



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4188

Introduced 11/3/2005, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-101.1	
775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/7-113 new	

Amends the Illinois Human Rights Act. Includes the status of ex-offender in the definition of unlawful discrimination under the Act. Defines ex-offender. Contains provisions regarding construction with other laws. Provides that the Department of Human Rights shall research, document, and establish guidelines for eliminating discrimination by public and private institutions in employment, education, housing, and lending practices associated with the status of being an ex-offender and shall annually report its findings and recommendations to the Governor and General Assembly.

LRB094 14309 RLC 49228 b

FISCAL NOTE ACT
MAY APPLY

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 1-101.1, 1-102 and 1-103 and by adding
6 Section 7-113 as follows:

7 (775 ILCS 5/1-101.1)

8 Sec. 1-101.1. Construction.

9 (a) Nothing in this Act shall be construed as requiring any
10 employer, employment agency, or labor organization to give
11 preferential treatment or special rights based on sexual
12 orientation or to implement affirmative action policies or
13 programs based on sexual orientation.

14 (b) Nothing in this Act shall be construed to supersede any
15 other law of this State that: (1) restricts or prohibits the
16 employment or licensing of some or all ex-offenders in
17 particular occupations or positions; (2) restricts or
18 prohibits some or all ex-offenders from residing in or being
19 present at particular locations or places; or (3) places other
20 restrictions or prohibitions upon some or all ex-offenders.

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

22 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

25 (A) Freedom from Unlawful Discrimination. To secure for all
26 individuals within Illinois the freedom from discrimination
27 against any individual because of his or her race, color,
28 religion, sex, national origin, ancestry, age, marital status,
29 physical or mental handicap, military status, sexual
30 orientation, ~~or~~ unfavorable discharge from military service,
31 or status as an ex-offender in connection with employment, real

1 estate transactions, access to financial credit, and the
2 availability of public accommodations.

3 (B) Freedom from Sexual Harassment-Employment and Higher
4 Education. To prevent sexual harassment in employment and
5 sexual harassment in higher education.

6 (C) Freedom from Discrimination Based on Citizenship
7 Status-Employment. To prevent discrimination based on
8 citizenship status in employment.

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

12 (E) Public Health, Welfare and Safety. To promote the
13 public health, welfare and safety by protecting the interest of
14 all people in Illinois in maintaining personal dignity, in
15 realizing their full productive capacities, and in furthering
16 their interests, rights and privileges as citizens of this
17 State.

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

21 (G) Equal Opportunity, Affirmative Action. To establish
22 Equal Opportunity and Affirmative Action as the policies of
23 this State in all of its decisions, programs and activities,
24 and to assure that all State departments, boards, commissions
25 and instrumentalities rigorously take affirmative action to
26 provide equality of opportunity and eliminate the effects of
27 past discrimination in the internal affairs of State government
28 and in their relations with the public.

29 (H) Unfounded Charges. To protect citizens of this State
30 against unfounded charges of unlawful discrimination, sexual
31 harassment in employment and sexual harassment in higher
32 education, and discrimination based on citizenship status in
33 employment.

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

35 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

14 (C) Charge. "Charge" means an allegation filed with the
15 Department by an aggrieved party or initiated by the Department
16 under its authority.

17 (D) Civil Rights Violation. "Civil rights violation"
18 includes and shall be limited to only those specific acts set
19 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
20 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
21 Act.

22 (E) Commission. "Commission" means the Human Rights
23 Commission created by this Act.

24 (F) Complaint. "Complaint" means the formal pleading filed
25 by the Department with the Commission following an
26 investigation and finding of substantial evidence of a civil
27 rights violation.

28 (G) Complainant. "Complainant" means a person including
29 the Department who files a charge of civil rights violation
30 with the Department or the Commission.

31 (H) Department. "Department" means the Department of Human
32 Rights created by this Act.

33 (H-1) Ex-offender. "Ex-offender" means a person who has
34 been convicted of or placed on supervision for an offense as
35 defined in Section 5-1-15 of the Unified Code of Corrections
36 and who has been released from confinement in a penal

1 institution as defined in Section 2-14 of the Criminal Code of
2 1961 and includes a person who is serving a term of probation,
3 parole, or mandatory supervised release.

4 (I) Handicap. "Handicap" means a determinable physical or
5 mental characteristic of a person, including, but not limited
6 to, a determinable physical characteristic which necessitates
7 the person's use of a guide, hearing or support dog, the
8 history of such characteristic, or the perception of such
9 characteristic by the person complained against, which may
10 result from disease, injury, congenital condition of birth or
11 functional disorder and which characteristic:

12 (1) For purposes of Article 2 is unrelated to the
13 person's ability to perform the duties of a particular job
14 or position and, pursuant to Section 2-104 of this Act, a
15 person's illegal use of drugs or alcohol is not a handicap;

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

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

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

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
27 status on active duty in the armed forces of the United States,
28 status as a current member of any reserve component of the
29 armed forces of the United States, including the United States
30 Army Reserve, United States Marine Corps Reserve, United States
31 Navy Reserve, United States Air Force Reserve, and United
32 States Coast Guard Reserve, or status as a current member of
33 the Illinois Army National Guard or Illinois Air National
34 Guard.

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

1 (L) Person. "Person" includes one or more individuals,
2 partnerships, associations or organizations, labor
3 organizations, labor unions, joint apprenticeship committees,
4 or union labor associations, corporations, the State of
5 Illinois and its instrumentalities, political subdivisions,
6 units of local government, legal representatives, trustees in
7 bankruptcy or receivers.

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

11 (N) Religion. "Religion" includes all aspects of religious
12 observance and practice, as well as belief, except that with
13 respect to employers, for the purposes of Article 2, "religion"
14 has the meaning ascribed to it in paragraph (F) of Section
15 2-101.

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

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

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

29 (Q) Unlawful Discrimination. "Unlawful discrimination"
30 means discrimination against a person because of his or her
31 race, color, religion, national origin, ancestry, age, sex,
32 marital status, handicap, military status, sexual orientation,
33 ~~or~~ unfavorable discharge from military service, or status as an
34 ex-offender as those terms are defined in this Section.

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

1 (775 ILCS 5/7-113 new)

2 Sec. 7-113. Ex-offenders. The Department of Human Rights
3 shall research, document, and establish guidelines for
4 eliminating discrimination by public and private institutions
5 in employment, education, housing, and lending practices
6 associated with the status of being an ex-offender and shall
7 annually report its findings and recommendations to the
8 Governor and General Assembly.