



Sen. Martin A. Sandoval

Filed: 2/24/2004

09300SB2878sam001

LRB093 16195 WGH 47920 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) The Illinois Attorney General may commence a civil
17 action in the name of the People of the State of Illinois
18 as parens patriae on behalf of persons within this State to
19 enforce the provisions of this Act in any appropriate
20 circuit court. Venue for the civil action shall be
21 determined under Section 8-111(B)(6). The action shall be
22 commenced no later than 2 years after the occurrence or the
23 termination of an alleged civil rights violation or the

1 breach of a conciliation agreement entered into under this
2 Act, whichever occurs last, to obtain relief with respect
3 to the alleged civil rights violation or breach.

4 (2) The computation of the 2-year period shall not
5 include any time during which an administrative proceeding
6 under this Act was pending with respect to a complaint or
7 charge under this Act based upon the alleged civil rights
8 violation. This paragraph (2) does not apply to actions
9 arising from a breach of a conciliation or settlement
10 agreement.

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

22 (B) Relief Which May Be Granted.

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

1 (a) in an amount not exceeding \$10,000 if the
2 defendant has not been adjudged to have committed any
3 prior civil rights violations under the provision of
4 the Act which is the basis of the complaint;

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

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

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

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

29 (4) A civil penalty imposed under paragraph (B) (1) or
30 any damages directed by the court to be paid to the State
31 under paragraph (B) (2) shall be deposited into the Attorney
32 General Court Ordered and Voluntary Compliance Payment
33 Projects Fund created under Section 7 of the Consumer Fraud
34 and Deceptive Business Practices Act and shall be used as

1 set forth in that Section.

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

14 (D) Intervention by the Illinois Attorney General. The
15 Illinois Attorney General may intervene as parens patriae on
16 behalf of persons within the State in civil actions brought by
17 aggrieved individuals pursuant to this Act. Upon such
18 intervention, the court may award relief that is authorized to
19 be granted under subsection (B) of this Section.

20 (E) Attorney's Fees. In any action under subsection (A) of
21 this Section, the amount of the Illinois Attorney General's
22 attorney's fee shall be determined by the court.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.".