

# SB3310



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3310

Introduced 2/7/2024, by Sen. Mike Simmons

### SYNOPSIS AS INTRODUCED:

775 ILCS 5/7A-102  
775 ILCS 5/8A-104

from Ch. 68, par. 7A-102  
from Ch. 68, par. 8A-104

Amends the Illinois Human Rights Act. Extends the date to file a charge from 300 calendar days to 3 years for an alleged violation under the Act except for the Real Estate Transactions Article. Authorizes the Human Rights Commission to award damages under the Act that are recognized under Illinois tort law and punitive damages if the allegations of the violation under the Act meet the evidentiary requirements under Illinois law for an award of punitive damages. Exempts action under the Real Estate Transactions Article.

LRB103 37330 JRC 67451 b

A BILL FOR

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 5. The Illinois Human Rights Act is amended by  
5 changing Sections 7A-102 and 8A-104 as follows:

6 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)  
7 Sec. 7A-102. Procedures.

8 (A) Charge.

9 (1) Within 3 years ~~300 calendar days~~ after the date  
10 that a civil rights violation allegedly has been  
11 committed, a charge in writing under oath or affirmation  
12 may be filed with the Department by an aggrieved party or  
13 issued by the Department itself under the signature of the  
14 Director.

15 (2) The charge shall be in such detail as to  
16 substantially apprise any party properly concerned as to  
17 the time, place, and facts surrounding the alleged civil  
18 rights violation.

19 (3) Charges deemed filed with the Department pursuant  
20 to subsection (A-1) of this Section shall be deemed to be  
21 in compliance with this subsection.

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

23 (1) If a charge is filed with the Equal Employment

1 Opportunity Commission (EEOC) within 300 calendar days  
2 after the date of the alleged civil rights violation, the  
3 charge shall be deemed filed with the Department on the  
4 date filed with the EEOC. If the EEOC is the governmental  
5 agency designated to investigate the charge first, the  
6 Department shall take no action until the EEOC makes a  
7 determination on the charge and after the complainant  
8 notifies the Department of the EEOC's determination. In  
9 such cases, after receiving notice from the EEOC that a  
10 charge was filed, the Department shall notify the parties  
11 that (i) a charge has been received by the EEOC and has  
12 been sent to the Department for dual filing purposes; (ii)  
13 the EEOC is the governmental agency responsible for  
14 investigating the charge and that the investigation shall  
15 be conducted pursuant to the rules and procedures adopted  
16 by the EEOC; (iii) it will take no action on the charge  
17 until the EEOC issues its determination; (iv) the  
18 complainant must submit a copy of the EEOC's determination  
19 within 30 days after service of the determination by the  
20 EEOC on the complainant; and (v) that the time period to  
21 investigate the charge contained in subsection (G) of this  
22 Section is tolled from the date on which the charge is  
23 filed with the EEOC until the EEOC issues its  
24 determination.

25 (2) If the EEOC finds reasonable cause to believe that  
26 there has been a violation of federal law and if the

1 Department is timely notified of the EEOC's findings by  
2 the complainant, the Department shall notify the  
3 complainant that the Department has adopted the EEOC's  
4 determination of reasonable cause and that the complainant  
5 has the right, within 90 days after receipt of the  
6 Department's notice, to either file the complainant's own  
7 complaint with the Illinois Human Rights Commission or  
8 commence a civil action in the appropriate circuit court  
9 or other appropriate court of competent jurisdiction. This  
10 notice shall be provided to the complainant within 10  
11 business days after the Department's receipt of the EEOC's  
12 determination. The Department's notice to the complainant  
13 that the Department has adopted the EEOC's determination  
14 of reasonable cause shall constitute the Department's  
15 Report for purposes of subparagraph (D) of this Section.

16 (3) For those charges alleging violations within the  
17 jurisdiction of both the EEOC and the Department and for  
18 which the EEOC either (i) does not issue a determination,  
19 but does issue the complainant a notice of a right to sue,  
20 including when the right to sue is issued at the request of  
21 the complainant, or (ii) determines that it is unable to  
22 establish that illegal discrimination has occurred and  
23 issues the complainant a right to sue notice, and if the  
24 Department is timely notified of the EEOC's determination  
25 by the complainant, the Department shall notify the  
26 parties, within 10 business days after receipt of the

1 EEOC's determination, that the Department will adopt the  
2 EEOC's determination as a dismissal for lack of  
3 substantial evidence unless the complainant requests in  
4 writing within 35 days after receipt of the Department's  
5 notice that the Department review the EEOC's  
6 determination.

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

23 (b) If the complainant does file a written request  
24 with the Department to review the EEOC's  
25 determination, the Department shall review the EEOC's  
26 determination and any evidence obtained by the EEOC

1 during its investigation. If, after reviewing the  
2 EEOC's determination and any evidence obtained by the  
3 EEOC, the Department determines there is no need for  
4 further investigation of the charge, the Department  
5 shall issue a report and the Director shall determine  
6 whether there is substantial evidence that the alleged  
7 civil rights violation has been committed pursuant to  
8 subsection (D) of this Section. If, after reviewing  
9 the EEOC's determination and any evidence obtained by  
10 the EEOC, the Department determines there is a need  
11 for further investigation of the charge, the  
12 Department may conduct any further investigation it  
13 deems necessary. After reviewing the EEOC's  
14 determination, the evidence obtained by the EEOC, and  
15 any additional investigation conducted by the  
16 Department, the Department shall issue a report and  
17 the Director shall determine whether there is  
18 substantial evidence that the alleged civil rights  
19 violation has been committed pursuant to subsection  
20 (D) of this Section.

21 (4) Pursuant to this Section, if the EEOC dismisses  
22 the charge or a portion of the charge of discrimination  
23 because, under federal law, the EEOC lacks jurisdiction  
24 over the charge, and if, under this Act, the Department  
25 has jurisdiction over the charge of discrimination, the  
26 Department shall investigate the charge or portion of the

1 charge dismissed by the EEOC for lack of jurisdiction  
2 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),  
3 (E), (F), (G), (H), (I), (J), and (K) of this Section.

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

8 (6) The failure of the Department to meet the  
9 10-business-day notification deadlines set out in  
10 paragraph (2) of this subsection shall not impair the  
11 rights of any party.

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

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



1 registered mail, or electronic mail if elected by the party,  
2 written notice to the complainant and to the respondent  
3 informing the complainant of the complainant's rights to  
4 either file a complaint with the Human Rights Commission or  
5 commence a civil action in the appropriate circuit court under  
6 subparagraph (2) of paragraph (G), including in such notice  
7 the dates within which the complainant may exercise these  
8 rights. In the notice the Department shall notify the  
9 complainant that the charge of civil rights violation will be  
10 dismissed with prejudice and with no right to further proceed  
11 if a written complaint is not timely filed with the Commission  
12 or with the appropriate circuit court by the complainant  
13 pursuant to subparagraph (2) of paragraph (G) or by the  
14 Department pursuant to subparagraph (1) of paragraph (G).

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

24 (C) Investigation.

25 (1) The Department shall conduct an investigation  
26 sufficient to determine whether the allegations set forth

1 in the charge are supported by substantial evidence unless  
2 the complainant elects to opt out of an investigation  
3 pursuant to subsection (C-1).

4 (2) The Director or the Director's designated  
5 representatives shall have authority to request any member  
6 of the Commission to issue subpoenas to compel the  
7 attendance of a witness or the production for examination  
8 of any books, records or documents whatsoever.

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

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

1           The term "good cause" shall be defined by rule promulgated  
2           by the Department. A notice of dismissal or default shall  
3           be issued by the Director. The notice of default issued by  
4           the Director shall notify the respondent that a request  
5           for review may be filed in writing with the Commission  
6           within 30 days of receipt of notice of default. The notice  
7           of dismissal issued by the Director shall give the  
8           complainant notice of the complainant's right to seek  
9           review of the dismissal before the Human Rights Commission  
10          or commence a civil action in the appropriate circuit  
11          court. If the complainant chooses to have the Human Rights  
12          Commission review the dismissal order, the complainant  
13          shall file a request for review with the Commission within  
14          90 days after receipt of the Director's notice. If the  
15          complainant chooses to file a request for review with the  
16          Commission, the complainant may not later commence a civil  
17          action in a circuit court. If the complainant chooses to  
18          commence a civil action in a circuit court, the  
19          complainant must do so within 90 days after receipt of the  
20          Director's notice.

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

1 competent jurisdiction. Within 10 business days of receipt of  
2 the complainant's request to opt out of the investigation, the  
3 Director shall issue a notice to the parties stating that: (i)  
4 the complainant has exercised the right to opt out of the  
5 investigation; (ii) the complainant has 90 days after receipt  
6 of the Director's notice to commence an action in the  
7 appropriate circuit court or other appropriate court of  
8 competent jurisdiction; and (iii) the Department has ceased  
9 its investigation and is administratively closing the charge.  
10 The complainant shall notify the Department that a complaint  
11 has been filed with the appropriate circuit court by serving a  
12 copy of the complaint on the chief legal counsel of the  
13 Department within 21 days from the date that the complaint is  
14 filed with the appropriate circuit court. This 21-day period  
15 for service on the chief legal counsel shall not be construed  
16 to be jurisdictional. Once a complainant has opted out of the  
17 investigation under this subsection, the complainant may not  
18 file or refile a substantially similar charge with the  
19 Department arising from the same incident of unlawful  
20 discrimination or harassment.

21 (D) Report.

22 (1) Each charge investigated under subsection (C)  
23 shall be the subject of a report to the Director. The  
24 report shall be a confidential document subject to review  
25 by the Director, authorized Department employees, the  
26 parties, and, where indicated by this Act, members of the

1 Commission or their designated hearing officers.

2 (2) Upon review of the report, the Director shall  
3 determine whether there is substantial evidence that the  
4 alleged civil rights violation has been committed. The  
5 determination of substantial evidence is limited to  
6 determining the need for further consideration of the  
7 charge pursuant to this Act and includes, but is not  
8 limited to, findings of fact and conclusions, as well as  
9 the reasons for the determinations on all material issues.  
10 Substantial evidence is evidence which a reasonable mind  
11 accepts as sufficient to support a particular conclusion  
12 and which consists of more than a mere scintilla but may be  
13 somewhat less than a preponderance.

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

1 civil action in a circuit court, the complainant must do  
2 so within 90 days after receipt of the Director's notice.  
3 The complainant shall notify the Department that a  
4 complaint has been filed by serving a copy of the  
5 complaint on the chief legal counsel of the Department  
6 within 21 days from the date that the complaint is filed in  
7 circuit court. This 21-day period for service on the chief  
8 legal counsel shall not be construed to be jurisdictional.

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

1 file the complaint, the complainant may file the  
2 complainant's complaint with the Commission or commence a  
3 civil action in the appropriate circuit court. If the  
4 complainant files a complaint with the Human Rights  
5 Commission, the complainant shall notify the Department  
6 that a complaint has been filed by serving a copy of the  
7 complaint on the chief legal counsel of the Department  
8 within 21 days from the date that the complaint is filed  
9 with the Human Rights Commission. This 21-day period for  
10 service on the chief legal counsel shall not be construed  
11 to be jurisdictional.

12 (E) Conciliation.

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

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

25 (3) The place fixed for the conference shall be within  
26 35 miles of the place where the civil rights violation is

1           alleged to have been committed.

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

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

8           (F) Complaint.

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

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

26           (2) If the complainant chooses to commence a civil



1 action in a circuit court:

2 (i) The complainant shall file the civil action in  
3 the circuit court in the county wherein the civil  
4 rights violation was allegedly committed.

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

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

15 (G) Time Limit.

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

22 (2) If the Department has not issued its report within  
23 365 days after the charge is filed, or any such longer  
24 period agreed to in writing by all the parties, the  
25 complainant shall have 90 days to either file the  
26 complainant's own complaint with the Human Rights

1 Commission or commence a civil action in the appropriate  
2 circuit court. If the complainant files a complaint with  
3 the Commission, the form of the complaint shall be in  
4 accordance with the provisions of paragraph (F)(1). If the  
5 complainant commences a civil action in a circuit court,  
6 the form of the complaint shall be in accordance with the  
7 Code of Civil Procedure. The aggrieved party shall notify  
8 the Department that a complaint has been filed by serving  
9 a copy of the complaint on the chief legal counsel of the  
10 Department with 21 days from the date that the complaint  
11 is filed with the Commission or in circuit court. This  
12 21-day period for service on the chief legal counsel shall  
13 not be construed to be jurisdictional. If the complainant  
14 files a complaint with the Commission, the complainant may  
15 not later commence a civil action in circuit court.

16 (3) If an aggrieved party files a complaint with the  
17 Human Rights Commission or commences a civil action in  
18 circuit court pursuant to paragraph (2) of this  
19 subsection, or if the time period for filing a complaint  
20 has expired, the Department shall immediately cease its  
21 investigation and dismiss the charge of civil rights  
22 violation. Any final order entered by the Commission under  
23 this Section is appealable in accordance with paragraph  
24 (B)(1) of Section 8-111. Failure to immediately cease an  
25 investigation and dismiss the charge of civil rights  
26 violation as provided in this paragraph (3) constitutes

1 grounds for entry of an order by the circuit court  
2 permanently enjoining the investigation. The Department  
3 may also be liable for any costs and other damages  
4 incurred by the respondent as a result of the action of the  
5 Department.

6 (4) (Blank).

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

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

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

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

17 (L) The changes made to this Section by Public Act  
18 100-1066 apply to charges filed on or after August 24, 2018  
19 (the effective date of Public Act 100-1066).

20 (Source: P.A. 102-558, eff. 8-20-21; 103-335, eff. 1-1-24.)

21 (775 ILCS 5/8A-104) (from Ch. 68, par. 8A-104)

22 Sec. 8A-104. Relief; Penalties. Upon finding a civil  
23 rights violation, a hearing officer may recommend and the  
24 Commission or any three-member panel thereof may provide for  
25 any relief or penalty identified in this Section, separately

1 or in combination, by entering an order directing the  
2 respondent to:

3 (A) Cease and Desist Order. Cease and desist from any  
4 violation of this Act.

5 (B) Actual Damages. Pay actual damages, as reasonably  
6 determined by the Commission, for injury or loss suffered by  
7 the complainant.

8 (C) Hiring; Reinstatement; Promotion; Backpay; Fringe  
9 Benefits. Hire, reinstate or upgrade the complainant with or  
10 without back pay or provide such fringe benefits as the  
11 complainant may have been denied.

12 (D) Restoration of Membership; Admission To Programs.  
13 Admit or restore the complainant to labor organization  
14 membership, to a guidance program, apprenticeship training  
15 program, on the job training program, or other occupational  
16 training or retraining program.

17 (E) Public Accommodations. Admit the complainant to a  
18 public accommodation.

19 (F) Services. Extend to the complainant the full and equal  
20 enjoyment of the goods, services, facilities, privileges,  
21 advantages, or accommodations of the respondent.

22 (G) Attorneys Fees; Costs. Pay to the complainant all or a  
23 portion of the costs of maintaining the action, including  
24 reasonable attorney fees and expert witness fees incurred in  
25 maintaining this action before the Department, the Commission  
26 and in any judicial review and judicial enforcement

1 proceedings. Provided, however, that no award of attorney fees  
2 or costs shall be made pursuant to this amendatory Act of 1987  
3 with respect to any charge for which the complaint before the  
4 Commission was filed prior to December 1, 1987. With respect  
5 to all charges for which complaints were filed with the  
6 Commission prior to December 1, 1987, attorney fees and costs  
7 shall be awarded pursuant to the terms of this subsection as it  
8 existed prior to revision by this amendatory Act of 1987.

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

11 (I) 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 this  
14 Act or other relevant information which the Commission  
15 determines necessary to explain this Act.

16 (J) Make Complainant Whole. Take such action as may be  
17 necessary to compensate and make the individual complainant  
18 whole, including, but not limited to, damages recognized in  
19 Illinois tort actions, awards of interest on the complainant's  
20 actual damages, and backpay from the date of the civil rights  
21 violation. Provided, however, that no award of prejudgment  
22 interest shall be made pursuant to this amendatory Act of 1987  
23 with respect to any charge in which the complaint before the  
24 Commission was filed prior to December 1, 1987. With respect  
25 to all charges for which complaints were filed with the  
26 Commission prior to December 1, 1987, make whole relief shall

1 be awarded pursuant to this subsection as it existed prior to  
2 revision by this amendatory Act of 1987.

3 (K) Punitive damages. Complainant may be awarded punitive  
4 damages if the allegations of the violation under this Act  
5 meet the evidentiary requirements under Illinois law for an  
6 award of punitive damages.

7 There shall be no distinction made under this Section  
8 between complaints filed by the Department and those filed by  
9 the aggrieved party.

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