



Human Services Committee

**Filed: 3/21/2007**

09500HB1826ham001

LRB095 08127 AJ0 32496 a

1 AMENDMENT TO HOUSE BILL 1826

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1826 by replacing  
3 everything after the enacting clause with the following:

4 "PART I. GENERAL PROVISIONS

5 Section 101. Short Title. This Act may be cited as the  
6 Illinois Religious Freedom Protection and Civil Unions Act.

7 Section 102. Religious Freedom. Nothing in this Act shall  
8 be construed to interfere with or regulate religious practice  
9 of the many faiths in Illinois that grant the status,  
10 sacrament, and blessing of marriage under wholly separate  
11 religious rules, practices, or traditions of such faiths.  
12 Additionally, nothing in this Act shall be construed as to  
13 require any religious body, Indian Nation, Indian Tribe, Native  
14 Group, or officiant thereof to solemnize or officiate a civil  
15 union or to prohibit any religious body, Indian Nation, Indian

1 Tribe, Native Group, or officiant thereof from solemnizing or  
2 officiating a civil union. Any religious body, Indian Nation or  
3 Tribe or Native Group or officiant thereof is free to choose  
4 whether or not to solemnize and whether or not to officiate  
5 civil unions.

6 Section 103. Legislative Findings. The General Assembly  
7 finds that:

8 (a) Legal recognition of marriage by Illinois is the  
9 primary and, in a number of instances, the exclusive source of  
10 numerous protections and responsibilities under the laws of  
11 Illinois for parties to a marriage and their children. These  
12 protections and responsibilities that are associated with  
13 marriage in Illinois are available only to opposite-sex  
14 couples. Thus, same-sex couples and their children are denied  
15 equal access to these protections and responsibilities.

16 (b) Many gay and lesbian residents of Illinois have formed  
17 lasting, committed, caring, and faithful relationships with a  
18 person of the same sex. These couples live together, serve and  
19 participate together in their communities, and rear children  
20 and care for family members together. Without the legal  
21 protections and responsibilities currently associated only  
22 with marriage, same-sex couples in Illinois suffer numerous  
23 obstacles and hardships.

24 (c) Illinois has a strong interest in promoting stable and  
25 lasting families, including families headed by a same-sex

1 couple.

2 (d) There is a compelling interest and a rational basis for  
3 Illinois to permit same-sex couples the same protections and  
4 responsibilities afforded spouses under Illinois law.

5 (e) With this Act, Illinois builds on a long tradition of  
6 respect for individual rights and responsibilities, the  
7 commitments of spouses to each other and their families, and  
8 equal protection of the laws. Accordingly, it is the public  
9 policy of this State to continue Illinois' history as a state  
10 in affording equal treatment and respect for all residents of  
11 Illinois as embodied in Article I, Sections 2 and 18 of the  
12 Illinois Constitution of 1970.

13 (f) It is also the public policy of this State to allow and  
14 to respect the private decision of all its residents to bind  
15 themselves to the obligations of and rights related to family  
16 relationships that are codified in this Act and set forth  
17 elsewhere under Illinois law.

18 Section 104. Definitions. For purposes of this Act:

19 "Civil union" means that 2 eligible persons have  
20 established a relationship pursuant to this Act, and may  
21 receive the protections and benefits of and be subject to the  
22 responsibilities of partners in a civil union.

23 "Civil union certificate" means a document that certifies  
24 that the persons named on the certificate have complied with  
25 the laws of the State of Illinois to establish a civil union in

1 compliance with this Act.

2 "Partner in a civil union" and "partner to a civil union"  
3 mean a person who has established a civil union pursuant to  
4 this Act.

5 "Partners in a civil union" and "partners joined in a civil  
6 union" mean the 2 persons who have established a civil union  
7 between them pursuant to this Act.

8 Section 105. Protections and Responsibilities of Persons  
9 Joined in Civil Union.

10 (a) Partners joined in a civil union shall have all the  
11 same protections, benefits, and responsibilities under law,  
12 whether they derive from statute, administrative or court rule,  
13 policy, common law or any other source of civil or criminal  
14 law, as are granted to spouses in a marriage.

15 (b) Partners joined in a civil union shall be included in  
16 any definition or use of the terms "spouse", "family",  
17 "immediate family", "dependent", "next of kin", "husband",  
18 "wife", "out of wedlock", and other terms that denote the  
19 spousal relationship, as those terms are used throughout the  
20 law. The term "marriage" as it is used throughout the law,  
21 whether in statutes, administrative or court rule, policy,  
22 common law or any other source of civil or criminal law,  
23 without limitation shall be read, interpreted, and understood  
24 to include marriage and civil union.

25 (c) This Act shall be liberally construed and applied to

1 promote its underlying purpose, which is to provide both  
2 eligible same-sex and opposite-sex couples the opportunity to  
3 obtain the same protections, benefits, and responsibilities  
4 afforded by the laws of Illinois to parties to a marriage.

5 (d) Partners joined in a civil union are responsible for  
6 the support of one another to the same degree and in the same  
7 manner as prescribed under law for parties to a marriage. The  
8 whole of this State's law concerning domestic relations,  
9 probate, and family law applies equally to parties in a civil  
10 union as it does to parties to marriage. The dissolution of a  
11 civil union shall follow the same procedures and be subject to  
12 the same substantive rights and obligations that are involved  
13 in the dissolution of marriage. The laws of domestic  
14 relationships, including declaration of invalidity, premarital  
15 and antenuptial agreements, legal separation, dissolution,  
16 child custody and support, evaluation of a child's best  
17 interest, child visitation, disposition of property and  
18 maintenance, post-relationship spousal support, and attorney's  
19 fees, applies to partners in a civil union. Partners in a civil  
20 union may modify the terms, conditions, or effects of their  
21 civil union in the same manner and to the same extent as  
22 married persons who execute an antenuptial agreement or other  
23 agreement recognized and enforceable under the law, setting  
24 forth particular understandings with respect to their union.  
25 All contracts made between persons in contemplation of a civil  
26 union shall remain in full force after such civil union takes

1 place. The rights of partners in a civil union with respect to  
2 a child of whom either becomes a parent during the term of the  
3 civil union are the same as those of parties to a marriage with  
4 respect to a child of whom either spouse becomes the parent  
5 during the marriage.

6 (e) The following is a nonexclusive list of legal  
7 protections, benefits, and responsibilities of parties to a  
8 marriage, which applies in like manner to parties to a civil  
9 union:

10 (1) Law and procedure relating to title, tenure,  
11 descent, and distribution in estate succession, and  
12 relating to transfer by purchase, legacy, or descent of  
13 real or personal property as provided in Chapter 755 of the  
14 Illinois Compiled Statutes;

15 (2) Probate law and procedure as provided in the  
16 Probate Act of 1975;

17 (3) Trust and fiduciaries laws and procedures as  
18 provided in Chapter 760 of the Illinois Compiled Statutes;

19 (4) Property law and procedures as provided in Chapter  
20 765 of the Illinois Compiled Statutes;

21 (5) Causes of actions related to or dependent upon  
22 spousal status, including actions for wrongful death,  
23 emotional distress, loss of consortium or other torts, or  
24 actions under contract related to or dependent upon spousal  
25 status;

26 (6) The rights of spouses to be sued and sue each other

1 under the Rights of Married Persons Act;

2 (7) Financial assistance available to family members  
3 of innocent victims under the Crime Victim Compensation  
4 Act;

5 (8) Antenuptial and premarital agreements as provided  
6 in the Illinois Uniform Premarital Agreement Act and  
7 Section 503 of the Illinois Marriage and Dissolution of  
8 Marriage Act;

9 (9) Declaration of invalidity, legal separation, and  
10 dissolution law and procedures as provided in the Illinois  
11 Marriage and Dissolution of Marriage Act;

12 (10) Family law and procedures as provided in Chapter  
13 750 of the Illinois Compiled Statutes;

14 (11) Adoption law and procedures under the Adoption  
15 Act;

16 (12) Prohibitions against discrimination based upon  
17 marital status under the Illinois Human Rights Act;

18 (13) Group insurance for state and municipal employees  
19 under the State Employees Group Insurance Act of 1971;

20 (14) Accident and health insurance protections tied to  
21 former spouses, dependents, and immediate family provided  
22 in Article XX of the Illinois Insurance Code;

23 (15) Veteran benefits as provided in Chapter 330 of the  
24 Illinois Compiled Statutes and the Department of Veterans  
25 Affairs Act;

26 (16) Workers' compensation as provided by the Workers'

1 Compensation Act and the Workers' Occupational Diseases  
2 Act;

3 (17) Assignment of wages as provided in the Illinois  
4 Wage Assignment Act;

5 (18) Public assistance benefits under State law;

6 (19) Taxes imposed by and tax deductions based on  
7 marital status under State or municipal tax law;

8 (20) Surrogate decision making for medical treatment  
9 under the Health Care Surrogate Act;

10 (21) Order of protection law and procedures as provided  
11 under the Illinois Domestic Violence Act of 1986;

12 (22) Domestic violence protections pursuant to the  
13 Illinois Domestic Violence Act of 1986 and other domestic  
14 violence programs;

15 (23) Address confidentiality law and procedures as  
16 provided in the Address Confidentiality for Victims of  
17 Domestic Violence Act;

18 (24) Spousal surname changes procedures provided under  
19 Illinois Marriage and Dissolution of Marriage Act;

20 (25) Marital communications privilege afforded under  
21 Section 115-16 of the Code of Criminal Procedure of 1963;

22 (26) Applications for and assistance by one's spouse in  
23 casting a ballot as provided under the Election Code; and

24 (27) Tuition assistance and grants afforded surviving  
25 spouses and children for educational purposes under State  
26 law.



1           (f) To the extent any of the laws of Illinois adopt, refer  
2 to, or rely upon provisions of federal law as applicable to  
3 this State, partners in a civil union shall be treated under  
4 the law of this State as if federal law recognized a civil  
5 union in the same manner as the law of this State.

6           Section 106. Requisites of a Valid Civil Union. Two persons  
7 may form a civil union in Illinois if they:

8           (1) are not related by adoption or blood in any manner  
9 that would bar a civil union under Section 212 of this Act;

10           (2) are not in another civil union or marriage with any  
11 other living person;

12           (3) are not under 18 years of age.

13           Section 107. Application of Civil Practice Law.

14           (a) The Civil Practice Law applies to all proceedings under  
15 this Act, except as otherwise provided in this Act.

16           (b) A proceeding for dissolution of civil union, legal  
17 separation, or declaration of invalidity of civil union shall  
18 be entitled "In re the Civil Union of . . . and . . ." as  
19 applicable. A custody or support proceeding shall be entitled  
20 "In re the (Custody) (Support) of . . .".

21           (c) The initial pleading in all proceedings under this Act  
22 shall be denominated a petition. A responsive pleading shall be  
23 denominated a response. All other pleadings under this Act  
24 shall be denominated as provided in the Civil Practice Law.



1           (b) The Director of Public Health shall prescribe the forms  
2 for the civil union license and the civil union certificate.

3           Section 203. Civil Union License. When a civil union  
4 application has been completed and signed by both parties to a  
5 prospective civil union and both parties have appeared before  
6 the county clerk and the civil union license fee has been paid,  
7 the county clerk shall issue a civil union license and a civil  
8 union certificate form upon being furnished:

9           (1) satisfactory proof that each party to the civil  
10 union will have attained the age of 18 years at the time  
11 the civil union license is effective;

12           (2) satisfactory proof that the civil union is not  
13 prohibited; and

14           (3) an affidavit or record as prescribed in  
15 subparagraph (1) of Section 205 of this Act or a court  
16 order as prescribed in subparagraph (2) of Section 205 of  
17 this Act, if applicable. Nothing in this Act shall be  
18 construed to prevent a couple who have entered into a civil  
19 union to reaffirm their commitment to one another if a new  
20 license is obtained and the civil union properly reported.

21           Section 204. Medical Information Brochures. With each  
22 civil union license, the county clerk shall provide a pamphlet  
23 describing the causes and effects of fetal alcohol syndrome.  
24 The county clerk shall also distribute free of charge, to all

1 persons applying for a civil union license, a brochure prepared  
2 by the Department of Public Health concerning sexually  
3 transmitted diseases and inherited metabolic diseases.

4 Section 205. Exceptions.

5 (1) Irrespective of the results of laboratory tests and  
6 clinical examination relative to sexually transmitted  
7 diseases, the clerks of the respective counties shall issue a  
8 civil union license to parties to a proposed civil union (a)  
9 when a woman is pregnant at the time of such application, or  
10 (b) when a woman has, prior to the time of application, given  
11 birth to a child born out of wedlock or civil union which is  
12 living at the time of such application and the man making such  
13 application makes affidavit that he is the father of such child  
14 born out of wedlock or civil union. The county clerk shall, in  
15 lieu of the health certificate required hereunder, accept, as  
16 the case may be, either an affidavit on a form prescribed by  
17 the State Department of Public Health, signed by a physician  
18 duly licensed in this State, stating that the woman is  
19 pregnant, or a copy of the birth record of the child born out  
20 of wedlock or civil union, if one is available in this State,  
21 or if such birth record is not available, an affidavit signed  
22 by the woman that she is the mother of such child.

23 (2) Any judge of the circuit court within the county in  
24 which the license is to be issued is authorized and empowered  
25 on joint application by both applicants for a civil union

1 license to waive the requirements as to medical examination,  
2 laboratory tests, and certificates, except the requirements of  
3 paragraph (4) of subsection (a) of Section 212 of this Act and  
4 to authorize the county clerk to issue the license if all other  
5 requirements of law have been complied with and the judge is  
6 satisfied, by affidavit, or other proof, that the examination  
7 or tests are contrary to the tenets or practices of the  
8 religious creed of which the applicant is an adherent, and that  
9 the public health and welfare will not be injuriously affected  
10 thereby.

11 Section 206. Records. Any health certificate filed with the  
12 county clerk, or any certificate, affidavit, or record accepted  
13 in lieu thereof, shall be retained in the files of the office  
14 for one year after the civil union license is issued and shall  
15 thereafter be destroyed by the county clerk.

16 Section 207. Effective Date of License. A civil union  
17 license becomes effective in the county where it is issued one  
18 day after the date of issuance, unless the court orders that  
19 the civil union license is effective when issued, and expires  
20 60 days after it becomes effective.

21 Section 208. (Blank).

22 Section 209. Officiation and Registration.

1           (a) A civil union may be officiated by a judge of a court  
2 of record, by a retired judge of a court of record, unless the  
3 retired judge was removed from office by the Judicial Inquiry  
4 Board, except that a retired judge shall not receive any  
5 compensation from the State, a county, or any unit of local  
6 government in return for the officiation of a civil union and  
7 there shall be no effect upon any pension benefits conferred by  
8 the Judges Retirement System of Illinois, by a judge of the  
9 Court of Claims, by a county clerk in counties having 2,000,000  
10 or more inhabitants, by a public official whose powers include  
11 solemnization of marriages, or in accordance with the  
12 prescriptions of any religious denomination, Indian Nation or  
13 Tribe or Native Group, provided that when such prescriptions  
14 require an officiant, the officiant be in good standing with  
15 his or her religious denomination, Indian Nation or Tribe or  
16 Native Group. Either the person officiating the civil union,  
17 or, if no individual acting alone officiated the civil union,  
18 both parties to the civil union, shall complete the civil union  
19 certificate form and forward it to the county clerk within 10  
20 days after such civil union is officiated.

21           (b) Nothing in this Act shall be construed as to require  
22 any religious body, Indian Nation, Indian Tribe, Native Group,  
23 or officiant thereof to solemnize or officiate a civil union or  
24 to prohibit any religious body, Indian Nation, Indian Tribe,  
25 Native Group, or officiant thereof from solemnizing or  
26 officiating a civil union.

1           (c) The officiation of the civil union is not invalidated  
2 by the fact that the person officiating the civil union was not  
3 legally qualified to officiate it, if either party to the civil  
4 union believed him or her to be so qualified.

5           Section 210. Registration of Civil Union Certificate. Upon  
6 receipt of the civil union certificate, the county clerk shall  
7 register the civil union. Within 45 days after the close of the  
8 month in which a civil union is registered, the county clerk  
9 shall make to the Department of Public Health a return of such  
10 civil union. Such return shall be made on a form furnished by  
11 the Department of Public Health and shall substantially consist  
12 of the following items:

13           (1) A copy of the civil union license application  
14 signed and attested to by the applicants, except that in  
15 any county in which the information provided in a civil  
16 union license application is entered into a computer, the  
17 county clerk may submit a computer copy of such information  
18 without the signatures and attestations of the applicants.

19           (2) The date and place of the civil union.

20           (3) The civil union license number.

21           A copy of the civil union registration from the county  
22 clerk or the return provided to the Department of Public Health  
23 by a county clerk shall be presumptive evidence of the civil  
24 union in all courts.

1           Section 211. Reporting. In transmitting the required  
2 returns, the county clerk shall make a report to the Department  
3 of Public Health stating the total number of civil union  
4 licenses issued during the month for which returns are made,  
5 and the number of civil union certificates registered during  
6 the month.

7           Section 212. Prohibited Civil Unions.

8           (a) The following civil unions are prohibited:

9           (1) a civil union entered into prior to the dissolution  
10 of an earlier marriage of one of the parties or the  
11 dissolution of an earlier civil union of one of the  
12 parties;

13           (2) a civil union between an ancestor and a descendant  
14 or between siblings, whether the relationship is by the  
15 half or the whole blood or by adoption;

16           (3) a civil union between an uncle and a niece, between  
17 an aunt and a nephew, between an uncle and a nephew, and  
18 between an aunt and a niece, whether the relationship is by  
19 the half or the whole blood;

20           (4) a civil union between cousins of the first degree;  
21 however, a civil union between first cousins is not  
22 prohibited if:

23           (i) both parties are 50 years of age or older; or

24           (ii) either party, at the time of application for a  
25 civil union license, presents for filing with the



1 county clerk of the county in which the civil union is  
2 to be officiated, a certificate signed by a licensed  
3 physician stating that the party to the proposed civil  
4 union is permanently and irreversibly sterile.

5 (b) Parties to a civil union prohibited under subsection  
6 (a) of this Section who cohabit after the removal of the  
7 impediment are lawfully in a civil union as of the date of the  
8 removal of the impediment.

9 (c) Children born or adopted of a prohibited civil union  
10 are the lawful children of the parties.

11 Section 213. Reciprocity. A civil union entered into  
12 outside this State, which is valid under the laws of the  
13 jurisdiction under which the civil union was created, is valid  
14 in this State.

15 PART III. AMENDATORY PROVISIONS

16 Section 301. The Illinois Marriage and Dissolution of  
17 Marriage Act is amended by changing Sections 212 and 702 as  
18 follows:

19 (750 ILCS 5/212) (from Ch. 40, par. 212)

20 Sec. 212. Prohibited Marriages.

21 (a) The following marriages are prohibited:

22 (1) a marriage entered into prior to the dissolution of

1 an earlier marriage of one of the parties or an earlier  
2 civil union of one of the parties;

3 (2) a marriage between an ancestor and a descendant or  
4 between a brother and a sister, whether the relationship is  
5 by the half or the whole blood or by adoption;

6 (3) a marriage between an uncle and a niece or between  
7 an aunt and a nephew, whether the relationship is by the  
8 half or the whole blood;

9 (4) a marriage between cousins of the first degree;  
10 however, a marriage between first cousins is not prohibited  
11 if:

12 (i) both parties are 50 years of age or older; or

13 (ii) either party, at the time of application for a  
14 marriage license, presents for filing with the county  
15 clerk of the county in which the marriage is to be  
16 solemnized, a certificate signed by a licensed  
17 physician stating that the party to the proposed  
18 marriage is permanently and irreversibly sterile;

19 (5) a marriage between 2 individuals of the same sex.

20 (b) Parties to a marriage prohibited under subsection (a)  
21 of this Section who cohabit after removal of the impediment are  
22 lawfully married as of the date of the removal of the  
23 impediment.

24 (c) Children born or adopted of a prohibited or common law  
25 marriage are the lawful children of the parties.

26 (Source: P.A. 94-229, eff. 1-1-06.)

1 (750 ILCS 5/702) (from Ch. 40, par. 702)

2 Sec. 702. Maintenance in Case of Bigamy.) When a  
3 dissolution of marriage is granted to a person who shall, in  
4 good faith, have intermarried with a person having at the time  
5 of such marriage, another spouse or spouses or partner in a  
6 civil union or partners in a civil union living, the court may,  
7 nevertheless, allow the petitioner maintenance in the same  
8 manner as in other cases of dissolution of marriage; but no  
9 such allowance shall be made as will be inconsistent with the  
10 rights of such other spouse or spouses or partner in a civil  
11 union or partners in a civil union, which shall first be  
12 ascertained by the court before the granting of such  
13 maintenance.

14 (Source: P.A. 80-923.)

15 Section 302. The Illinois Human Rights Act is amended by  
16 changing Section 1-103 as follows:

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

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

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

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

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

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

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

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

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

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

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

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 (J) Marital Status. "Marital status" means the legal status  
22 of being married, partnered in a civil union, single,  
23 separated, divorced or widowed.

24 (J-1) Military Status. "Military status" means a person's  
25 status on active duty in or status as a veteran of the armed  
26 forces of the United States, status as a current member or

1 veteran of any reserve component of the armed forces of the  
2 United States, including the United States Army Reserve, United  
3 States Marine Corps Reserve, United States Navy Reserve, United  
4 States Air Force Reserve, and United States Coast Guard  
5 Reserve, or status as a current member or veteran of the  
6 Illinois Army National Guard or Illinois Air National Guard.

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

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

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

19 (N) Religion. "Religion" includes all aspects of religious  
20 observance and practice, as well as belief, except that with  
21 respect to employers, for the purposes of Article 2, "religion"  
22 has the meaning ascribed to it in paragraph (F) of Section  
23 2-101.

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

25 (O-1) Sexual orientation. "Sexual orientation" means  
26 actual or perceived heterosexuality, homosexuality,

1 bisexuality, or gender-related identity, whether or not  
2 traditionally associated with the person's designated sex at  
3 birth. "Sexual orientation" does not include a physical or  
4 sexual attraction to a minor by an adult.

5 (P) Unfavorable Military Discharge. "Unfavorable military  
6 discharge" includes discharges from the Armed Forces of the  
7 United States, their Reserve components or any National Guard  
8 or Naval Militia which are classified as RE-3 or the equivalent  
9 thereof, but does not include those characterized as RE-4 or  
10 "Dishonorable".

11 (Q) Unlawful Discrimination. "Unlawful discrimination"  
12 means discrimination against a person because of his or her  
13 race, color, religion, national origin, ancestry, age, sex,  
14 marital status, handicap, military status, sexual orientation,  
15 or unfavorable discharge from military service as those terms  
16 are defined in this Section.

17 (Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06;  
18 94-803, eff. 5-26-06.)

19 PART IV. MISCELLANEOUS

20 Section 401. Construction. This Act and the rules now or  
21 hereafter applicable thereto shall be liberally construed to  
22 secure to eligible couples the option of a legal status with  
23 all the attributes and effects, protections, benefits, and  
24 responsibilities of marriage. Partners in a civil union shall

1 have all the same protections, benefits, and responsibilities  
2 under State law, whether derived from statute, administrative  
3 or court rule, policy, common law, or any other source of civil  
4 or criminal law, as granted to spouses in marriage. Further,  
5 this Act is intended to extend to partners in a civil union the  
6 protections, benefits, and responsibilities that flow from  
7 marriage.

8 Section 402. Severability. If any part of this Act or its  
9 application to any person or circumstance is adjudged invalid,  
10 such adjudication or application shall not affect the validity  
11 of this Act as a whole or of any other part.

12 Section 403. Effective date. This Act takes effect on  
13 January 1, 2008.".