

1 AN ACT concerning State government.

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 1-103 and 7-109.1 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"

1 includes and shall be limited to only those specific acts set
2 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
3 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
4 6-101, and 6-102 of this Act.

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

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

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

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

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

1 person's illegal use of drugs or alcohol is not a
2 disability;

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

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

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

11 (5) For purposes of Article 5, also includes any
12 mental, psychological, or developmental disability,
13 including autism spectrum disorders.

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

16 (J-1) Military Status. "Military status" means a person's
17 status on active duty in or status as a veteran of the armed
18 forces of the United States, status as a current member or
19 veteran of any reserve component of the armed forces of the
20 United States, including the United States Army Reserve, United
21 States Marine Corps Reserve, United States Navy Reserve, United
22 States Air Force Reserve, and United States Coast Guard
23 Reserve, or status as a current member or veteran of the
24 Illinois Army National Guard or Illinois Air National 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 issued
3 pursuant to the Illinois Domestic Violence Act of 1986 or an
4 order of protection issued by a court of another state.

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

12 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
13 or medical or common conditions related to pregnancy or
14 childbirth.

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

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

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

24 (O-1) Sexual orientation. "Sexual orientation" means
25 actual or perceived heterosexuality, homosexuality,
26 bisexuality, or gender-related identity, whether or not

1 traditionally associated with the person's designated sex at
2 birth. "Sexual orientation" does not include a physical or
3 sexual attraction to a minor by an adult.

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

10 (Q) Unlawful Discrimination. "Unlawful discrimination"
11 means discrimination against a person because of his or her
12 race, color, religion, national origin, ancestry, age, sex,
13 marital status, order of protection status, disability,
14 military status, sexual orientation, pregnancy, or unfavorable
15 discharge from military service as those terms are defined in
16 this Section. For purposes of Article 2, unlawful
17 discrimination includes taking criminal background information
18 into account in making adverse employment decisions if doing so
19 has a disparate impact with respect to the above-stated
20 characteristics, provided, however, that it shall be a defense
21 to a claim of unlawful discrimination based on criminal
22 background information that the employment decision is
23 job-related and consistent with business necessity.

24 (Source: P.A. 97-410, eff. 1-1-12; 97-813, eff. 7-13-12;
25 98-1050, eff. 1-1-15.)

1 (775 ILCS 5/7-109.1) (from Ch. 68, par. 7-109.1)

2 Sec. 7-109.1. Federal or State Court Proceedings. The
3 Department may administratively close a charge pending before
4 the Department if the issues which are the basis of the charge
5 are being litigated in a State or federal court proceeding. For
6 charges under Article 7A, the Department shall
7 administratively close a charge pending before the Department
8 if the issues which are the basis of the charge are being
9 litigated in a State, local unit of government, or federal
10 court or administrative proceeding.

11 (Source: P.A. 86-1343.)