



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2818

Introduced 2/16/2023, 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 the person's 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 the person 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.

LRB103 29436 LNS 55827 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 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
11 5A-102, 6-101, 6-101.5, 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 (G-5) Conviction record. "Conviction record" means
22 information indicating that a person has been convicted of a
23 felony, misdemeanor or other criminal offense, placed on
24 probation, fined, imprisoned, or paroled pursuant to any law
25 enforcement or military authority.

26 (H) Department. "Department" means the Department of Human

1 Rights created by this Act.

2 (I) Disability.

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

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

16 (b) For purposes of Article 3, is unrelated to the
17 person's ability to acquire, rent, or maintain a housing
18 accommodation;

19 (c) For purposes of Article 4, is unrelated to a
20 person's ability to repay;

21 (d) For purposes of Article 5, is unrelated to a
22 person's ability to utilize and benefit from a place of
23 public accommodation;

24 (e) For purposes of Article 5, also includes any
25 mental, psychological, or developmental disability,
26 including autism spectrum disorders.

1 (2) Discrimination based on disability includes unlawful
2 discrimination against an individual because of the
3 individual's association with a person with a disability.

4 (I-5) Formerly convicted person. "Formerly convicted
5 person" means a person:

6 (1) who has been convicted of a felony or misdemeanor
7 under the laws of this State, an ordinance of a unit of
8 local government of this State, another state, territory,
9 or possession of the United States, federal law, or the
10 laws of another country that guarantees due process rights
11 similar to those of the United States; and

12 (2) who has completed the person's parole, mandatory
13 supervised release term, term of probation, or conditional
14 discharge.

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

18 (J-1) Military status. "Military status" means a person's
19 status on active duty in or status as a veteran of the armed
20 forces of the United States, status as a current member or
21 veteran of any reserve component of the armed forces of the
22 United States, including the United States Army Reserve,
23 United States Marine Corps Reserve, United States Navy
24 Reserve, United States Air Force Reserve, and United States
25 Coast Guard Reserve, or status as a current member or veteran
26 of the Illinois Army National Guard or Illinois Air National

1 Guard.

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

4 (K-5) "Order of protection status" means a person's status
5 as being a person protected under an order of protection
6 issued pursuant to the Illinois Domestic Violence Act of 1986,
7 Article 112A of the Code of Criminal Procedure of 1963, the
8 Stalking No Contact Order Act, or the Civil No Contact Order
9 Act, or an order of protection issued by a court of another
10 state.

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

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

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

24 (M-5) Race. "Race" includes traits associated with race,
25 including, but not limited to, hair texture and protective
26 hairstyles such as braids, locks, and twists.

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

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

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

13 (O-5) Source of income. "Source of income" means the
14 lawful manner by which an individual supports himself or
15 herself and his or her dependents.

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

22 (Q) Unlawful discrimination. "Unlawful discrimination"
23 means discrimination against a person because of his or her:

24 (1) actual or perceived: race, color, religion,
25 national origin, ancestry, age, sex, marital status, order
26 of protection status, disability, military status, sexual

1 orientation, pregnancy, or unfavorable discharge from
2 military service as those terms are defined in this
3 Section; or

4 (2) status as a formerly convicted person if the
5 person has been granted protective class status by the
6 Department as provided in Section 7-114.

7 (Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 1-1-20;
8 101-565, eff. 1-1-20; 101-656, eff. 3-23-21; 102-362, eff.
9 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; 102-813,
10 eff. 5-13-22; 102-896, eff. 1-1-23; 102-1102, eff. 1-1-23;
11 revised 12-14-22.)

12 (775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

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

16 (A) Rules and Regulations. To adopt, promulgate, amend,
17 and rescind rules and regulations not inconsistent with the
18 provisions of this Act pursuant to the Illinois Administrative
19 Procedure Act.

20 (B) Charges. To issue, receive, investigate, conciliate,
21 settle, and dismiss charges filed in conformity with this Act.

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

24 (D) Complaints. To file complaints with the Commission in
25 conformity with this Act.

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

3 (F) Equal Employment Opportunities. To take such action as
4 may be authorized to provide for equal employment
5 opportunities and affirmative action.

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

10 (H) Coordination with other Agencies. To coordinate its
11 activities with federal, state, and local agencies in
12 conformity with this Act.

13 (I) Grants; Private Gifts.

14 (1) To accept public grants and private gifts as may
15 be authorized.

16 (2) To design grant programs and award grants to
17 eligible recipients.

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

22 (1) substantive and procedural aspects of the
23 investigation and conciliation positions;

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

25 (3) lectures by specialists in substantive areas
26 related to human rights matters;

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

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

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

11 (7) writing skills;

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

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

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

23 (Source: P.A. 102-1115, eff. 1-9-23.)

24 (775 ILCS 5/7-114 new)

25 Sec. 7-114. Protected class status for formerly convicted

1 persons.

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

7 (1) the person has complied with each term and
8 condition of the person's parole, mandatory supervised
9 release, probation, or conditional discharge;

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

19 (3) the person must:

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

24 (b) be enrolled in or have successfully completed
25 a vocational training or college educational program
26 unless the person has been diagnosed as a person

1 having an intellectual or developmental disability
2 that prevents the person from successfully completing
3 a vocational or college educational program;

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

13 (5) must have completed all sanctions imposed upon the
14 person through due process of law for the person's
15 conviction.

16 (B) The Department shall determine by rule:

17 (1) what constitutes having an intellectual or
18 developmental disability that prevents the formerly
19 convicted person from meeting the requirements of
20 paragraphs (2) and (3) of subsection (A); and

21 (2) who is qualified to diagnose such a person.

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

25 (D) Protected class status previously granted to a
26 formerly convicted person under this Section shall be revoked

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