



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5386

Introduced 2/10/2026, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-101.2 new	
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/2-103.5 new	
775 ILCS 5/4-102	from Ch. 68, par. 4-102
775 ILCS 5/4-103	from Ch. 68, par. 4-103
775 ILCS 5/5-102	from Ch. 68, par. 5-102
775 ILCS 5/6-103 new	

Amends the Illinois Human Rights Act. Provides that in the Articles governing employment, financial credit, and public accommodations it is a civil rights violation to use criteria or methods including practices, policies, and groups of practices or policies that has the effect of subjecting individuals to discrimination prohibited under the Act. Changes the definition of "unlawful discrimination" to mean 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 the Act.

LRB104 18256 JRC 31695 b

1 AN ACT concerning civil law.

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

4 Section 1. Short title. This Act may be referred to as the
5 Civil Rights Safeguard Act.

6 Section 5. The Illinois Human Rights Act is amended by
7 changing Sections 1-103, 4-102 and 4-103 and 5-102 and by
8 adding Sections 1-101.2, 2-103.5 and 6-103 as follows:

9 (775 ILCS 5/1-101.2 new)

10 Sec. 1-101.2. Provisions to be liberally construed.

11 (A) The provisions of this Act are to be construed
12 liberally for the accomplishment of the uniquely broad and
13 remedial purposes thereof, regardless of whether federal
14 civil and human rights laws, including those laws with
15 provisions worded comparably to provisions of this Act,
16 have been so construed.

17 (B) Exceptions to and exemptions from the provisions
18 of this Act are to be construed narrowly in order to
19 maximize deterrence of discriminatory conduct.

20 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

21 Sec. 1-103. General definitions. When used in this Act,

1 unless the context requires otherwise, the term:

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

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

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

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

15 (2) a juvenile record; or

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

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

22 (D) Civil rights violation. "Civil rights violation"
23 includes and shall be limited to only those specific acts set
24 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
25 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
26 5A-102, 6-101, 6-101.5, ~~and 6-102,~~ and 6-103 of this Act.

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

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

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

10 (G-5) Conviction record. "Conviction record" means
11 information indicating that a person has been convicted of a
12 felony, misdemeanor or other criminal offense, placed on
13 probation, fined, imprisoned, or paroled pursuant to any law
14 enforcement or military authority.

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

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

21 (I) Disability.

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

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

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

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

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

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

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

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

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

26 (J-1) Military status. "Military status" means a person's

1 status on active duty in or status as a veteran of the armed
2 forces of the United States, status as a current member or
3 veteran of any reserve component of the armed forces of the
4 United States, including the United States Army Reserve,
5 United States Marine Corps Reserve, United States Navy
6 Reserve, United States Air Force Reserve, and United States
7 Coast Guard Reserve, or status as a current member or veteran
8 of the Illinois Army National Guard or Illinois Air National
9 Guard.

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

12 (K-5) "Order of protection status" means a person's status
13 as being a person protected under an order of protection
14 issued pursuant to the Illinois Domestic Violence Act of 1986,
15 Article 112A of the Code of Criminal Procedure of 1963, the
16 Stalking No Contact Order Act, or the Civil No Contact Order
17 Act, or an order of protection issued by a court of another
18 state.

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

26 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,

1 or medical or common conditions related to pregnancy or
2 childbirth.

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

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

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

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

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

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

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

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
8 equivalent thereof, but does not include those characterized
9 as RE-4 or "Dishonorable".

10 (Q) Unlawful discrimination. "Unlawful discrimination"
11 means discrimination against a person, whether by purpose or
12 effect, because of his or her actual or perceived: race,
13 color, religion, national origin, ancestry, age, sex, marital
14 status, order of protection status, disability, military
15 status, sexual orientation, pregnancy, reproductive health
16 decisions, or unfavorable discharge from military service as
17 those terms are defined in this Section.

18 (Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22;
19 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff.
20 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23; 103-785,
21 eff. 1-1-25.)

22 (775 ILCS 5/2-103.5 new)

23 Sec. 2-103.5. Criteria or methods. It is a civil rights
24 violation for any employer, employment agency, or labor
25 organization to use criteria or methods in any act as set forth

1 in Section 2-102, that has the effect of subjecting
2 individuals to discrimination on the basis of unlawful
3 discrimination, citizenship status, family responsibilities,
4 work authorization status, arrest record, or conviction
5 record. Such criteria or methods are unlawful under this
6 subsection if they are not necessary to achieve a substantial,
7 legitimate, nondiscriminatory interest; or if the substantial,
8 legitimate, nondiscriminatory interest could be served by
9 another practice that has a less discriminatory effect.

10 (775 ILCS 5/4-102) (from Ch. 68, par. 4-102)

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

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

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

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

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

24 (E) Consideration of Income. Deny or vary the terms of a
25 loan without having considered all of the regular and

1 dependable income of each person who would be liable for
2 repayment of the loan.

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

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

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

15 (775 ILCS 5/4-103) (from Ch. 68, par. 4-103)

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

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

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

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

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

10 (775 ILCS 5/5-102) (from Ch. 68, par. 5-102)

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

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

18 (B) Written Communications. Directly or indirectly, as the
19 operator of a place of public accommodation, publish,
20 circulate, display or mail any written communication, except a
21 private communication sent in response to a specific inquiry,
22 which the operator knows is to the effect that any of the
23 facilities of the place of public accommodation will be denied
24 to any person or that any person is unwelcome, objectionable
25 or unacceptable because of unlawful discrimination;

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

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

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

15 (775 ILCS 5/6-103 new)

16 Sec. 6-103. Criteria or methods under Articles 2, 4, and
17 5. It is a civil rights violation for any person or entity
18 subject to Articles 2, 4, or 5 to use criteria or methods that
19 have the effect of subjecting individuals to unlawful
20 discrimination prohibited under Articles 2, 4, or 5. Such
21 criteria or methods are unlawful if they are not necessary to
22 achieve a substantial, legitimate, nondiscriminatory interest;
23 or if the substantial, legitimate, nondiscriminatory interest
24 could be served by another practice that has a less
25 discriminatory effect.