



Sen. Celina Villanueva

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10400SB3005sam001

LRB104 18884 JRC 35301 a

1 AMENDMENT TO SENATE BILL 3005

2 AMENDMENT NO. _____. Amend Senate Bill 3005 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 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

1 by the complainant.

2 (C) Hiring; Reinstatement; Promotion; Backpay; Fringe
3 Benefits. Hire, reinstate or upgrade the complainant with
4 or without back pay or provide such fringe benefits as the
5 complainant may have been denied.

6 (D) Restoration of Membership; Admission To Programs.
7 Admit or restore the complainant to labor organization
8 membership, to a guidance program, apprenticeship training
9 program, on the job training program, or other
10 occupational training or retraining program.

11 (E) Public Accommodations. Admit the complainant to a
12 public accommodation.

13 (F) Services. Extend to the complainant the full and
14 equal enjoyment of the goods, services, facilities,
15 privileges, advantages, or accommodations of the
16 respondent.

17 (G) Attorneys Fees; Costs. Pay to the complainant all
18 or a portion of the costs of maintaining the action,
19 including reasonable attorney fees and expert witness fees
20 incurred in maintaining this action before the Department,
21 the Commission and in any judicial review and judicial
22 enforcement proceedings. Provided, however, that no award
23 of attorney fees or costs shall be made pursuant to this
24 amendatory Act of 1987 with respect to any charge for
25 which the complaint before the Commission was filed prior
26 to December 1, 1987. With respect to all charges for which

1 complaints were filed with the Commission prior to
2 December 1, 1987, attorney fees and costs shall be awarded
3 pursuant to the terms of this subsection as it existed
4 prior to revision by this amendatory Act of 1987.

5 (H) Compliance Report. Report as to the manner of
6 compliance.

7 (I) Posting of Notices. Post notices in a conspicuous
8 place which the Commission may publish or cause to be
9 published setting forth requirements for compliance with
10 this Act or other relevant information which the
11 Commission determines necessary to explain this Act.

12 (J) Make Complainant Whole. Take such action as may be
13 necessary to compensate and make the individual
14 complainant whole. This may include, but not be limited
15 to, awards of interest on the complainant's actual damages
16 and back pay from the date of the civil rights violation,
17 emotional distress, pain and suffering, and loss of
18 enjoyment of life, including, but not limited to, awards
19 of interest on the complainant's actual damages and
20 backpay from the date of the civil rights violation.
21 Provided, however, that no award of prejudgment interest
22 shall be made pursuant to this amendatory Act of 1987 with
23 respect to any charge in which the complaint before the
24 Commission was filed prior to December 1, 1987. With
25 respect to all charges for which complaints were filed
26 with the Commission prior to December 1, 1987, make whole

1 relief shall be awarded pursuant to this subsection as it
2 existed prior to revision by this amendatory Act of 1987.

3 (K) Civil Penalty. Pay a civil penalty per violation
4 to vindicate the public interest. In imposing a civil
5 penalty to vindicate the public interest, a separate
6 penalty may be imposed for each specific act constituting
7 a civil rights violation as defined in Section 1-103, and
8 for each aggrieved party injured by the civil rights
9 violation:

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

13 (2) in an amount not exceeding \$42,500 if the
14 respondent has been adjudged to have committed one
15 other civil rights violation under this Act during the
16 5-year period ending on the date of the filing of this
17 charge; and

18 (3) in an amount not exceeding \$70,000 if the
19 respondent has been adjudged to have committed 2 or
20 more civil rights violations under this Act during the
21 7-year period ending on the date of the filing of this
22 charge; except that if the acts constituting the civil
23 rights violation that is the object of the charge are
24 committed by the same natural person who has been
25 previously adjudged to have committed acts
26 constituting a civil rights violation under this Act,

1 then the civil penalties set forth in subparagraphs
2 (2) and (3) may be imposed without regard to the period
3 of time within which any subsequent civil rights
4 violation under this Act occurred.

5 (L) Punitive damages. Pay punitive damages to the
6 complainant.

7 There shall be no distinction made under this Section
8 between complaints filed by the Department and those filed by
9 the aggrieved party.

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