



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0721

Introduced 2/6/2009, by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102
775 ILCS 5/1-103

from Ch. 68, par. 1-102
from Ch. 68, par. 1-103

Amends the Illinois Human Rights Act. Defines "order of protection status" as a person's status as being a person protected or previously protected under an order of protection issued under the Illinois Domestic Violence Act of 1986 or an order of protection issued by a court of another state. Provides that discrimination against a person because of his or her order of protection status constitutes unlawful discrimination under the Act. Effective January 1, 2010.

LRB096 08293 KTG 18401 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

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 and 1-103 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, order of
13 protection status, marital status, physical or mental
14 disability, military status, sexual orientation, or
15 unfavorable discharge from military service in connection with
16 employment, real estate transactions, access to financial
17 credit, and the availability of public accommodations.

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

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

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

4 (E) Public Health, Welfare and Safety. To promote the
5 public health, welfare and safety by protecting the interest of
6 all people in Illinois in maintaining personal dignity, in
7 realizing their full productive capacities, and in furthering
8 their interests, rights and privileges as citizens of this
9 State.

10 (F) Implementation of Constitutional Guarantees. To secure
11 and guarantee the rights established by Sections 17, 18 and 19
12 of Article I of the Illinois Constitution of 1970.

13 (G) Equal Opportunity, Affirmative Action. To establish
14 Equal Opportunity and Affirmative Action as the policies of
15 this State in all of its decisions, programs and activities,
16 and to assure that all State departments, boards, commissions
17 and instrumentalities rigorously take affirmative action to
18 provide equality of opportunity and eliminate the effects of
19 past discrimination in the internal affairs of State government
20 and in their relations with the public.

21 (H) Unfounded Charges. To protect citizens of this State
22 against unfounded charges of unlawful discrimination, sexual
23 harassment in employment and sexual harassment in higher
24 education, and discrimination based on citizenship status in
25 employment.

26 (Source: P.A. 95-668, eff. 10-10-07.)

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

2 Sec. 1-103. General Definitions. When used in this Act,
3 unless the context requires otherwise, the term:

4 (A) Age. "Age" means the chronological age of a person who
5 is at least 40 years old, except with regard to any practice
6 described in Section 2-102, insofar as that practice concerns
7 training or apprenticeship programs. In the case of training or
8 apprenticeship programs, for the purposes of Section 2-102,
9 "age" means the chronological age of a person who is 18 but not
10 yet 40 years old.

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

15 (C) Charge. "Charge" means an allegation filed with the
16 Department by an aggrieved party or initiated by the Department
17 under its authority.

18 (D) Civil Rights Violation. "Civil rights violation"
19 includes and shall be limited to only those specific acts set
20 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
21 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
22 6-101, and 6-102 of this Act.

23 (E) Commission. "Commission" means the Human Rights
24 Commission created by this Act.

25 (F) Complaint. "Complaint" means the formal pleading filed

1 by the Department with the Commission following an
2 investigation and finding of substantial evidence of a civil
3 rights violation.

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

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

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

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

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

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

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

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

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

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

17 (K-5) "Order of protection status" means a person's status
18 as being a person protected or previously protected under an
19 order of protection issued pursuant to the Illinois Domestic
20 Violence Act of 1986 or an order of protection issued by a
21 court of another state.

22 (L) Person. "Person" includes one or more individuals,
23 partnerships, associations or organizations, labor
24 organizations, labor unions, joint apprenticeship committees,
25 or union labor associations, corporations, the State of
26 Illinois and its instrumentalities, political subdivisions,

1 units of local government, legal representatives, trustees in
2 bankruptcy or receivers.

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

6 (N) Religion. "Religion" includes all aspects of religious
7 observance and practice, as well as belief, except that with
8 respect to employers, for the purposes of Article 2, "religion"
9 has the meaning ascribed to it in paragraph (F) of Section
10 2-101.

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

12 (O-1) Sexual orientation. "Sexual orientation" means
13 actual or perceived heterosexuality, homosexuality,
14 bisexuality, or gender-related identity, whether or not
15 traditionally associated with the person's designated sex at
16 birth. "Sexual orientation" does not include a physical or
17 sexual attraction to a minor by an adult.

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

24 (Q) Unlawful Discrimination. "Unlawful discrimination"
25 means discrimination against a person because of his or her
26 race, color, religion, national origin, ancestry, age, sex,

1 marital status, order of protection status, disability,
2 military status, sexual orientation, or unfavorable discharge
3 from military service as those terms are defined in this
4 Section.

5 (Source: P.A. 94-803, eff. 5-26-06; 95-392, eff. 8-23-07;
6 95-668, eff. 10-10-07; 95-876, eff. 8-21-08; revised
7 10-28-08.)

8 Section 99. Effective date. This Act takes effect January
9 1, 2010.