



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3499

Introduced 2/22/2021, by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103

from Ch. 68, par. 1-103

775 ILCS 5/5-102.2

Amends the Illinois Human Rights Act. Provides that the amendatory Act may be referred to as the CROWN (Create a Respectful and Open Workplace for Natural Hair) Act. Provides that "race" includes traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists. Provides that, with respect to places of public accommodation, the Department of Human Rights has jurisdiction over the denial or refusal of the full and equal enjoyment of (rather than the denial of access to) facilities, goods, or services.

LRB102 13384 LNS 18728 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 1. References to Act. This Act may be referred to
5 as the CROWN (Create a Respectful and Open Workplace for
6 Natural Hair) Act.

7 Section 5. The Illinois Human Rights Act is amended by
8 changing Sections 1-103 and 5-102.2 as follows:

9 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

1 (B-5) Arrest record. "Arrest record" means:

2 (1) an arrest not leading to a conviction;

3 (2) a juvenile record; or

4 (3) criminal history record information ordered
5 expunged, sealed, or impounded under Section 5.2 of the
6 Criminal Identification Act.

7 (C) Charge. "Charge" means an allegation filed with the
8 Department by an aggrieved party or initiated by the
9 Department under its authority.

10 (D) Civil rights violation. "Civil rights violation"
11 includes and shall be limited to only those specific acts set
12 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
13 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
14 6-101, and 6-102 of this Act.

15 (E) Commission. "Commission" means the Human Rights
16 Commission created by this Act.

17 (F) Complaint. "Complaint" means the formal pleading filed
18 by the Department with the Commission following an
19 investigation and finding of substantial evidence of a civil
20 rights violation.

21 (G) Complainant. "Complainant" means a person including
22 the Department who files a charge of civil rights violation
23 with the Department or the Commission.

24 (H) Department. "Department" means the Department of Human
25 Rights created by this Act.

26 (I) Disability. "Disability" means a determinable physical

1 or mental characteristic of a person, including, but not
2 limited to, a determinable physical characteristic which
3 necessitates the person's use of a guide, hearing or support
4 dog, the history of such characteristic, or the perception of
5 such characteristic by the person complained against, which
6 may result from disease, injury, congenital condition of birth
7 or functional disorder and which characteristic:

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

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

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

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

21 (5) For purposes of Article 5, also includes any
22 mental, psychological, or developmental disability,
23 including autism spectrum disorders.

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 (M-5) Race. "Race" includes traits associated with race,
8 including, but not limited to, hair texture and protective
9 hairstyles such as braids, locks, and twists.

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

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

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

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

1 as RE-4 or "Dishonorable".

2 (Q) Unlawful discrimination. "Unlawful discrimination"
3 means discrimination against a person because of his or her
4 actual or perceived: race, color, religion, national origin,
5 ancestry, age, sex, marital status, order of protection
6 status, disability, military status, sexual orientation,
7 pregnancy, or unfavorable discharge from military service as
8 those terms are defined in this Section.

9 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;
10 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; revised 9-18-19.)

11 (775 ILCS 5/5-102.2)

12 Sec. 5-102.2. Jurisdiction limited. In regard to places of
13 public accommodation defined in paragraph (11) of Section
14 5-101, the jurisdiction of the Department is limited to: (1)
15 the failure to enroll an individual; (2) the denial or refusal
16 of full and equal enjoyment of ~~access to~~ facilities, goods, or
17 services; or (3) severe or pervasive harassment of an
18 individual when the covered entity fails to take corrective
19 action to stop the severe or pervasive harassment.

20 (Source: P.A. 96-814, eff. 1-1-10.)