

# HB3884



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB3884**

Introduced 10/17/2019, by Rep. Jehan Gordon-Booth

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103

from Ch. 68, par. 1-103

Amends the Illinois Human Rights Act. Provides that "race", as used in the Employment and Elementary, Secondary, and Higher Education Articles, includes traits historically associated with races, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists.

LRB101 13288 LNS 62130 b

A BILL FOR

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 Section 1-103 as follows:

6 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

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

23 (D) Civil rights violation. "Civil rights violation"

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

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

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

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

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

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

24 (1) For purposes of Article 2, 2 is unrelated to the  
25 person's ability to perform the duties of a particular job  
26 or position and, pursuant to Section 2-104 of this Act, a

1 person's illegal use of drugs or alcohol is not a  
2 disability;

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

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

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

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

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

16 (J-1) Military status. "Military status" means a person's  
17 status on active duty in or status as a veteran of the armed  
18 forces of the United States, status as a current member or  
19 veteran of any reserve component of the armed forces of the  
20 United States, including the United States Army Reserve, United  
21 States Marine Corps Reserve, United States Navy Reserve, United  
22 States Air Force Reserve, and United States Coast Guard  
23 Reserve, or status as a current member or veteran of the  
24 Illinois Army National Guard or Illinois Air National Guard.

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

1 (K-5) "Order of protection status" means a person's status  
2 as being a person protected under an order of protection issued  
3 pursuant to the Illinois Domestic Violence Act of 1986, Article  
4 112A of the Code of Criminal Procedure of 1963, the Stalking No  
5 Contact Order Act, or the Civil No Contact Order Act, or an  
6 order of protection issued by a court of another state.

7 (L) Person. "Person" includes one or more individuals,  
8 partnerships, associations or organizations, labor  
9 organizations, labor unions, joint apprenticeship committees,  
10 or union labor associations, corporations, the State of  
11 Illinois and its instrumentalities, political subdivisions,  
12 units of local government, legal representatives, trustees in  
13 bankruptcy or receivers.

14 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,  
15 or medical or common conditions related to pregnancy or  
16 childbirth.

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

20 (N) Religion. "Religion" includes all aspects of religious  
21 observance and practice, as well as belief, except that with  
22 respect to employers, for the purposes of Article 2, "religion"  
23 has the meaning ascribed to it in paragraph (F) of Section  
24 2-101.

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

26 (O-1) Sexual orientation. "Sexual orientation" means

1 actual or perceived heterosexuality, homosexuality,  
2 bisexuality, or gender-related identity, whether or not  
3 traditionally associated with the person's designated sex at  
4 birth. "Sexual orientation" does not include a physical or  
5 sexual attraction to a minor by an adult.

6 (P) Unfavorable military discharge. "Unfavorable military  
7 discharge" includes discharges from the Armed Forces of the  
8 United States, their Reserve components, or any National Guard  
9 or Naval Militia which are classified as RE-3 or the equivalent  
10 thereof, but does not include those characterized as RE-4 or  
11 "Dishonorable".

12 (Q) Unlawful discrimination. "Unlawful discrimination"  
13 means discrimination against a person because of his or her  
14 race, color, religion, national origin, ancestry, age, sex,  
15 marital status, order of protection status, disability,  
16 military status, sexual orientation, pregnancy, or unfavorable  
17 discharge from military service as those terms are defined in  
18 this Section. As used in Articles 2 and 5A of this Act, "race"  
19 includes traits historically associated with race, including,  
20 but not limited to, hair texture and protective hairstyles such  
21 as braids, locks, and twists.

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