



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4725

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

15 ILCS 205/6.3

Amends the Attorney General Act. Provides that, prior to initiating an action, the Attorney General shall conduct an investigation and, in addition to other powers, may: (1) issue subpoenas for documents; (2) require written answers under oath to written interrogatories; (3) inspect the premises of an employer and inspect and make copies of employment-related records kept at the premises; and (4) conduct interviews with workers at an employer's premises during normal business or working hours. Sets forth additional provisions concerning investigations; interviews; subpoenas; obstruction; and search warrants.

LRB104 19322 SPS 32768 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Attorney General Act is amended by changing
5 Section 6.3 as follows:

6 (15 ILCS 205/6.3)

7 Sec. 6.3. Worker Protection Unit.

8 (a) The General Assembly finds that the welfare and
9 prosperity of all Illinois citizens and businesses requires
10 the establishment of a Unit within the Attorney General's
11 Office dedicated to combatting businesses that underpay their
12 employees, force their employees to work in unsafe conditions,
13 and gain an unfair economic advantage by avoiding their tax
14 and labor responsibilities. The Worker Protection Unit shall
15 be focused on protecting the State's workforce to ensure
16 workers are paid properly, guarantee safe workplaces, and
17 allow law-abiding business owners to thrive through healthy
18 and fair competition. Businesses that violate the State's
19 worker protection laws put a greater burden on taxpayers by
20 hurting the State's ability to provide critical services;
21 compliant businesses cannot compete against those who gain an
22 unfair advantage by evading their responsibilities.

23 (b) There is created within the Office of the Attorney

1 General a Worker Protection Unit, consisting of Assistant
2 Attorneys General appointed by the Attorney General, who,
3 together with other staff as deemed necessary by the Attorney
4 General, shall have the power and duty on behalf of persons
5 within this State, to intervene in, initiate, and enforce all
6 legal proceedings on matters related to the payment of wages,
7 the safety of the workplace, and fair employment practices,
8 including, without limitation, the provisions of the
9 Prevailing Wage Act, the Employee Classification Act, the
10 Minimum Wage Law, the Day and Temporary Labor Services Act, ~~or~~
11 the Wage Payment and Collection Act, and any other law
12 regarding labor or employment in this State, whenever the
13 Attorney General determines that such action is necessary to
14 protect the rights and interests of Illinois workers and
15 Illinois businesses.

16 (c) Prior to initiating an action, the Attorney General
17 shall conduct an investigation and may: (1) require an
18 individual or entity to file a statement or report in writing
19 under oath or otherwise, as to all information the Attorney
20 General may consider necessary; (2) examine under oath any
21 person alleged to have participated in or with knowledge of
22 the alleged violation; ~~or~~ (3) issue subpoenas for documents;
23 (4) require written answers under oath to written
24 interrogatories; (5) ~~or~~ conduct hearings in aid of any
25 investigation; (6) inspect the premises of an employer and
26 inspect and make copies of employment-related records kept at

1 the premises; and (7) conduct interviews with workers at an
2 employer's premises during normal business or working hours.

3 (c-5) An employer who is subject to an investigation by
4 the Attorney General, and any agents of the employer, shall
5 make all reasonable efforts to cooperate with the
6 investigation, including, without limitation, by making the
7 employer's premises and records available for inspection and
8 by permitting the employer's employees to participate in
9 interviews conducted by the Attorney General.

10 (c-10) Any individual, including an employee, who
11 voluntarily participates in an interview conducted by the
12 Attorney General or otherwise provides information to the
13 Attorney General related to an investigation conducted by the
14 Worker Protection Unit is a confidential government informer
15 for purposes of asserting the government informer's privilege.

16 (c-15) The production of documentary material in response
17 to a subpoena served in accordance with this Section shall be
18 made under a sworn certificate, in such form as the subpoena
19 designates, by the person, if a natural person, to whom the
20 demand is directed or, if not a natural person, by a person or
21 persons having knowledge of the facts and circumstances
22 relating to such production, to the effect that all of the
23 documentary material required by the demand and in the
24 possession, custody, or control of the person to whom the
25 demand is directed has been produced and made available to the
26 custodian. Answers to interrogatories and statements or

1 reports in writing shall be accompanied by a statement under
2 oath attesting to the accuracy of the answers.

3 (c-20) If a witness served with a subpoena by the Attorney
4 General under this Act fails or refuses to obey the subpoena,
5 produce documentary material or interrogatory answers, give
6 testimony in the investigation being conducted, or deny the
7 Attorney General reasonable access to their premises, records,
8 or employees, the Attorney General may petition the Circuit
9 Court of Sangamon County, Cook County, or the county in which
10 the witness resides for an order requiring the witness to
11 attend and testify or produce the documentary material or
12 interrogatory answers demanded, or grant access to the
13 premises, records, and employees, or otherwise comply with the
14 subpoena. The court's order shall require the witness to
15 attend and testify or produce the documentary material or
16 interrogatory answers, or a combination thereof, or grant
17 access to their premises, records, or employees, by a
18 specified date, and shall further provide a date on which the
19 witness shall show cause in court why he or she should not be
20 held in contempt of court if the witness fails to comply. If
21 the witness is held in contempt of court, the Attorney General
22 may seek a writ of attachment, a monetary fine, or an
23 equivalent order from the circuit court having jurisdiction
24 over the witness.

25 (c-25) No person shall, with intent to avoid, evade,
26 prevent, or obstruct compliance in whole or in part by any

1 person with any duly served subpoena of the Attorney General
2 under this Section, knowingly remove from any place, conceal,
3 withhold, destroy, mutilate, alter, or by any other means
4 falsify any documentary material that is the subject of such
5 subpoena. A violation of this subsection is a Class A
6 misdemeanor. The Attorney General, with such assistance as he
7 may from time to time require of the State's Attorneys in the
8 several counties, shall investigate suspected violations of
9 this subsection and shall commence and try all prosecutions
10 under this subsection.

11 (c-30) If, in the course of an investigation conducted in
12 accordance with subsection (c), the Attorney General believes
13 that relevant evidence of a violation of a law enforced by the
14 Worker Protection Unit as set forth in subsection (b) of this
15 Section is located at the premises of an employer, and (i) the
16 employer has refused to allow the Attorney General to inspect
17 the premises, or (ii) the Attorney General has reasonable
18 cause to believe that an immediate inspection of the premises
19 is necessary to carry out its investigation, the Attorney
20 General may file or cause to be filed an application in
21 writing, verified by affidavit, with any court within whose
22 jurisdiction the premises to be searched is situated, stating
23 the facts upon which the belief is founded, the premises to be
24 searched, and the property, records, or other evidence to be
25 seized, and procure a search warrant and execute that warrant.
26 Upon the execution of the search warrant, the Attorney General

1 shall make due return of the warrant to the court issuing the
2 warrant, together with an inventory of the property, records,
3 or other evidence taken under the warrant.

4 (d) In an action brought under this Section, the Attorney
5 General may obtain, as a remedy, monetary damages to the
6 State, restitution, and equitable relief, including any
7 permanent or preliminary injunction, temporary restraining
8 order, or other order, including an order enjoining the
9 defendant from engaging in a violation, or order any action as
10 may be appropriate. In addition, the Attorney General may
11 request and the court may impose a civil penalty against any
12 person or entity found by the court to have violated any law
13 regarding labor or employment in this State, including the
14 Prevailing Wage Act, the Employee Classification Act, the
15 Minimum Wage Law, the Day and Temporary Labor Services Act,
16 the Wage Payment and Collection Act, or any other law related
17 to the payment of wages, the safety of the workplace, or fair
18 employment practices, in a sum not to exceed the maximum
19 amount of any civil penalty prescribed by law. Neither the
20 State nor an aggrieved individual may recover monetary relief,
21 including civil penalties, in more than one proceeding related
22 to the same violation.

23 (e) Upon the Attorney General's request, the Illinois
24 Department of Labor shall provide any materials or documents
25 already in the Department's possession pertaining to the
26 enforcement of this Section. The Office of the Attorney

1 General may use information obtained under this Section,
2 including information that is designated as and that qualifies
3 for confidential treatment, which information the Attorney
4 General's Office shall maintain as confidential, for law
5 enforcement purposes only, which information may be shared
6 with other law enforcement officials. Nothing in this Section
7 is intended to take away or limit any powers of the Attorney
8 General under common law or other statutory law.

9 (Source: P.A. 101-527, eff. 1-1-20.)