

HB4861



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4861

Introduced 2/18/2020, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103

from Ch. 68, par. 1-103

Amends the Illinois Human Rights Act. Provides that discrimination based on disability includes unlawful discrimination against an individual because of the individual's association with a person with a disability.

LRB101 20486 LNS 70067 b

A BILL FOR

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 Section 1-103 as follows:

6 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

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

- 21 (1) an arrest not leading to a conviction;
22 (2) a juvenile record; or
23 (3) criminal history record information ordered

1 expunged, sealed, or impounded under Section 5.2 of the
2 Criminal Identification Act.

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

6 (D) Civil rights violation. "Civil rights violation"
7 includes and shall be limited to only those specific acts set
8 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
9 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
10 6-101, and 6-102 of this Act.

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

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

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

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

22 (I) Disability.

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

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

5 (a) ~~(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 (b) ~~(2)~~ For purposes of Article 3, is unrelated to the
11 person's ability to acquire, rent, or maintain a housing
12 accommodation;

13 (c) ~~(3)~~ For purposes of Article 4, is unrelated to a
14 person's ability to repay;

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

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

24 (J) Marital status. "Marital status" means the legal status
25 of being married, single, separated, divorced, or 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, United
5 States Marine Corps Reserve, United States Navy Reserve, United
6 States Air Force Reserve, and United States Coast Guard
7 Reserve, or status as a current member or veteran of the
8 Illinois Army National Guard or Illinois Air National Guard.

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

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

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

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

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

4 (N) Religion. "Religion" includes all aspects of religious
5 observance and practice, as well as belief, except that with
6 respect to employers, for the purposes of Article 2, "religion"
7 has the meaning ascribed to it in paragraph (F) of Section
8 2-101.

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

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

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

22 (Q) Unlawful discrimination. "Unlawful discrimination"
23 means discrimination against a person because of his or her
24 actual or perceived: race, color, religion, national origin,
25 ancestry, age, sex, marital status, order of protection status,
26 disability, military status, sexual orientation, pregnancy, or

1 unfavorable discharge from military service as those terms are
2 defined in this Section.

3 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;
4 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; revised 9-18-19.)