

1 AN ACT concerning human rights.

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 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, limitations on actions, preliminary  
16 investigations, notice, and Assurance of Voluntary Compliance.

17 (1) Whenever the Illinois Attorney General has  
18 reasonable cause to believe that any person or group of  
19 persons is engaged in a pattern and practice of  
20 discrimination prohibited by this Act, the Illinois  
21 Attorney General may commence a civil action in the name of  
22 the People of the State, as parens patriae on behalf of  
23 persons within the State to enforce the provisions of this  
24 Act in any appropriate circuit court. Venue for this civil  
25 action shall be determined under Section 8-111(B)(6). Such  
26 actions shall be commenced no later than 2 years after the  
27 occurrence or the termination of an alleged civil rights  
28 violation or the breach of a conciliation agreement or  
29 Assurance of Voluntary Compliance entered into under this  
30 Act, whichever occurs last, to obtain relief with respect  
31 to the alleged civil rights violation or breach.

1           (2) Prior to initiating a civil action, the Attorney  
2 General shall conduct a preliminary investigation to  
3 determine whether there is reasonable cause to believe that  
4 any person or group of persons is engaged in a pattern and  
5 practice of discrimination declared unlawful by this Act  
6 and whether the dispute can be resolved without litigation.  
7 In conducting this investigation, the Attorney General  
8 may:

9           (a) require the individual or entity to file a  
10 statement or report in writing under oath or otherwise,  
11 as to all information the Attorney General may consider  
12 necessary;

13           (b) examine under oath any person alleged to have  
14 participated in or with knowledge of the alleged  
15 pattern and practice violation; or

16           (c) issue subpoenas or conduct hearings in aid of  
17 any investigation.

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

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

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

29           (4) In lieu of a civil action, the individual or entity  
30 alleged to have engaged in a pattern or practice of  
31 discrimination deemed violative of this Act may enter into  
32 an Assurance of Voluntary Compliance with respect to the  
33 alleged pattern or practice violation.

34           (5) The Illinois Attorney General may commence a civil  
35 action under this subsection (A) whether or not a charge  
36 has been filed under Sections 7A-102 or 7B-102 and without

1 regard to the status of any charge, however, if the  
2 Department or local agency has obtained a conciliation or  
3 settlement agreement or if the parties have entered into an  
4 Assurance of Voluntary Compliance no action may be filed  
5 under this subsection (A) with respect to the alleged civil  
6 rights violation practice that forms the basis for the  
7 complaint except for the purpose of enforcing the terms of  
8 the conciliation or settlement agreement or the terms of  
9 the Assurance of Voluntary Compliance.

10 (6) If any person fails or refuses to file any  
11 statement or report, or obey any subpoena, issued pursuant  
12 to subdivision (A)(2) of this Section, the Attorney General  
13 will be deemed to have met the requirement of conducting a  
14 preliminary investigation and may proceed to initiate a  
15 civil action pursuant to subdivision (A)(1) of this  
16 Section.

17 (B) Relief which may be granted.

18 (1) In any civil action brought pursuant to subsection  
19 (A) of this Section, the Attorney General may obtain as a  
20 remedy, equitable relief (including any permanent or  
21 preliminary injunction, temporary restraining order, or  
22 other order, including an order enjoining the defendant  
23 from engaging in such civil rights violation or ordering  
24 any action as may be appropriate). In addition, the  
25 Attorney General may request and the Court may impose a  
26 civil penalty to vindicate the public interest:

27 (a) in an amount not exceeding \$10,000 if the  
28 defendant has not been adjudged to have committed any  
29 prior civil rights violations under the provision of  
30 the Act that is the basis of the complaint;

31 (b) in an amount not exceeding \$25,000 if the  
32 defendant has been adjudged to have committed one other  
33 civil rights violation under the provision of the Act  
34 within 5 years of the occurrence of the civil rights  
35 violation that is the basis of the complaint; and

36 (c) in an amount not exceeding \$50,000 if the

1           defendant has been adjudged to have committed 2 or more  
2           civil rights violations under the provision of the Act  
3           within 5 years of the occurrence of the civil rights  
4           violation that is the basis of the complaint.

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

17           (3) Aggrieved parties seeking actual damages must  
18           follow the procedure set out in Sections 7A-102 or 7B-102  
19           for filing a charge.

20           Section 99. Effective date. This Act takes effect upon  
21           becoming law.