

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 5. The Illinois Human Rights Act is amended by  
5 changing Sections 1-102 and 1-103 as follows:

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

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

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

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.

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

13 (G) Equal Opportunity, Affirmative Action. To establish  
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. 95-668, eff. 10-10-07.)

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

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

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

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

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

18 (D) Civil Rights Violation. "Civil rights violation"  
19 includes and shall be limited to only those specific acts set  
20 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
21 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,  
22 6-101, and 6-102 of this Act.

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

25 (F) Complaint. "Complaint" means the formal pleading filed

1 by the Department with the Commission following an  
2 investigation and finding of substantial evidence of a civil  
3 rights violation.

4 (G) Complainant. "Complainant" means a person including  
5 the Department who files a charge of civil rights violation  
6 with the Department or the Commission.

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

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

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

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

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

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

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

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

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

17          (K-5) "Order of protection status" means a person's status  
18          as being a person protected under an order of protection issued  
19          pursuant to the Illinois Domestic Violence Act of 1986 or an  
20          order of protection issued by a court of another state.

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

1 bankruptcy or receivers.

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

5 (N) Religion. "Religion" includes all aspects of religious  
6 observance and practice, as well as belief, except that with  
7 respect to employers, for the purposes of Article 2, "religion"  
8 has the meaning ascribed to it in paragraph (F) of Section  
9 2-101.

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

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

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

23 (Q) Unlawful Discrimination. "Unlawful discrimination"  
24 means discrimination against a person because of his or her  
25 race, color, religion, national origin, ancestry, age, sex,  
26 marital status, order of protection status, disability,

1 military status, sexual orientation, or unfavorable discharge  
2 from military service as those terms are defined in this  
3 Section.

4 (Source: P.A. 94-803, eff. 5-26-06; 95-392, eff. 8-23-07;  
5 95-668, eff. 10-10-07; 95-876, eff. 8-21-08; revised  
6 10-28-08.)

7 Section 99. Effective date. This Act takes effect January  
8 1, 2010.