



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0426

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

New Act

Creates the Immigration Safe Zones Act. Provides that schools, medical treatment and health care facilities, and places of worship may not grant access to State and local law enforcement agencies that have entered into an agreement with United States Immigration and Customs Enforcement or undertake other joint efforts with federal, State, or local law enforcement agencies to investigate, detain, or arrest individuals for violation of federal immigration law, unless a court has issued a warrant and appropriate personnel have reviewed that warrant and have consented to access or unless required by law and appropriate personnel have consented. Prohibits employees of elementary and secondary schools and institutions of higher education from asking about a student's immigration status or that of the student's family members, with exceptions. Requires the Department of Human Services to provide training or make training available to teachers, administrators, and other staff of elementary and secondary schools, as well as to medical treatment and health care facilities, on how to deal with immigration issues and how to notify families of those issues in multiple languages. Requires appropriate personnel of a facility to develop a plan to provide assistance, information, and safety to persons who are concerned about the government's immigration enforcement efforts. Provides for the removal of certain file information by State agencies, public schools, and public institutions of higher education. Contains a severability clause. Effective immediately.

LRB100 06204 MLM 16238 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning immigration.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Immigration Safe Zones Act.

6 Section 5. Findings. The General Assembly makes the
7 following findings:

8 (1) The State of Illinois is committed to ensuring that
9 all residents of this State are treated equally
10 notwithstanding race, religion, national origin, sexual
11 orientation, gender, or immigration status.

12 (2) All residents of this State are entitled to live
13 with dignity and without fear.

14 (3) Immigrants in this State should be able to live
15 full and productive lives without fear of the government.

16 (4) The General Assembly shall continue to strive to
17 create an environment where all residents are protected to
18 the best of this State's ability.

19 Section 10. Definitions. In this Act:

20 "Appropriate personnel" means the personnel of a facility
21 listed in subsection (a) of Section 15 of this Act that the
22 Department of Human Services has determined, by rule, to be a

1 person of authority for that facility. For a public elementary
2 or secondary school, the Department shall deem "appropriate
3 personnel" to be the school district's superintendent, in
4 consultation with the school district's chief legal counsel.
5 For an institution of higher education, the Department shall
6 deem "appropriate personnel" to be the president or chancellor
7 of the institution.

8 "Department" means the Department of Human Services.

9 "ICE" means the United States Immigration and Customs
10 Enforcement agency of the United States Department of Homeland
11 Security and includes any successor agency charged with the
12 enforcement of civil immigration laws.

13 "Immigration issues" means issues facing immigrants
14 concerning their legal status and the process of deportation.

15 Section 15. Prohibitions.

16 (a) The following facilities in this State may not grant
17 access to ICE or to State and local law enforcement agencies
18 that have entered into an agreement with ICE or undertake other
19 joint efforts with federal, State, or local law enforcement
20 agencies to investigate, detain, or arrest individuals for
21 violation of federal immigration law, unless a court has issued
22 a warrant and appropriate personnel have reviewed that warrant
23 and have consented to access or unless required by law and
24 appropriate personnel have consented:

25 (1) Schools, including licensed day care centers,

1 pre-schools, and other early learning programs; elementary
2 and secondary schools; and institutions of higher
3 education.

4 (2) Medical treatment and health care facilities,
5 including hospitals, health clinics, emergency or urgent
6 care facilities, nursing homes, group homes for persons
7 with developmental disabilities, community-integrated
8 living arrangements, and State mental health facilities.

9 (3) Places of religious worship, such as churches,
10 synagogues, mosques, and temples.

11 (b) Employees of elementary and secondary schools in this
12 State and institutions of higher education in this State shall
13 be prohibited from asking about a student's immigration status
14 or that of the student's family members, except in cases of
15 in-State or in-district tuition verification, scholarships,
16 grants, or services that are contingent upon this information
17 as long as this information is not shared for use outside the
18 intended purpose of the in-State or in-district tuition
19 verification, scholarship, grant, or service.

20 Section 20. Training. In accordance with rules adopted by
21 the Department, the Department shall provide training or make
22 training available from a source with expertise in immigration
23 to teachers, administrators, and other staff of elementary and
24 secondary schools in this State, as well as to staff of medical
25 treatment and health care facilities, on how to deal with

1 immigration issues and how to notify families of those issues
2 in multiple languages. Training in how to deal with immigration
3 issues may include, but is not limited to, providing
4 information regarding the legal rights of immigrants,
5 explaining the process of deportation, assisting in finding
6 resources available to help immigrants, and anything else the
7 Department determines by rule.

8 Section 25. Assistance. The appropriate personnel of a
9 facility listed in subsection (a) of Section 15 of this Act
10 shall develop a plan within 90 days after the effective date of
11 this Act to provide assistance, information, and safety to
12 persons who are concerned about the government's immigration
13 enforcement efforts.

14 Section 30. Removal of file information. Beginning on the
15 effective date of this Act, all applications, questionnaires,
16 and interview forms used in relation to benefits,
17 opportunities, or services provided by a State agency or
18 in-State or in-district tuition verification, scholarships,
19 grants, or services provided by a public elementary or
20 secondary school or public institution of higher education must
21 be promptly reviewed by that State agency, school, or
22 institution, and any questions regarding citizenship or
23 immigration status, other than those required by statute,
24 ordinance, federal law, or court order, must be removed within

1 60 days after the effective date of this Act. Sixty days after
2 the effective date of this Act, no applications,
3 questionnaires, or interview forms used in relation to
4 benefits, opportunities, or services provided by a State agency
5 or in-State or in-district tuition verification, scholarships,
6 grants, or services provided by a public elementary or
7 secondary school or public institution of higher education may
8 contain any questions regarding citizenship or immigration
9 status, other than those required by statute, ordinance,
10 federal law, or court order.

11 Section 90. Rules. The Department shall adopt any rules
12 necessary to implement this Act.

13 Section 97. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.