HB3083

LRB104 11475 BDA 21564 b

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3083

Introduced 2/6/2025, by Rep. Aarón M. Ortíz

SYNOPSIS AS INTRODUCED:

5 ILCS 805/10
5 ILCS 805/15
5 ILCS 805/25
5 ILCS 805/30

Amends the Illinois TRUST Act. Adds schools and school employees to provisions regarding law enforcement agencies and law enforcement officials. Defines "school".

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A BILL FOR

AN ACT concerning government.

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

Section 5. The Illinois TRUST Act is amended by changing Sections 10, 15, 25, and 30 as follows:

(5 ILCS 805/10)

Sec. 10. Definitions. In this Act:

"Citizenship or immigration status" means all matters regarding citizenship of the United States or any other country or the authority to reside in or otherwise be present in the United States.

"Civil immigration warrant" means any document that is not approved or ordered by a judge that can form the basis for an individual's arrest or detention for a civil immigration enforcement purpose. "Civil immigration warrant" includes Form I-200 "Warrant for the Arrest of Alien", Form I-203 "Order to Detain or Release Alien", Form I-205 "Warrant of Removal/Deportation", Form I-286 "Notice of Custody Determination", any predecessor or successor form, and all warrants, hits, or requests contained in the "Immigration Violator File" of the FBI's National Crime Information Center (NCIC) database. "Civil immigration warrant" does not include any criminal warrant.

"Contact information" means home address, work address, telephone number, electronic mail address, social media information, or any other personal identifying information that could be used as a means to contact an individual.

"Immigration agent" means an agent of federal Immigration and Customs Enforcement, federal Customs and Border Protection, or any similar or successor agency.

"Immigration detainer" means a request to a State or local law enforcement agency to provide notice of release or maintain custody of an individual based on an alleged violation of a civil immigration law, including detainers issued under Sections 1226 or 1357 of Title 8 of the United States Code or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. "Immigration detainer" includes Form I-247A "Immigration Detainer – Notice of Action" and any predecessor or successor form.

"Law enforcement agency" means an agency of the State or of a unit of local government charged with enforcement of State, county, or municipal laws or with managing custody of detained persons in the State.

"Law enforcement official" means any individual with the power to arrest or detain individuals, including law enforcement officers, corrections officers, and others employed or designated by a law enforcement agency. "Law enforcement official" includes any probation officer.

<u>"School" means any public elementary or secondary school,</u>

public community college, public college, or public State university.

(Source: P.A. 102-234, eff. 8-2-21; 103-154, eff. 6-30-23.)

(5 ILCS 805/15)

Sec. 15. Prohibition on enforcing federal civil immigration laws.

(a) A law enforcement agency or law enforcement official shall not detain or continue to detain any individual solely on the basis of any immigration detainer or civil immigration warrant or otherwise comply with an immigration detainer or civil immigration warrant.

(b) A law enforcement agency or law enforcement official shall not stop, arrest, search, detain, or continue to detain a person solely based on an individual's citizenship or immigration status.

(c) (Blank).

(d) A law enforcement agency or law enforcement official acting in good faith in compliance with this Section who releases a person subject to an immigration detainer or civil immigration warrant shall have immunity from any civil or criminal liability that might otherwise occur as a result of making the release, with the exception of willful or wanton misconduct.

(e) A law enforcement agency or law enforcement official may not inquire about or investigate the citizenship or

immigration status or place of birth of any individual in the agency or official's custody or who has otherwise been stopped or detained by the agency or official. Nothing in this subsection shall be construed to limit the ability of a law enforcement agency or law enforcement official, pursuant to State or federal law, to notify a person in the law enforcement agency's custody about that person's right to communicate with consular officers from that person's country of nationality, or facilitate such communication, in accordance with the Vienna Convention on Consular Relations or other bilateral agreements. Nothing in this subsection shall be construed to limit the ability of a law enforcement agency or law enforcement official to request evidence of citizenship or immigration status pursuant to the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, Article 24 of the Criminal Code of 2012, or 18 United States Code Sections 921 through 931.

(f) Unless otherwise limited by federal law, a law enforcement agency or law enforcement official may not deny services, benefits, privileges, or opportunities to an individual in custody or under probation status, including, but not limited to, eligibility for or placement in a lower custody classification, educational, rehabilitative, or diversionary programs, on the basis of the individual's citizenship or immigration status, the issuance of an immigration detainer or civil immigration warrant against the

individual, or the individual being in immigration removal proceedings.

(g)(1) No law enforcement agency, law enforcement official, or any unit of State or local government may enter into or renew any contract, intergovernmental service agreement, or any other agreement to house or detain individuals for federal civil immigration violations.

(2) Any law enforcement agency, law enforcement official, or unit of State or local government with an existing contract, intergovernmental agreement, or other agreement, whether in whole or in part, that is utilized to house or detain individuals for civil immigration violations shall exercise the termination provision in the agreement as applied to housing or detaining individuals for civil immigration violations no later than January 1, 2022.

(h) Unless presented with a federal criminal warrant, or otherwise required by federal law, a law enforcement agency, law enforcement ~~or~~ official, school, or school employee may not:

(1) participate, support, or assist in any capacity with an immigration agent's enforcement operations, including any collateral assistance such as coordinating an arrest in a courthouse or other public facility, providing use of any equipment, transporting any individuals, or establishing a security or traffic perimeter surrounding such operations, or any other

on-site support;

(2) give any immigration agent access, including by telephone, to any individual who is in that agency's custody;

(3) transfer any person into an immigration agent's custody;

(4) permit immigration agents use of agency facilities or equipment, including any agency electronic databases not available to the public, for investigative interviews or other investigative or immigration enforcement purpose;

(5) enter into or maintain any agreement regarding direct access to any electronic database or other data-sharing platform maintained by any law enforcement agency, or otherwise provide such direct access to the U.S. Immigration and Customs Enforcement, United States Customs and Border Protection or any other federal entity enforcing civil immigration violations;

(6) provide information in response to any immigration agent's inquiry or request for information regarding any individual in the agency's custody; or

(7) provide to any immigration agent information not otherwise available to the public relating to an individual's release or contact information, or otherwise facilitate for an immigration agent to apprehend or question an individual for immigration enforcement.

(i) Nothing in this Section shall preclude a law

enforcement official from otherwise executing that official's duties in investigating violations of criminal law and cooperating in such investigations with federal and other law enforcement agencies (including criminal investigations conducted by federal Homeland Security Investigations (HSI)) in order to ensure public safety.

(Source: P.A. 102-234, eff. 8-2-21; 103-154, eff. 6-30-23.)

(5 ILCS 805/25)

Sec. 25. Reporting requirements.

(a) In order to ensure compliance with this Act, starting on the effective date of this amendatory Act of the 102nd General Assembly, law enforcement agencies shall submit a report annually to the Attorney General. <u>Starting on the effective date of this amendatory Act of the 104th General Assembly, schools shall also submit a report annually to the Attorney General.</u> This report shall include:

(1) Any requests from the United States Department of Homeland Security, including, but not limited to, Immigration and Customs and Enforcement, with respect to participation, support, or assistance in any immigration agent's civil enforcement operation, and any documentation regarding how the request was addressed, provided that if an agency does not receive any such requests during a reporting period, the agency shall certify and report that it received no such requests;

(2) All immigration detainers or civil immigration warrants received by the law enforcement agency, provided that if an agency does not receive any such detainers or warrants during a reporting period, the agency shall certify and report that it received no such detainers or warrants. The reports shall include:

(A) the date when the immigration detainer or civil immigration warrant was received;

(B) the date and time the individual subject to the immigration detainer or civil immigration warrant posted criminal bail, if applicable;

(C) whether the individual subject to the immigration detainer or civil immigration warrant was released or transferred;

(D) the date and time the individual was released or transferred; and

(E) if the individual is transferred, to which governmental agency's custody.

(b) Law enforcement agencies shall not include names or other personally identifying information in any reports required under this Section.

(Source: P.A. 102-234, eff. 8-2-21.)

(5 ILCS 805/30)

Sec. 30. Attorney General enforcement provisions. In order to ensure compliance with this Act:

(a) The Attorney General shall have authority to conduct investigations into violations of this Act. The Attorney General may: (1) require a law enforcement agency, law enforcement official, school, school employee, or any other person or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary; (2) examine under oath any law enforcement official, school employee, or any other person alleged to have participated in or with knowledge of the alleged violation; or (3) issue subpoenas, obtain records, conduct hearings, or take any other actions in aid of any investigation. In the event a law enforcement agency, law enforcement official, school, school employee, or other person or entity fails to comply, in whole or in part, with a subpoena or other investigative request issued pursuant to this paragraph, the Attorney General may compel compliance through an action in the circuit court.

(b) Upon his or her own information or upon the complaint of any person, the Attorney General may maintain an action for declaratory, injunctive or any other equitable relief in the circuit court against any law enforcement agency, law enforcement official, or other person or entity who violates any provision of this Act. These remedies are in addition to, and not in substitution for, other available remedies.

1 (Source: P.A. 102-234, eff. 8-2-21.)