

# HB1838



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB1838**

Introduced 2/17/2021, by Rep. Theresa Mah and Stephanie A. Kifowit

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103

from Ch. 68, par. 1-103

Amends the Illinois Human Rights Act. Provides that discrimination based on disability includes unlawful discrimination against an individual because of the individual's association with a person with a disability.

LRB102 11863 LNS 17199 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  
13 or 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 (B-5) Arrest record. "Arrest record" means:

- 21 (1) an arrest not leading to a conviction;  
22 (2) a juvenile record; or  
23 (3) criminal history record information ordered

1 expunged, sealed, or impounded under Section 5.2 of the  
2 Criminal Identification Act.

3 (C) Charge. "Charge" means an allegation filed with the  
4 Department by an aggrieved party or initiated by the  
5 Department under its authority.

6 (D) Civil rights violation. "Civil rights violation"  
7 includes and shall be limited to only those specific acts set  
8 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
9 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,  
10 6-101, and 6-102 of this Act.

11 (E) Commission. "Commission" means the Human Rights  
12 Commission created by this Act.

13 (F) Complaint. "Complaint" means the formal pleading filed  
14 by the Department with the Commission following an  
15 investigation and finding of substantial evidence of a civil  
16 rights violation.

17 (G) Complainant. "Complainant" means a person including  
18 the Department who files a charge of civil rights violation  
19 with the Department or the Commission.

20 (H) Department. "Department" means the Department of Human  
21 Rights created by this Act.

22 (I) Disability.

23 (1) "Disability" means a determinable physical or mental  
24 characteristic of a person, including, but not limited to, a  
25 determinable physical characteristic which necessitates the  
26 person's use of a guide, hearing or support dog, the history of

1 such characteristic, or the perception of such characteristic  
2 by the person complained against, which may result from  
3 disease, injury, congenital condition of birth or functional  
4 disorder and which characteristic:

5 (a) ~~(1)~~ For purposes of Article 2, is unrelated to the  
6 person's ability to perform the duties of a particular job  
7 or position and, pursuant to Section 2-104 of this Act, a  
8 person's illegal use of drugs or alcohol is not a  
9 disability;

10 (b) ~~(2)~~ For purposes of Article 3, is unrelated to the  
11 person's ability to acquire, rent, or maintain a housing  
12 accommodation;

13 (c) ~~(3)~~ For purposes of Article 4, is unrelated to a  
14 person's ability to repay;

15 (d) ~~(4)~~ For purposes of Article 5, is unrelated to a  
16 person's ability to utilize and benefit from a place of  
17 public accommodation;

18 (e) ~~(5)~~ For purposes of Article 5, also includes any  
19 mental, psychological, or developmental disability,  
20 including autism spectrum disorders.

21 (2) Discrimination based on disability includes unlawful  
22 discrimination against an individual because of the  
23 individual's association with a person with a disability.

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

1 (J-1) Military status. "Military status" means a person's  
2 status on active duty in or status as a veteran of the armed  
3 forces of the United States, status as a current member or  
4 veteran of any reserve component of the armed forces of the  
5 United States, including the United States Army Reserve,  
6 United States Marine Corps Reserve, United States Navy  
7 Reserve, United States Air Force Reserve, and United States  
8 Coast Guard Reserve, or status as a current member or veteran  
9 of the Illinois Army National Guard or Illinois Air National  
10 Guard.

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

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

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

1 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,  
2 or medical or common conditions related to pregnancy or  
3 childbirth.

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

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

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

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

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

25 (Q) Unlawful discrimination. "Unlawful discrimination"  
26 means discrimination against a person because of his or her

1 actual or perceived: race, color, religion, national origin,  
2 ancestry, age, sex, marital status, order of protection  
3 status, disability, military status, sexual orientation,  
4 pregnancy, or unfavorable discharge from military service as  
5 those terms are defined in this Section.

6 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;  
7 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; revised 9-18-19.)