



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0685

Introduced 1/31/2005, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/5-101	from Ch. 68, par. 5-101
775 ILCS 5/5-102	from Ch. 68, par. 5-102

Amends the Public Accommodations Article of the Illinois Human Rights Act. In the definition of "place of public accommodation", deletes the existing examples and inserts language listing private entities that are considered public accommodations for purposes of the Article if the operations of the entities affect commerce. Provides that it is a civil rights violation to deny or refuse full and equal enjoyment of goods of any place of public accommodation. Refers to "disability" (rather than "handicap") in some parts of the Act.

LRB094 07795 RXD 37973 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 1-102, 1-103, 5-101, and 5-102 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 (Text of Section before amendment by P.A. 93-1078)

8 Sec. 1-102. Declaration of Policy. It is the public policy
9 of this State:

10 (A) Freedom from Unlawful Discrimination. To secure for all
11 individuals within Illinois the freedom from discrimination
12 against any individual because of his or her race, color,
13 religion, sex, national origin, ancestry, age, marital status,
14 physical or mental handicap, military status, or unfavorable
15 discharge from military service in connection with employment,
16 real estate transactions, access to financial credit, and the
17 availability of public accommodations.

18 (B) Freedom from Sexual Harassment-Employment and Higher
19 Education. To prevent sexual harassment in employment and
20 sexual harassment in higher education.

21 (C) Freedom from Discrimination Based on Citizenship
22 Status-Employment. To prevent discrimination based on
23 citizenship status in employment.

24 (D) Freedom from Discrimination Based on Familial
25 Status-Real Estate Transactions. To prevent discrimination
26 based on familial status in real estate transactions.

27 (E) Public Health, Welfare and Safety. To promote the
28 public health, welfare and safety by protecting the interest of
29 all people in Illinois in maintaining personal dignity, in
30 realizing their full productive capacities, and in furthering
31 their interests, rights and privileges as citizens of this
32 State.

1 (F) Implementation of Constitutional Guarantees. To secure
2 and guarantee the rights established by Sections 17, 18 and 19
3 of Article I of the Illinois Constitution of 1970.

4 (G) Equal Opportunity, Affirmative Action. To establish
5 Equal Opportunity and Affirmative Action as the policies of
6 this State in all of its decisions, programs and activities,
7 and to assure that all State departments, boards, commissions
8 and instrumentalities rigorously take affirmative action to
9 provide equality of opportunity and eliminate the effects of
10 past discrimination in the internal affairs of State government
11 and in their relations with the public.

12 (H) Unfounded Charges. To protect citizens of this State
13 against unfounded charges of unlawful discrimination, sexual
14 harassment in employment and sexual harassment in higher
15 education, and discrimination based on citizenship status in
16 employment.

17 (Source: P.A. 87-579; 88-178.)

18 (Text of Section after amendment by P.A. 93-1078)

19 Sec. 1-102. Declaration of Policy. It is the public policy
20 of this State:

21 (A) Freedom from Unlawful Discrimination. To secure for all
22 individuals within Illinois the freedom from discrimination
23 against any individual because of his or her race, color,
24 religion, sex, national origin, ancestry, age, marital status,
25 physical or mental disability ~~handicap~~, military status,
26 sexual orientation, or unfavorable discharge from military
27 service in connection with employment, real estate
28 transactions, access to financial credit, and the availability
29 of public accommodations.

30 (B) Freedom from Sexual Harassment-Employment and Higher
31 Education. To prevent sexual harassment in employment and
32 sexual harassment in higher education.

33 (C) Freedom from Discrimination Based on Citizenship
34 Status-Employment. To prevent discrimination based on
35 citizenship status in employment.

1 (D) Freedom from Discrimination Based on Familial
2 Status-Real Estate Transactions. To prevent discrimination
3 based on familial status in real estate transactions.

4 (E) Public Health, Welfare and Safety. To promote the
5 public health, welfare and safety by protecting the interest of
6 all people in Illinois in maintaining personal dignity, in
7 realizing their full productive capacities, and in furthering
8 their interests, rights and privileges as citizens of this
9 State.

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11 and guarantee the rights established by Sections 17, 18 and 19
12 of Article I of the Illinois Constitution of 1970.

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14 Equal Opportunity and Affirmative Action as the policies of
15 this State in all of its decisions, programs and activities,
16 and to assure that all State departments, boards, commissions
17 and instrumentalities rigorously take affirmative action to
18 provide equality of opportunity and eliminate the effects of
19 past discrimination in the internal affairs of State government
20 and in their relations with the public.

21 (H) Unfounded Charges. To protect citizens of this State
22 against unfounded charges of unlawful discrimination, sexual
23 harassment in employment and sexual harassment in higher
24 education, and discrimination based on citizenship status in
25 employment.

26 (Source: P.A. 93-1078, eff. 1-1-06.)

27 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

28 (Text of Section before amendment by P.A. 93-1078)

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

31 (A) Age. "Age" means the chronological age of a person who
32 is at least 40 years old, except with regard to any practice
33 described in Section 2-102, insofar as that practice concerns
34 training or apprenticeship programs. In the case of training or
35 apprenticeship programs, for the purposes of Section 2-102,

1 "age" means the chronological age of a person who is 18 but not
2 yet 40 years old.

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

7 (C) Charge. "Charge" means an allegation filed with the
8 Department by an aggrieved party or initiated by the Department
9 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, 3-103, 3-104,
13 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
14 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 (H) Department. "Department" means the Department of Human
25 Rights created by this Act.

26 (I) Handicap. "Handicap" means a determinable physical or
27 mental characteristic of a person, including, but not limited
28 to, a determinable physical characteristic which necessitates
29 the person's use of a guide, hearing or support dog, the
30 history of such characteristic, or the perception of such
31 characteristic by the person complained against, which may
32 result from disease, injury, congenital condition of birth or
33 functional disorder and which characteristic:

34 (1) For purposes of Article 2 is unrelated to the
35 person's ability to perform the duties of a particular job
36 or position and, pursuant to Section 2-104 of this Act, a

1 person's illegal use of drugs or alcohol is not a handicap;

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

5 (3) For purposes of Article 4, is unrelated to a
6 person's ability to repay;

7 (4) For purposes of Article 5, is unrelated to a
8 person's ability to utilize and benefit from a place of
9 public accommodation.

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

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

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

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

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

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

1 2-101.

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

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

9 (Q) Unlawful Discrimination. "Unlawful discrimination"
10 means discrimination against a person because of his or her
11 race, color, religion, national origin, ancestry, age, sex,
12 marital status, handicap, military status, or unfavorable
13 discharge from military service as those terms are defined in
14 this Section.

15 (Source: P.A. 93-941, eff. 8-16-04.)

16 (Text of Section after amendment by P.A. 93-1078)

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

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

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

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

33 (D) Civil Rights Violation. "Civil rights violation"
34 includes and shall be limited to only those specific acts set
35 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,

1 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
2 Act.

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

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

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

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

14 (I) Disability ~~Handicap~~. "Disability" ~~"Handicap"~~ means a
15 determinable physical or mental characteristic of a person,
16 including, but not limited to, a determinable physical
17 characteristic which necessitates the person's use of a guide,
18 hearing or support dog, the history of such characteristic, or
19 the perception of such characteristic by the person complained
20 against, which may result from disease, injury, congenital
21 condition of birth or functional disorder and which
22 characteristic:

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

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

31 (3) For purposes of Article 4, is unrelated to a
32 person's ability to repay;

33 (4) For purposes of Article 5, is unrelated to a
34 person's ability to utilize and benefit from a place of
35 public accommodation.

36 (J) Marital Status. "Marital status" means the legal status

1 of being married, single, separated, divorced or widowed.

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

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

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

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

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, "religion"
26 has the meaning ascribed to it in paragraph (F) of Section
27 2-101.

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

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

35 (P) Unfavorable Military Discharge. "Unfavorable military
36 discharge" includes discharges from the Armed Forces of the

1 United States, their Reserve components or any National Guard
2 or Naval Militia which are classified as RE-3 or the equivalent
3 thereof, but does not include those characterized as RE-4 or
4 "Dishonorable".

5 (Q) Unlawful Discrimination. "Unlawful discrimination"
6 means discrimination against a person because of his or her
7 race, color, religion, national origin, ancestry, age, sex,
8 marital status, disability ~~handicap~~, military status, sexual
9 orientation, or unfavorable discharge from military service as
10 those terms are defined in this Section.

11 (Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06.)

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

13 Sec. 5-101. Definitions) The following definitions are
14 applicable strictly in the context of this Article:

15 (A) Place of Public Accommodation. ~~(1)~~ "Place of public
16 accommodation" means: ~~a business, accommodation, refreshment,~~
17 ~~entertainment, recreation, or transportation facility of any~~
18 ~~kind, whether licensed or not, whose goods, services,~~
19 ~~facilities, privileges, advantages or accommodations are~~
20 ~~extended, offered, sold, or otherwise made available to the~~
21 ~~public.~~

22 (1) an inn, hotel, motel, or other place of lodging,
23 except for an establishment located within a building that
24 contains not more than 5 rooms for rent or hire and that is
25 actually occupied by the proprietor of such establishment
26 as the residence of such proprietor;

27 (2) a restaurant, bar, or other establishment serving
28 food or drink;

29 (3) a motion picture house, theater, concert hall,
30 stadium, or other place of exhibition or entertainment;

31 (4) an auditorium, convention center, lecture hall, or
32 other place of public gathering;

33 (5) a bakery, grocery store, clothing store, hardware
34 store, shopping center, or other sales or rental
35 establishment;

1 (6) a laundromat, dry-cleaner, bank, barber shop,
2 beauty shop, travel service, shoe repair service, funeral
3 parlor, gas station, office of an accountant or lawyer,
4 pharmacy, insurance office, professional office of a
5 health care provider, hospital, or other service
6 establishment;

7 (7) a terminal, depot, or other station used for
8 specified public transportation;

9 (8) a museum, library, gallery, or other place of
10 public display or collection;

11 (9) a park, zoo, amusement park, or other place of
12 recreation;

13 (10) a nursery, elementary, secondary, undergraduate,
14 or postgraduate private school, or other place of
15 education;

16 (11) a day care center, senior citizen center, homeless
17 shelter, food bank, adoption agency, or other social
18 service center establishment; and

19 (12) a gymnasium, health spa, bowling alley, golf
20 course, or other place of exercise or recreation.

21 ~~(2) By way of example, but not of limitation, "place of~~
22 ~~public accommodation" includes facilities of the following~~
23 ~~types: inns, restaurants, eating houses, hotels, soda~~
24 ~~fountains, soft drink parlors, taverns, roadhouses, barber~~
25 ~~shops, department stores, clothing stores, hat stores, shoe~~
26 ~~stores, bathrooms, restrooms, theatres, skating rinks, public~~
27 ~~golf courses, public golf driving ranges, concerts, cafes,~~
28 ~~bicycle rinks, elevators, ice cream parlors or rooms,~~
29 ~~railroads, omnibuses, busses, stages, airplanes, street cars,~~
30 ~~boats, funeral hearses, crematories, cemeteries, and public~~
31 ~~conveyances on land, water, or air, public swimming pools and~~
32 ~~other places of public accommodation and amusement.~~

33 (B) Operator. "Operator" means any owner, lessee,
34 proprietor, manager, superintendent, agent, or occupant of a
35 place of public accommodation or an employee of any such person
36 or persons.

1 (C) Public Official. "Public official" means any officer or
2 employee of the state or any agency thereof, including state
3 political subdivisions, municipal corporations, park
4 districts, forest preserve districts, educational institutions
5 and schools.

6 (Source: P.A. 81-1267.)

7 (775 ILCS 5/5-102) (from Ch. 68, par. 5-102)

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

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

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

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

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

29 Section 95. No acceleration or delay. Where this Act makes
30 changes in a statute that is represented in this Act by text
31 that is not yet or no longer in effect (for example, a Section
32 represented by multiple versions), the use of that text does
33 not accelerate or delay the taking effect of (i) the changes
34 made by this Act or (ii) provisions derived from any other

1 Public Act.