



Adopted in House Comm. on Apr 29, 2004

09300SB2878ham001

LRB093 16195 WGH 49736 a

1 AMENDMENT TO SENATE BILL 2878

2 AMENDMENT NO. _____. Amend Senate Bill 2878 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by
5 changing Section 10-101 and by adding Section 10-104 as
6 follows:

7 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

8 Sec. 10-101. Applicability. With the exception of Section
9 10-104, this ~~This~~ Article shall apply solely to civil actions
10 arising under Article 3 of this Act.

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

12 (775 ILCS 5/10-104 new)

13 Sec. 10-104. Circuit Court Actions by the Illinois Attorney
14 General.

15 (A) Standing, Venue, and Limitations on Actions.

16 (1) Whenever the Illinois Attorney General has
17 reasonable cause to believe that any person or group of
18 persons is engaged in a pattern and practice of
19 discrimination prohibited by this Act, the Illinois
20 Attorney General may commence a civil action in the name of
21 the People of the State of Illinois as parens patriae on
22 behalf of persons within this State to enforce the
23 provisions of this Act in any appropriate circuit court.

1 Venue for the civil action shall be determined under
2 Section 8-111(B)(6). The action shall be commenced no later
3 than 2 years after the occurrence or the termination of an
4 alleged civil rights violation or the breach of a
5 conciliation agreement entered into under this Act,
6 whichever occurs last, to obtain relief with respect to the
7 alleged civil rights violation or breach.

8 (2) The Illinois Attorney General may commence a civil
9 action under this subsection (A) whether or not a charge
10 has been filed under Sections 7A-102 or 7B-102 and without
11 regard to the status of any such charge; however, if the
12 Department or local agency has obtained a conciliation or
13 settlement agreement with the consent of an aggrieved
14 party, no action may be filed under this subsection (A) by
15 that aggrieved party with respect to the alleged civil
16 rights violation practice which forms the basis for the
17 complaint, except for the purpose of enforcing the terms of
18 that conciliation or settlement agreement.

19 (B) Relief Which May Be Granted.

20 (1) In any civil action brought pursuant to subsection
21 (A) of this Section, the Attorney General may obtain as a
22 remedy equitable relief (including any permanent or
23 preliminary injunction, temporary restraining order, or
24 other order, including an order enjoining the defendant
25 from engaging in the civil rights violation or ordering
26 such action as may be appropriate) and actual and punitive
27 damages for the aggrieved party to the extent the aggrieved
28 party is entitled to those damages under this Act. In
29 addition, the Attorney General may request and the court
30 may impose a civil penalty to vindicate the public
31 interest:

32 (a) in an amount not exceeding \$10,000 if the
33 defendant has not been adjudged to have committed any
34 prior civil rights violations under the provision of

1 the Act which is the basis of the complaint;

2 (b) in an amount not exceeding \$25,000 if the
3 defendant has been adjudged to have committed one other
4 civil rights violation under the provision of the Act
5 which is the basis of the complaint; or

6 (c) in an amount not exceeding \$50,000 if the
7 defendant has been adjudged to have committed 2 or more
8 civil rights violations under the provision of the Act
9 which is the basis of the complaint.

10 Judgments obtained in actions brought by the Illinois
11 Attorney General shall be binding on aggrieved parties
12 unless those parties elect not to be bound by those
13 judgments in accordance with subsection (C) of this
14 Section.

15 (2) The court shall require that damages or other
16 monetary relief awarded for injuries sustained by persons
17 other than the State be paid to those persons to the extent
18 they are identifiable and there is a practicable method for
19 making the payment. The court shall direct that damages
20 which cannot practicably be paid to injured individuals
21 shall be paid to the State on such terms and conditions as
22 in its discretion it determines will best serve the
23 purposes of the Act.

24 (3) In any action in which monetary relief may be
25 awarded for injuries sustained by a person other than the
26 State, the court shall exclude from the amount of monetary
27 relief awarded any amount of monetary relief: (a) which
28 duplicates amounts that have been awarded for the same
29 injury or (b) which is allocable to persons who have
30 excluded their claims pursuant to this Section.

31 (4) A civil penalty imposed under paragraph (B) (1) or
32 any damages directed by the court to be paid to the State
33 under paragraph (B) (2) shall be deposited into the Attorney
34 General Court Ordered and Voluntary Compliance Payment

1 Projects Fund created under Section 7 of the Consumer Fraud
2 and Deceptive Business Practices Act and shall be used as
3 set forth in that Section.

4 (C) Notice and Election. In any action brought pursuant to
5 this Section where the court deems it necessary, the Illinois
6 Attorney General shall, at such times, in such manner, and with
7 such content as the court may direct, cause notice to be given
8 by publication or by other means determined by the court to
9 accord notice to aggrieved parties who may be bound by the
10 court's judgment in the Illinois Attorney General's action. Any
11 aggrieved party who alleges that he or she has been subjected
12 to the unlawful practices described in the Illinois Attorney
13 General's complaint may elect to exclude his or her claim from
14 adjudication in such time and in such manner as the court in
15 the notice directs.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.".