



Rep. Anna Moeller

Filed: 3/26/2024

10300HB4867ham002

LRB103 37426 JRC 71368 a

1 AMENDMENT TO HOUSE BILL 4867

2 AMENDMENT NO. _____. Amend House Bill 4867, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Human Rights Act is amended by
6 changing Sections 1-102 and 1-103 as follows:

7 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

8 (Text of Section before amendment by P.A. 103-472)

9 Sec. 1-102. Declaration of policy. It is the public
10 policy of this State:

11 (A) Freedom from Unlawful Discrimination. To secure for
12 all individuals within Illinois the freedom from
13 discrimination against any individual because of his or her
14 race, color, religion, sex, national origin, ancestry, age,
15 order of protection status, marital status, physical or mental
16 disability, military status, sexual orientation, pregnancy, or

1 unfavorable discharge from military service in connection with
2 employment, real estate transactions, access to financial
3 credit, and the availability of public accommodations.

4 (B) Freedom from Sexual Harassment-Employment and
5 Elementary, Secondary, and Higher Education. To prevent sexual
6 harassment in employment and sexual harassment in elementary,
7 secondary, and higher education.

8 (C) Freedom from Discrimination Based on Citizenship
9 Status-Employment. To prevent discrimination based on
10 citizenship status in employment.

11 (C-5) Freedom from Discrimination Based on Work
12 Authorization Status-Employment. To prevent discrimination
13 based on the specific status or term of status that
14 accompanies a legal work authorization.

15 (D) Freedom from Discrimination Based on Familial Status
16 or Source of Income-Real Estate Transactions. To prevent
17 discrimination based on familial status or source of income in
18 real estate transactions.

19 (E) Public Health, Welfare and Safety. To promote the
20 public health, welfare and safety by protecting the interest
21 of all people in Illinois in maintaining personal dignity, in
22 realizing their full productive capacities, and in furthering
23 their interests, rights and privileges as citizens of this
24 State.

25 (F) Implementation of Constitutional Guarantees. To secure
26 and guarantee the rights established by Sections 17, 18 and 19

1 of Article I of the Illinois Constitution of 1970.

2 (G) Equal Opportunity, Affirmative Action. To establish
3 Equal Opportunity and Affirmative Action as the policies of
4 this State in all of its decisions, programs and activities,
5 and to assure that all State departments, boards, commissions
6 and instrumentalities rigorously take affirmative action to
7 provide equality of opportunity and eliminate the effects of
8 past discrimination in the internal affairs of State
9 government and in their relations with the public.

10 (H) Unfounded Charges. To protect citizens of this State
11 against unfounded charges of unlawful discrimination, sexual
12 harassment in employment and sexual harassment in elementary,
13 secondary, and higher education, and discrimination based on
14 citizenship status or work authorization status in employment.
15 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

16 (Text of Section after amendment by P.A. 103-472)

17 Sec. 1-102. Declaration of policy. It is the public
18 policy of this State:

19 (A) Freedom from Unlawful Discrimination. To secure for
20 all individuals within Illinois the freedom from
21 discrimination based on race, color, religion, sex, national
22 origin, ancestry, age, order of protection status, marital
23 status, physical or mental disability, military status, sexual
24 orientation, pregnancy, reproductive health decisions, or
25 unfavorable discharge from military service in connection with

1 employment, real estate transactions, access to financial
2 credit, and the availability of public accommodations,
3 including in elementary, secondary, and higher education.

4 (B) Freedom from Sexual Harassment-Employment and
5 Elementary, Secondary, and Higher Education. To prevent sexual
6 harassment in employment and sexual harassment in elementary,
7 secondary, and higher education.

8 (C) Freedom from Discrimination Based on Citizenship
9 Status-Employment. To prevent discrimination based on
10 citizenship status in employment.

11 (C-5) Freedom from Discrimination Based on Work
12 Authorization Status-Employment. To prevent discrimination
13 based on the specific status or term of status that
14 accompanies a legal work authorization.

15 (D) Freedom from Discrimination Based on Familial Status
16 or Source of Income-Real Estate Transactions. To prevent
17 discrimination based on familial status or source of income in
18 real estate transactions.

19 (E) Public Health, Welfare and Safety. To promote the
20 public health, welfare and safety by protecting the interest
21 of all people in Illinois in maintaining personal dignity, in
22 realizing their full productive capacities, and in furthering
23 their interests, rights and privileges as citizens of this
24 State.

25 (F) Implementation of Constitutional Guarantees. To secure
26 and guarantee the rights established by Sections 17, 18 and 19

1 of Article I of the Illinois Constitution of 1970.

2 (G) Equal Opportunity, Affirmative Action. To establish
3 Equal Opportunity and Affirmative Action as the policies of
4 this State in all of its decisions, programs and activities,
5 and to assure that all State departments, boards, commissions
6 and instrumentalities rigorously take affirmative action to
7 provide equality of opportunity and eliminate the effects of
8 past discrimination in the internal affairs of State
9 government and in their relations with the public.

10 (H) Unfounded Charges. To protect citizens of this State
11 against unfounded charges of prohibited discrimination in
12 employment, real estate transactions, financial credit, and
13 public accommodations, including in elementary, secondary, and
14 higher education.

15 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23;
16 103-472, eff. 8-1-24.)

17 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

20 (A) Age. "Age" means the chronological age of a person who
21 is at least 40 years old, except with regard to any practice
22 described in Section 2-102, insofar as that practice concerns
23 training or apprenticeship programs. In the case of training
24 or apprenticeship programs, for the purposes of Section 2-102,
25 "age" means the chronological age of a person who is 18 but not

1 yet 40 years old.

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

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

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

8 (2) a juvenile record; or

9 (3) criminal history record information ordered
10 expunged, sealed, or impounded under Section 5.2 of the
11 Criminal Identification Act.

12 (C) Charge. "Charge" means an allegation filed with the
13 Department by an aggrieved party or initiated by the
14 Department under its authority.

15 (D) Civil rights violation. "Civil rights violation"
16 includes and shall be limited to only those specific acts set
17 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
18 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
19 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

20 (E) Commission. "Commission" means the Human Rights
21 Commission created by this Act.

22 (F) Complaint. "Complaint" means the formal pleading filed
23 by the Department with the Commission following an
24 investigation and finding of substantial evidence of a civil
25 rights violation.

26 (G) Complainant. "Complainant" means a person including

1 the Department who files a charge of civil rights violation
2 with the Department or the Commission.

3 (G-5) Conviction record. "Conviction record" means
4 information indicating that a person has been convicted of a
5 felony, misdemeanor or other criminal offense, placed on
6 probation, fined, imprisoned, or paroled pursuant to any law
7 enforcement or military authority.

8 (H) Department. "Department" means the Department of Human
9 Rights created by this Act.

10 (I) Disability.

11 (1) "Disability" means a determinable physical or mental
12 characteristic of a person, including, but not limited to, a
13 determinable physical characteristic which necessitates the
14 person's use of a guide, hearing or support dog, the history of
15 such characteristic, or the perception of such characteristic
16 by the person complained against, which may result from
17 disease, injury, congenital condition of birth or functional
18 disorder and which characteristic:

19 (a) For purposes of Article 2, is unrelated to the
20 person's ability to perform the duties of a particular job
21 or position and, pursuant to Section 2-104 of this Act, a
22 person's illegal use of drugs or alcohol is not a
23 disability;

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

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

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

6 (e) For purposes of Article 5, also includes any
7 mental, psychological, or developmental disability,
8 including autism spectrum disorders.

9 (2) Discrimination based on disability includes unlawful
10 discrimination against an individual because of the
11 individual's association with a person with a disability.

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

15 (J-1) Military status. "Military status" means a person's
16 status on active duty in or status as a veteran of the armed
17 forces of the United States, status as a current member or
18 veteran of any reserve component of the armed forces of the
19 United States, including the United States Army Reserve,
20 United States Marine Corps Reserve, United States Navy
21 Reserve, United States Air Force Reserve, and United States
22 Coast Guard Reserve, or status as a current member or veteran
23 of the Illinois Army National Guard or Illinois Air National
24 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
3 issued pursuant to the Illinois Domestic Violence Act of 1986,
4 Article 112A of the Code of Criminal Procedure of 1963, the
5 Stalking No Contact Order Act, or the Civil No Contact Order
6 Act, or an order of protection issued by a court of another
7 state.

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

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

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

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

24 (N) Religion. "Religion" includes all aspects of religious
25 observance and practice, as well as belief, except that with
26 respect to employers, for the purposes of Article 2,

1 "religion" has the meaning ascribed to it in paragraph (F) of
2 Section 2-101.

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

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

10 (O-2) Reproductive Health Decisions. "Reproductive Health
11 Decisions" means a person's decisions regarding the person's
12 use of: contraception; fertility or sterilization care;
13 assisted reproductive technologies; miscarriage management
14 care; healthcare related to the continuation or termination of
15 pregnancy; or prenatal, intranatal, or postnatal care.

16 (O-5) Source of income. "Source of income" means the
17 lawful manner by which an individual supports himself or
18 herself and his or her dependents.

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, reproductive health decisions, or unfavorable
5 discharge from military service as those terms are defined in
6 this Section.

7 (Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22;
8 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff.
9 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act."