

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

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

9 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

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

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

3 (2) a juvenile record; or

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

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

10 (D) Civil rights violation. "Civil rights violation"
11 includes and shall be limited to only those specific acts set
12 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
13 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
14 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

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

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

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

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

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

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

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

9 (I) Disability.

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

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

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

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

1 person's ability to repay;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 2-101.

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

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

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

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

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

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

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

6 (Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22;
7 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff.
8 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23; 103-785,
9 eff. 1-1-25.)

10 (775 ILCS 5/2-103.5 new)

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

1 practice that has a less discriminatory effect.

2 (775 ILCS 5/4-102) (from Ch. 68, par. 4-102)

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

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

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

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

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

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

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

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

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

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

7 (775 ILCS 5/4-103) (from Ch. 68, par. 4-103)

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

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

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

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

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

2 (775 ILCS 5/4-105 new)

3 Sec. 4-105. Consultation.

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

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

15 (775 ILCS 5/5-102) (from Ch. 68, par. 5-102)

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

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

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

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

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

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

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