



Sen. Adriane Johnson

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10400SB2487sam001

LRB104 10317 JRC 23760 a

1 AMENDMENT TO SENATE BILL 2487

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2487 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 7A-102 and 8A-104 as follows:

6 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

7 Sec. 7A-102. Procedures.

8 (A) Charge.

9 (1) Within 2 years after the date that a civil rights  
10 violation allegedly has been committed, a charge in  
11 writing under oath or affirmation may be filed with the  
12 Department by an aggrieved party or issued by the  
13 Department itself under the signature of the Director.

14 (2) The charge shall be in such detail as to  
15 substantially apprise any party properly concerned as to  
16 the time, place, and facts surrounding the alleged civil

1 rights violation.

2 (3) Charges deemed filed with the Department pursuant  
3 to subsection (A-1) of this Section shall be deemed to be  
4 in compliance with this subsection.

5 (A-1) Equal Employment Opportunity Commission Charges.

6 (1) If a charge is filed with the Equal Employment  
7 Opportunity Commission (EEOC) within 300 calendar days  
8 after the date of the alleged civil rights violation, the  
9 charge shall be deemed filed with the Department on the  
10 date filed with the EEOC. If the EEOC is the governmental  
11 agency designated to investigate the charge first, the  
12 Department shall take no action until the EEOC makes a  
13 determination on the charge and after the complainant  
14 notifies the Department of the EEOC's determination. In  
15 such cases, after receiving notice from the EEOC that a  
16 charge was filed, the Department shall notify the parties  
17 that (i) a charge has been received by the EEOC and has  
18 been sent to the Department for dual filing purposes; (ii)  
19 the EEOC is the governmental agency responsible for  
20 investigating the charge and that the investigation shall  
21 be conducted pursuant to the rules and procedures adopted  
22 by the EEOC; (iii) it will take no action on the charge  
23 until the EEOC issues its determination; (iv) the  
24 complainant must submit a copy of the EEOC's determination  
25 within 30 days after service of the determination by the  
26 EEOC on the complainant; and (v) that the time period to

1 investigate the charge contained in subsection (G) of this  
2 Section is tolled from the date on which the charge is  
3 filed with the EEOC until the EEOC issues its  
4 determination.

5 (2) If the EEOC finds reasonable cause to believe that  
6 there has been a violation of federal law and if the  
7 Department is timely notified of the EEOC's findings by  
8 the complainant, the Department shall notify the  
9 complainant that the Department has adopted the EEOC's  
10 determination of reasonable cause and that the complainant  
11 has the right, within 90 days after receipt of the  
12 Department's notice, to either file the complainant's own  
13 complaint with the Illinois Human Rights Commission or  
14 commence a civil action in the appropriate circuit court  
15 or other appropriate court of competent jurisdiction. This  
16 notice shall be provided to the complainant within 10  
17 business days after the Department's receipt of the EEOC's  
18 determination. The Department's notice to the complainant  
19 that the Department has adopted the EEOC's determination  
20 of reasonable cause shall constitute the Department's  
21 Report for purposes of subparagraph (D) of this Section.

22 (3) For those charges alleging violations within the  
23 jurisdiction of both the EEOC and the Department and for  
24 which the EEOC either (i) does not issue a determination,  
25 but does issue the complainant a notice of a right to sue,  
26 including when the right to sue is issued at the request of

1 the complainant, or (ii) determines that it is unable to  
2 establish that illegal discrimination has occurred and  
3 issues the complainant a right to sue notice, and if the  
4 Department is timely notified of the EEOC's determination  
5 by the complainant, the Department shall notify the  
6 parties, within 10 business days after receipt of the  
7 EEOC's determination, that the Department will adopt the  
8 EEOC's determination as a dismissal for lack of  
9 substantial evidence unless the complainant requests in  
10 writing within 35 days after receipt of the Department's  
11 notice that the Department review the EEOC's  
12 determination.

13 (a) If the complainant does not file a written  
14 request with the Department to review the EEOC's  
15 determination within 35 days after receipt of the  
16 Department's notice, the Department shall notify the  
17 complainant, within 10 business days after the  
18 expiration of the 35-day period, that the decision of  
19 the EEOC has been adopted by the Department as a  
20 dismissal for lack of substantial evidence and that  
21 the complainant has the right, within 90 days after  
22 receipt of the Department's notice, to commence a  
23 civil action in the appropriate circuit court or other  
24 appropriate court of competent jurisdiction. The  
25 Department's notice to the complainant that the  
26 Department has adopted the EEOC's determination shall

1           constitute the Department's report for purposes of  
2           subparagraph (D) of this Section.

3           (b) If the complainant does file a written request  
4           with the Department to review the EEOC's  
5           determination, the Department shall review the EEOC's  
6           determination and any evidence obtained by the EEOC  
7           during its investigation. If, after reviewing the  
8           EEOC's determination and any evidence obtained by the  
9           EEOC, the Department determines there is no need for  
10          further investigation of the charge, the Department  
11          shall issue a report and the Director shall determine  
12          whether there is substantial evidence that the alleged  
13          civil rights violation has been committed pursuant to  
14          subsection (D) of this Section. If, after reviewing  
15          the EEOC's determination and any evidence obtained by  
16          the EEOC, the Department determines there is a need  
17          for further investigation of the charge, the  
18          Department may conduct any further investigation it  
19          deems necessary. After reviewing the EEOC's  
20          determination, the evidence obtained by the EEOC, and  
21          any additional investigation conducted by the  
22          Department, the Department shall issue a report and  
23          the Director shall determine whether there is  
24          substantial evidence that the alleged civil rights  
25          violation has been committed pursuant to subsection  
26          (D) of this Section.

1           (4) Pursuant to this Section, if the EEOC dismisses  
2           the charge or a portion of the charge of discrimination  
3           because, under federal law, the EEOC lacks jurisdiction  
4           over the charge, and if, under this Act, the Department  
5           has jurisdiction over the charge of discrimination, the  
6           Department shall investigate the charge or portion of the  
7           charge dismissed by the EEOC for lack of jurisdiction  
8           pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),  
9           (E), (F), (G), (H), (I), (J), and (K) of this Section.

10           (5) The time limit set out in subsection (G) of this  
11           Section is tolled from the date on which the charge is  
12           filed with the EEOC to the date on which the EEOC issues  
13           its determination.

14           (6) The failure of the Department to meet the  
15           10-business-day notification deadlines set out in  
16           paragraph (2) of this subsection shall not impair the  
17           rights of any party.

18           (B) Notice and Response to Charge. The Department shall,  
19           within 10 days of the date on which the charge was filed, serve  
20           a copy of the charge on the respondent and provide all parties  
21           with a notice of the complainant's right to opt out of the  
22           investigation within 60 days as set forth in subsection (C-1).  
23           This period shall not be construed to be jurisdictional. The  
24           charging party and the respondent may each file a position  
25           statement and other materials with the Department regarding  
26           the charge of alleged discrimination within 60 days of receipt

1 of the notice of the charge. The position statements and other  
2 materials filed shall remain confidential unless otherwise  
3 agreed to by the party providing the information and shall not  
4 be served on or made available to the other party during the  
5 pendency of a charge with the Department. The Department may  
6 require the respondent to file a response to the allegations  
7 contained in the charge. Upon the Department's request, the  
8 respondent shall file a response to the charge within 60 days  
9 and shall serve a copy of its response on the complainant or  
10 the complainant's representative. Notwithstanding any request  
11 from the Department, the respondent may elect to file a  
12 response to the charge within 60 days of receipt of notice of  
13 the charge, provided the respondent serves a copy of its  
14 response on the complainant or the complainant's  
15 representative. All allegations contained in the charge not  
16 denied by the respondent within 60 days of the Department's  
17 request for a response may be deemed admitted, unless the  
18 respondent states that it is without sufficient information to  
19 form a belief with respect to such allegation. The Department  
20 may issue a notice of default directed to any respondent who  
21 fails to file a response to a charge within 60 days of receipt  
22 of the Department's request, unless the respondent can  
23 demonstrate good cause as to why such notice should not issue.  
24 The term "good cause" shall be defined by rule promulgated by  
25 the Department. Within 30 days of receipt of the respondent's  
26 response, the complainant may file a reply to said response

1 and shall serve a copy of said reply on the respondent or the  
2 respondent's representative. A party shall have the right to  
3 supplement the party's response or reply at any time that the  
4 investigation of the charge is pending. The Department shall,  
5 within 10 days of the date on which the charge was filed, and  
6 again no later than 335 days thereafter, send by certified or  
7 registered mail, or electronic mail if elected by the party,  
8 written notice to the complainant and to the respondent  
9 informing the complainant of the complainant's rights to  
10 either file a complaint with the Human Rights Commission or  
11 commence a civil action in the appropriate circuit court under  
12 subparagraph (2) of paragraph (G), including in such notice  
13 the dates within which the complainant may exercise these  
14 rights. In the notice the Department shall notify the  
15 complainant that the charge of civil rights violation will be  
16 dismissed with prejudice and with no right to further proceed  
17 if a written complaint is not timely filed with the Commission  
18 or with the appropriate circuit court by the complainant  
19 pursuant to subparagraph (2) of paragraph (G) or by the  
20 Department pursuant to subparagraph (1) of paragraph (G).

21 (B-1) Mediation. The complainant and respondent may agree  
22 to voluntarily submit the charge to mediation without waiving  
23 any rights that are otherwise available to either party  
24 pursuant to this Act and without incurring any obligation to  
25 accept the result of the mediation process. Nothing occurring  
26 in mediation shall be disclosed by the Department or



1 admissible in evidence in any subsequent proceeding unless the  
2 complainant and the respondent agree in writing that such  
3 disclosure be made.

4 (C) Investigation.

5 (1) The Department shall conduct an investigation  
6 sufficient to determine whether the allegations set forth  
7 in the charge are supported by substantial evidence unless  
8 the complainant elects to opt out of an investigation  
9 pursuant to subsection (C-1).

10 (2) The Director or the Director's designated  
11 representatives shall have authority to request any member  
12 of the Commission to issue subpoenas to compel the  
13 attendance of a witness or the production for examination  
14 of any books, records or documents whatsoever.

15 (3) If any witness whose testimony is required for any  
16 investigation resides outside the State, or through  
17 illness or any other good cause as determined by the  
18 Director is unable to be interviewed by the investigator  
19 or appear at a fact finding conference, the witness'  
20 testimony or deposition may be taken, within or without  
21 the State, in the same manner as is provided for in the  
22 taking of depositions in civil cases in circuit courts.

23 (4) Upon reasonable notice to the complainant and the  
24 respondent, the Department may ~~shall~~ conduct a fact  
25 finding conference. A complainant or respondent's ~~, unless~~  
26 ~~prior to 365 days after the date on which the charge was~~

1 ~~filed the Director has determined whether there is~~  
2 ~~substantial evidence that the alleged civil rights~~  
3 ~~violation has been committed, the charge has been~~  
4 ~~dismissed for lack of jurisdiction, or the parties~~  
5 ~~voluntarily and in writing agree to waive the fact finding~~  
6 ~~conference. Any party's~~ failure to attend the conference  
7 without good cause shall result in dismissal or default.  
8 The term "good cause" shall be defined by rule promulgated  
9 by the Department. A notice of dismissal or default shall  
10 be issued by the Director. The notice of default issued by  
11 the Director shall notify the respondent that a request  
12 for review may be filed in writing with the Commission  
13 within 30 days of receipt of notice of default. The notice  
14 of dismissal issued by the Director shall give the  
15 complainant notice of the complainant's right to seek  
16 review of the dismissal before the Human Rights Commission  
17 or commence a civil action in the appropriate circuit  
18 court. If the complainant chooses to have the Human Rights  
19 Commission review the dismissal order, the complainant  
20 shall file a request for review with the Commission within  
21 90 days after receipt of the Director's notice. If the  
22 complainant chooses to file a request for review with the  
23 Commission, the complainant may not later commence a civil  
24 action in a circuit court. If the complainant chooses to  
25 commence a civil action in a circuit court, the  
26 complainant must do so within 90 days after receipt of the

1 Director's notice.

2 (C-1) Opt out of Department's investigation. At any time  
3 within 60 days after receipt of notice of the right to opt out,  
4 a complainant may submit a written request seeking notice from  
5 the Director indicating that the complainant has opted out of  
6 the investigation and may commence a civil action in the  
7 appropriate circuit court or other appropriate court of  
8 competent jurisdiction. Within 10 business days of receipt of  
9 the complainant's request to opt out of the investigation, the  
10 Director shall issue a notice to the parties stating that: (i)  
11 the complainant has exercised the right to opt out of the  
12 investigation; (ii) the complainant has 90 days after receipt  
13 of the Director's notice to commence an action in the  
14 appropriate circuit court or other appropriate court of  
15 competent jurisdiction; and (iii) the Department has ceased  
16 its investigation and is administratively closing the charge.  
17 The complainant shall notify the Department that a complaint  
18 has been filed with the appropriate circuit court by serving a  
19 copy of the complaint on the chief legal counsel of the  
20 Department within 21 days from the date that the complaint is  
21 filed with the appropriate circuit court. This 21-day period  
22 for service on the chief legal counsel shall not be construed  
23 to be jurisdictional. Once a complainant has opted out of the  
24 investigation under this subsection, the complainant may not  
25 file or refile a substantially similar charge with the  
26 Department arising from the same incident of unlawful

1 discrimination or harassment.

2 (D) Report.

3 (1) Each charge investigated under subsection (C)  
4 shall be the subject of a report to the Director. The  
5 report shall be a confidential document subject to review  
6 by the Director, authorized Department employees, the  
7 parties, and, where indicated by this Act, members of the  
8 Commission or their designated hearing officers.

9 (2) Upon review of the report, the Director shall  
10 determine whether there is substantial evidence that the  
11 alleged civil rights violation has been committed. The  
12 determination of substantial evidence is limited to  
13 determining the need for further consideration of the  
14 charge pursuant to this Act and includes, but is not  
15 limited to, findings of fact and conclusions, as well as  
16 the reasons for the determinations on all material issues.  
17 Substantial evidence is evidence which a reasonable mind  
18 accepts as sufficient to support a particular conclusion  
19 and which consists of more than a mere scintilla but may be  
20 somewhat less than a preponderance.

21 (3) If the Director determines that there is no  
22 substantial evidence, the charge shall be dismissed by the  
23 Director and the Director shall give the complainant  
24 notice of the complainant's right to seek review of the  
25 notice of dismissal before the Commission or commence a  
26 civil action in the appropriate circuit court. If the

1 complainant chooses to have the Human Rights Commission  
2 review the notice of dismissal, the complainant shall file  
3 a request for review with the Commission within 90 days  
4 after receipt of the Director's notice. If the complainant  
5 chooses to file a request for review with the Commission,  
6 the complainant may not later commence a civil action in a  
7 circuit court. If the complainant chooses to commence a  
8 civil action in a circuit court, the complainant must do  
9 so within 90 days after receipt of the Director's notice.  
10 The complainant shall notify the Department that a  
11 complaint has been filed by serving a copy of the  
12 complaint on the chief legal counsel of the Department  
13 within 21 days from the date that the complaint is filed in  
14 circuit court. This 21-day period for service on the chief  
15 legal counsel shall not be construed to be jurisdictional.

16 (4) If the Director determines that there is  
17 substantial evidence, the Director shall notify the  
18 complainant and respondent of that determination. The  
19 Director shall also notify the parties that the  
20 complainant has the right to either commence a civil  
21 action in the appropriate circuit court or request that  
22 the Department of Human Rights file a complaint with the  
23 Human Rights Commission on the complainant's behalf. Any  
24 such complaint shall be filed within 90 days after receipt  
25 of the Director's notice. If the complainant chooses to  
26 have the Department file a complaint with the Human Rights

1 Commission on the complainant's behalf, the complainant  
2 must, within 30 days after receipt of the Director's  
3 notice, request in writing that the Department file the  
4 complaint. If the complainant timely requests that the  
5 Department file the complaint, the Department shall file  
6 the complaint on the complainant's behalf. If the  
7 complainant fails to timely request that the Department  
8 file the complaint, the complainant may file the  
9 complainant's complaint with the Commission or commence a  
10 civil action in the appropriate circuit court. If the  
11 complainant files a complaint with the Human Rights  
12 Commission, the complainant shall notify the Department  
13 that a complaint has been filed by serving a copy of the  
14 complaint on the chief legal counsel of the Department  
15 within 21 days from the date that the complaint is filed  
16 with the Human Rights Commission. This 21-day period for  
17 service on the chief legal counsel shall not be construed  
18 to be jurisdictional.

19 (E) Conciliation.

20 (1) When there is a finding of substantial evidence,  
21 the Department may designate a Department employee who is  
22 an attorney licensed to practice in Illinois to endeavor  
23 to eliminate the effect of the alleged civil rights  
24 violation and to prevent its repetition by means of  
25 conference and conciliation.

26 (2) When the Department determines that a formal

1 conciliation conference is necessary, the complainant and  
2 respondent shall be notified of the time and place of the  
3 conference by registered or certified mail at least 10  
4 days prior thereto and either or both parties shall appear  
5 at the conference in person or by attorney.

6 (3) The place fixed for the conference shall be within  
7 35 miles of the place where the civil rights violation is  
8 alleged to have been committed.

9 (4) Nothing occurring at the conference shall be  
10 disclosed by the Department unless the complainant and  
11 respondent agree in writing that such disclosure be made.

12 (5) The Department's efforts to conciliate the matter  
13 shall not stay or extend the time for filing the complaint  
14 with the Commission or the circuit court.

15 (F) Complaint.

16 (1) When the complainant requests that the Department  
17 file a complaint with the Commission on the complainant's  
18 behalf, the Department shall prepare a written complaint,  
19 under oath or affirmation, stating the nature of the civil  
20 rights violation substantially as alleged in the charge  
21 previously filed and the relief sought on behalf of the  
22 aggrieved party. The Department shall file the complaint  
23 with the Commission.

24 (1.5) If the complainant chooses to file a complaint  
25 with the Commission without the Department's assistance,  
26 the complainant shall notify the Department that a

1 complaint has been filed by serving a copy of the  
2 complaint on the chief legal counsel of the Department  
3 within 21 days from the date that the complaint is filed  
4 with the Human Rights Commission. This 21-day period for  
5 service on the chief legal counsel shall not be construed  
6 to be jurisdictional.

7 (2) If the complainant chooses to commence a civil  
8 action in a circuit court:

9 (i) The complainant shall file the civil action in  
10 the circuit court in the county wherein the civil  
11 rights violation was allegedly committed.

12 (ii) The form of the complaint in any such civil  
13 action shall be in accordance with the Code of Civil  
14 Procedure.

15 (iii) The complainant shall notify the Department  
16 that a complaint has been filed by serving a copy of  
17 the complaint on the chief legal counsel of the  
18 Department within 21 days from date that the complaint  
19 is filed in circuit court. This 21-day period for  
20 service on the chief legal counsel shall not be  
21 construed to be jurisdictional.

22 (G) Time Limit.

23 (1) When a charge of a civil rights violation has been  
24 properly filed, the Department, within 365 days thereof or  
25 within any extension of that period agreed to in writing  
26 by all parties, shall issue its report as required by



1           subparagraph (D). Any such report shall be duly served  
2           upon both the complainant and the respondent.

3           (2) If the Department has not issued its report within  
4           365 days after the charge is filed, or any such longer  
5           period agreed to in writing by all the parties, the  
6           complainant shall have 90 days to either file the  
7           complainant's own complaint with the Human Rights  
8           Commission or commence a civil action in the appropriate  
9           circuit court. If the complainant files a complaint with  
10          the Commission, the form of the complaint shall be in  
11          accordance with the provisions of paragraph (F)(1). If the  
12          complainant commences a civil action in a circuit court,  
13          the form of the complaint shall be in accordance with the  
14          Code of Civil Procedure. The aggrieved party shall notify  
15          the Department that a complaint has been filed by serving  
16          a copy of the complaint on the chief legal counsel of the  
17          Department with 21 days from the date that the complaint  
18          is filed with the Commission or in circuit court. This  
19          21-day period for service on the chief legal counsel shall  
20          not be construed to be jurisdictional. If the complainant  
21          files a complaint with the Commission, the complainant may  
22          not later commence a civil action in circuit court.

23          (3) If an aggrieved party files a complaint with the  
24          Human Rights Commission or commences a civil action in  
25          circuit court pursuant to paragraph (2) of this  
26          subsection, or if the time period for filing a complaint

1 has expired, the Department shall immediately cease its  
2 investigation and dismiss the charge of civil rights  
3 violation. Any final order entered by the Commission under  
4 this Section is appealable in accordance with paragraph  
5 (B)(1) of Section 8-111. Failure to immediately cease an  
6 investigation and dismiss the charge of civil rights  
7 violation as provided in this paragraph (3) constitutes  
8 grounds for entry of an order by the circuit court  
9 permanently enjoining the investigation. The Department  
10 may also be liable for any costs and other damages  
11 incurred by the respondent as a result of the action of the  
12 Department.

13 (4) (Blank).

14 (H) Public Act 89-370 applies to causes of action filed on  
15 or after January 1, 1996.

16 (I) Public Act 89-520 applies to causes of action filed on  
17 or after January 1, 1996.

18 (J) The changes made to this Section by Public Act 95-243  
19 apply to charges filed on or after the effective date of those  
20 changes.

21 (K) The changes made to this Section by Public Act 96-876  
22 apply to charges filed on or after the effective date of those  
23 changes.

24 (L) The changes made to this Section by Public Act  
25 100-1066 apply to charges filed on or after August 24, 2018  
26 (the effective date of Public Act 100-1066).

1       (M) The changes made to this Section by this amendatory  
2 Act of the 104th General Assembly apply to charges pending or  
3 filed on or after the effective date this amendatory Act of the  
4 104th General Assembly.

5       (Source: P.A. 102-558, eff. 8-20-21; 103-335, eff. 1-1-24;  
6       103-973, eff. 1-1-25.)

7               (775 ILCS 5/8A-104) (from Ch. 68, par. 8A-104)

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

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

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

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

23       (D) Restoration of Membership; Admission To Programs.  
24 Admit or restore the complainant to labor organization  
25 membership, to a guidance program, apprenticeship training

1 program, on the job training program, or other occupational  
2 training or retraining program.

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

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

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

21 (H) Compliance Report. Report as to the manner of  
22 compliance.

23 (I) Posting of Notices. Post notices in a conspicuous  
24 place which the Commission may publish or cause to be  
25 published setting forth requirements for compliance with this  
26 Act or other relevant information which the Commission

1 determines necessary to explain this Act.

2 (J) Make Complainant Whole. Take such action as may be  
3 necessary to make the individual complainant whole, including,  
4 but not limited to, awards of interest on the complainant's  
5 actual damages and backpay from the date of the civil rights  
6 violation. Provided, however, that no award of prejudgment  
7 interest shall be made pursuant to this amendatory Act of 1987  
8 with respect to any charge in which the complaint before the  
9 Commission was filed prior to December 1, 1987. With respect  
10 to all charges for which complaints were filed with the  
11 Commission prior to December 1, 1987, make whole relief shall  
12 be awarded pursuant to this subsection as it existed prior to  
13 revision by this amendatory Act of 1987.

14 (K) Civil Penalty. Pay a civil penalty per violation to  
15 vindicate the public interest. In imposing a civil penalty to  
16 vindicate the public interest, a separate penalty may be  
17 imposed for each specific act constituting a civil rights  
18 violation as defined in Section 1-103, and for each aggrieved  
19 party injured by the civil rights violation:

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

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

1           (3) in an amount not exceeding \$70,000 if the  
2           respondent has been adjudged to have committed 2 or more  
3           civil rights violations under this Act during the 7-year  
4           period ending on the date of the filing of this charge;  
5           except that if the acts constituting the civil rights  
6           violation that is the object of the charge are committed  
7           by the same natural person who has been previously  
8           adjudged to have committed acts constituting a civil  
9           rights violation under this Act, then the civil penalties  
10           set forth in subparagraphs (2) and (3) may be imposed  
11           without regard to the period of time within which any  
12           subsequent civil rights violation under this Act occurred.

13           There shall be no distinction made under this Section  
14           between complaints filed by the Department and those filed by  
15           the aggrieved party.

16           (Source: P.A. 86-910.)".