



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0015

Introduced 1/9/2019, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

720 ILCS 5/49-7 new

Amends the Criminal Code of 2012. Creates the offense of violation of civil rights. Provides that a person commits violation of civil rights when he or she knowingly: (1) denies to another the full and equal enjoyment of the facilities and services of a place of public accommodation because of unlawful discrimination; (2) as the operator of a place of public accommodation, directly or indirectly, publishes, circulates, displays, mails, or emails a written or electronic communication, except a private communication sent in response to a specific inquiry, which he or she knows is to the effect that a facility of the place of public accommodation will be denied to a person because of unlawful discrimination or that the patronage of a person is unwelcome, objectionable, or unacceptable for the purpose of unlawful discrimination; (3) as a public official, refuses to employ, or discriminates in the employment of another for a public contract or public works project because of unlawful discrimination; or (4) as a public official, denies or refuses to a person the full and equal enjoyment of the accommodations, advantages, facilities, or privileges of his or her office or services or of property under his or her care because of unlawful discrimination. Prohibits various private employment practices. Defines "unlawful discrimination". Provides that nothing in this provision shall be construed to impose criminal liability for actions that are exempt from civil liability under the Illinois Human Rights Act. Provides that a violation is a Class B misdemeanor. Effective immediately.

LRB101 00190 RLC 45191 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by adding
5 Section 49-7 as follows:

6 (720 ILCS 5/49-7 new)

7 Sec. 49-7. Violation of civil rights.

8 (a) As used in this Section:

9 "Age", "disability", "military status", "national
10 origin", "order of protection status", "pregnancy",
11 "religion", "sex", "sexual orientation", "unfavorable
12 military discharge", and "unlawful discrimination" have
13 the meanings ascribed to them in Section 1-103 of the
14 Illinois Human Rights Act.

15 "Employer", "employee", "employment agency", and
16 "labor organization" have the meanings ascribed to them in
17 Section 2-101 of the Illinois Human Rights Act.

18 "Operator", "place of public accommodation", and
19 "public official" have the meanings ascribed to them in
20 Section 5-101 of the Illinois Human Rights Act.

21 "Public works" has the meaning ascribed to it in
22 Section 2 of the Prevailing Wage Act.

23 (b) A person commits violation of civil rights when he or

1 she knowingly:

2 (1) denies to another the full and equal enjoyment of
3 the facilities and services of a place of public
4 accommodation because of unlawful discrimination;

5 (2) as the operator of a place of public accommodation,
6 directly or indirectly, publishes, circulates, displays,
7 mails, or emails a written or electronic communication,
8 except a private communication sent in response to a
9 specific inquiry, which he or she knows is to the effect
10 that a facility of the place of public accommodation will
11 be denied to a person because of unlawful discrimination or
12 that the patronage of a person is unwelcome, objectionable,
13 or unacceptable for the purpose of unlawful
14 discrimination;

15 (3) as a public official, refuses to employ, or
16 discriminates in the employment of another for a public
17 contract or public works project because of unlawful
18 discrimination;

19 (4) as a public official, denies or refuses to a person
20 the full and equal enjoyment of the accommodations,
21 advantages, facilities, or privileges of his or her office
22 or services or of property under his or her care because of
23 unlawful discrimination.

24 (5) for an employer, because of unlawful
25 discrimination, to refuse to hire, to segregate, or
26 otherwise to discriminate against that person with respect

1 to: hire, selection, and training for apprenticeship in a
2 trade or craft, tenure, terms, or conditions of employment;

3 (6) for an employment agency to fail or refuse to
4 classify properly, accept applications, and register for
5 employment referral or apprenticeship referral, refer for
6 employment, refer for apprenticeship, or otherwise to
7 discriminate against an individual because of unlawful
8 discrimination, or to accept from a person a job order,
9 requisition, or request for referral of applicants for
10 employment or apprenticeship that makes, or has the effect
11 of making unlawful discrimination a condition of referral,
12 except for a bona fide occupational qualification;

13 (7) for a labor organization because of unlawful
14 discrimination of a person to discriminate against that
15 person, or to limit, segregate, or classify its membership
16 with respect to that person, or to limit that person's
17 employment opportunities, that person's selection and
18 training for apprenticeship in a trade or craft, or
19 otherwise to take, or fail to take, an action that affects
20 adversely the person's status as an employee or as an
21 applicant for employment or as an apprentice, or as an
22 applicant for an apprenticeship, or that person's wages,
23 tenure, hours of employment, or apprenticeship conditions;

24 (8) for an employer, employment agency, or labor
25 organization to discriminate against a person because he or
26 she, reasonably and in good faith, has opposed a practice

1 forbidden in this Section, or because he or she, reasonably
2 and in good faith, has made a charge, testified or assisted
3 in an investigation, proceeding, or hearing under the
4 Illinois Human Rights Act;

5 (9) for an employer, employment agency, or labor
6 organization to inquire on a written application whether a
7 job applicant has ever been arrested; or

8 (10) for a person to compel or coerce another person to
9 engage in an act declared by this Section to be unlawful
10 discrimination.

11 (c) Nothing in this Section prohibits a person who is
12 aggrieved by a violation of this Section to petition the
13 Department of Human Rights or for the Department of Human
14 Rights to seek remedies under the Illinois Human Rights Act on
15 behalf of a person claiming unlawful discrimination.

16 (d) Nothing in this Section shall be construed to impose
17 criminal liability for actions that are exempt from civil
18 liability under the Illinois Human Rights Act.

19 (e) Sentence. Violation of civil rights is a Class B
20 misdemeanor.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.