



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1000

Introduced 2/3/2005, 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 facilities that are considered public accommodations for purposes of the Article. 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 09733 RXD 39989 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)

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20 of this State:

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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.

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35 citizenship status in employment.

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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  
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15 this State in all of its decisions, programs and activities,  
16 and to assure that all State departments, boards, commissions  
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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) public conveyances on air, water, or land;

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

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

12          (10) a park, zoo, amusement park, or other place of  
13          recreation;

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

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

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

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

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

1 or persons.

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

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

8 (775 ILCS 5/5-102) (from Ch. 68, par. 5-102)

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

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

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

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

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

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

1 made by this Act or (ii) provisions derived from any other  
2 Public Act.