

SB3052



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB3052

Introduced 8/12/2008, by

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103

from Ch. 68, par. 1-103

775 ILCS 5/2-103.5 new

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation for an employer to procure a consumer report for employment purposes where any information contained in the consumer report bears on an individual's creditworthiness, credit standing, or credit capacity. Provides that the prohibition does not apply if the information is substantially job related and the employer's reasons for the use of the information are disclosed to the individual in writing or the information is required by law. Effective immediately.

LRB095 21897 AJ0 52164 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 and by adding Section 2-103.5 as
6 follows:

7 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

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

1 (D) Civil Rights Violation. "Civil rights violation"
2 includes and shall be limited to only those specific acts set
3 forth in Sections 2-102, 2-103, 2-103.5, 2-105, 3-102, 3-103,
4 3-104, 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102, 6-101, and
5 6-102 of this Act.

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

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

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

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

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

25 (1) For purposes of Article 2 is unrelated to the
26 person's ability to perform the duties of a particular job

1 or position and, pursuant to Section 2-104 of this Act, a
2 person's illegal use of drugs or alcohol is not a
3 disability;

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

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

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

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

14 (J-1) Military Status. "Military status" means a person's
15 status on active duty in or status as a veteran of the armed
16 forces of the United States, status as a current member or
17 veteran of any reserve component of the armed forces of the
18 United States, including the United States Army Reserve, United
19 States Marine Corps Reserve, United States Navy Reserve, United
20 States Air Force Reserve, and United States Coast Guard
21 Reserve, or status as a current member or veteran of the
22 Illinois Army National Guard or Illinois Air National Guard.

23 (K) National Origin. "National origin" means the place in
24 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

1 organizations, labor unions, joint apprenticeship committees,
2 or union labor associations, corporations, the State of
3 Illinois and its instrumentalities, political subdivisions,
4 units of local government, legal representatives, trustees in
5 bankruptcy or receivers.

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

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

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

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

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".

1 (Q) Unlawful Discrimination. "Unlawful discrimination"
2 means discrimination against a person because of his or her
3 race, color, religion, national origin, ancestry, age, sex,
4 marital status, disability, military status, sexual
5 orientation, or unfavorable discharge from military service as
6 those terms are defined in this Section.

7 (Source: P.A. 94-803, eff. 5-26-06; 95-392, eff. 8-23-07;
8 95-668, eff. 10-10-07; revised 11-19-07.)

9 (775 ILCS 5/2-103.5 new)

10 Sec. 2-103.5. Consumer reports.

11 (A) As used in this Section:

12 "Employment purposes" and "consumer report" have the
13 meanings ascribed to those terms in 15 U.S.C. 1681a.

14 "Individual" means an employee as defined in Section 2-101
15 or an applicant for a position that would make the applicant an
16 employee as defined in Section 2-101.

17 (B) It is a civil rights violation for an employer to
18 procure a consumer report for employment purposes where any
19 information contained in the consumer report bears on an
20 individual's creditworthiness, credit standing, or credit
21 capacity unless the information is:

22 (1) substantially job related and the employer's
23 reasons for the use of the information are disclosed to the
24 individual in writing; or

25 (2) required by law.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.