

1 AMENDMENT TO HOUSE BILL 1352

2 AMENDMENT NO. _____. Amend House Bill 1352 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-102, 1-103, and 3-102 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
8 policy of this State:

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

1 citizenship status in employment.

2 (D) Freedom from Discrimination Based on Familial Status
3 or Source of Income-Real Estate Transactions. To prevent
4 discrimination based on familial status or source of income
5 in real estate transactions.

6 (E) Public Health, Welfare and Safety. To promote the
7 public health, welfare and safety by protecting the interest
8 of all people in Illinois in maintaining personal dignity, in
9 realizing their full productive capacities, and in furthering
10 their interests, rights and privileges as citizens of this
11 State.

12 (F) Implementation of Constitutional Guarantees. To
13 secure and guarantee the rights established by Sections 17,
14 18 and 19 of Article I of the Illinois Constitution of 1970.

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

23 (H) Unfounded Charges. To protect citizens of this State
24 against unfounded charges of unlawful discrimination, sexual
25 harassment in employment and sexual harassment in higher
26 education, and discrimination based on citizenship status in
27 employment.

28 (Source: P.A. 87-579; 88-178.)

29 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

32 (A) Age. "Age" means the chronological age of a person
33 who is at least 40 years old, except with regard to any

1 practice described in Section 2-102, insofar as that practice
2 concerns training or apprenticeship programs. In the case of
3 training or apprenticeship programs, for the purposes of
4 Section 2-102, "age" means the chronological age of a person
5 who is 18 but not yet 40 years old.

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

11 (C) Charge. "Charge" means an allegation filed with the
12 Department by an aggrieved party or initiated by the
13 Department under its authority.

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

19 (E) Commission. "Commission" means the Human Rights
20 Commission created by this Act.

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

25 (G) Complainant. "Complainant" means a person including
26 the Department who files a charge of civil rights violation
27 with the Department or the Commission.

28 (H) Department. "Department" means the Department of
29 Human Rights created by this Act.

30 (I) Handicap. "Handicap" means a determinable physical
31 or mental characteristic of a person, including, but not
32 limited to, a determinable physical characteristic which
33 necessitates the person's use of a guide, hearing or support
34 dog, the history of such characteristic, or the perception of

1 such characteristic by the person complained against, which
2 may result from disease, injury, congenital condition of
3 birth or functional disorder and which characteristic:

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

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

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

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

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

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

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

25 (L) Person. "Person" includes one or more individuals,
26 partnerships, associations or organizations, labor
27 organizations, labor unions, joint apprenticeship committees,
28 or union labor associations, corporations, the State of
29 Illinois and its instrumentalities, political subdivisions,
30 units of local government, legal representatives, trustees in
31 bankruptcy or receivers.

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

1 (N) Religion. "Religion" includes all aspects of
2 religious observance and practice, as well as belief, except
3 that with respect to employers, for the purposes of Article
4 2, "religion" has the meaning ascribed to it in paragraph (F)
5 of Section 2-101.

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

7 (O-5) Source of Income. "Source of income" means any
8 lawful income, subsidy, or benefit with which an individual
9 supports himself or herself and his or her dependents,
10 including, but not limited to, child support, maintenance,
11 and any federal, State, or local public assistance, medical
12 assistance, or rental assistance program.

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

19 (Q) Unlawful Discrimination. "Unlawful discrimination"
20 means discrimination against a person because of his or her
21 race, color, religion, national origin, ancestry, age, sex,
22 marital status, handicap, military status, or unfavorable
23 discharge from military service as those terms are defined in
24 this Section.

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

26 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

27 Sec. 3-102. Civil Rights Violations; Real Estate
28 Transactions) It is a civil rights violation for an owner or
29 any other person engaging in a real estate transaction, or
30 for a real estate broker or salesman, because of unlawful
31 discrimination or familial status or source of income, to

32 (A) Transaction. Refuse to engage in a real estate
33 transaction with a person or to discriminate in making

1 available such a transaction;

2 (B) Terms. Alter the terms, conditions or privileges of
3 a real estate transaction or in the furnishing of facilities
4 or services in connection therewith;

5 (C) Offer. Refuse to receive or to fail to transmit a
6 bona fide offer to engage in a real estate transaction from a
7 person;

8 (D) Negotiation. Refuse to negotiate for a real estate
9 transaction with a person;

10 (E) Representations. Represent to a person that real
11 property is not available for inspection, sale, rental, or
12 lease when in fact it is so available, or to fail to bring a
13 property listing to his or her attention, or to refuse to
14 permit him or her to inspect real property;

15 (F) Publication of Intent. Print, circulate, post,
16 mail, publish or cause to be so published a written or oral
17 statement, advertisement or sign, or to use a form of
18 application for a real estate transaction, or to make a
19 record or inquiry in connection with a prospective real
20 estate transaction, which expresses any limitation founded
21 upon, or indicates, directly or indirectly, an intent to
22 engage in unlawful discrimination;

23 (G) Listings. Offer, solicit, accept, use or retain a
24 listing of real property with knowledge that unlawful
25 discrimination or discrimination on the basis of familial
26 status in a real estate transaction is intended.

27 (Source: P.A. 86-910.)".