



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3058

Introduced 2/19/2021, by Rep. Camille Y. Lilly

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/7-101	from Ch. 68, par. 7-101
775 ILCS 5/7-114 new	

Amends the Illinois Human Rights Act. Provides that a formerly convicted person may petition the Department of Human Rights for a grant of protected class status. Provides that the Department may grant protected class status to a formerly convicted person who meets the following conditions: the person has complied with each term and condition of his or her parole, mandatory supervised release, probation, or conditional discharge; the person has obtained a high school diploma or received a high school equivalency certificate; the person is employed or actively seeking employment or is enrolled in or has successfully completed a vocational training or college educational program; the person has not been convicted of a felony or misdemeanor within the last 5 years; and the person has completed all sanctions imposed upon him or her through due process of law. Provides that the Department shall adopt rules concerning what constitutes an intellectual or developmental disability that prevents the formerly convicted person from meeting some of the conditions and who is qualified to diagnose such a person. Provides that the Department shall adopt rules to carry out the provisions. Provides that protected class status previously granted to a formerly convicted person shall be revoked by the Department after notice and a hearing, if the formerly convicted person is subsequently convicted of a felony or misdemeanor. Provides that the revocation process shall be initiated by a petition that sets forth the date of the subsequent offense, description of the offense, date of conviction for the subsequent offense, and sentence imposed on the conviction. Provides that a copy of the petition and notice of the hearing date shall be served on the formerly convicted person.

LRB102 15098 LNS 20453 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 Sections 1-103 and 7-101 and by adding Section 7-114
6 as follows:

7 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

8 Sec. 1-103. General definitions. When used in this Act,
9 unless the context requires otherwise, the term:

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

17 (B) Aggrieved party. "Aggrieved party" means a person who
18 is alleged or proved to have been injured by a civil rights
19 violation or believes he or she will be injured by a civil
20 rights violation under Article 3 that is about to occur.

21 (B-5) Arrest record. "Arrest record" means:

22 (1) an arrest not leading to a conviction;

23 (2) a juvenile record; or

1 (3) criminal history record information ordered
2 expunged, sealed, or impounded under Section 5.2 of the
3 Criminal Identification Act.

4 (C) Charge. "Charge" means an allegation filed with the
5 Department by an aggrieved party or initiated by the
6 Department 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
3 may result from disease, injury, congenital condition of birth
4 or 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 (I-5) Formerly Convicted Person. "Formerly convicted
22 person" means a person: (1) who has been convicted of a felony
23 or misdemeanor under the laws of this State, an ordinance of a
24 unit of local government of this State, another state,
25 territory, or possession of the United States, federal law, or
26 the laws of another country that guarantees due process rights

1 similar to those of the United States; and (2) who has
2 completed his or her parole or mandatory supervised release
3 term or term of probation or conditional discharge.

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

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

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

19 (K-5) "Order of protection status" means a person's status
20 as being a person protected under an order of protection
21 issued pursuant to the Illinois Domestic Violence Act of 1986,
22 Article 112A of the Code of Criminal Procedure of 1963, the
23 Stalking No Contact Order Act, or the Civil No Contact Order
24 Act, or an order of protection issued by a court of another
25 state.

26 (L) Person. "Person" includes one or more individuals,

1 partnerships, associations or organizations, labor
2 organizations, labor unions, joint apprenticeship committees,
3 or union labor associations, corporations, the State of
4 Illinois and its instrumentalities, political subdivisions,
5 units of local government, legal representatives, trustees in
6 bankruptcy or receivers.

7 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
8 or medical or common conditions related to pregnancy or
9 childbirth.

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

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

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

19 (O-1) Sexual orientation. "Sexual orientation" means
20 actual or perceived heterosexuality, homosexuality,
21 bisexuality, or gender-related identity, whether or not
22 traditionally associated with the person's designated sex at
23 birth. "Sexual orientation" does not include a physical or
24 sexual attraction to a minor by an adult.

25 (P) Unfavorable military discharge. "Unfavorable military
26 discharge" includes discharges from the Armed Forces of the

1 United States, their Reserve components, or any National Guard
2 or Naval Militia which are classified as RE-3 or the
3 equivalent thereof, but does not include those characterized
4 as RE-4 or "Dishonorable".

5 (Q) Unlawful discrimination. "Unlawful discrimination"
6 means discrimination against a person because of his or her:
7 (1) actual or perceived: race, color, religion, national
8 origin, ancestry, age, sex, marital status, order of
9 protection status, disability, military status, sexual
10 orientation, pregnancy, or unfavorable discharge from military
11 service as those terms are defined in this Section; or (2)
12 status as a formerly convicted person if the person has been
13 granted protective class status by the Department as provided
14 in Section 7-114.

15 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;
16 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; revised 9-18-19.)

17 (775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

18 Sec. 7-101. Powers and Duties. In addition to other powers
19 and duties prescribed in this Act, the Department shall have
20 the following powers:

21 (A) Rules and Regulations. To adopt, promulgate, amend,
22 and rescind rules and regulations not inconsistent with the
23 provisions of this Act pursuant to the Illinois Administrative
24 Procedure Act.

25 (B) Charges. To issue, receive, investigate, conciliate,

1 settle, and dismiss charges filed in conformity with this Act.

2 (C) Compulsory Process. To request subpoenas as it deems
3 necessary for its investigations.

4 (D) Complaints. To file complaints with the Commission in
5 conformity with this Act.

6 (E) Judicial Enforcement. To seek temporary relief and to
7 enforce orders of the Commission in conformity with this Act.

8 (F) Equal Employment Opportunities. To take such action as
9 may be authorized to provide for equal employment
10 opportunities and affirmative action.

11 (G) Recruitment; Research; Public Communication; Advisory
12 Councils. To engage in such recruitment, research and public
13 communication and create such advisory councils as may be
14 authorized to effectuate the purposes of this Act.

15 (H) Coordination with other Agencies. To coordinate its
16 activities with federal, state, and local agencies in
17 conformity with this Act.

18 (I) Public Grants; Private Gifts. To accept public grants
19 and private gifts as may be authorized.

20 (J) Education and Training. To implement a formal and
21 unbiased program of education and training for all employees
22 assigned to investigate and conciliate charges under Articles
23 7A and 7B. The training program shall include the following:

24 (1) substantive and procedural aspects of the
25 investigation and conciliation positions;

26 (2) current issues in human rights law and practice;

1 (3) lectures by specialists in substantive areas
2 related to human rights matters;

3 (4) orientation to each operational unit of the
4 Department and Commission;

5 (5) observation of experienced Department
6 investigators and attorneys conducting conciliation
7 conferences, combined with the opportunity to discuss
8 evidence presented and rulings made;

9 (6) the use of hypothetical cases requiring the
10 Department investigator and conciliation conference
11 attorney to issue judgments as a means to evaluating
12 knowledge and writing ability;

13 (7) writing skills;

14 (8) computer skills, including but not limited to word
15 processing and document management.

16 A formal, unbiased and ongoing professional development
17 program including, but not limited to, the above-noted areas
18 shall be implemented to keep Department investigators and
19 attorneys informed of recent developments and issues and to
20 assist them in maintaining and enhancing their professional
21 competence.

22 (K) Protected Class Status. To grant protective class
23 status to formerly convicted persons as provided in Section
24 7-114.

25 (Source: P.A. 99-74, eff. 7-20-15.)

1 (775 ILCS 5/7-114 new)

2 Sec. 7-114. Protected class status for formerly convicted
3 persons.

4 (A) A formerly convicted person may petition the
5 Department for a grant of protected class status as provided
6 in this Section. The Department may grant protected class
7 status to a formerly convicted person who meets the following
8 conditions:

9 (1) the person has complied with each term and
10 condition of his or her parole, mandatory supervised
11 release, probation, or conditional discharge;

12 (2) if the person has not obtained a high school
13 diploma or received a high school equivalency certificate
14 and has not been diagnosed as a person having an
15 intellectual or developmental disability that prevents him
16 or her from successfully passing the high school
17 equivalency test, the person must have passed the high
18 school equivalency test and been issued a high school
19 equivalency certificate under Section 3-15.12 of the
20 School Code;

21 (3) the person must:

22 (a) be employed or actively seeking employment
23 unless the person has been diagnosed as a person
24 having an intellectual or developmental disability
25 that prevents him or her from being employed; or

26 (b) be enrolled in or have successfully completed

1 a vocational training or college educational program
2 unless the person has been diagnosed as a person
3 having an intellectual or developmental disability
4 that prevents him or her from successfully completing
5 a vocational or college educational program;

6 (4) the person must, for a minimum of 5 years after
7 completion of his or her parole, mandatory supervised
8 release, probation, or conditional discharge, not have
9 been convicted of a felony or misdemeanor under the laws
10 of this State or a municipal or county ordinance of a
11 county or municipality of this State, another state,
12 territory, or possession of the United States, federal
13 law, or the laws of another country that guarantees due
14 process rights similar to those of the United States; and

15 (5) must have completed all sanctions imposed upon him
16 or her through due process of law for his or her
17 conviction.

18 (B) The Department shall determine by rule: (1) what
19 constitutes having an intellectual or developmental disability
20 that prevents the formerly convicted person from meeting the
21 requirements of paragraphs (2) and (3) of subsection (A) of
22 this Section; and (2) who is qualified to diagnose such a
23 person.

24 (C) The Department shall adopt rules, subject to the
25 Illinois Administrative Procedure Act, to carry out the
26 provisions of this Section.

1 (D) Protected class status previously granted to a
2 formerly convicted person under this Section shall be revoked
3 by the Department after notice and a hearing, if the formerly
4 convicted person is subsequently convicted of a felony or
5 misdemeanor, other than a minor traffic offense, under the
6 laws of this State, another state, territory, or possession of
7 the United States, federal law, or the laws of another country
8 that guarantees due process rights similar to those of the
9 United States. The revocation process shall be initiated by a
10 petition filed by a State's Attorney, the Attorney General,
11 other prosecutor, or the Department, that sets forth the date
12 of the subsequent offense, description of the offense, date of
13 conviction for the subsequent offense, and sentence imposed
14 for the conviction. A copy of the petition and notice of the
15 hearing date on the petition shall be served on the formerly
16 convicted person.