



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2167

by Rep. Camille Y. Lilly

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/7-101	from Ch. 68, par. 7-101
775 ILCS 5/7-114 new	

Amends the Illinois Human Rights Act. Provides that a formerly convicted person may petition the Department of Human Rights for a grant of protected class status. Provides that the Department may grant protected class status to a formerly convicted person who meets the following conditions: the person has complied with each term and condition of his or her parole, mandatory supervised release, probation, or conditional discharge; the person has obtained a high school diploma or received a high school equivalency certificate; the person is employed or actively seeking employment or is enrolled in or has successfully completed a vocational training or college educational program; the person has not been convicted of a felony or misdemeanor within the last 5 years; and the person has completed all sanctions imposed upon him or her through due process of law. Provides that the Department shall adopt rules concerning what constitutes an intellectual or developmental disability that prevents the formerly convicted person from meeting the some of the conditions and who is qualified to diagnose such a person. Provides that the Department shall adopt rules to carry out the provisions. Provides that protected class status previously granted to a formerly convicted person shall be revoked by the Department after notice and a hearing, if the formerly convicted person is subsequently convicted of a felony or misdemeanor. Provides that the revocation process shall be initiated by a petition that sets forth the date of the subsequent offense, description of the offense, date of conviction for the subsequent offense, and sentence imposed on the conviction. Provides that a copy of the petition and notice of the hearing date shall be served on the formerly convicted person.

LRB101 06683 LNS 51710 b

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-103 and 7-101 and by adding Section 7-114
6 as follows:

7 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

8 Sec. 1-103. General definitions. When used in this Act,
9 unless the context requires otherwise, the term:

10 (A) Age. "Age" means the chronological age of a person who
11 is at least 40 years old, except with regard to any practice
12 described in Section 2-102, insofar as that practice concerns
13 training or apprenticeship programs. In the case of training or
14 apprenticeship programs, for the purposes of Section 2-102,
15 "age" means the chronological age of a person who is 18 but not
16 yet 40 years old.

17 (B) Aggrieved party. "Aggrieved party" means a person who
18 is alleged or proved to have been injured by a civil rights
19 violation or believes he or she will be injured by a civil
20 rights violation under Article 3 that is about to occur.

21 (C) Charge. "Charge" means an allegation filed with the
22 Department by an aggrieved party or initiated by the Department
23 under its authority.

1 (D) Civil rights violation. "Civil rights violation"
2 includes and shall be limited to only those specific acts set
3 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
4 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
5 6-101, and 6-102 of this Act.

6 (E) Commission. "Commission" means the Human Rights
7 Commission created by this Act.

8 (F) Complaint. "Complaint" means the formal pleading filed
9 by the Department with the Commission following an
10 investigation and finding of substantial evidence of a civil
11 rights violation.

12 (G) Complainant. "Complainant" means a person including
13 the Department who files a charge of civil rights violation
14 with the Department or the Commission.

15 (H) Department. "Department" means the Department of Human
16 Rights created by this Act.

17 (I) Disability. "Disability" means a determinable physical
18 or mental characteristic of a person, including, but not
19 limited to, a determinable physical characteristic which
20 necessitates the person's use of a guide, hearing or support
21 dog, the history of such characteristic, or the perception of
22 such characteristic by the person complained against, which may
23 result from disease, injury, congenital condition of birth or
24 functional disorder and which characteristic:

25 (1) For purposes of Article 2, is unrelated to the
26 person's ability to perform the duties of a particular job

1 or position and, pursuant to Section 2-104 of this Act, a
2 person's illegal use of drugs or alcohol is not a
3 disability;

4 (2) For purposes of Article 3, is unrelated to the
5 person's ability to acquire, rent, or maintain a housing
6 accommodation;

7 (3) For purposes of Article 4, is unrelated to a
8 person's ability to repay;

9 (4) For purposes of Article 5, is unrelated to a
10 person's ability to utilize and benefit from a place of
11 public accommodation;

12 (5) For purposes of Article 5, also includes any
13 mental, psychological, or developmental disability,
14 including autism spectrum disorders.

15 (I-5) Formerly Convicted Person. "Formerly convicted
16 person" means a person: (1) who has been convicted of a felony
17 or misdemeanor under the laws of this State, an ordinance of a
18 unit of local government of this State, another state,
19 territory, or possession of the United States, federal law, or
20 the laws of another country that guarantees due process rights
21 similar to those of the United States; and (2) who has
22 completed his or her parole or mandatory supervised release
23 term or term of probation or conditional discharge.

24 (J) Marital status. "Marital status" means the legal status
25 of being married, single, separated, divorced, or widowed.

26 (J-1) Military status. "Military status" means a person's

1 status on active duty in or status as a veteran of the armed
2 forces of the United States, status as a current member or
3 veteran of any reserve component of the armed forces of the
4 United States, including the United States Army Reserve, United
5 States Marine Corps Reserve, United States Navy Reserve, United
6 States Air Force Reserve, and United States Coast Guard
7 Reserve, or status as a current member or veteran of the
8 Illinois Army National Guard or Illinois Air National Guard.

9 (K) National origin. "National origin" means the place in
10 which a person or one of his or her ancestors was born.

11 (K-5) "Order of protection status" means a person's status
12 as being a person protected under an order of protection issued
13 pursuant to the Illinois Domestic Violence Act of 1986, Article
14 112A of the Code of Criminal Procedure of 1963, the Stalking No
15 Contact Order Act, or the Civil No Contact Order Act, or an
16 order of protection issued by a court of another state.

17 (L) Person. "Person" includes one or more individuals,
18 partnerships, associations or organizations, labor
19 organizations, labor unions, joint apprenticeship committees,
20 or union labor associations, corporations, the State of
21 Illinois and its instrumentalities, political subdivisions,
22 units of local government, legal representatives, trustees in
23 bankruptcy or receivers.

24 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
25 or medical or common conditions related to pregnancy or
26 childbirth.

1 (M) Public contract. "Public contract" includes every
2 contract to which the State, any of its political subdivisions,
3 or any municipal corporation is a party.

4 (N) Religion. "Religion" includes all aspects of religious
5 observance and practice, as well as belief, except that with
6 respect to employers, for the purposes of Article 2, "religion"
7 has the meaning ascribed to it in paragraph (F) of Section
8 2-101.

9 (O) Sex. "Sex" means the status of being male or female.

10 (O-1) Sexual orientation. "Sexual orientation" means
11 actual or perceived heterosexuality, homosexuality,
12 bisexuality, or gender-related identity, whether or not
13 traditionally associated with the person's designated sex at
14 birth. "Sexual orientation" does not include a physical or
15 sexual attraction to a minor by an adult.

16 (P) Unfavorable military discharge. "Unfavorable military
17 discharge" includes discharges from the Armed Forces of the
18 United States, their Reserve components, or any National Guard
19 or Naval Militia which are classified as RE-3 or the equivalent
20 thereof, but does not include those characterized as RE-4 or
21 "Dishonorable".

22 (Q) Unlawful discrimination. "Unlawful discrimination"
23 means discrimination against a person because of his or her:
24 (1) race, color, religion, national origin, ancestry, age, sex,
25 marital status, order of protection status, disability,
26 military status, sexual orientation, pregnancy, or unfavorable

1 discharge from military service as those terms are defined in
2 this Section; or (2) status as a formerly convicted person if
3 the person has been granted protective class status by the
4 Department as provided in Section 7-114.

5 (Source: P.A. 100-714, eff. 1-1-19; revised 10-4-18.)

6 (775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

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

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

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

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

18 (D) Complaints. To file complaints with the Commission in
19 conformity with this Act.

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

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

25 (G) Recruitment; Research; Public Communication; Advisory

1 Councils. To engage in such recruitment, research and public
2 communication and create such advisory councils as may be
3 authorized to effectuate the purposes of this Act.

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

7 (I) Public Grants; Private Gifts. To accept public grants
8 and private gifts as may be authorized.

9 (J) Education and Training. To implement a formal and
10 unbiased program of education and training for all employees
11 assigned to investigate and conciliate charges under Articles
12 7A and 7B. The training program shall include the following:

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

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

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

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

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

24 (6) the use of hypothetical cases requiring the
25 Department investigator and conciliation conference
26 attorney to issue judgments as a means to evaluating

1 knowledge and writing ability;

2 (7) writing skills;

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

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

11 (K) Protected Class Status. To grant protective class
12 status to formerly convicted persons as provided in Section
13 7-114.

14 (Source: P.A. 99-74, eff. 7-20-15.)

15 (775 ILCS 5/7-114 new)

16 Sec. 7-114. Protected class status for formerly convicted
17 persons.

18 (A) A formerly convicted person may petition the Department
19 for a grant of protected class status as provided in this
20 Section. The Department may grant protected class status to a
21 formerly convicted person who meets the following conditions:

22 (1) the person has complied with each term and
23 condition of his or her parole, mandatory supervised
24 release, probation, or conditional discharge;

25 (2) if the person has not obtained a high school

1 diploma or received a high school equivalency certificate
2 and has not been diagnosed as a person having an
3 intellectual or developmental disability that prevents him
4 or her from successfully passing the high school
5 equivalency test, the person must have passed the high
6 school equivalency test and been issued a high school
7 equivalency certificate under Section 3-15.12 of the
8 School Code;

9 (3) the person must:

10 (a) be employed or actively seeking employment
11 unless the person has been diagnosed as a person having
12 an intellectual or developmental disability that
13 prevents him or her from being employed; or

14 (b) be enrolled in or have successfully completed a
15 vocational training or college educational program
16 unless the person has been diagnosed as a person having
17 an intellectual or developmental disability that
18 prevents him or her from successfully completing a
19 vocational or college educational program;

20 (4) the person must, for a minimum of 5 years after
21 completion of his or her parole, mandatory supervised
22 release, probation, or conditional discharge, not have
23 been convicted of a felony or misdemeanor under the laws of
24 this State or a municipal or county ordinance of a county
25 or municipality of this State, another state, territory, or
26 possession of the United States, federal law, or the laws

1 of another country that guarantees due process rights
2 similar to those of the United States; and

3 (5) must have completed all sanctions imposed upon him
4 or her through due process of law for his or her
5 conviction.

6 (B) The Department shall by rule determine: (1) what
7 constitutes having an intellectual or developmental disability
8 that prevents the formerly convicted person from meeting the
9 requirements of paragraphs (2) and (3) of subsection (A) of
10 this Section; and (2) who is qualified to diagnose such a
11 person.

12 (C) The Department shall adopt rules, subject to the
13 Illinois Administrative Procedure Act, to carry out the
14 provisions of this Section.

15 (D) Protected class status previously granted to a formerly
16 convicted person under this Section shall be revoked by the
17 Department after notice and a hearing, if the formerly
18 convicted person is subsequently convicted of a felony or
19 misdemeanor, other than a minor traffic offense, under the laws
20 of this State, another state, territory, or possession of the
21 United States, federal law, or the laws of another country that
22 guarantees due process rights similar to those of the United
23 States. The revocation process shall be initiated by a petition
24 filed by a State's Attorney, the Attorney General, other
25 prosecutor, or the Department, that sets forth the date of the
26 subsequent offense, description of the offense, date of

1 conviction for the subsequent offense, and sentence imposed for
2 the conviction. A copy of the petition and notice of the
3 hearing date on the petition shall be served on the formerly
4 convicted person.