



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2461**

Introduced 2/3/2004, by Debbie DeFrancesco Halvorson

**SYNOPSIS AS INTRODUCED:**

775 ILCS 5/1-103

from Ch. 68, par. 1-103

Amends the Illinois Human Rights Act. In the definition of "sex", provides that: "because of sex" includes, but is not limited to, because of the perception of pregnancy, pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all areas covered by the Act, including receipt of benefits under fringe benefit programs in employment, as other persons not so affected but similar in their ability or inability to work.

LRB093 18375 WGH 44082 b

FISCAL NOTE ACT  
MAY APPLY

**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 (C) Charge. "Charge" means an allegation filed with the  
21 Department by an aggrieved party or initiated by the Department  
22 under its authority.

23 (D) Civil Rights Violation. "Civil rights violation"  
24 includes and shall be limited to only those specific acts set  
25 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,  
26 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this  
27 Act.

28 (E) Commission. "Commission" means the Human Rights  
29 Commission created by this Act.

30 (F) Complaint. "Complaint" means the formal pleading filed  
31 by the Department with the Commission following an  
32 investigation and finding of substantial evidence of a civil

1 rights violation.

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

5 (H) Department. "Department" means the Department of Human  
6 Rights created by this Act.

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

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

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

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

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

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

29 (J-1) Military Status. "Military status" means a person's  
30 status on active duty in the armed forces of the United States.

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

33 (L) Person. "Person" includes one or more individuals,  
34 partnerships, associations or organizations, labor  
35 organizations, labor unions, joint apprenticeship committees,  
36 or union labor associations, corporations, the State of

1 Illinois and its instrumentalities, political subdivisions,  
2 units of local government, legal representatives, trustees in  
3 bankruptcy or receivers.

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

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

12 (O) Sex. "Sex" means the status of being male or female.  
13 "Because of sex" includes, but is not limited to, because of  
14 the perception of pregnancy, pregnancy, childbirth, or related  
15 medical conditions; and women affected by pregnancy,  
16 childbirth, or related medical conditions shall be treated the  
17 same for all areas covered by this Act, including receipt of  
18 benefits under fringe benefit programs in employment, as other  
19 persons not so affected but similar in their ability or  
20 inability to work.

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

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

33 (Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)