

# SB3950



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3950

Introduced 1/21/2022, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103

from Ch. 68, par. 1-103

Amends the Illinois Human Rights Act. In the definition of "disability", deletes language providing that discrimination based on disability includes unlawful discrimination against an individual because of the individual's association with a person with a disability. Provides that "disability" includes a person's association or relationship with a person with a characteristic of disability. Effective immediately.

LRB102 25867 LNS 35220 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 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,  
10 5A-102, 6-101, 6-101.5, 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 (G-5) Conviction record. "Conviction record" means  
21 information indicating that a person has been convicted of a  
22 felony, misdemeanor or other criminal offense, placed on  
23 probation, fined, imprisoned, or paroled pursuant to any law  
24 enforcement or military authority.

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

1 (I) Disability.

2 ~~(1)~~ "Disability" means: a person's determinable physical  
3 or mental characteristic ~~of a person~~, including, but not  
4 limited to, a determinable physical characteristic which  
5 necessitates the person's use of a guide, hearing, or support  
6 dog; ~~the history of such characteristic;~~ a person's  
7 association or relationship with a person with such  
8 characteristic; or the perception of such characteristic by  
9 the person complained against, which may result from disease,  
10 injury, congenital condition of birth or functional disorder  
11 and which characteristic:

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

17 (b) For purposes of Article 3, is unrelated to the  
18 person's ability to acquire, rent, or maintain a housing  
19 accommodation;

20 (c) For purposes of Article 4, is unrelated to a  
21 person's ability to repay;

22 (d) For purposes of Article 5, is unrelated to a  
23 person's ability to utilize and benefit from a place of  
24 public accommodation;

25 (e) For purposes of Article 5, also includes any  
26 mental, psychological, or developmental disability,

1 including autism spectrum disorders.

2 ~~(2) Discrimination based on disability includes unlawful~~  
3 ~~discrimination against an individual because of the~~  
4 ~~individual's association with a person with a disability.~~

5 (J) Marital status. "Marital status" means the legal  
6 status of being married, single, separated, divorced, or  
7 widowed.

8 (J-1) Military status. "Military status" means a person's  
9 status on active duty in or status as a veteran of the armed  
10 forces of the United States, status as a current member or  
11 veteran of any reserve component of the armed forces of the  
12 United States, including the United States Army Reserve,  
13 United States Marine Corps Reserve, United States Navy  
14 Reserve, United States Air Force Reserve, and United States  
15 Coast Guard Reserve, or status as a current member or veteran  
16 of the Illinois Army National Guard or Illinois Air National  
17 Guard.

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

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

1 (L) Person. "Person" includes one or more individuals,  
2 partnerships, associations or organizations, labor  
3 organizations, labor unions, joint apprenticeship committees,  
4 or union labor associations, corporations, the State of  
5 Illinois and its instrumentalities, political subdivisions,  
6 units of local government, legal representatives, trustees in  
7 bankruptcy or receivers.

8 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,  
9 or medical or common conditions related to pregnancy or  
10 childbirth.

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

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

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

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

26 (P) Unfavorable military discharge. "Unfavorable military

1 discharge" includes discharges from the Armed Forces of the  
2 United States, their Reserve components, or any National Guard  
3 or Naval Militia which are classified as RE-3 or the  
4 equivalent thereof, but does not include those characterized  
5 as RE-4 or "Dishonorable".

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

13 (Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 1-1-20;  
14 101-565, eff. 1-1-20; 101-656, eff. 3-23-21; 102-362, eff.  
15 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; revised  
16 9-29-21.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.