

## 104TH GENERAL ASSEMBLY

### State of Illinois

### 2025 and 2026

#### HB4129

Introduced 10/15/2025, by Rep. Tom Weber

#### SYNOPSIS AS INTRODUCED:

5 ILCS 805/35 new

55 ILCS 5/3-6019.1 new

730 ILCS 5/3-2-2

from Ch. 38, par. 1003-2-2

Amends the Counties Code and the Unified Code of Corrections. Provides that the Department of Corrections or a county sheriff shall, at the request of the Department of Homeland Security, including, but not limited to, Immigration and Customs Enforcement or a federal immigrant agent: (1) participate, support, or assist in any capacity with an immigration agent's enforcement operations; (2) provide the immigration agent access to an individual in the Department's or county sheriff's custody, either in person or by telephone; (3) transfer any individual in the Department's or sheriff's custody into an immigration agent's custody; (4) allow the use of Department or county jail facilities or equipment, including any electronic databases, 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 the Department or county sheriff and provide such direct access to the U.S. Immigration and Customs Enforcement Agency; and (6) provide information in response to any immigration agent's inquiry or request for information regarding any individual in the Department's or sheriff's custody including information regarding the individual's release. Amends the Illinois TRUST Act to make conforming changes.

LRB104 14616 RLC 27758 b

1 AN ACT concerning immigration enforcement.

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

4 Section 5. The Illinois TRUST Act is amended by adding  
5 Section 35 as follows:

6 (5 ILCS 805/35 new)

7 Sec. 35. Department of Corrections; county sheriffs. The  
8 provisions of this Act do not apply to the Department of  
9 Corrections and the Department shall comply with the  
10 provisions of subsection (7) of Section 3-2-2 of the Unified  
11 Code of Corrections. The provisions of this Act do not apply to  
12 county sheriffs and the county sheriffs shall comply with the  
13 provisions of Section 3-6019.1 of the Counties Code.

14 Section 10. The Counties Code is amended by adding Section  
15 3-6019.1 as follows:

16 (55 ILCS 5/3-6019.1 new)

17 Sec. 3-6019.1. Immigration enforcement. The county sheriff  
18 shall, at the request of the Department of Homeland Security,  
19 including, but not limited to, Immigration and Customs  
20 Enforcement or a federal immigrant agent:

21 (1) participate, support, or assist in any capacity

1 with an immigration agent's enforcement operations;

2 (2) provide the immigration agent access to an  
3 individual in the sheriff's custody, either in person or  
4 by telephone;

5 (3) transfer any individual in the sheriff's custody  
6 into an immigration agent's custody;

7 (4) allow the use of county jail facilities or  
8 equipment, including any electronic databases, for  
9 investigative interviews or other investigative or  
10 immigration enforcement purpose;

11 (5) enter into or maintain any agreement regarding  
12 direct access to any electronic database or other  
13 data-sharing platform maintained by the county sheriff and  
14 provide such direct access to the U.S. Immigration and  
15 Customs Enforcement Agency; and

16 (6) provide information in response to any immigration  
17 agent's inquiry or request for information regarding any  
18 individual in the sheriff's custody, including information  
19 regarding the individual's release.

20 Section 15. The Unified Code of Corrections is amended by  
21 changing Section 3-2-2 as follows:

22 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

23 Sec. 3-2-2. Powers and duties of the Department.

24 (1) In addition to the powers, duties, and

1 responsibilities which are otherwise provided by law, the  
2 Department shall have the following powers:

3 (a) To accept persons committed to it by the courts of  
4 this State for care, custody, treatment, and  
5 rehabilitation, and to accept federal prisoners and  
6 noncitizens over whom the Office of the Federal Detention  
7 Trustee is authorized to exercise the federal detention  
8 function for limited purposes and periods of time.

9 (b) To develop and maintain reception and evaluation  
10 units for purposes of analyzing the custody and  
11 rehabilitation needs of persons committed to it and to  
12 assign such persons to institutions and programs under its  
13 control or transfer them to other appropriate agencies. In  
14 consultation with the Department of Alcoholism and  
15 Substance Abuse (now the Department of Human Services),  
16 the Department of Corrections shall develop a master plan  
17 for the screening and evaluation of persons committed to  
18 its custody who have alcohol or drug abuse problems, and  
19 for making appropriate treatment available to such  
20 persons; the Department shall report to the General  
21 Assembly on such plan not later than April 1, 1987. The  
22 maintenance and implementation of such plan shall be  
23 contingent upon the availability of funds.

24 (b-1) To create and implement, on January 1, 2002, a  
25 pilot program to establish the effectiveness of  
26 pupillometer technology (the measurement of the pupil's

1 reaction to light) as an alternative to a urine test for  
2 purposes of screening and evaluating persons committed to  
3 its custody who have alcohol or drug problems. The pilot  
4 program shall require the pupillometer technology to be  
5 used in at least one Department of Corrections facility.  
6 The Director may expand the pilot program to include an  
7 additional facility or facilities as he or she deems  
8 appropriate. A minimum of 4,000 tests shall be included in  
9 the pilot program. The Department must report to the  
10 General Assembly on the effectiveness of the program by  
11 January 1, 2003.

12 (b-5) To develop, in consultation with the Illinois  
13 State Police, a program for tracking and evaluating each  
14 inmate from commitment through release for recording his  
15 or her gang affiliations, activities, or ranks.

16 (c) To maintain and administer all State correctional  
17 institutions and facilities under its control and to  
18 establish new ones as needed. Pursuant to its power to  
19 establish new institutions and facilities, the Department  
20 may, with the written approval of the Governor, authorize  
21 the Department of Central Management Services to enter  
22 into an agreement of the type described in subsection (d)  
23 of Section 405-300 of the Department of Central Management  
24 Services Law. The Department shall designate those  
25 institutions which shall constitute the State Penitentiary  
26 System. The Department of Juvenile Justice shall maintain

1 and administer all State youth centers pursuant to  
2 subsection (d) of Section 3-2.5-20.

3 Pursuant to its power to establish new institutions  
4 and facilities, the Department may authorize the  
5 Department of Central Management Services to accept bids  
6 from counties and municipalities for the construction,  
7 remodeling, or conversion of a structure to be leased to  
8 the Department of Corrections for the purposes of its  
9 serving as a correctional institution or facility. Such  
10 construction, remodeling, or conversion may be financed  
11 with revenue bonds issued pursuant to the Industrial  
12 Building Revenue Bond Act by the municipality or county.  
13 The lease specified in a bid shall be for a term of not  
14 less than the time needed to retire any revenue bonds used  
15 to finance the project, but not to exceed 40 years. The  
16 lease may grant to the State the option to purchase the  
17 structure outright.

18 Upon receipt of the bids, the Department may certify  
19 one or more of the bids and shall submit any such bids to  
20 the General Assembly for approval. Upon approval of a bid  
21 by a constitutional majority of both houses of the General  
22 Assembly, pursuant to joint resolution, the Department of  
23 Central Management Services may enter into an agreement  
24 with the county or municipality pursuant to such bid.

25 (c-5) To build and maintain regional juvenile  
26 detention centers and to charge a per diem to the counties

1 as established by the Department to defray the costs of  
2 housing each minor in a center. In this subsection (c-5),  
3 "juvenile detention center" means a facility to house  
4 minors during pendency of trial who have been transferred  
5 from proceedings under the Juvenile Court Act of 1987 to  
6 prosecutions under the criminal laws of this State in  
7 accordance with Section 5-805 of the Juvenile Court Act of  
8 1987, whether the transfer was by operation of law or  
9 permissive under that Section. The Department shall  
10 designate the counties to be served by each regional  
11 juvenile detention center.

12 (d) To develop and maintain programs of control,  
13 rehabilitation, and employment of committed persons within  
14 its institutions.

15 (d-5) To provide a pre-release job preparation program  
16 for inmates at Illinois adult correctional centers.

17 (d-10) To provide educational and visitation  
18 opportunities to committed persons within its institutions  
19 through temporary access to content-controlled tablets  
20 that may be provided as a privilege to committed persons  
21 to induce or reward compliance.

22 (e) To establish a system of supervision and guidance  
23 of committed persons in the community.

24 (f) To establish in cooperation with the Department of  
25 Transportation to supply a sufficient number of prisoners  
26 for use by the Department of Transportation to clean up

1 the trash and garbage along State, county, township, or  
2 municipal highways as designated by the Department of  
3 Transportation. The Department of Corrections, at the  
4 request of the Department of Transportation, shall furnish  
5 such prisoners at least annually for a period to be agreed  
6 upon between the Director of Corrections and the Secretary  
7 of Transportation. The prisoners used on this program  
8 shall be selected by the Director of Corrections on  
9 whatever basis he deems proper in consideration of their  
10 term, behavior and earned eligibility to participate in  
11 such program - where they will be outside of the prison  
12 facility but still in the custody of the Department of  
13 Corrections. Prisoners convicted of first degree murder,  
14 or a Class X felony, or armed violence, or aggravated  
15 kidnapping, or criminal sexual assault, aggravated  
16 criminal sexual abuse or a subsequent conviction for  
17 criminal sexual abuse, or forcible detention, or arson, or  
18 a prisoner adjudged a Habitual Criminal shall not be  
19 eligible for selection to participate in such program. The  
20 prisoners shall remain as prisoners in the custody of the  
21 Department of Corrections and such Department shall  
22 furnish whatever security is necessary. The Department of  
23 Transportation shall furnish trucks and equipment for the  
24 highway cleanup program and personnel to supervise and  
25 direct the program. Neither the Department of Corrections  
26 nor the Department of Transportation shall replace any



1 regular employee with a prisoner.

2 (g) To maintain records of persons committed to it and  
3 to establish programs of research, statistics, and  
4 planning.

5 (h) To investigate the grievances of any person  
6 committed to the Department and to inquire into any  
7 alleged misconduct by employees or committed persons; and  
8 for these purposes it may issue subpoenas and compel the  
9 attendance of witnesses and the production of writings and  
10 papers, and may examine under oath any witnesses who may  
11 appear before it; to also investigate alleged violations  
12 of a parolee's or releasee's conditions of parole or  
13 release; and for this purpose it may issue subpoenas and  
14 compel the attendance of witnesses and the production of  
15 documents only if there is reason to believe that such  
16 procedures would provide evidence that such violations  
17 have occurred.

18 If any person fails to obey a subpoena issued under  
19 this subsection, the Director may apply to any circuit  
20 court to secure compliance with the subpoena. The failure  
21 to comply with the order of the court issued in response  
22 thereto shall be punishable as contempt of court.

23 (i) To appoint and remove the chief administrative  
24 officers, and administer programs of training and  
25 development of personnel of the Department. Personnel  
26 assigned by the Department to be responsible for the

1 custody and control of committed persons or to investigate  
2 the alleged misconduct of committed persons or employees  
3 or alleged violations of a parolee's or releasee's  
4 conditions of parole shall be conservators of the peace  
5 for those purposes, and shall have the full power of peace  
6 officers outside of the facilities of the Department in  
7 the protection, arrest, retaking, and reconfining of  
8 committed persons or where the exercise of such power is  
9 necessary to the investigation of such misconduct or  
10 violations. This subsection shall not apply to persons  
11 committed to the Department of Juvenile Justice under the  
12 Juvenile Court Act of 1987 on aftercare release.

13 (j) To cooperate with other departments and agencies  
14 and with local communities for the development of  
15 standards and programs for better correctional services in  
16 this State.

17 (k) To administer all moneys and properties of the  
18 Department.

19 (l) To report annually to the Governor on the  
20 committed persons, institutions, and programs of the  
21 Department.

22 (1-5) (Blank).

23 (m) To make all rules and regulations and exercise all  
24 powers and duties vested by law in the Department.

25 (n) To establish rules and regulations for  
26 administering a system of sentence credits, established in

1       accordance with Section 3-6-3, subject to review by the  
2       Prisoner Review Board.

3           (o) To administer the distribution of funds from the  
4       State Treasury to reimburse counties where State penal  
5       institutions are located for the payment of assistant  
6       state's attorneys' salaries under Section 4-2001 of the  
7       Counties Code.

8           (p) To exchange information with the Department of  
9       Human Services and the Department of Healthcare and Family  
10      Services for the purpose of verifying living arrangements  
11      and for other purposes directly connected with the  
12      administration of this Code and the Illinois Public Aid  
13      Code.

14          (q) To establish a diversion program.

15           The program shall provide a structured environment for  
16      selected technical parole or mandatory supervised release  
17      violators and committed persons who have violated the  
18      rules governing their conduct while in work release. This  
19      program shall not apply to those persons who have  
20      committed a new offense while serving on parole or  
21      mandatory supervised release or while committed to work  
22      release.

23           Elements of the program shall include, but shall not  
24      be limited to, the following:

25           (1) The staff of a diversion facility shall  
26      provide supervision in accordance with required

1 objectives set by the facility.

2 (2) Participants shall be required to maintain  
3 employment.

4 (3) Each participant shall pay for room and board  
5 at the facility on a sliding-scale basis according to  
6 the participant's income.

7 (4) Each participant shall:

8 (A) provide restitution to victims in  
9 accordance with any court order;

10 (B) provide financial support to his  
11 dependents; and

12 (C) make appropriate payments toward any other  
13 court-ordered obligations.

14 (5) Each participant shall complete community  
15 service in addition to employment.

16 (6) Participants shall take part in such  
17 counseling, educational, and other programs as the  
18 Department may deem appropriate.

19 (7) Participants shall submit to drug and alcohol  
20 screening.

21 (8) The Department shall promulgate rules  
22 governing the administration of the program.

23 (r) To enter into intergovernmental cooperation  
24 agreements under which persons in the custody of the  
25 Department may participate in a county impact  
26 incarceration program established under Section 3-6038 or

1 3-15003.5 of the Counties Code.

2 (r-5) (Blank).

3 (r-10) To systematically and routinely identify with  
4 respect to each streetgang active within the correctional  
5 system: (1) each active gang; (2) every existing  
6 inter-gang affiliation or alliance; and (3) the current  
7 leaders in each gang. The Department shall promptly  
8 segregate leaders from inmates who belong to their gangs  
9 and allied gangs. "Segregate" means no physical contact  
10 and, to the extent possible under the conditions and space  
11 available at the correctional facility, prohibition of  
12 visual and sound communication. For the purposes of this  
13 paragraph (r-10), "leaders" means persons who:

14 (i) are members of a criminal streetgang;

15 (ii) with respect to other individuals within the  
16 streetgang, occupy a position of organizer,  
17 supervisor, or other position of management or  
18 leadership; and

19 (iii) are actively and personally engaged in  
20 directing, ordering, authorizing, or requesting  
21 commission of criminal acts by others, which are  
22 punishable as a felony, in furtherance of streetgang  
23 related activity both within and outside of the  
24 Department of Corrections.

25 "Streetgang", "gang", and "streetgang related" have the  
26 meanings ascribed to them in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

2 (s) To operate a super-maximum security institution,  
3 in order to manage and supervise inmates who are  
4 disruptive or dangerous and provide for the safety and  
5 security of the staff and the other inmates.

6 (t) To monitor any unprivileged conversation or any  
7 unprivileged communication, whether in person or by mail,  
8 telephone, or other means, between an inmate who, before  
9 commitment to the Department, was a member of an organized  
10 gang and any other person without the need to show cause or  
11 satisfy any other requirement of law before beginning the  
12 monitoring, except as constitutionally required. The  
13 monitoring may be by video, voice, or other method of  
14 recording or by any other means. As used in this  
15 subdivision (1)(t), "organized gang" has the meaning  
16 ascribed to it in Section 10 of the Illinois Streetgang  
17 Terrorism Omnibus Prevention Act.

18 As used in this subdivision (1)(t), "unprivileged  
19 conversation" or "unprivileged communication" means a  
20 conversation or communication that is not protected by any  
21 privilege recognized by law or by decision, rule, or order  
22 of the Illinois Supreme Court.

23 (u) To establish a Women's and Children's Pre-release  
24 Community Supervision Program for the purpose of providing  
25 housing and services to eligible female inmates, as  
26 determined by the Department, and their newborn and young

1 children.

2 (u-5) To issue an order, whenever a person committed  
3 to the Department absconds or absents himself or herself,  
4 without authority to do so, from any facility or program  
5 to which he or she is assigned. The order shall be  
6 certified by the Director, the Supervisor of the  
7 Apprehension Unit, or any person duly designated by the  
8 Director, with the seal of the Department affixed. The  
9 order shall be directed to all sheriffs, coroners, and  
10 police officers, or to any particular person named in the  
11 order. Any order issued pursuant to this subdivision  
12 (1)(u-5) shall be sufficient warrant for the officer or  
13 person named in the order to arrest and deliver the  
14 committed person to the proper correctional officials and  
15 shall be executed the same as criminal process.

16 (u-6) To appoint a point of contact person who shall  
17 receive suggestions, complaints, or other requests to the  
18 Department from visitors to Department institutions or  
19 facilities and from other members of the public.

20 (v) To do all other acts necessary to carry out the  
21 provisions of this Chapter.

22 (2) The Department of Corrections shall by January 1,  
23 1998, consider building and operating a correctional facility  
24 within 100 miles of a county of over 2,000,000 inhabitants,  
25 especially a facility designed to house juvenile participants  
26 in the impact incarceration program.

1           (3) When the Department lets bids for contracts for  
2 medical services to be provided to persons committed to  
3 Department facilities by a health maintenance organization,  
4 medical service corporation, or other health care provider,  
5 the bid may only be let to a health care provider that has  
6 obtained an irrevocable letter of credit or performance bond  
7 issued by a company whose bonds have an investment grade or  
8 higher rating by a bond rating organization.

9           (4) When the Department lets bids for contracts for food  
10 or commissary services to be provided to Department  
11 facilities, the bid may only be let to a food or commissary  
12 services provider that has obtained an irrevocable letter of  
13 credit or performance bond issued by a company whose bonds  
14 have an investment grade or higher rating by a bond rating  
15 organization.

16           (5) On and after the date 6 months after August 16, 2013  
17 (the effective date of Public Act 98-488), as provided in the  
18 Executive Order 1 (2012) Implementation Act, all of the  
19 powers, duties, rights, and responsibilities related to State  
20 healthcare purchasing under this Code that were transferred  
21 from the Department of Corrections to the Department of  
22 Healthcare and Family Services by Executive Order 3 (2005) are  
23 transferred back to the Department of Corrections; however,  
24 powers, duties, rights, and responsibilities related to State  
25 healthcare purchasing under this Code that were exercised by  
26 the Department of Corrections before the effective date of



1 Executive Order 3 (2005) but that pertain to individuals  
2 resident in facilities operated by the Department of Juvenile  
3 Justice are transferred to the Department of Juvenile Justice.

4 (6) The Department of Corrections shall provide lactation  
5 or nursing mothers rooms for personnel of the Department. The  
6 rooms shall be provided in each facility of the Department  
7 that employs nursing mothers. Each individual lactation room  
8 must:

9 (i) contain doors that lock;

10 (ii) have an "Occupied" sign for each door;

11 (iii) contain electrical outlets for plugging in  
12 breast pumps;

13 (iv) have sufficient lighting and ventilation;

14 (v) contain comfortable chairs;

15 (vi) contain a countertop or table for all necessary  
16 supplies for lactation;

17 (vii) contain a wastebasket and chemical cleaners to  
18 wash one's hands and to clean the surfaces of the  
19 countertop or table;

20 (viii) have a functional sink;

21 (ix) have a minimum of one refrigerator for storage of  
22 the breast milk; and

23 (x) receive routine daily maintenance.

24 (7) The Department of Corrections shall, at the request of  
25 the Department of Homeland Security, including, but not  
26 limited to, Immigration and Customs Enforcement or a federal

1 immigrant agent:

2 (i) participate, support, or assist in any capacity  
3 with an immigration agent's enforcement operations;

4 (ii) provide the immigration agent access to an  
5 individual in the Department's custody, either in person  
6 or by telephone;

7 (iii) transfer any individual in the Department's  
8 custody into an immigration agent's custody;

9 (iv) allow the use of Department facilities or  
10 equipment, including any electronic databases, for  
11 investigative interviews or other investigative or  
12 immigration enforcement purpose;

13 (v) enter into or maintain any agreement regarding  
14 direct access to any electronic database or other  
15 data-sharing platform maintained by the Department and  
16 provide such direct access to the U.S. Immigration and  
17 Customs Enforcement Agency; and

18 (vi) provide information in response to any  
19 immigration agent's inquiry or request for information  
20 regarding any individual in the Department's custody,  
21 including information regarding the individual's release.

22 (Source: P.A. 102-350, eff. 8-13-21; 102-535, eff. 1-1-22;  
23 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1030, eff.  
24 5-27-22; 103-834, eff. 1-1-25.)