

# SB3005



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3005

Introduced 1/27/2026, by Sen. Celina Villanueva

### SYNOPSIS AS INTRODUCED:

775 ILCS 5/8A-104

from Ch. 68, par. 8A-104

Amends the Illinois Human Rights Act. Provides that a plaintiff may be awarded all forms of relief available in tort actions, including but not be limited to, emotional distress, pain and suffering, and loss of a normal life. Provides that a plaintiff may also be awarded punitive damages.

LRB104 18884 JRC 32329 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 Section 8A-104 as follows:

6 (775 ILCS 5/8A-104) (from Ch. 68, par. 8A-104)

7 Sec. 8A-104. Relief; Penalties. Upon finding a civil  
8 rights violation, a hearing officer may recommend and the  
9 Commission or any three-member panel thereof may provide for  
10 any relief or penalty identified in this Section, separately  
11 or in combination, by entering an order directing the  
12 respondent to:

13 (A) Cease and Desist Order. Cease and desist from any  
14 violation of this Act.

15 (B) Actual Damages. Pay actual damages, as reasonably  
16 determined by the Commission, for injury or loss suffered  
17 by the complainant.

18 (C) Hiring; Reinstatement; Promotion; Backpay; Fringe  
19 Benefits. Hire, reinstate or upgrade the complainant with  
20 or without back pay or provide such fringe benefits as the  
21 complainant may have been denied.

22 (D) Restoration of Membership; Admission To Programs.  
23 Admit or restore the complainant to labor organization

1 membership, to a guidance program, apprenticeship training  
2 program, on the job training program, or other  
3 occupational training or retraining program.

4 (E) Public Accommodations. Admit the complainant to a  
5 public accommodation.

6 (F) Services. Extend to the complainant the full and  
7 equal enjoyment of the goods, services, facilities,  
8 privileges, advantages, or accommodations of the  
9 respondent.

10 (G) Attorneys Fees; Costs. Pay to the complainant all  
11 or a portion of the costs of maintaining the action,  
12 including reasonable attorney fees and expert witness fees  
13 incurred in maintaining this action before the Department,  
14 the Commission and in any judicial review and judicial  
15 enforcement proceedings. Provided, however, that no award  
16 of attorney fees or costs shall be made pursuant to this  
17 amendatory Act of 1987 with respect to any charge for  
18 which the complaint before the Commission was filed prior  
19 to December 1, 1987. With respect to all charges for which  
20 complaints were filed with the Commission prior to  
21 December 1, 1987, attorney fees and costs shall be awarded  
22 pursuant to the terms of this subsection as it existed  
23 prior to revision by this amendatory Act of 1987.

24 (H) Compliance Report. Report as to the manner of  
25 compliance.

26 (I) Posting of Notices. Post notices in a conspicuous

1 place which the Commission may publish or cause to be  
2 published setting forth requirements for compliance with  
3 this Act or other relevant information which the  
4 Commission determines necessary to explain this Act.

5 (J) Make Complainant Whole. Take such action as may be  
6 necessary to compensate and make the individual  
7 complainant whole. This may include, but not be limited  
8 to, awards of interest on the complainant's actual damages  
9 and back pay from the date of the civil rights violation;  
10 and all forms of relief available in tort actions,  
11 including, but not be limited to, emotional distress, pain  
12 and suffering, and loss of a normal life, including, but  
13 ~~not limited to, awards of interest on the complainant's~~  
14 ~~actual damages and backpay from the date of the civil~~  
15 ~~rights violation.~~ Provided, however, that no award of  
16 prejudgment interest shall be made pursuant to this  
17 amendatory Act of 1987 with respect to any charge in which  
18 the complaint before the Commission was filed prior to  
19 December 1, 1987. With respect to all charges for which  
20 complaints were filed with the Commission prior to  
21 December 1, 1987, make whole relief shall be awarded  
22 pursuant to this subsection as it existed prior to  
23 revision by this amendatory Act of 1987.

24 (K) Civil Penalty. Pay a civil penalty per violation  
25 to vindicate the public interest. In imposing a civil  
26 penalty to vindicate the public interest, a separate

1 penalty may be imposed for each specific act constituting  
2 a civil rights violation as defined in Section 1-103, and  
3 for each aggrieved party injured by the civil rights  
4 violation:

5 (1) in an amount not exceeding \$16,000 if the  
6 respondent has not been adjudged to have committed any  
7 prior civil rights violation under this Act;

8 (2) in an amount not exceeding \$42,500 if the  
9 respondent has been adjudged to have committed one  
10 other civil rights violation under this Act during the  
11 5-year period ending on the date of the filing of this  
12 charge; and

13 (3) in an amount not exceeding \$70,000 if the  
14 respondent has been adjudged to have committed 2 or  
15 more civil rights violations under this Act during the  
16 7-year period ending on the date of the filing of this  
17 charge; except that if the acts constituting the civil  
18 rights violation that is the object of the charge are  
19 committed by the same natural person who has been  
20 previously adjudged to have committed acts  
21 constituting a civil rights violation under this Act,  
22 then the civil penalties set forth in subparagraphs  
23 (2) and (3) may be imposed without regard to the period  
24 of time within which any subsequent civil rights  
25 violation under this Act occurred.

26 (L) Punitive damages. Pay punitive damages to the

1           complainant.

2           There shall be no distinction made under this Section  
3 between complaints filed by the Department and those filed by  
4 the aggrieved party.

5           (Source: P.A. 104-425, eff. 1-1-26.)