his or her religion
21 including, but not limited to, the wearing of any attire,
22 clothing, or facial hair in accordance with the
23 requirements of his or her religion, unless, after
24 engaging in a bona fide effort, the employer demonstrates
25 that it is unable to reasonably accommodate the employee's
26 or prospective employee's sincerely held religious belief,

1 practice, or observance without undue hardship on the
2 conduct of the employer's business.

3 Nothing in this Section prohibits an employer from
4 enacting a dress code or grooming policy that may include
5 restrictions on attire, clothing, or facial hair to
6 maintain workplace safety or food sanitation.

7 (F) Training and apprenticeship programs. For any
8 employer, employment agency or labor organization to
9 discriminate against a person on the basis of age in the
10 selection, referral for or conduct of apprenticeship or
11 training programs.

12 (G) Immigration-related practices.

13 (1) for an employer to request for purposes of
14 satisfying the requirements of Section 1324a(b) of
15 Title 8 of the United States Code, as now or hereafter
16 amended, more or different documents than are required
17 under such Section or to refuse to honor documents
18 tendered that on their face reasonably appear to be
19 genuine or to refuse to honor work authorization based
20 upon the specific status or term of status that
21 accompanies the authorization to work; or

22 (2) for an employer participating in the E-Verify
23 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
24 Programs for Employment Eligibility Confirmation
25 (enacted by PL 104-208, div. C title IV, subtitle A) to
26 refuse to hire, to segregate, or to act with respect to

1 recruitment, hiring, promotion, renewal of employment,
2 selection for training or apprenticeship, discharge,
3 discipline, tenure or terms, privileges or conditions
4 of employment without following the procedures under
5 the E-Verify Program.

6 (H) (Blank).

7 (I) Pregnancy. For an employer to refuse to hire, to
8 segregate, or to act with respect to recruitment, hiring,
9 promotion, renewal of employment, selection for training
10 or apprenticeship, discharge, discipline, tenure or terms,
11 privileges or conditions of employment on the basis of
12 pregnancy, childbirth, or medical or common conditions
13 related to pregnancy or childbirth. Women affected by
14 pregnancy, childbirth, or medical or common conditions
15 related to pregnancy or childbirth shall be treated the
16 same for all employment-related purposes, including
17 receipt of benefits under fringe benefit programs, as
18 other persons not so affected but similar in their ability
19 or inability to work, regardless of the source of the
20 inability to work or employment classification or status.

21 (J) Pregnancy; reasonable accommodations.

22 (1) If after a job applicant or employee,
23 including a part-time, full-time, or probationary
24 employee, requests a reasonable accommodation, for an
25 employer to not make reasonable accommodations for any
26 medical or common condition of a job applicant or

1 employee related to pregnancy or childbirth, unless
2 the employer can demonstrate that the accommodation
3 would impose an undue hardship on the ordinary
4 operation of the business of the employer. The
5 employer may request documentation from the employee's
6 health care provider concerning the need for the
7 requested reasonable accommodation or accommodations
8 to the same extent documentation is requested for
9 conditions related to disability if the employer's
10 request for documentation is job-related and
11 consistent with business necessity. The employer may
12 require only the medical justification for the
13 requested accommodation or accommodations, a
14 description of the reasonable accommodation or
15 accommodations medically advisable, the date the
16 reasonable accommodation or accommodations became
17 medically advisable, and the probable duration of the
18 reasonable accommodation or accommodations. It is the
19 duty of the individual seeking a reasonable
20 accommodation or accommodations to submit to the
21 employer any documentation that is requested in
22 accordance with this paragraph. Notwithstanding the
23 provisions of this paragraph, the employer may require
24 documentation by the employee's health care provider
25 to determine compliance with other laws. The employee
26 and employer shall engage in a timely, good faith, and

1 meaningful exchange to determine effective reasonable
2 accommodations.

3 (2) For an employer to deny employment
4 opportunities or benefits to or take adverse action
5 against an otherwise qualified job applicant or
6 employee, including a part-time, full-time, or
7 probationary employee, if the denial or adverse action
8 is based on the need of the employer to make reasonable
9 accommodations to the known medical or common
10 conditions related to the pregnancy or childbirth of
11 the applicant or employee.

12 (3) For an employer to require a job applicant or
13 employee, including a part-time, full-time, or
14 probationary employee, affected by pregnancy,
15 childbirth, or medical or common conditions related to
16 pregnancy or childbirth to accept an accommodation
17 when the applicant or employee did not request an
18 accommodation and the applicant or employee chooses
19 not to accept the employer's accommodation.

20 (4) For an employer to require an employee,
21 including a part-time, full-time, or probationary
22 employee, to take leave under any leave law or policy
23 of the employer if another reasonable accommodation
24 can be provided to the known medical or common
25 conditions related to the pregnancy or childbirth of
26 an employee. No employer shall fail or refuse to

1 reinstatement the employee affected by pregnancy,
2 childbirth, or medical or common conditions related to
3 pregnancy or childbirth to her original job or to an
4 equivalent position with equivalent pay and
5 accumulated seniority, retirement, fringe benefits,
6 and other applicable service credits upon her
7 signifying her intent to return or when her need for
8 reasonable accommodation ceases, unless the employer
9 can demonstrate that the accommodation would impose an
10 undue hardship on the ordinary operation of the
11 business of the employer.

12 For the purposes of this subdivision (J), "reasonable
13 accommodations" means reasonable modifications or
14 adjustments to the job application process or work
15 environment, or to the manner or circumstances under which
16 the position desired or held is customarily performed,
17 that enable an applicant or employee affected by
18 pregnancy, childbirth, or medical or common conditions
19 related to pregnancy or childbirth to be considered for
20 the position the applicant desires or to perform the
21 essential functions of that position, and may include, but
22 is not limited to: more frequent or longer bathroom
23 breaks, breaks for increased water intake, and breaks for
24 periodic rest; private non-bathroom space for expressing
25 breast milk and breastfeeding; seating; assistance with
26 manual labor; light duty; temporary transfer to a less

1 strenuous or hazardous position; the provision of an
2 accessible worksite; acquisition or modification of
3 equipment; job restructuring; a part-time or modified work
4 schedule; appropriate adjustment or modifications of
5 examinations, training materials, or policies;
6 reassignment to a vacant position; time off to recover
7 from conditions related to childbirth; and leave
8 necessitated by pregnancy, childbirth, or medical or
9 common conditions resulting from pregnancy or childbirth.

10 For the purposes of this subdivision (J), "undue
11 hardship" means an action that is prohibitively expensive
12 or disruptive when considered in light of the following
13 factors: (i) the nature and cost of the accommodation
14 needed; (ii) the overall financial resources of the
15 facility or facilities involved in the provision of the
16 reasonable accommodation, the number of persons employed
17 at the facility, the effect on expenses and resources, or
18 the impact otherwise of the accommodation upon the
19 operation of the facility; (iii) the overall financial
20 resources of the employer, the overall size of the
21 business of the employer with respect to the number of its
22 employees, and the number, type, and location of its
23 facilities; and (iv) the type of operation or operations
24 of the employer, including the composition, structure, and
25 functions of the workforce of the employer, the geographic
26 separateness, administrative, or fiscal relationship of

1 the facility or facilities in question to the employer.
2 The employer has the burden of proving undue hardship. The
3 fact that the employer provides or would be required to
4 provide a similar accommodation to similarly situated
5 employees creates a rebuttable presumption that the
6 accommodation does not impose an undue hardship on the
7 employer.

8 No employer is required by this subdivision (J) to
9 create additional employment that the employer would not
10 otherwise have created, unless the employer does so or
11 would do so for other classes of employees who need
12 accommodation. The employer is not required to discharge
13 any employee, transfer any employee with more seniority,
14 or promote any employee who is not qualified to perform
15 the job, unless the employer does so or would do so to
16 accommodate other classes of employees who need it.

17 (K) Notice.

18 (1) For an employer to fail to post or keep posted
19 in a conspicuous location on the premises of the
20 employer where notices to employees are customarily
21 posted, or fail to include in any employee handbook
22 information concerning an employee's rights under this
23 Article, a notice, to be prepared or approved by the
24 Department, summarizing the requirements of this
25 Article and information pertaining to the filing of a
26 charge, including the right to be free from unlawful

1 discrimination, the right to be free from sexual
2 harassment, and the right to certain reasonable
3 accommodations. The Department shall make the
4 documents required under this paragraph available for
5 retrieval from the Department's website.

6 (2) Upon notification of a violation of paragraph
7 (1) of this subdivision (K), the Department may launch
8 a preliminary investigation. If the Department finds a
9 violation, the Department may issue a notice to show
10 cause giving the employer 30 days to correct the
11 violation. If the violation is not corrected, the
12 Department may initiate a charge of a civil rights
13 violation.

14 (Source: P.A. 101-221, eff. 1-1-20; 102-233, eff. 8-2-21.)

15 (775 ILCS 5/3-101) (from Ch. 68, par. 3-101)

16 Sec. 3-101. Definitions. The following definitions are
17 applicable strictly in the context of this Article:

18 (A) Real Property. "Real property" includes buildings,
19 structures, real estate, lands, tenements, leaseholds,
20 interests in real estate cooperatives, condominiums, and
21 hereditaments, corporeal and incorporeal, or any interest
22 therein.

23 (B) Real Estate Transaction. "Real estate transaction"
24 includes the sale, exchange, rental or lease of real property,
25 or any act that otherwise makes available such a transaction

1 or alters a person's rights to real property. "Real estate
2 transaction" also includes the brokering or appraising of
3 residential real property and the making or purchasing of
4 loans or providing other financial assistance:

5 (1) for purchasing, constructing, improving, repairing
6 or maintaining a dwelling; or

7 (2) secured by residential real estate.

8 (C) Housing Accommodations. "Housing accommodation"
9 includes any improved or unimproved real property, or part
10 thereof, which is used or occupied, or is intended, arranged
11 or designed to be used or occupied, as the home or residence of
12 one or more individuals.

13 (D) Real Estate Broker or Salesman. "Real estate broker or
14 salesman" means a person, whether licensed or not, who, for or
15 with the expectation of receiving a consideration, lists,
16 sells, purchases, exchanges, rents, or leases real property,
17 or who negotiates or attempts to negotiate any of these
18 activities, or who holds oneself out as engaged in these.

19 (E) Familial Status. "Familial status" means one or more
20 individuals (who have not attained the age of 18 years) being
21 domiciled with:

22 (1) a parent or person having legal custody of such
23 individual or individuals; or

24 (2) the designee of such parent or other person having
25 such custody, with the written permission of such parent
26 or other person.

1 The protections afforded by this Article against
2 discrimination on the basis of familial status apply to any
3 person who is pregnant or is in the process of securing legal
4 custody of any individual who has not attained the age of 18
5 years.

6 (F) Conciliation. "Conciliation" means the attempted
7 resolution of issues raised by a charge, or by the
8 investigation of such charge, through informal negotiations
9 involving the aggrieved party, the respondent and the
10 Department.

11 (G) Conciliation Agreement. "Conciliation agreement" means
12 a written agreement setting forth the resolution of the issues
13 in conciliation.

14 (H) Covered Multifamily Dwellings. As used in Section
15 3-102.1, "covered multifamily dwellings" means:

16 (1) buildings consisting of 4 or more units if such
17 buildings have one or more elevators; and

18 (2) ground floor units in other buildings consisting
19 of 4 or more units.

20 (I) Immigration Status. "Immigration status" means a
21 person's actual or perceived citizenship or immigration
22 status.

23 (Source: P.A. 103-232, eff. 1-1-24.)

24 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

25 Sec. 3-102. Civil rights violations; real estate

1 transactions and other prohibited acts. It is a civil rights
2 violation for an owner or any other person, or for a real
3 estate broker or salesman, because of unlawful discrimination,
4 familial status, immigration status, source of income, or an
5 arrest record, as defined under subsection (B-5) of Section
6 1-103, to:

7 (A) Transactions. Refuse to engage in a real estate
8 transaction ~~with a person~~ or deny real property, or to
9 discriminate in making available such a transaction;

10 (B) Terms. Alter the terms, conditions or privileges
11 of a real estate transaction or in the furnishing of
12 facilities or services in connection therewith;

13 (C) Offers. Refuse to receive or to fail to transmit a
14 bona fide offer in a real estate transaction from a
15 person;

16 (D) Negotiation. Refuse to negotiate a real estate
17 transaction with a person;

18 (E) Representations. Represent to a person that real
19 property is not available for inspection, sale, rental, or
20 lease when in fact it is so available, or to fail to bring
21 a property listing to the person's attention, or to refuse
22 to permit the person to inspect real property;

23 (F) Publication of Intent. Make, print, circulate,
24 post, mail, publish or cause to be made, printed,
25 circulated, posted, mailed, or published any notice,
26 statement, advertisement or sign, or use a form of

1 application for a real estate transaction, or make a
2 record or inquiry in connection with a prospective real
3 estate transaction, that indicates any preference,
4 limitation, or discrimination based on unlawful
5 discrimination or unlawful discrimination based on
6 familial status, immigration status, source of income, or
7 an arrest record, or an intention to make any such
8 preference, limitation, or discrimination;

9 (G) Listings. Offer, solicit, accept, use or retain a
10 listing of real property with knowledge that unlawful
11 discrimination or discrimination on the basis of familial
12 status, immigration status, source of income, or an arrest
13 record in a real estate transaction is intended.

14 (H) Criteria. Use criteria or methods that have the
15 effect of subjecting individuals to unlawful
16 discrimination or discrimination based on familial status,
17 immigration status, source of income, or an arrest record
18 in a real estate transaction.

19 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24.)

20 (775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

21 Sec. 7-101. Powers and duties. In addition to other powers
22 and duties prescribed in this Act, the Department shall have
23 the following powers:

24 (A) Rules and Regulations. To adopt, promulgate, amend,
25 and rescind rules and regulations not inconsistent with the

1 provisions of this Act pursuant to the Illinois Administrative
2 Procedure Act.

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

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

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

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

13 (F) Equal Employment Opportunities. To take such action as
14 may be authorized to provide for equal employment
15 opportunities and affirmative action.

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

20 (H) Coordination with other Agencies. To coordinate its
21 activities with federal, state, and local agencies in
22 conformity with this Act.

23 (I) Grants; Private Gifts.

24 (1) To accept public grants and private gifts as may
25 be authorized.

26 (2) To design grant programs and award grants to

1 eligible recipients.

2 (J) Education and Training. To implement a formal and
3 unbiased program of education and training for all employees
4 assigned to investigate and conciliate charges under Articles
5 7A and 7B. The training program shall include the following:

6 (1) substantive and procedural aspects of the
7 investigation and conciliation positions;

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

9 (3) lectures by specialists in substantive areas
10 related to human rights matters;

11 (4) orientation to each operational unit of the
12 Department and Commission;

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

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

21 (7) writing skills;

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

24 A formal, unbiased and ongoing professional development
25 program including, but not limited to, the above-noted areas
26 shall be implemented to keep Department investigators and

1 attorneys informed of recent developments and issues and to
2 assist them in maintaining and enhancing their professional
3 competence.

4 (K) Hotlines. To establish and maintain hotlines and
5 helplines to aid in effectuating the purposes of this Act
6 including the confidential reporting of discrimination,
7 harassment, and bias incidents. All communications received or
8 sent via the hotlines and helplines are exempt from disclosure
9 under the Freedom of Information Act.

10 (Source: P.A. 102-1115, eff. 1-9-23; 103-335, eff. 1-1-24.)

11 (775 ILCS 5/8-101)

12 Sec. 8-101. Illinois Human Rights Commission.

13 (A) Creation; appointments. The Human Rights Commission is
14 created to consist of 7 members appointed by the Governor with
15 the advice and consent of the Senate. No more than 4 members
16 shall be of the same political party. The Governor shall
17 designate one member as chairperson. All appointments shall be
18 in writing and filed with the Secretary of State as a public
19 record.

20 (B) Terms. Of the members first appointed, 4 shall be
21 appointed for a term to expire on the third Monday of January⁷
22 2021, and 3 (including the Chairperson) shall be appointed for
23 a term to expire on the third Monday of January⁷ 2023.

24 Notwithstanding any provision of this Section to the
25 contrary, the term of office of each member of the Illinois

1 Human Rights Commission is abolished on January 19, 2019.
2 Incumbent members holding a position on the Commission that
3 was created by Public Act 84-115 and whose terms, if not for
4 Public Act 100-1066 ~~this amendatory Act of the 100th General~~
5 ~~Assembly~~, would have expired January 18, 2021 shall continue
6 to exercise all of the powers and be subject to all of the
7 duties of members of the Commission until June 30, 2019 or
8 until their respective successors are appointed and qualified,
9 whichever is earlier.

10 Thereafter, each member shall serve for a term of 4 years
11 and until the member's successor is appointed and qualified;
12 except that any member chosen to fill a vacancy occurring
13 otherwise than by expiration of a term shall be appointed only
14 for the unexpired term of the member whom the member shall
15 succeed and until the member's successor is appointed and
16 qualified.

17 (C) Vacancies.

18 (1) In the case of vacancies on the Commission during
19 a recess of the Senate, the Governor shall make a
20 temporary appointment until the next meeting of the Senate
21 when the Governor shall appoint a person to fill the
22 vacancy. Any person so nominated and confirmed by the
23 Senate shall hold office for the remainder of the term and
24 until the person's successor is appointed and qualified.

25 (2) If the Senate is not in session at the time this
26 Act takes effect, the Governor shall make temporary

1 appointments to the Commission as in the case of
2 vacancies.

3 (3) Vacancies in the Commission shall not impair the
4 right of the remaining members to exercise all the powers
5 of the Commission. Except when authorized by this Act to
6 proceed through a 3 member panel, a majority of the
7 members of the Commission then in office shall constitute
8 a quorum.

9 (D) Compensation. On and after January 19, 2019, the
10 Chairperson of the Commission shall be compensated at the rate
11 of \$125,000 per year, or as set by the Compensation Review
12 Board, whichever is greater, during the Chairperson's service
13 as Chairperson, and each other member shall be compensated at
14 the rate of \$119,000 per year, or as set by the Compensation
15 Review Board, whichever is greater. In addition, all members
16 of the Commission shall be reimbursed for expenses actually
17 and necessarily incurred by them in the performance of their
18 duties.

19 (E) (Blank). ~~Notwithstanding the general supervisory~~
20 ~~authority of the Chairperson, each commissioner, unless~~
21 ~~appointed to the special temporary panel created under~~
22 ~~subsection (H), has the authority to hire and supervise a~~
23 ~~staff attorney. The staff attorney shall report directly to~~
24 ~~the individual commissioner.~~

25 (F) A formal training program for newly appointed
26 commissioners shall be implemented. The training program shall

1 include the following:

2 (1) substantive and procedural aspects of the office
3 of commissioner;

4 (2) current issues in employment and housing
5 discrimination and public accommodation law and practice;

6 (3) orientation to each operational unit of the Human
7 Rights Commission;

8 (4) observation of experienced hearing officers and
9 commissioners conducting hearings of cases, combined with
10 the opportunity to discuss evidence presented and rulings
11 made;

12 (5) the use of hypothetical cases requiring the newly
13 appointed commissioner to issue judgments as a means of
14 evaluating knowledge and writing ability;

15 (6) writing skills; and

16 (7) professional and ethical standards.

17 A formal and ongoing professional development program
18 including, but not limited to, the above-noted areas shall be
19 implemented to keep commissioners informed of recent
20 developments and issues and to assist them in maintaining and
21 enhancing their professional competence. Each commissioner
22 shall complete 20 hours of training in the above-noted areas
23 during every 2 years the commissioner remains in office.

24 (G) Commissioners must meet one of the following
25 qualifications:

26 (1) licensed to practice law in the State of Illinois;

1 (2) at least 3 years of experience as a hearing
2 officer at the Human Rights Commission; or

3 (3) at least 4 years of professional experience
4 working for or dealing with individuals or corporations
5 affected by this Act or similar laws in other
6 jurisdictions, including, but not limited to, experience
7 with a civil rights advocacy group, a fair housing group,
8 a community organization, a trade association, a union, a
9 law firm, a legal aid organization, an employer's human
10 resources department, an employment discrimination
11 consulting firm, a community affairs organization, or a
12 municipal human relations agency.

13 The Governor's appointment message, filed with the
14 Secretary of State and transmitted to the Senate, shall state
15 specifically how the experience of a nominee for commissioner
16 meets the requirement set forth in this subsection. The
17 Chairperson must have public or private sector management and
18 budget experience, as determined by the Governor.

19 Each commissioner shall devote full time to the
20 commissioner's duties and any commissioner who is an attorney
21 shall not engage in the practice of law, nor shall any
22 commissioner hold any other office or position of profit under
23 the United States or this State or any municipal corporation
24 or political subdivision of this State, nor engage in any
25 other business, employment, or vocation.

26 (H) (Blank).

1 (Source: P.A. 102-1129, eff. 2-10-23; 103-326, eff. 1-1-24;
2 revised 12-15-23.)

3 (775 ILCS 5/8-111) (from Ch. 68, par. 8-111)

4 Sec. 8-111. Court Proceedings.

5 (A) Civil Actions Commenced in Circuit Court.

6 (1) Venue. Civil actions commenced in a circuit court
7 pursuant to Section 7A-102 or 8B-102 shall be commenced in
8 the circuit court in the county in which the civil rights
9 violation was allegedly committed.

10 (2) If a civil action is commenced in a circuit court,
11 the form of the complaint shall be in accordance with the
12 Code of Civil Procedure.

13 (3) Jury Trial. If a civil action is commenced in a
14 circuit court under Section 7A-102 or 8B-102, the
15 plaintiff or defendant may demand trial by jury.

16 (4) Remedies. Upon the finding of a civil rights
17 violation, the circuit court or jury may award any of the
18 remedies set forth in Section 8A-104 or 8B-104.

19 (B) Judicial Review.

20 (1) Any complainant or respondent may apply for and
21 obtain judicial review of a final order of the Commission
22 entered under this Act by filing a petition for review in
23 the Appellate Court within 35 days from the date that a
24 copy of the decision sought to be reviewed was served upon
25 the party affected by the decision. If a 3-member panel or

1 the full Commission finds that an interlocutory order
2 involves a question of law as to which there is
3 substantial ground for difference of opinion and that an
4 immediate appeal from the order may materially advance the
5 ultimate termination of the litigation, any party may
6 petition the Appellate Court for permission to appeal the
7 order. The procedure for obtaining the required Commission
8 findings and the permission of the Appellate Court shall
9 be governed by Supreme Court Rule 308, except the
10 references to the "trial court" shall be understood as
11 referring to the Commission.

12 (2) In any proceeding brought for judicial review, the
13 Commission's findings of fact shall be sustained unless
14 the court determines that such findings are contrary to
15 the manifest weight of the evidence.

16 (3) Venue. Proceedings for judicial review shall be
17 commenced in the appellate court for the district wherein
18 the civil rights violation which is the subject of the
19 Commission's order was allegedly committed.

20 (C) Judicial Enforcement.

21 (1) When the Commission, at the instance of the
22 Department or an aggrieved party, concludes that any
23 person has violated a valid order of the Commission issued
24 pursuant to this Act, and the violation and its effects
25 are not promptly corrected, the Commission, through a
26 panel of 3 members, shall order the Department to commence

1 an action in the name of the People of the State of
2 Illinois by complaint, alleging the violation, attaching a
3 copy of the order of the Commission and praying for the
4 issuance of an order directing such person, his or her or
5 its officers, agents, servants, successors and assigns to
6 comply with the order of the Commission.

7 (2) An aggrieved party may file a complaint for
8 enforcement of a valid order of the Commission directly in
9 Circuit Court.

10 (3) Upon the commencement of an action filed under
11 paragraphs (1) or (2) of this subsection, the court shall
12 have jurisdiction over the proceedings and power to grant
13 or refuse, in whole or in part, the relief sought or impose
14 such other remedy as the court may deem proper.

15 (4) The court may stay an order of the Commission in
16 accordance with the applicable Supreme Court rules,
17 pending disposition of the proceedings.

18 (5) The court may punish for any violation of its
19 order as in the case of civil contempt.

20 (6) Venue. Proceedings for judicial enforcement of a
21 Commission order shall be commenced in the circuit court
22 in the county wherein the civil rights violation which is
23 the subject of the Commission's order was committed.

24 (7) Enforcement of judicial order. An aggrieved party
25 may take action to collect on a judicial order issued by
26 the Circuit Court in an enforcement action initiated by

1 the State, regardless of whether or not the aggrieved
2 party intervened in an enforcement action.

3 (D) Limitation. Except as otherwise provided by law, no
4 court of this state shall have jurisdiction over the subject
5 of an alleged civil rights violation other than as set forth in
6 this Act.

7 (E) This amendatory Act of 1996 applies to causes of
8 action filed on or after January 1, 1996.

9 (F) The changes made to this Section by this amendatory
10 Act of the 95th General Assembly apply to charges or
11 complaints filed with the Department or the Commission on or
12 after the effective date of those changes.

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

14 (775 ILCS 5/8B-104) (from Ch. 68, par. 8B-104)

15 Sec. 8B-104. Relief; penalties. Upon finding a civil
16 rights violation, a hearing officer may recommend and the
17 Commission or any three-member panel thereof may provide for
18 any relief or penalty identified in this Section, separately
19 or in combination, by entering an order directing the
20 respondent to:

21 (A) Cease and Desist Order. Cease and desist from any
22 violation of this Act.

23 (B) Actual Damages. Pay actual damages, as reasonably
24 determined by the Commission, for injury or loss suffered
25 by the complainant.

1 (C) Civil Penalty. Pay a civil penalty per violation
2 to vindicate the public interest. In imposing a civil
3 penalty to vindicate the public interest, a separate
4 penalty may be imposed for each specific act constituting
5 a civil rights violation as defined in Section 1-103, and
6 for each aggrieved party injured by the civil rights
7 violation:

8 (i) in an amount not exceeding \$16,000 if the
9 respondent has not been adjudged to have committed any
10 prior civil rights violation under Article 3;

11 (ii) in an amount not exceeding \$42,500 if the
12 respondent has been adjudged to have committed one
13 other civil rights violation under Article 3 during
14 the 5-year period ending on the date of the filing of
15 this charge; and

16 (iii) in an amount not exceeding \$70,000 if the
17 respondent has been adjudged to have committed 2 or
18 more civil rights violations under Article 3 during
19 the 7-year period ending on the date of the filing of
20 this charge; except that if the acts constituting the
21 civil rights violation that is the object of the
22 charge are committed by the same natural person who
23 has been previously adjudged to have committed acts
24 constituting a civil rights violation under Article 3,
25 then the civil penalties set forth in subparagraphs
26 (ii) and (iii) may be imposed without regard to the

1 period of time within which any subsequent civil
2 rights violation under Article 3 occurred.

3 (D) Attorney Fees; Costs. Pay to the complainant all
4 or a portion of the costs of maintaining the action,
5 including reasonable attorneys fees and expert witness
6 fees incurred in maintaining this action before the
7 Department, the Commission and in any judicial review and
8 judicial enforcement proceedings.

9 (E) Compliance Report. Report as to the manner of
10 compliance.

11 (F) Posting of Notices. Post notices in a conspicuous
12 place which the Commission may publish or cause to be
13 published setting forth requirements for compliance with
14 this Act or other relevant information which the
15 Commission determines necessary to explain this Act.

16 (G) Make Complainant Whole. Take such action as may be
17 necessary to make the individual complainant whole,
18 including, but not limited to, awards of interest on the
19 complainant's actual damages from the date of the civil
20 rights violation.

21 (Source: P.A. 99-548, eff. 1-1-17.)

22 (775 ILCS 5/10-103) (from Ch. 68, par. 10-103)

23 Sec. 10-103. Circuit court actions pursuant to election.

24 (A) If an election is made under Section 8B-102, the
25 Department shall authorize and l not later than 30 days after

1 ~~the entry of~~ the administrative closure order is entered by
2 the Commission and served on the Department, the Attorney
3 General shall commence and maintain a civil action on behalf
4 of the aggrieved party in a circuit court of Illinois seeking
5 relief under this Section. Venue for such civil action shall
6 be determined under Section 8-111(A) (1).

7 (B) Any aggrieved party with respect to the issues to be
8 determined in a civil action under this Section may intervene
9 as of right in that civil action.

10 (C) In a civil action under this Section, if the court
11 finds that a civil rights violation has occurred or is about to
12 occur the court may grant as relief any relief which a court
13 could grant with respect to such civil rights violation in a
14 civil action under Section 10-102. Any relief so granted that
15 would accrue to an aggrieved party in a civil action commenced
16 by that aggrieved party under Section 10-102 shall also accrue
17 to that aggrieved party in a civil action under this Section.
18 If monetary relief is sought for the benefit of an aggrieved
19 party who does not intervene in the civil action, the court
20 shall not award such relief if that aggrieved party has not
21 complied with discovery orders entered by the court.

22 (Source: P.A. 101-530, eff. 1-1-20; 101-661, eff. 4-2-21.)

23 (775 ILCS 5/10-104)

24 Sec. 10-104. Circuit Court Actions by the Illinois
25 Attorney General.

1 (A) Standing, venue, limitations on actions, preliminary
2 investigations, notice, and Assurance of Voluntary Compliance.

3 (1) Whenever the Illinois Attorney General has
4 reasonable cause to believe that any person or group of
5 persons is engaged in a pattern and practice of
6 discrimination prohibited by this Act, the Illinois
7 Attorney General may commence a civil action in the name
8 of the People of the State, as *parens patriae* on behalf of
9 persons within the State to enforce the provisions of this
10 Act in any appropriate circuit court. Venue for this civil
11 action shall be determined under paragraph (1) of
12 subsection (A) of Section 8-111. Such actions shall be
13 commenced no later than 2 years after the occurrence or
14 the termination of an alleged civil rights violation or
15 the breach of a conciliation agreement or Assurance of
16 Voluntary Compliance entered into under this Act,
17 whichever occurs last, to obtain relief with respect to
18 the alleged civil rights violation or breach.

19 (2) Prior to initiating a civil action, the Attorney
20 General shall conduct a preliminary investigation to
21 determine whether there is reasonable cause to believe
22 that any person or group of persons is engaged in a pattern
23 and practice of discrimination declared unlawful by this
24 Act and whether the dispute can be resolved without
25 litigation. In conducting this investigation, the Attorney
26 General may:

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

5 (b) examine under oath any person alleged to have
6 participated in or with knowledge of the alleged
7 pattern and practice violation; or

8 (c) issue subpoenas or conduct hearings in aid of
9 any investigation.

10 (3) Service by the Attorney General of any notice
11 requiring a person to file a statement or report, or of a
12 subpoena upon any person, shall be made:

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

17 (b) by mailing by certified mail a duly executed
18 copy thereof to the person to be served at his or her
19 last known abode or principal place of business within
20 this State.

21 (4) In lieu of a civil action, the individual or
22 entity alleged to have engaged in a pattern or practice of
23 discrimination deemed violative of this Act may enter into
24 an Assurance of Voluntary Compliance with respect to the
25 alleged pattern or practice violation.

26 (5) The Illinois Attorney General may commence a civil

1 action under this subsection (A) whether or not a charge
2 has been filed under Sections 7A-102 or 7B-102 and without
3 regard to the status of any charge, however, if the
4 Department or local agency has obtained a conciliation or
5 settlement agreement or if the parties have entered into
6 an Assurance of Voluntary Compliance no action may be
7 filed under this subsection (A) with respect to the
8 alleged civil rights violation practice that forms the
9 basis for the complaint except for the purpose of
10 enforcing the terms of the conciliation or settlement
11 agreement or the terms of the Assurance of Voluntary
12 Compliance.

13 (6) Subpoenas.

14 (a) Petition for enforcement. Whenever any person
15 fails to comply with any subpoena issued under
16 paragraph (2) of this subsection (A), or whenever
17 satisfactory copying or reproduction of any material
18 requested in an investigation cannot be done and the
19 person refuses to surrender the material, the Attorney
20 General may file in any appropriate circuit court, and
21 serve upon the person, a petition for a court order for
22 the enforcement of the subpoena or other request.
23 Venue for this enforcement action shall be determined
24 under paragraph (E) (1) of Section 8-104.

25 (b) Petition to modify or set aside a subpoena.

26 (i) Any person who has received a subpoena

1 issued under paragraph (2) of this subsection (A)
2 may file in the appropriate circuit court, and
3 serve upon the Attorney General, a petition for a
4 court order to modify or set aside the subpoena or
5 other request. The petition must be filed either
6 (I) within 20 days after the date of service of the
7 subpoena or at any time before the return date
8 specified in the subpoena, whichever date is
9 earlier, or (II) within such longer period as may
10 be prescribed in writing by the Attorney General.

11 (ii) The petition shall specify each ground
12 upon which the petitioner relies in seeking relief
13 under subdivision (i) and may be based upon any
14 failure of the subpoena to comply with the
15 provisions of this Section or upon any
16 constitutional or other legal right or privilege
17 of the petitioner. During the pendency of the
18 petition in the court, the court may stay, as it
19 deems proper, the running of the time allowed for
20 compliance with the subpoena or other request, in
21 whole or in part, except that the petitioner shall
22 comply with any portion of the subpoena or other
23 request not sought to be modified or set aside.

24 (c) Jurisdiction. Whenever any petition is filed
25 in any circuit court under this paragraph (6), the
26 court shall have jurisdiction to hear and determine

1 the matter so presented and to enter such orders as may
2 be required to carry out the provisions of this
3 Section. Any final order so entered shall be subject
4 to appeal in the same manner as appeals of other final
5 orders in civil matters. Any disobedience of any final
6 order entered under this paragraph (6) by any court
7 shall be punished as a contempt of the court.

8 (B) Relief which may be granted.

9 (1) In any civil action brought pursuant to subsection
10 (A) of this Section, the Attorney General may obtain as a
11 remedy, equitable relief (including any permanent or
12 preliminary injunction, temporary restraining order, or
13 other order, including an order enjoining the defendant
14 from engaging in such civil rights violation or ordering
15 any action as may be appropriate). In addition, the
16 Attorney General may request and the Court may impose
17 restitution to any aggrieved party injured by the pattern
18 or practice of discrimination, to the extent not covered
19 by other sources, and a civil penalty per civil rights
20 violation to vindicate the public interest. In imposing a
21 civil penalty to vindicate the public interest, each
22 instance in which a provision of this Act is violated as
23 part of a pattern or practice of discrimination may be
24 considered to constitute a separate violation or
25 violations, as may each aggrieved party harmed:

26 (a) for violations of this Act ~~Article 3~~ and

1 ~~Article 4~~ in an amount not exceeding \$50,000 ~~\$25,000~~
2 per violation, ~~and in the case of violations of all~~
3 ~~other Articles in an amount not exceeding \$10,000~~ if
4 the defendant has not been adjudged to have committed
5 any prior civil rights violations under any ~~the~~
6 provision of the Act that is the basis of the
7 complaint;

8 (b) for violations of this Act ~~Article 3 and~~
9 ~~Article 4~~ in an amount not exceeding \$75,000 ~~\$50,000~~
10 per violation, ~~and in the case of violations of all~~
11 ~~other Articles in an amount not exceeding \$25,000~~ if
12 the defendant has been adjudged to have committed one
13 other civil rights violation under any ~~the~~ provision
14 of the Act within 5 years of the occurrence of the
15 civil rights violation that is the basis of the
16 complaint; and

17 (c) for violations of this Act ~~Article 3 and~~
18 ~~Article 4~~ in an amount not exceeding \$100,000 ~~\$75,000~~
19 per violation, ~~and in the case of violations of all~~
20 ~~other Articles in an amount not exceeding \$50,000~~ if
21 the defendant has been adjudged to have committed 2 or
22 more civil rights violations under any ~~the~~ provision
23 of the Act within 5 years of the occurrence of the
24 civil rights violation that is the basis of the
25 complaint.

26 (2) A civil penalty imposed under subdivision (B)(1)

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

12 (3) Aggrieved parties seeking actual damages must
13 follow the procedure set out in Sections 7A-102 or 7B-102
14 for filing a charge. An action brought by the Illinois
15 Attorney General pursuant to this Section is independent
16 of any other action, remedy, or procedure that may be
17 available to an aggrieved party under any other provision
18 of law, including, but not limited to, an action, remedy,
19 or procedure brought pursuant to the procedures set out in
20 Section 7A-102 or 7B-102.

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

22 (775 ILCS 5/8-113 rep.)

23 Section 10. The Illinois Human Rights Act is amended by
24 repealing Section 8-113.

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

1 INDEX

2 Statutes amended in order of appearance

3	775 ILCS 5/2-102	from Ch. 68, par. 2-102
4	775 ILCS 5/3-101	from Ch. 68, par. 3-101
5	775 ILCS 5/3-102	from Ch. 68, par. 3-102
6	775 ILCS 5/8-101	
7	775 ILCS 5/8-111	from Ch. 68, par. 8-111
8	775 ILCS 5/8B-104	from Ch. 68, par. 8B-104
9	775 ILCS 5/10-103	from Ch. 68, par. 10-103
10	775 ILCS 5/10-104	
11	775 ILCS 5/8-113 rep.	