

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. This Act may be referred to as the Civil Rights Safeguard Act.

Section 5. The Illinois Human Rights Act is amended by changing Sections 1-103, 4-102, 4-103, and 5-102 and by adding Sections 2-103.5 and 4-105 as follows:

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

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

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

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

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

- (1) an arrest not leading to a conviction;
- (2) a juvenile record; or
- (3) criminal history record information ordered expunged, sealed, or impounded under Section 5.2 of the Criminal Identification Act.

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

(D) Civil rights violation. "Civil rights violation" includes and shall be limited to only those specific acts set forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103, 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

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

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

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

(G-5) Conviction record. "Conviction record" means information indicating that a person has been convicted of a felony, misdemeanor or other criminal offense, placed on

probation, fined, imprisoned, or paroled pursuant to any law enforcement or military authority.

(G-10) Criteria or methods. "Criteria or methods" include practices, policies, and groups of practices or policies that may have the effect of subjecting individuals to discrimination prohibited under this Act.

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

(I) Disability.

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

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

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

(c) For purposes of Article 4, is unrelated to a

person's ability to repay;

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

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

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

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

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

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

(K-5) "Order of protection status" means a person's status

as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, Article 112A of the Code of Criminal Procedure of 1963, the Stalking No Contact Order Act, or the Civil No Contact Order Act, or an order of protection issued by a court of another state.

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

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

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

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

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

Section 2-101.

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

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

(O-2) Reproductive Health Decisions. "Reproductive Health Decisions" means a person's decisions regarding the person's use of: contraception; fertility or sterilization care; assisted reproductive technologies; miscarriage management care; healthcare related to the continuation or termination of pregnancy; or prenatal, intranatal, or postnatal care.

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

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

(Q) Unlawful discrimination. "Unlawful discrimination" means discrimination against a person, whether by purpose or effect, because of his or her actual or perceived: race,

color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, reproductive health decisions, or unfavorable discharge from military service as those terms are defined in this Section.

(Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff. 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23; 103-785, eff. 1-1-25.)

(775 ILCS 5/2-103.5 new)

Sec. 2-103.5. Criteria or methods. It is a civil rights violation for any employer, employment agency, or labor organization to use criteria or methods in any act as set forth in Section 2-102 that have the effect of subjecting individuals to discrimination on the basis of unlawful discrimination, citizenship status, family responsibilities, work authorization status, arrest record, or conviction record. Such criteria or methods are unlawful under this Section if (i) the respondent fails to demonstrate that the criteria or methods are job related for the position in question and consistent with business necessity or (ii) the respondent demonstrates that the criteria or methods are job related for the position in question and consistent with business necessity and the complainant demonstrates that the business necessity could be served by another employment

practice that has a less discriminatory effect.

(775 ILCS 5/4-102) (from Ch. 68, par. 4-102)

Sec. 4-102. Civil Rights Violations: Loans. It is ~~shall be~~ a civil rights violation for any financial institution, on the basis ~~grounds~~ of unlawful discrimination, to:

(A) Denial of Services. Deny any person any of the services normally offered by such an institution.

(B) Modification of Services. Provide any person with any service which is different from, or provided in a different manner than, that which is provided to other persons similarly situated.

(C) Loan Terms. Deny or vary the terms of a loan.

(D) Property Location. Deny or vary the terms of a loan on the basis that a specific parcel of real estate offered as security is located in a specific geographical area.

(E) Consideration of Income. Deny or vary the terms of a loan without having considered all of the regular and dependable income of each person who would be liable for repayment of the loan.

(F) Lending Standards. Utilize lending standards that have no economic basis and which constitute unlawful discrimination.

(G) Criteria or methods. Use criteria or methods that have the effect of subjecting individuals to unlawful discrimination under this Section. Such criteria or methods

are unlawful under this subsection if they are not necessary to achieve a substantial, legitimate, nondiscriminatory interest or if the substantial, legitimate, nondiscriminatory interest could be served by another practice that has a less discriminatory effect.

(Source: P.A. 81-1216.)

(775 ILCS 5/4-103) (from Ch. 68, par. 4-103)

Sec. 4-103. Credit Cards. It is a civil rights violation for a person who offers credit cards to the public in this State:

(A) Denial. To refuse to issue a credit card, upon proper application, on the basis of unlawful discrimination.

(B) Reasons for Rejection. To fail to inform an applicant for a credit card, upon request, of the reason that his or her application for a credit card has been rejected.

(C) Criteria or methods. Use criteria or methods that have the effect of subjecting individuals to unlawful discrimination under this Section. Such criteria or methods are unlawful under this subsection if they are not necessary to achieve a substantial, legitimate, nondiscriminatory interest or if the substantial, legitimate, nondiscriminatory interest could be served by another practice that has a less discriminatory effect.

(Source: P.A. 81-1216.)

(775 ILCS 5/4-105 new)

Sec. 4-105. Consultation.

(A) The Department may consult with the Secretary of Financial and Professional Regulation or a financial institution's primary prudential regulator for purposes of investigating a charge involving a financial institution.

(B) Nothing in this Section shall be construed to prohibit the Department from investigating a charge involving a financial institution pursuant to this Act. Nothing in this Act shall be construed to limit the authority of the Department of Financial and Professional Regulation, Office of the Comptroller of the Currency, or National Credit Union Administration to examine any financial institution.

(775 ILCS 5/5-102) (from Ch. 68, par. 5-102)

Sec. 5-102. Civil Rights Violations: Public Accommodations. It is a civil rights violation for any person on the basis of unlawful discrimination to:

(A) Enjoyment of Facilities, Goods, and Services. Deny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation;

(B) Written Communications. Directly or indirectly, as the operator of a place of public accommodation, publish,

circulate, display or mail any written communication, except a private communication sent in response to a specific inquiry, which the operator knows is to the effect that any of the facilities of the place of public accommodation will be denied to any person or that any person is unwelcome, objectionable or unacceptable because of unlawful discrimination;

(C) Public Officials. Deny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the official's office or services or of any property under the official's care because of unlawful discrimination.

(D) Criteria or methods. Use criteria or methods that have the effect of subjecting individuals to unlawful discrimination under this Section. Such criteria or methods are unlawful under this subsection if they are not necessary to achieve a substantial, legitimate, nondiscriminatory interest or if the substantial, legitimate, nondiscriminatory interest could be served by another practice that has a less discriminatory effect.

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