



Sen. Omar Aquino

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1 AMENDMENT TO SENATE BILL 504

2 AMENDMENT NO. _____. Amend Senate Bill 504 by replacing
3 everything after the enacting clause with the following:

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

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

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

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

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

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

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

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

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

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

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

26 It is essential to the enforcement of State labor laws

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

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

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

8 "Department" means the Department of Labor.

9 "Director" means the Director of the Department.

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

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

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

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

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

8 Section 15. Prohibited retaliation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 Section 20. Enforcement by Department.

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

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

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

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

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

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

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

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

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

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

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

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

18 Section 25. Enforcement by Attorney General.

19 (a) Whenever the Attorney General has reasonable cause to
20 believe that any person or entity has violated this Act and the
21 Attorney General deems it necessary to protect the rights and
22 interests of Illinois workers, the Attorney General may,
23 pursuant to the authority in Section 6.3 of the Attorney
24 General Act, initiate or intervene in a civil action in the
25 name of the People of the State in any circuit court to obtain

1 appropriate relief.

2 (b) Before initiating or intervening in an action, the
3 Attorney General may, pursuant to the authority in Section 6.3
4 of the Attorney General Act, conduct an investigation and may:

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

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

11 (3) issue subpoenas or conduct hearings in aid of any
12 investigation.

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

19 Section 30. Private right of action. Nothing in this Act
20 shall be construed to prevent any person from making complaint
21 or prosecuting his or her own claim for damages caused by
22 retaliation. Any person aggrieved by an actual or suspected
23 violation of this Act or any rule adopted under this Act may
24 file suit in circuit court in the county where the alleged
25 violation occurred or where any person who is party to the

1 action resides, without regard to exhaustion of any
2 alternative administrative remedies provided in this Act.
3 Actions may be brought by one or more persons for and on behalf
4 of themselves and other persons similarly situated.

5 Section 35. Remedies and penalties.

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

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

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

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

16 (4) equitable relief as the court may deem appropriate
17 and just.

18 (b) A person that violates any provision of this Act shall
19 be subject to an additional civil penalty in an amount of
20 \$25,000 for each violation of Section 15, or \$50,000 for each
21 repeat violation within a 5-year period.

22 The penalty amount may be recovered in any administrative
23 proceeding by the Department, or civil action filed in any
24 circuit court by the Director or the Attorney General. All
25 moneys received by the Department as fees and civil penalties

1 under this Act shall be deposited into the Employee
2 Classification Fund and shall be used, subject to
3 appropriation by the General Assembly, by the Department for
4 administration, investigation, and other expenses incurred in
5 carrying out its powers and duties under this Act.

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

19 (c) Upon a finding by a court of applicable jurisdiction
20 of a violation of this Act:

21 (1) For a first violation, the court, in its
22 discretion, may order the appropriate government agencies
23 to suspend all licenses subject to this Chapter that are
24 held by the violating party for a period of up to 14 days.
25 For the purposes of this paragraph, the licenses that are
26 subject to suspension are all licenses held by the

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

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

1 result of the suspension of all licenses. On receipt of
2 the court's order and notwithstanding any other law, the
3 appropriate agencies shall immediately suspend the
4 licenses.

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

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

25 Section 40. Administration. The Director or the Director's

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

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

14 (740 ILCS 174/5)

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

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

1 authority including a department, division, bureau, board,
2 commission, or other agency of these entities; and any person
3 acting directly or indirectly in the interest of an employer
4 in relation to an employee ~~within the scope of his or her~~
5 ~~authority express or implied on behalf of those entities in~~
6 ~~dealing with its employees.~~

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

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

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

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

26 "Public body" means the State or any officer, board, or

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

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

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

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

22 (3) contacting, or threatening to contact, United
23 States immigration authorities, or otherwise reporting, or
24 threatening to report, an employee's suspected citizenship
25 or immigration status or the suspected citizenship or
26 immigration status of an employee's family or household

1 member to a federal, State, or local agency;

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

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

13 "Supervisor" means any individual (i) within an employer's
14 organization, or an organization the employer has a
15 contractual relationship with, (ii) who has the authority to
16 direct and control the work performance of the affected
17 employee, or (iii) who has managerial authority to take
18 corrective action regarding a violation of the law, rule, or
19 regulation disclosed by an employee in accordance with Section
20 15.

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

22 (740 ILCS 174/15)

23 Sec. 15. Retaliation for certain disclosures prohibited.

24 (a) An employer may not take retaliatory action ~~retaliate~~
25 against an employee who discloses or threatens to disclose

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

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

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

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

1 (740 ILCS 174/20)

2 Sec. 20. Retaliation for certain refusals prohibited. An
3 employer may not take retaliatory action ~~retaliate~~ against an
4 employee for refusing to participate in an activity that would
5 result in a violation of a State or federal law, rule, or
6 regulation, including, but not limited to, violations of the
7 Freedom of Information Act.

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

9 (740 ILCS 174/20.1)

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

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

18 (740 ILCS 174/20.2)

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

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

1 (740 ILCS 174/25)

2 Sec. 25. Criminal ~~Civil~~ penalty. Violation of this Act is
3 a Class A misdemeanor.

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

5 (740 ILCS 174/30)

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

11 (1) permanent or preliminary injunctive relief;

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

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

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

21 In addition to the remedies specified in paragraphs (1)
22 through (4), the Attorney General may request and the finder
23 of fact may impose a civil penalty in the amount of \$30,000 for
24 each violation, or \$50,000 for each repeat violation within a
25 5-year period. For purposes of this Section, each violation of

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

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

14 (740 ILCS 174/31 new)

15 Sec. 31. Attorney General enforcement.

16 (a) Whenever the Attorney General has reasonable cause to
17 believe that any person or entity is engaged in a practice
18 prohibited by this Act and the Attorney General deems it
19 necessary to protect the rights and interests of Illinois
20 workers, the Attorney General may, pursuant to the authority
21 conferred by Section 6.3 of the Attorney General Act, initiate
22 or intervene in a civil action in the name of the People of the
23 State in any appropriate court to obtain appropriate relief.

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

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

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

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

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

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

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

23 The Attorney General may compel compliance with
24 investigative demands under this Section through an order by
25 any court of competent jurisdiction."