



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, and 3-103 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, marital status,  
13 physical or mental handicap, military status, veteran status,  
14 sexual orientation, or unfavorable discharge from military  
15 service in connection with employment, real estate  
16 transactions, access to financial credit, and the availability  
17 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. 93-1078, eff. 1-1-06.)

18 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

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

35 (D) Civil Rights Violation. "Civil rights violation"

1 includes and shall be limited to only those specific acts set  
2 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,  
3 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this  
4 Act.

5 (E) Commission. "Commission" means the Human Rights  
6 Commission created by this Act.

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

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

14 (H) Department. "Department" means the Department of Human  
15 Rights created by this Act.

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

24 (1) For purposes of Article 2 is unrelated to the  
25 person's ability to perform the duties of a particular job  
26 or position and, pursuant to Section 2-104 of this Act, a  
27 person's illegal use of drugs or alcohol is not a 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, handicap, military status, veteran status,  
9 sexual orientation, or unfavorable discharge from military  
10 service as those terms are defined in this Section.

11 (R) Veteran Status. "Veteran status" means status as a  
12 person who:

13 (1) served on active duty as a member of: (a) the armed  
14 forces of the United States; (b) any reserve component of  
15 the armed forces of the United States, including the United  
16 States Army Reserve, United States Marine Corps Reserve,  
17 United States Navy Reserve, United States Air Force  
18 Reserve, and United States Coast Guard Reserve; or (c) the  
19 Illinois Army National Guard or Illinois Air National  
20 Guard; and

21 (2) was discharged with other than a dishonorable  
22 discharge.

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.