

AN ACT concerning human rights.

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

Section 5. The Illinois Human Rights Act is amended by changing Sections 7-101, 7A-102, 7A-104, 7B-104, 8-103, 8A-102, 10-101, and 10-102 and by adding Section 10-105 as follows:

(775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

Sec. 7-101. Powers and Duties. In addition to other powers and duties prescribed in this Act, the Department shall have the following powers:

(A) Rules and Regulations. To adopt, promulgate, amend, and rescind rules and regulations not inconsistent with the provisions of this Act pursuant to the Illinois Administrative Procedure Act.

(B) Charges. To issue, receive, investigate, conciliate, settle, and dismiss charges filed in conformity with this Act.

(C) Compulsory Process. To request subpoenas as it deems necessary for its investigations.

(D) Complaints. To file complaints with the Commission in conformity with this Act and to intervene in complaints pending before the Commission filed under Article 2, 4, 5, 5A, or 6.

(E) Judicial Enforcement. To seek temporary relief and to enforce orders of the Commission in conformity with this Act.

(F) Equal Employment Opportunities. To take such action as may be authorized to provide for equal employment opportunities and affirmative action.

(G) Recruitment; Research; Public Communication; Advisory Councils. To engage in such recruitment, research and public communication and create such advisory councils as may be authorized to effectuate the purposes of this Act.

(H) Coordination with other Agencies. To coordinate its activities with federal, state, and local agencies in conformity with this Act.

(I) Grants; Private Gifts.

(1) To accept public grants and private gifts as may be authorized.

(2) To design grant programs and award grants to eligible recipients.

(J) Education and Training. To implement a formal and unbiased program of education and training for all employees assigned to investigate and conciliate charges under Articles 7A and 7B. The training program shall include the following:

(1) substantive and procedural aspects of the investigation and conciliation positions;

(2) current issues in human rights law and practice;

(3) lectures by specialists in substantive areas related to human rights matters;

(4) orientation to each operational unit of the Department and Commission;

(5) observation of experienced Department investigators and attorneys conducting conciliation conferences, combined with the opportunity to discuss evidence presented and rulings made;

(6) the use of hypothetical cases requiring the Department investigator and conciliation conference attorney to issue judgments as a means to evaluating knowledge and writing ability;

(7) writing skills;

(8) computer skills, including but not limited to word processing and document management.

A formal, unbiased and ongoing professional development program including, but not limited to, the above-noted areas shall be implemented to keep Department investigators and attorneys informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence.

(Source: P.A. 102-1115, eff. 1-9-23.)

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

Sec. 7A-102. Procedures.

(A) Charge.

(1) Within 300 calendar days after the date that a civil rights violation allegedly has been committed, a

charge in writing under oath or affirmation may be filed with the Department by an aggrieved party or issued by the Department itself under the signature of the Director.

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

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

(A-1) Equal Employment Opportunity Commission Charges.

(1) If a charge is filed with the Equal Employment Opportunity Commission (EEOC) within 300 calendar days after the date of the alleged civil rights violation, the charge shall be deemed filed with the Department on the date filed with the EEOC. If the EEOC is the governmental agency designated to investigate the charge first, the Department shall take no action until the EEOC makes a determination on the charge and after the complainant notifies the Department of the EEOC's determination. In such cases, after receiving notice from the EEOC that a charge was filed, the Department shall notify the parties that (i) a charge has been received by the EEOC and has been sent to the Department for dual filing purposes; (ii) the EEOC is the governmental agency responsible for investigating the charge and that the investigation shall

be conducted pursuant to the rules and procedures adopted by the EEOC; (iii) it will take no action on the charge until the EEOC issues its determination; (iv) the complainant must submit a copy of the EEOC's determination within 30 days after service of the determination by the EEOC on the complainant; and (v) that the time period to investigate the charge contained in subsection (G) of this Section is tolled from the date on which the charge is filed with the EEOC until the EEOC issues its determination.

(2) If the EEOC finds reasonable cause to believe that there has been a violation of federal law and if the Department is timely notified of the EEOC's findings by the complainant, the Department shall notify the complainant that the Department has adopted the EEOC's determination of reasonable cause and that the complainant has the right, within 90 days after receipt of the Department's notice, to either file the complainant's ~~his~~ ~~or her~~ own complaint with the Illinois Human Rights Commission or commence a civil action in the appropriate circuit court or other appropriate court of competent jurisdiction. This notice shall be provided to the complainant within 10 business days after the Department's receipt of the EEOC's determination. The Department's notice to the complainant that the Department has adopted the EEOC's determination of reasonable cause shall

constitute the Department's Report for purposes of subparagraph (D) of this Section.

(3) For those charges alleging violations within the jurisdiction of both the EEOC and the Department and for which the EEOC either (i) does not issue a determination, but does issue the complainant a notice of a right to sue, including when the right to sue is issued at the request of the complainant, or (ii) determines that it is unable to establish that illegal discrimination has occurred and issues the complainant a right to sue notice, and if the Department is timely notified of the EEOC's determination by the complainant, the Department shall notify the parties, within 10 business days after receipt of the EEOC's determination, that the Department will adopt the EEOC's determination as a dismissal for lack of substantial evidence unless the complainant requests in writing within 35 days after receipt of the Department's notice that the Department review the EEOC's determination.

(a) If the complainant does not file a written request with the Department to review the EEOC's determination within 35 days after receipt of the Department's notice, the Department shall notify the complainant, within 10 business days after the expiration of the 35-day period, that the decision of the EEOC has been adopted by the Department as a

dismissal for lack of substantial evidence and that the complainant has the right, within 90 days after receipt of the Department's notice, to commence a civil action in the appropriate circuit court or other appropriate court of competent jurisdiction. The Department's notice to the complainant that the Department has adopted the EEOC's determination shall constitute the Department's report for purposes of subparagraph (D) of this Section.

(b) If the complainant does file a written request with the Department to review the EEOC's determination, the Department shall review the EEOC's determination and any evidence obtained by the EEOC during its investigation. If, after reviewing the EEOC's determination and any evidence obtained by the EEOC, the Department determines there is no need for further investigation of the charge, the Department shall issue a report and the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed pursuant to subsection (D) of this Section. If, after reviewing the EEOC's determination and any evidence obtained by the EEOC, the Department determines there is a need for further investigation of the charge, the Department may conduct any further investigation it deems necessary. After reviewing the EEOC's

determination, the evidence obtained by the EEOC, and any additional investigation conducted by the Department, the Department shall issue a report and the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed pursuant to subsection (D) of this Section.

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

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

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

(B) Notice and Response to Charge. The Department shall, within 10 days of the date on which the charge was filed, serve



a copy of the charge on the respondent and provide all parties with a notice of the complainant's right to opt out of the investigation within 60 days as set forth in subsection (C-1). This period shall not be construed to be jurisdictional. The charging party and the respondent may each file a position statement and other materials with the Department regarding the charge of alleged discrimination within 60 days of receipt of the notice of the charge. The position statements and other materials filed shall remain confidential unless otherwise agreed to by the party providing the information and shall not be served on or made available to the other party during the pendency of a charge with the Department. The Department may require the respondent to file a response to the allegations contained in the charge. Upon the Department's request, the respondent shall file a response to the charge within 60 days and shall serve a copy of its response on the complainant or the complainant's ~~his or her~~ representative. Notwithstanding any request from the Department, the respondent may elect to file a response to the charge within 60 days of receipt of notice of the charge, provided the respondent serves a copy of its response on the complainant or the complainant's ~~his or her~~ representative. All allegations contained in the charge not denied by the respondent within 60 days of the Department's request for a response may be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation.

The Department may issue a notice of default directed to any respondent who fails to file a response to a charge within 60 days of receipt of the Department's request, unless the respondent can demonstrate good cause as to why such notice should not issue. The term "good cause" shall be defined by rule promulgated by the Department. Within 30 days of receipt of the respondent's response, the complainant may file a reply to said response and shall serve a copy of said reply on the respondent or the respondent's ~~his or her~~ representative. A party shall have the right to supplement the party's ~~his or her~~ response or reply at any time that the investigation of the charge is pending. The Department shall, within 10 days of the date on which the charge was filed, and again no later than 335 days thereafter, send by certified or registered mail, or electronic mail if elected by the party, written notice to the complainant and to the respondent informing the complainant of the complainant's rights to either file a complaint with the Human Rights Commission or commence a civil action in the appropriate circuit court under subparagraph (2) of paragraph (G), including in such notice the dates within which the complainant may exercise these rights. In the notice the Department shall notify the complainant that the charge of civil rights violation will be dismissed with prejudice and with no right to further proceed if a written complaint is not timely filed with the Commission or with the appropriate circuit court by the complainant pursuant to subparagraph (2)

of paragraph (G) or by the Department pursuant to subparagraph (1) of paragraph (G).

(B-1) Mediation. The complainant and respondent may agree to voluntarily submit the charge to mediation without waiving any rights that are otherwise available to either party pursuant to this Act and without incurring any obligation to accept the result of the mediation process. Nothing occurring in mediation shall be disclosed by the Department or admissible in evidence in any subsequent proceeding unless the complainant and the respondent agree in writing that such disclosure be made.

(C) Investigation.

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

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

(3) If any witness whose testimony is required for any investigation resides outside the State, or through illness or any other good cause as determined by the Director is unable to be interviewed by the investigator

or appear at a fact finding conference, the witness' ~~his~~  
~~or her~~ testimony or deposition may be taken, within or  
without the State, in the same manner as is provided for in  
the taking of depositions in civil cases in circuit  
courts.

(4) Upon reasonable notice to the complainant and the  
respondent, the Department shall conduct a fact finding  
conference, unless prior to 365 days after the date on  
which the charge was filed the Director has determined  
whether there is substantial evidence that the alleged  
civil rights violation has been committed, the charge has  
been dismissed for lack of jurisdiction, or the parties  
voluntarily and in writing agree to waive the fact finding  
conference. Any party's failure to attend the conference  
without good cause shall result in dismissal or default.  
The term "good cause" shall be defined by rule promulgated  
by the Department. A notice of dismissal or default shall  
be issued by the Director. The notice of default issued by  
the Director shall notify the respondent that a request  
for review may be filed in writing with the Commission  
within 30 days of receipt of notice of default. The notice  
of dismissal issued by the Director shall give the  
complainant notice of the complainant's ~~his or her~~ right  
to seek review of the dismissal before the Human Rights  
Commission or commence a civil action in the appropriate  
circuit court. If the complainant chooses to have the

Human Rights Commission review the dismissal order, the complainant ~~he or she~~ shall file a request for review with the Commission within 90 days after receipt of the Director's notice. If the complainant chooses to file a request for review with the Commission, the complainant ~~he or she~~ may not later commence a civil action in a circuit court. If the complainant chooses to commence a civil action in a circuit court, the complainant ~~he or she~~ must do so within 90 days after receipt of the Director's notice.

(C-1) Opt out of Department's investigation. At any time within 60 days after receipt of notice of the right to opt out, a complainant may submit a written request seeking notice from the Director indicating that the complainant has opted out of the investigation and may commence a civil action in the appropriate circuit court or other appropriate court of competent jurisdiction. Within 10 business days of receipt of the complainant's request to opt out of the investigation, the Director shall issue a notice to the parties stating that: (i) the complainant has exercised the right to opt out of the investigation; (ii) the complainant has 90 days after receipt of the Director's notice to commence an action in the appropriate circuit court or other appropriate court of competent jurisdiction; and (iii) the Department has ceased its investigation and is administratively closing the charge. The complainant shall notify the Department ~~and the respondent~~

that a complaint has been filed with the appropriate circuit court by serving ~~or other appropriate court of competent jurisdiction and shall mail~~ a copy of the complaint on the chief legal counsel of ~~to~~ the Department within 21 days from the ~~and the respondent on the same~~ date that the complaint is filed with the appropriate circuit court. This 21-day period for service on the chief legal counsel shall not be construed to be jurisdictional. Once a complainant has opted out of the investigation under this subsection, the complainant ~~he or she~~ may not file or refile a substantially similar charge with the Department arising from the same incident of unlawful discrimination or harassment.

(D) Report.

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

(2) Upon review of the report, the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed. The determination of substantial evidence is limited to determining the need for further consideration of the charge pursuant to this Act and includes, but is not limited to, findings of fact and conclusions, as well as

the reasons for the determinations on all material issues. Substantial evidence is evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.

(3) If the Director determines that there is no substantial evidence, the charge shall be dismissed by ~~order of~~ the Director and the Director shall give the complainant notice of the complainant's ~~his or her~~ right to seek review of the notice of dismissal ~~order~~ before the Commission or commence a civil action in the appropriate circuit court. If the complainant chooses to have the Human Rights Commission review the notice of dismissal ~~order~~, the complainant ~~he or she~~ shall file a request for review with the Commission within 90 days after receipt of the Director's notice. If the complainant chooses to file a request for review with the Commission, the complainant ~~he or she~~ may not later commence a civil action in a circuit court. If the complainant chooses to commence a civil action in a circuit court, the complainant ~~he or she~~ must do so within 90 days after receipt of the Director's notice. The complainant shall notify the Department that a complaint has been filed by serving a copy of the complaint on the chief legal counsel of the Department within 21 days from the date that the complaint is filed in circuit court. This 21-day period for service on the chief

legal counsel shall not be construed to be jurisdictional.

(4) If the Director determines that there is substantial evidence, the Director ~~he or she~~ shall notify the complainant and respondent of that determination. The Director shall also notify the parties that the complainant has the right to either commence a civil action in the appropriate circuit court or request that the Department of Human Rights file a complaint with the Human Rights Commission on the complainant's ~~his or her~~ behalf. Any such complaint shall be filed within 90 days after receipt of the Director's notice. If the complainant chooses to have the Department file a complaint with the Human Rights Commission on the complainant's ~~his or her~~ behalf, the complainant must, within 30 days after receipt of the Director's notice, request in writing that the Department file the complaint. If the complainant timely requests that the Department file the complaint, the Department shall file the complaint on the complainant's ~~his or her~~ behalf. If the complainant fails to timely request that the Department file the complaint, the complainant may file the complainant's ~~his or her~~ complaint with the Commission or commence a civil action in the appropriate circuit court. If the complainant files a complaint with the Human Rights Commission, the complainant shall notify the Department that a complaint has been filed by serving a copy of the complaint on the



chief legal counsel of the Department within 21 days from the date that the complaint is filed ~~give notice to the Department of the filing of the complaint~~ with the Human Rights Commission. This 21-day period for service on the chief legal counsel shall not be construed to be jurisdictional.

(E) Conciliation.

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

(2) When the Department determines that a formal conciliation conference is necessary, the complainant and respondent shall be notified of the time and place of the conference by registered or certified mail at least 10 days prior thereto and either or both parties shall appear at the conference in person or by attorney.

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

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

(5) The Department's efforts to conciliate the matter

shall not stay or extend the time for filing the complaint with the Commission or the circuit court.

(F) Complaint.

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

(1.5) If the complainant chooses to file a complaint with the Commission without the Department's assistance, the complainant shall notify the Department that a complaint has been filed by serving a copy of the complaint on the chief legal counsel of the Department within 21 days from the date that the complaint is filed with the Human Rights Commission. This 21-day period for service on the chief legal counsel shall not be construed to be jurisdictional.

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

(i) The complainant shall file the civil action ~~he or she must do so~~ in the circuit court in the county wherein the civil rights violation was allegedly committed.

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

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

(G) Time Limit.

(1) When a charge of a civil rights violation has been properly filed, the Department, within 365 days thereof or within any extension of that period agreed to in writing by all parties, shall issue its report as required by subparagraph (D). Any such report shall be duly served upon both the complainant and the respondent.

(2) If the Department has not issued its report within 365 days after the charge is filed, or any such longer period agreed to in writing by all the parties, the complainant shall have 90 days to either file the complainant's ~~his or her~~ own complaint with the Human Rights Commission or commence a civil action in the appropriate circuit court. If the complainant files a complaint with the Commission, the form of the complaint shall be in accordance with the provisions of paragraph

(F)(1). If the complainant commences a civil action in a circuit court, the form of the complaint shall be in accordance with the Code of Civil Procedure. The aggrieved party shall notify the Department that a complaint has been filed by serving ~~and shall serve~~ a copy of the complaint on the chief legal counsel of the Department with 21 days from the ~~on the same~~ date that the complaint is filed with the Commission or in circuit court. This 21-day period for service on the chief legal counsel shall not be construed to be jurisdictional. If the complainant files a complaint with the Commission, the complainant ~~he or she~~ may not later commence a civil action in circuit court.

(3) If an aggrieved party files a complaint with the Human Rights Commission or commences a civil action in circuit court pursuant to paragraph (2) of this subsection, or if the time period for filing a complaint has expired, the Department shall immediately cease its investigation and dismiss the charge of civil rights violation. Any final order entered by the Commission under this Section is appealable in accordance with paragraph (B)(1) of Section 8-111. Failure to immediately cease an investigation and dismiss the charge of civil rights violation as provided in this paragraph (3) constitutes grounds for entry of an order by the circuit court permanently enjoining the investigation. The Department

may also be liable for any costs and other damages incurred by the respondent as a result of the action of the Department.

(4) (Blank).

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

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

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

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

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

(Source: P.A. 101-221, eff. 1-1-20; 102-558, eff. 8-20-21.)

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

Sec. 7A-104. Judicial Proceedings.

(A) Temporary Relief.

(1) At any time after a charge is filed, the Department or complainant may petition the appropriate court for temporary relief, pending final determination of the proceedings under this Act, ~~including an order or~~

~~judgment restraining the respondent from doing or causing any act which would render ineffectual an order which the Commission may enter with respect to the complainant. Whether it is brought by the Department or by the complainant, the petition shall contain a certification by the Director that the particular matter warrants ~~presents~~ ~~exceptional circumstances in which irreparable injury will result from a civil rights violation in the absence of temporary relief. The filing of a petition under this paragraph does not affect the initiation or continuation of administrative proceedings under Sections 7A-102 and 8A-102.~~~~

(2) The petition shall be filed in the circuit court for the county in which the respondent resides or transacts business or in which the alleged violation took place, and the proceedings shall be governed by Part I of Article XI of the "Code of Civil Procedure", as amended. ~~The~~ ~~Except as provided in subsection (A) (3),~~ the court may grant temporary relief or a temporary restraining order as it deems just and proper.

(3) (Blank). ~~When the petition is based upon a civil rights violation as defined in Article 3 of this Act, the relief or restraining order entered by the court shall not exceed 5 days unless:~~

~~(a) A longer period is agreed to by the respondent; or~~

~~(b) The court finds that there is substantial evidence to demonstrate that the respondent has engaged in unlawful discrimination.~~

(B) Expedited Proceedings.

(1) A complainant or the Department at the request of the complainant may at any time petition the circuit court for expedited proceedings. Except as to causes the circuit court considers to be of greater importance, consideration of petitions for expedited proceedings under this subsection shall take precedence on the docket over all other causes and be assigned for hearing at the earliest practicable date and expedited in every way.

(2) Venue for a petition filed under this subsection shall lie in the county where the respondent resides or is found or where the alleged violation was committed.

(3) Any petition filed by the complainant shall name the Department, Commission and the respondent. Any petition filed by the Department, upon request of the complainant, shall name the Commission and the respondent.

(4) If the circuit court determines that the complainant is likely to die before the termination of the proceedings under this Act, it may order the proceedings expedited. When an order for expedited proceedings is issued, the processing of the complainant's charge by the Department and Commission shall take precedence over all matters except older matters of the same character. Where

such order is issued, the Department, the Commission, any panel of the Commission, or any Commission hearing officer shall be authorized to shorten any time period, other than the filing period set by Section 7A-102(A)(1). If such an order is issued and the complainant is before the Department, the Department shall immediately appoint an investigator if an investigator has not been appointed and shall in 90 days either file a complaint or order that no complaint be issued. If the Department fails to make a determination within 90 days the complainant shall have 30 days to file a ~~his~~ complaint with the Commission.

(C) Enforcement of Commission Orders. When authorized by this Act, the Department, at the request of the Commission, may take whatever action may be authorized for the enforcement of Commission orders.

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

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

Sec. 7B-104. Judicial Proceedings. (A) Temporary Relief.  
(1) At any time after a charge is filed, the Department or aggrieved party may petition the appropriate court for temporary relief, pending final determination of the proceedings under this Act, ~~including an order or judgment restraining the respondent from doing or causing any act which would render ineffectual an order which the Commission may enter with respect to the aggrieved party.~~ Whether it is



brought by the Department or by the aggrieved party, the petition shall contain a certification by the Director that the particular matter warrants ~~presents exceptional circumstances in which irreparable injury will result from a civil rights violation in the absence of~~ temporary relief. The filing of a petition under this paragraph does not affect the initiation or continuation of administrative proceedings under Sections 7B-102 and 8B-102 ~~Section 7A-102 and Section 8A-102~~ of this Act.

(2) The petition shall be filed in the circuit court for the county in which the respondent resides or transacts business or in which the alleged violation took place, and the proceedings shall be governed by Part 1 of Article XI of the "Code of Civil Procedure", as amended. The ~~Except as provided in subsection (A) (3),~~ the court may grant temporary relief or a temporary restraining order as it deems just and proper.

(3) (Blank). ~~When the petition is based upon a civil rights violation as defined in Article 3 of this Act, the duration of the relief or restraining order entered by the court shall not exceed 5 days unless:~~

- ~~(a) A longer period is agreed to by the respondent; or~~
- ~~(b) The court finds that there is substantial evidence to demonstrate that the respondent has engaged in unlawful discrimination.~~

(B) Enforcement of Commission Orders. When authorized by this Act, the Department, at the request of the Commission,

may take whatever action may be authorized for the enforcement of Commission orders.

(Source: P.A. 86-910.)

(775 ILCS 5/8-103) (from Ch. 68, par. 8-103)

Sec. 8-103. Request for review.

(A) Jurisdiction. The Commission, through a panel of 3 ~~three~~ members, shall have jurisdiction to hear and determine requests for review of (1) decisions of the Department to dismiss a charge; and (2) notices of default issued by the Department.

In each instance, the Department shall be the respondent. The respondent on the charge, in the case of dismissal, or the complainant, in the case of default, may file a response to the request for review.

(B) Review. When a request for review is properly filed, the Commission may consider the Department's report, any argument and supplemental evidence timely submitted, and the results of any additional investigation conducted by the Department in response to the request. In its discretion, the Commission may designate a hearing officer to conduct a hearing into the factual basis of the matter at issue. Within 120 days after the effective date of this amendatory Act of the 100th General Assembly, the Commission shall adopt rules of minimum standards for the contents of responses to requests for review, including, but not limited to, proposed statements

of uncontested facts and proposed statements of the legal issues.

(C) Default Order. When a respondent fails to file a timely request for review of a notice of default, or the default is sustained on review, the Commission shall enter a default order and notify the parties that the complainant has the right to either commence a civil action in the appropriate circuit court to determine the complainant's damages or request that the Commission set a hearing on damages before one of its hearing officers. The complainant shall have 90 days after receipt of the Commission's default order to either commence a civil action in the appropriate circuit court or request that the Commission set a hearing on damages.

(D) Time Period Toll. Proceedings on requests for review shall toll the time limitation established in paragraph (G) of Section 7A-102 from the date on which the Department's notice of dismissal or default is issued until 30 days after ~~to~~ the date on which the Commission's order is served on the chief legal counsel of the Department ~~entered~~.

(E) The changes made to this Section by Public Act 95-243 apply to charges or complaints filed with the Department or Commission on or after the effective date of those changes.

(F) The changes made to this Section by this amendatory Act of the 96th General Assembly apply to charges or complaints filed with the Department or Commission on or after the effective date of those changes.

(G) The changes made to this Section by this amendatory Act of the 100th General Assembly apply to charges filed or pending with the Department or Commission on or after the effective date of this amendatory Act of the 100th General Assembly.

(Source: P.A. 100-1066, eff. 8-24-18.)

(775 ILCS 5/8A-102) (from Ch. 68, par. 8A-102)

Sec. 8A-102. Hearing on Complaint.

(A) Services. Within five days after a complaint is filed by the Department, or the aggrieved party, as the case may be, the Commission shall cause it to be served on the respondent together with a notice of hearing before a hearing officer of the Commission at a place therein fixed.

(B) Time and Location of Hearing. An initial hearing date shall be scheduled for not less than 30 ~~thirty~~ nor more than 90 ~~ninety~~ days after service of the complaint at a place that is within 100 ~~one hundred~~ miles of the place at which the civil rights violation is alleged to have occurred. The hearing officer may, for good cause shown, extend the date of the hearing.

(B-5) Intervention by the Department.

(1) After the filing of a complaint under Article 2, 4, 5, 5A, or 6, the Department may petition and shall be permitted to intervene as a party in the proceeding if the Commission determines that:

(i) the Department has an interest different from one or more of the parties;

(ii) the expertise of the Department makes it better suited to articulate a particular point of view; or

(iii) the representation of the Department's interest by existing parties is or may be inadequate and the Department will or may be bound by an order or judgment in the action.

(2) The Department, as an intervenor, shall have all of the rights of an original party subject to the order of the administrative law judge.

(3) Upon such intervention, the Commission may award such relief as is authorized to be granted to a complainant under Section 8A-104.

(C) Amendment.

(1) A complaint may be amended under oath by leave of the presiding hearing officer, for good cause shown, upon timely written motion and reasonable notice to all interested parties at any time prior to the issuance of a recommended order pursuant to Section 8A-102(I) or 8B-102(J). The amended complaint shall be served upon all parties of record and the Department of Human Rights by the complainant, or by the Department if it prepared and filed the amended complaint, within 7 days of the date of the order permitting its filing or such additional time as

the hearing officer may order. Amendments to the complaint may encompass any unlawful discrimination which is like or reasonably related to the charge and growing out of the allegations in such charge, including, but not limited to, allegations of retaliation.

(2) A motion that the complaint be amended to conform to the evidence, made prior to the close of the public hearing, may be addressed orally on the record to the hearing officer, and shall be granted for good and sufficient cause.

(D) Answer.

(1) The respondent shall file an answer under oath or affirmation to the original or amended complaint within 30 days of the date of service thereof, but the hearing officer may, for good cause shown, grant further time for the filing of an answer.

(2) When the respondent files a motion to dismiss the complaint within 30 days and the motion is denied by the hearing officer, the time for filing the answer shall be within 15 days of the date of denial of the motion.

(3) Any allegation in the complaint which is not denied or admitted in the answer is deemed admitted unless the respondent states in the answer that the respondent ~~he~~ is without sufficient knowledge or information to form a belief with respect to such allegation.

(4) The failure to file an answer is deemed to

constitute an admission of the allegations contained in the complaint.

(5) The respondent has the right to amend the respondent's ~~his~~ answer, upon leave of the hearing officer, for good cause shown.

(E) Proceedings In Forma Pauperis.

(1) If the hearing officer is satisfied that the complainant or respondent is a poor person, and unable to prosecute or defend the complaint and pay the costs and expenses thereof, the hearing officer may permit the party to commence and prosecute or defend the action as a poor person. Such party shall have all the necessary subpoenas, appearances, and proceedings without prepayment of witness fees or charges. Witnesses shall attend as in other cases under this Act and the same remedies shall be available for failure or refusal to obey the subpoena as are provided for in Section 8-104 of this Act.

(2) A person desiring to proceed without payment of fees or charges shall file with the hearing officer an affidavit stating that the person ~~he~~ is a poor person and unable to pay costs, and that the action is meritorious.

(F) Discovery. The procedure for obtaining discovery of information from parties and witnesses shall be specified by the Commission in rules. If no rule has been promulgated by the Commission on a particular type of discovery, the Code of Civil Procedure may be considered persuasive authority. The

types of discovery shall be the same as in civil cases in the circuit courts of this State, provided, however, that a party may take discovery depositions only upon leave of the hearing officer and for good cause shown.

(G) Hearing.

(1) Both the complainant and the respondent may appear at the hearing and examine and cross-examine witnesses.

(2) The testimony taken at the hearing shall be under oath or affirmation and a transcript shall be made and filed in the office of the Commission.

(3) The testimony taken at the hearing is subject to the same rules of evidence that apply in courts of this State in civil cases.

(H) Compelling Appearance of Parties at Hearing. The appearance at the hearing of a party or a person who at the time of the hearing is an officer, director, or employee of a party may be required by serving the party with a notice designating the person who is required to appear. The notice also may require the production at the hearing of documents or tangible things. If the party or person is a nonresident of the county, the hearing officer may order any terms and conditions in connection with the party's or person's ~~his~~ appearance at the hearing that are just, including payment of the party's or person's ~~his~~ reasonable expenses. Upon a failure to comply with the notice, the hearing officer may enter any order that is just.



(I) Decision.

(1) When all the testimony has been taken, the hearing officer shall determine whether the respondent has engaged in or is engaging in the civil rights violation with respect to the person aggrieved as charged in the complaint. A determination sustaining a complaint shall be based upon a preponderance of the evidence.

(2) The hearing officer shall make findings of fact in writing and, if the finding is against the respondent, shall issue and cause to be served on the parties and the Department a recommended order for appropriate relief as provided by this Act.

(3) If, upon all the evidence, the hearing officer finds that a respondent has not engaged in the discriminatory practice charged in the complaint or that a preponderance of the evidence does not sustain the complaint, the hearing officer ~~he~~ shall state the hearing officer's ~~his~~ findings of fact and shall issue and cause to be served on the parties and the Department a recommended order dismissing the complaint.

(4) The findings and recommended order of the hearing officer shall be filed with the Commission. The findings and recommended order may be authored by a hearing officer other than the hearing officer who presides at the public hearing if:

(a) the hearing officer who presides at the public

hearing is unable to author the findings and recommended order by reason of death, disability, or separation from employment; and

(b) all parties to a complaint file a joint motion agreeing to have the findings and recommended order written by a hearing officer who did not preside at the public hearing.

(5) A recommended order dismissing a complaint may include an award of reasonable attorneys fees in favor of the respondent against the complainant or the complainant's attorney, or both, if the hearing officer concludes that the complaint was frivolous, unreasonable or groundless or that the complainant continued to litigate after it became clearly so.

(6) The hearing officer may issue a recommended order of dismissal with prejudice or a recommended order of default as a sanction for the failure of a party to prosecute the party's ~~his or her~~ case, file a required pleading, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous order of the hearing officer.

(Source: P.A. 92-472, eff. 1-1-02.)

(775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

Sec. 10-101. Applicability. With the exception of Sections ~~Section~~ 10-104 and 10-105, this Article shall apply solely to

civil actions arising under Article 3 of this Act.

(Source: P.A. 93-1017, eff. 8-24-04.)

(775 ILCS 5/10-102) (from Ch. 68, par. 10-102)

Sec. 10-102. Court Actions.

(A) Circuit Court Actions.

(1) An aggrieved party may commence a civil action in an appropriate Circuit Court not later than 2 years after the occurrence or the termination of an alleged civil rights violation or the breach of a conciliation or settlement agreement entered into under this Act, whichever occurs last, to obtain appropriate relief with respect to the alleged civil rights violation or breach. The plaintiff or defendant may demand trial by jury for civil actions brought under this subsection. Venue for such civil action shall be determined under Section 8-111(A)(1).

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

(3) An aggrieved party may commence a civil action under this subsection whether or not a charge has been

filed under Section 7B-102 and without regard to the status of any such charge, however, if the Department or local agency has obtained a conciliation or settlement agreement with the consent of an aggrieved party, no action may be filed under this subsection by such aggrieved party with respect to the alleged civil rights violation practice which forms the basis for such complaint except for the purpose of enforcing the terms of such conciliation or settlement agreement.

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

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

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

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

(C) Relief which may be granted.

(1) In a civil action under subsection (A) if the court finds that a civil rights violation has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and may grant as relief, as the court deems appropriate, any permanent or preliminary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such civil rights violation or ordering such affirmative action as may be appropriate.

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

(D) Intervention by the Attorney General ~~By The Department.~~ If the Department certifies that the case is of general public importance, the ~~The~~ Attorney General of Illinois may seek to ~~intervene on behalf of the Department in a civil action filed by a complainant in State or federal court under this Section if the Department certifies that the case is of general public importance.~~ Upon such intervention, the court may award any of the remedies set forth in Section 8B-104 and subsection (B) of Section 10-104 ~~such relief as is authorized to be granted to a plaintiff in a civil action under Section 10-102(C).~~

(Source: P.A. 101-661, eff. 4-2-21; 102-706, eff. 4-22-22.)

(775 ILCS 5/10-105 new)

Sec. 10-105. Intervention by the Attorney General. If the Department certifies that the case is of general public importance, the Attorney General may seek to intervene on behalf of the Department in a civil action filed by a complainant in State or federal court under Section 7A-102. Upon such intervention, the court or jury may award any of the remedies set forth in Section 8A-104 and subsection (B) of Section 10-104.