



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by James D. Brosnahan

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/5-101	from Ch. 68, par. 5-101
775 ILCS 5/5-102	from Ch. 68, par. 5-102

Amends the Public Accommodations Article of the Illinois Human Rights Act. In the definition of "place of public accommodation", deletes the existing examples and inserts language listing private entities that are considered public accommodations for purposes of the Article if the operations of the entities affect commerce. Provides that it is a civil rights violation to deny or refuse full and equal enjoyment of goods of any place of public accommodation. Refers to "disability" (rather than "handicap") in some parts of the Act.

LRB093 19850 RXD 47271 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 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-102, 1-103, 5-101, and 5-102 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 Sec. 1-102. Declaration of Policy. It is the public policy
8 of this State:

9 (A) Freedom from Unlawful Discrimination. To secure for all
10 individuals within Illinois the freedom from discrimination
11 against any individual because of his or her race, color,
12 religion, sex, national origin, ancestry, age, marital status,
13 physical or mental disability ~~handicap~~, military status, or
14 unfavorable discharge from military service in connection with
15 employment, real estate transactions, access to financial
16 credit, and the availability of public accommodations.

17 (B) Freedom from Sexual Harassment-Employment and Higher
18 Education. To prevent sexual harassment in employment and
19 sexual harassment in higher education.

20 (C) Freedom from Discrimination Based on Citizenship
21 Status-Employment. To prevent discrimination based on
22 citizenship status in employment.

23 (D) Freedom from Discrimination Based on Familial
24 Status-Real Estate Transactions. To prevent discrimination
25 based on familial status in real estate transactions.

26 (E) Public Health, Welfare and Safety. To promote the
27 public health, welfare and safety by protecting the interest of
28 all people in Illinois in maintaining personal dignity, in
29 realizing their full productive capacities, and in furthering
30 their interests, rights and privileges as citizens of this
31 State.

32 (F) Implementation of Constitutional Guarantees. To secure

1 and guarantee the rights established by Sections 17, 18 and 19
2 of Article I of the Illinois Constitution of 1970.

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

11 (H) Unfounded Charges. To protect citizens of this State
12 against unfounded charges of unlawful discrimination, sexual
13 harassment in employment and sexual harassment in higher
14 education, and discrimination based on citizenship status in
15 employment.

16 (Source: P.A. 87-579; 88-178.)

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 or
24 apprenticeship programs, for the purposes of Section 2-102,
25 "age" means the chronological age of a person who is 18 but not
26 yet 40 years old.

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

31 (C) Charge. "Charge" means an allegation filed with the
32 Department by an aggrieved party or initiated by the Department
33 under its authority.

34 (D) Civil Rights Violation. "Civil rights violation"
35 includes and shall be limited to only those specific acts set

1 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
2 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
3 Act.

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

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

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

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

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

24 (1) For purposes of Article 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
27 person's illegal use of drugs or alcohol is not a
28 disability ~~handicap~~;

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

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

34 (4) For purposes of Article 5, is unrelated to a
35 person's ability to utilize and benefit from a place of
36 public accommodation.

1 (J) Marital Status. "Marital status" means the legal status
2 of being married, single, separated, divorced or widowed.

3 (J-1) Military Status. "Military status" means a person's
4 status on active duty in the armed forces of the United States.

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

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

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

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

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

29 (Q) Unlawful Discrimination. "Unlawful discrimination"
30 means discrimination against a person because of his or her
31 race, color, religion, national origin, ancestry, age, sex,
32 marital status, disability ~~handicap~~, military status, or
33 unfavorable discharge from military service as those terms are
34 defined in this Section.

35 (Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)

1 (775 ILCS 5/5-101) (from Ch. 68, par. 5-101)
2 Sec. 5-101. Definitions) The following definitions are
3 applicable strictly in the context of this Article:

4 (A) Place of Public Accommodation. ~~(1)~~ "Place of public
5 accommodation" means : a business, accommodation, refreshment,
6 ~~entertainment, recreation, or transportation facility of any~~
7 ~~kind, whether licensed or not, whose goods, services,~~
8 ~~facilities, privileges, advantages or accommodations are~~
9 ~~extended, offered, sold, or otherwise made available to the~~
10 ~~public.~~

11 ~~(2)~~

12 (a) an inn, hotel, motel, or other place of lodging,
13 except for an establishment located within a building that
14 contains not more than 5 rooms for rent or hire and that is
15 actually occupied by the proprietor of such establishment
16 as the residence of such proprietor;

17 (b) a restaurant, bar, or other establishment serving
18 food or drink;

19 (c) a motion picture house, theater, concert hall,
20 stadium, or other place of exhibition or entertainment;

21 (d) an auditorium, convention center, lecture hall, or
22 other place of public gathering;

23 (e) a bakery, grocery store, clothing store, hardware
24 store, shopping center, or other sales or rental
25 establishment;

26 (f) a laundromat, dry-cleaner, bank, barber shop,
27 beauty shop, travel service, shoe repair service, funeral
28 parlor, gas station, office of an accountant or lawyer,
29 pharmacy, insurance office, professional office of a
30 health care provider, hospital, or other service
31 establishment;

32 (g) a terminal, depot, or other station used for
33 specified public transportation;

34 (h) a museum, library, gallery, or other place of
35 public display or collection;

36 (i) a park, zoo, amusement park, or other place of

1 recreation;

2 (j) a nursery, elementary, secondary, undergraduate,
3 or postgraduate private school, or other place of
4 education;

5 (k) a day care center, senior citizen center, homeless
6 shelter, food bank, adoption agency, or other social
7 service center establishment; and

8 (l) a gymnasium, health spa, bowling alley, golf
9 course, or other place of exercise or recreation. By way of
10 example, but not of limitation, "place of public
11 accommodation" includes facilities of the following types:
12 inns, restaurants, eating houses, hotels, soda fountains,
13 soft drink parlors, taverns, roadhouses, barber shops,
14 department stores, clothing stores, hat stores, shoe
15 stores, bathrooms, restrooms, theatres, skating rinks,
16 public golf courses, public golf driving ranges, concerts,
17 cafes, bicycle rinks, elevators, ice cream parlors or
18 rooms, railroads, omnibuses, busses, stages, airplanes,
19 street cars, boats, funeral hearses, crematories,
20 cemeteries, and public conveyances on land, water, or air,
21 public swimming pools and other places of public
22 accommodation and amusement.

23 (B) Operator. "Operator" means any owner, lessee,
24 proprietor, manager, superintendent, agent, or occupant of a
25 place of public accommodation or an employee of any such person
26 or persons.

27 (C) Public Official. "Public official" means any officer or
28 employee of the state or any agency thereof, including state
29 political subdivisions, municipal corporations, park
30 districts, forest preserve districts, educational institutions
31 and schools.

32 (Source: P.A. 81-1267.)

33 (775 ILCS 5/5-102) (from Ch. 68, par. 5-102)

34 Sec. 5-102. Civil Rights Violations: Public
35 Accommodations. It is a civil rights violation for any person

1 on the basis of unlawful discrimination to:

2 (A) Enjoyment of Facilities, Goods, and Services. Deny or
3 refuse to another the full and equal enjoyment of the
4 facilities, goods and services of any public place of
5 accommodation;

6 (B) Written Communications. Directly or indirectly, as the
7 operator of a place of public accommodation, publish,
8 circulate, display or mail any written communication, except a
9 private communication sent in response to a specific inquiry,
10 which the operator knows is to the effect that any of the
11 facilities of the place of public accommodation will be denied
12 to any person or that any person is unwelcome, objectionable or
13 unacceptable because of unlawful discrimination;

14 (C) Public Officials. Deny or refuse to another, as a
15 public official, the full and equal enjoyment of the
16 accommodations, advantage, facilities or privileges of the
17 official's office or services or of any property under the
18 official's care because of unlawful discrimination.

19 (Source: P.A. 81-1216.)