



Sen. James F. Clayborne, Jr.

Filed: 4/7/2015

09900SB0567sam001

LRB099 03007 SXM 33761 a

1 AMENDMENT TO SENATE BILL 567

2 AMENDMENT NO. _____. Amend Senate Bill 567 by replacing
3 everything after the enacting clause with the following:

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

1 is alleged or proved to have been injured by a civil rights
2 violation or believes he or she will be injured by a civil
3 rights violation under Article 3 that is about to occur.

4 (C) Charge. "Charge" means an allegation filed with the
5 Department by an aggrieved party or initiated by the Department
6 under its authority.

7 (D) Civil Rights Violation. "Civil rights violation"
8 includes and shall be limited to only those specific acts set
9 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
10 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
11 6-101, and 6-102 of this Act.

12 (E) Commission. "Commission" means the Human Rights
13 Commission created by this Act.

14 (F) Complaint. "Complaint" means the formal pleading filed
15 by the Department with the Commission following an
16 investigation and finding of substantial evidence of a civil
17 rights violation.

18 (G) Complainant. "Complainant" means a person including
19 the Department who files a charge of civil rights violation
20 with the Department or the Commission.

21 (H) Department. "Department" means the Department of Human
22 Rights created by this Act.

23 (I) Disability. "Disability" means a determinable physical
24 or mental characteristic of a person, including, but not
25 limited to, a determinable physical characteristic which
26 necessitates the person's use of a guide, hearing or support

1 dog, the history of such characteristic, or the perception of
2 such characteristic by the person complained against, which may
3 result from disease, injury, congenital condition of birth or
4 functional disorder and which characteristic:

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

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

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

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

18 (5) For purposes of Article 5, also includes any
19 mental, psychological, or developmental disability,
20 including autism spectrum disorders.

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

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

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

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

8 (K-5) "Order of protection status" means a person's status
9 as being a person protected under an order of protection issued
10 pursuant to the Illinois Domestic Violence Act of 1986 or an
11 order of protection issued by a court of another state.

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

19 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
20 or medical or common conditions related to pregnancy or
21 childbirth.

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

25 (N) Religion. "Religion" includes all aspects of religious
26 observance and practice, as well as belief, except that with

1 respect to employers, for the purposes of Article 2, "religion"
2 has the meaning ascribed to it in paragraph (F) of Section
3 2-101.

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

5 (O-1) Sexual orientation. "Sexual orientation" means
6 actual or perceived heterosexuality, homosexuality,
7 bisexuality, or gender-related identity, whether or not
8 traditionally associated with the person's designated sex at
9 birth. "Sexual orientation" does not include a physical or
10 sexual attraction to a minor by an adult.

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

17 (Q) Unlawful Discrimination. "Unlawful discrimination"
18 means discrimination against a person because of his or her
19 race, color, religion, national origin, ancestry, age, sex,
20 marital status, order of protection status, disability,
21 military status, sexual orientation, pregnancy, or unfavorable
22 discharge from military service as those terms are defined in
23 this Section. For purposes of Article 2, unlawful
24 discrimination includes taking criminal conviction information
25 into account in making adverse employment decisions if doing so
26 has a disparate impact with respect to the above-stated

1 characteristics, provided, however, that it shall be a defense
2 to a claim of unlawful discrimination based on criminal
3 conviction information that the employment decision is
4 job-related and consistent with business necessity.

5 (Source: P.A. 97-410, eff. 1-1-12; 97-813, eff. 7-13-12;
6 98-1050, eff. 1-1-15.)

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

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

17 (Source: P.A. 86-1343.)".