



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by James A. DeLeo

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103

from Ch. 68, par. 1-103

Amends provisions of the Illinois Human Rights Act. Provides that, for purposes of the Act, discrimination based on national origin includes discrimination based on the language spoken in the place in which a person or one of his or her ancestors was born. Effective January 1, 2005.

LRB093 20455 WGH 46241 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 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 or
13 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 (C) Charge. "Charge" means an allegation filed with the
21 Department by an aggrieved party or initiated by the Department
22 under its authority.

23 (D) Civil Rights Violation. "Civil rights violation"
24 includes and shall be limited to only those specific acts set
25 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
26 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
27 Act.

28 (E) Commission. "Commission" means the Human Rights
29 Commission created by this Act.

30 (F) Complaint. "Complaint" means the formal pleading filed
31 by the Department with the Commission following an
32 investigation and finding of substantial evidence of a civil

1 rights violation.

2 (G) Complainant. "Complainant" means a person including
3 the Department who files a charge of civil rights violation
4 with the Department or the Commission.

5 (H) Department. "Department" means the Department of Human
6 Rights created by this Act.

7 (I) Handicap. "Handicap" means a determinable physical or
8 mental characteristic of a person, including, but not limited
9 to, a determinable physical characteristic which necessitates
10 the person's use of a guide, hearing or support dog, the
11 history of such characteristic, or the perception of such
12 characteristic by the person complained against, which may
13 result from disease, injury, congenital condition of birth or
14 functional disorder and which characteristic:

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

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

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

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

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

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

31 (K) National Origin. "National origin" means the place in
32 which a person or one of his or her ancestors was born. For
33 purposes of this Act, discrimination based on national origin
34 includes discrimination based on the language spoken in the
35 place in which a person or one of his or her ancestors was
36 born.

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

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

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

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

23 (Q) Unlawful Discrimination. "Unlawful discrimination"
24 means discrimination against a person because of his or her
25 race, color, religion, national origin, ancestry, age, sex,
26 marital status, handicap, military status, or unfavorable
27 discharge from military service as those terms are defined in
28 this Section.

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

30 Section 99. Effective date. This Act takes effect January
31 1, 2005.