



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4685

by Rep. Norma Hernandez

SYNOPSIS AS INTRODUCED:

720 ILCS 5/10-3.2 new

Amends the Criminal Code of 2012. Creates the offense of unlawful restraint for civil immigration enforcement. Provides that a person commits the offense when he or she knowingly and without express legal authority from an immigration agent: (1) detains another for the purpose of civil immigration enforcement; (2) by force or threat of imminent force transfers another person from one place to another with the intent to detain the other person for civil immigration enforcement; (3) by deceit or enticement induces another person to transfer from one place to another with intent to detain the other person for civil immigration enforcement; or (4) uses a deadly weapon while detaining or transferring another person from one place to another with the intent to detain the other person for civil immigration enforcement. Provides that the offense does not apply to any immigration agent. Provides that a violation is a Class 4 felony, except when the person uses a deadly weapon while detaining or transferring another person from one place to another with the intent to detain the other person for civil immigration enforcement, a violation is a Class 3 felony.

LRB104 19430 RLC 32878 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by adding
5 Section 10-3.2 as follows:

6 (720 ILCS 5/10-3.2 new)

7 Sec. 10-3.2. Unlawful restraint for civil immigration
8 enforcement.

9 (a) As used in this Section:

10 "Civil immigration enforcement" means the execution or
11 attempted execution of any non-criminal arrests or detentions
12 ordered or authorized by an immigration agent. "Civil
13 immigration enforcement" does not include actions related to
14 the enforcement of federal criminal charges, or the execution
15 or attempted execution of a federal criminal warrant.

16 "Express legal authority" means clear oral or written
17 instructions from an immigration agent granting an individual
18 employed or otherwise acting on behalf of an immigration
19 agency the authorization to detain or transfer a specific
20 individual.

21 "Immigration agent" means an agent of federal Immigration
22 and Customs Enforcement, federal Customs and Border
23 Protection, or any similar or successor agency, or any other

1 individual with the power to arrest or detain individuals or
2 manage custody of detained individuals for purposes of civil
3 immigration enforcement while acting in that capacity or
4 conducting investigations or enforcement pursuant to that
5 power.

6 (b) A person commits unlawful restraint for civil
7 immigration enforcement when he or she knowingly and without
8 express legal authority from an immigration agent:

9 (1) detains another for the purpose of civil
10 immigration enforcement;

11 (2) by force or threat of imminent force transfers
12 another person from one place to another with the intent
13 to detain the other person for civil immigration
14 enforcement;

15 (3) by deceit or enticement induces another person to
16 transfer from one place to another with intent to detain
17 the other person for civil immigration enforcement; or

18 (4) uses a deadly weapon while detaining or
19 transferring another person from one place to another with
20 the intent to detain the other person for civil
21 immigration enforcement.

22 (c) This Section does not apply to any immigration agent.

23 (d) Sentence. A violation of paragraph (1), (2), or (3) of
24 subsection (b) is a Class 4 felony. A violation of paragraph
25 (4) of subsection (b) is a Class 3 felony.