



Rep. Jennifer Gong-Gershowitz

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10200HB4605ham002

LRB102 24078 LNS 36671 a

1 AMENDMENT TO HOUSE BILL 4605

2 AMENDMENT NO. _____. Amend House Bill 4605 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 8-111 and 10-102 as follows:

6 (775 ILCS 5/8-111) (from Ch. 68, par. 8-111)

7 Sec. 8-111. Court Proceedings.

8 (A) Civil Actions Commenced in Circuit Court.

9 (1) Venue. Civil actions commenced in a circuit court
10 pursuant to Section 7A-102 or 8B-102 shall be commenced in
11 the circuit court in the county in which the civil rights
12 violation was allegedly committed.

13 (2) If a civil action is commenced in a circuit court,
14 the form of the complaint shall be in accordance with the
15 Code of Civil Procedure.

16 (3) Jury Trial. If a civil action is commenced in a

1 circuit court under Section 7A-102 or 8B-102, the
2 plaintiff or defendant may demand trial by jury.

3 (4) Remedies. Upon the finding of a civil rights
4 violation, the circuit court or jury may award any of the
5 remedies set forth in Section 8A-104 or 8B-104.

6 (B) Judicial Review.

7 (1) Any complainant or respondent may apply for and
8 obtain judicial review of a final order of the Commission
9 entered under this Act by filing a petition for review in
10 the Appellate Court within 35 days from the date that a
11 copy of the decision sought to be reviewed was served upon
12 the party affected by the decision. If a 3-member panel or
13 the full Commission finds that an interlocutory order
14 involves a question of law as to which there is
15 substantial ground for difference of opinion and that an
16 immediate appeal from the order may materially advance the
17 ultimate termination of the litigation, any party may
18 petition the Appellate Court for permission to appeal the
19 order. The procedure for obtaining the required Commission
20 findings and the permission of the Appellate Court shall
21 be governed by Supreme Court Rule 308, except the
22 references to the "trial court" shall be understood as
23 referring to the Commission.

24 (2) In any proceeding brought for judicial review, the
25 Commission's findings of fact shall be sustained unless
26 the court determines that such findings are contrary to

1 the manifest weight of the evidence.

2 (3) Venue. Proceedings for judicial review shall be
3 commenced in the appellate court for the district wherein
4 the civil rights violation which is the subject of the
5 Commission's order was allegedly committed.

6 (C) Judicial Enforcement.

7 (1) When the Commission, at the instance of the
8 Department or an aggrieved party, concludes that any
9 person has violated a valid order of the Commission issued
10 pursuant to this Act, and the violation and its effects
11 are not promptly corrected, the Commission, through a
12 panel of 3 members, shall order the Department to commence
13 an action in the name of the People of the State of
14 Illinois by complaint, alleging the violation, attaching a
15 copy of the order of the Commission and praying for the
16 issuance of an order directing such person, his or her or
17 its officers, agents, servants, successors and assigns to
18 comply with the order of the Commission.

19 (2) An aggrieved party may file a complaint for
20 enforcement of a valid order of the Commission directly in
21 Circuit Court.

22 (3) Upon the commencement of an action filed under
23 paragraphs (1) or (2) of this subsection, the court shall
24 have jurisdiction over the proceedings and power to grant
25 or refuse, in whole or in part, the relief sought or impose
26 such other remedy as the court may deem proper.

1 (4) The court may stay an order of the Commission in
2 accordance with the applicable Supreme Court rules,
3 pending disposition of the proceedings.

4 (5) The court may punish for any violation of its
5 order as in the case of civil contempt.

6 (6) Venue. Proceedings for judicial enforcement of a
7 Commission order shall be commenced in the circuit court
8 in the county wherein the civil rights violation which is
9 the subject of the Commission's order was committed.

10 (D) Limitation. Except as otherwise provided by law, no
11 court of this state shall have jurisdiction over the subject
12 of an alleged civil rights violation other than as set forth in
13 this Act.

14 (E) This amendatory Act of 1996 applies to causes of
15 action filed on or after January 1, 1996.

16 (F) The changes made to this Section by this amendatory
17 Act of the 95th General Assembly apply to charges or
18 complaints filed with the Department or the Commission on or
19 after the effective date of those changes.

20 (Source: P.A. 101-661, eff. 4-2-21.)

21 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)
22 Sec. 10-102. Court Actions.

23 (A) Circuit Court Actions.

24 (1) An aggrieved party may commence a civil action in
25 an appropriate Circuit Court not later than 2 years after

1 the occurrence or the termination of an alleged civil
2 rights violation or the breach of a conciliation or
3 settlement agreement entered into under this Act,
4 whichever occurs last, to obtain appropriate relief with
5 respect to the alleged civil rights violation or breach.
6 The plaintiff or defendant may demand trial by jury for
7 civil actions brought under this subsection. Venue for
8 such civil action shall be determined under Section
9 8-111(A) (1).

10 (2) The computation of such 2-year period shall not
11 include any time during which an administrative proceeding
12 under this Act was pending with respect to a complaint or
13 charge under this Act based upon the alleged civil rights
14 violation. This paragraph does not apply to actions
15 arising from a breach of a conciliation or settlement
16 agreement.

17 (3) An aggrieved party may commence a civil action
18 under this subsection whether or not a charge has been
19 filed under Section 7B-102 and without regard to the
20 status of any such charge, however, if the Department or
21 local agency has obtained a conciliation or settlement
22 agreement with the consent of an aggrieved party, no
23 action may be filed under this subsection by such
24 aggrieved party with respect to the alleged civil rights
25 violation practice which forms the basis for such
26 complaint except for the purpose of enforcing the terms of

1 such conciliation or settlement agreement.

2 (4) An aggrieved party shall not commence a civil
3 action under this subsection with respect to an alleged
4 civil rights violation which forms the basis of a
5 complaint issued by the Department if a hearing officer
6 has commenced a hearing on the record under Article 3 of
7 this Act with respect to such complaint.

8 (B) Appointment of Attorney by Court. Upon application by
9 a person alleging a civil rights violation or a person against
10 whom the civil rights violation is alleged, if in the opinion
11 of the court such person is financially unable to bear the
12 costs of such action, the court may:

13 (1) appoint an attorney for such person, any attorney
14 so appointed may petition for an award of attorneys fees
15 pursuant to subsection (C) (2) of this Section; or

16 (2) authorize the commencement or continuation of a
17 civil action under subsection (A) without the payment of
18 fees, costs, or security.

19 (C) Relief which may be granted.

20 (1) In a civil action under subsection (A) if the
21 court finds that a civil rights violation has occurred or
22 is about to occur, the court may award to the plaintiff
23 actual and punitive damages, and may grant as relief, as
24 the court deems appropriate, any permanent or preliminary
25 injunction, temporary restraining order, or other order,
26 including an order enjoining the defendant from engaging

1 in such civil rights violation or ordering such
2 affirmative action as may be appropriate.

3 (2) In a civil action under subsection (A), the court,
4 in its discretion, may allow the prevailing party, other
5 than the State of Illinois, reasonable attorneys fees and
6 costs. The State of Illinois shall be liable for such fees
7 and costs to the same extent as a private person.

8 (D) Intervention By The Department. The Attorney General
9 of Illinois may intervene on behalf of the Department if the
10 Department certifies that the case is of general public
11 importance. Upon such intervention the court may award such
12 relief as is authorized to be granted to a plaintiff in a civil
13 action under Section 10-102(C).

14 (Source: P.A. 101-661, eff. 4-2-21.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."