

SB1858



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1858

Introduced 2/5/2025, by Sen. Graciela Guzmán

SYNOPSIS AS INTRODUCED:

New Act

Creates the Privacy of Criminal Justice Data Act. Provides that each contractor or business that stores, maintains, or purchases criminal justice data for and from a State agency or unit of local government shall certify in the contract, under penalty of perjury, that the contractor or business will not share that data with U.S. Immigration and Customs Enforcement or for civil immigration enforcement purposes. Creates the Criminal Justice Information Sharing Act. Provides that every contract with the State or a unit of local government to store, maintain, or purchase criminal justice information of this State or a unit of local government shall contain a provision in which the contractor certifies that it shall not share the criminal justice information with Immigration and Customs Enforcement (ICE) or for civil immigration enforcement purposes. Defines terms.

LRB104 09574 RLC 19637 b

A BILL FOR

1 AN ACT concerning criminal justice data.

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

4 Article 1.

8 Section 1-5. Definitions. In this Act:

9 "Civil immigration enforcement" means the enforcement of a
10 civil immigration warrant issued by an immigration judge who
11 is not appointed under Article III of the United States
12 Constitution but who is appointed as an administrative judge
13 by the United States Attorney General pursuant to the federal
14 Immigration and Nationality Act.

15 "Civil immigration warrant" means any document that is not
16 approved or ordered by a judge that can form the basis for an
17 individual's arrest or detention for a civil immigration
18 enforcement purpose. "Civil immigration warrant" includes Form
19 I-200 "Warrant for the Arrest of Alien", Form I-203 "Order to
20 Detain or Release Alien", Form I-205 "Warrant of
21 Removal/Deportation", Form I-286 "Notice of Custody
22 Determination", any predecessor or successor form, and all

1 warrants, hits, or requests contained in the "Immigration
2 Violator File" of the FBI's National Crime Information Center
3 (NCIC) database. "Civil immigration warrant" does not include
4 any criminal warrant.

5 "Contractor" means any person having a contract with a
6 State agency or unit of local government.

"Criminal justice data" means the information described in Sections 2, 2.1, and 4.5 of the Criminal Identification Act and includes criminal history record information as defined in Section 3 of the Illinois Uniform Conviction Information Act.

11 Section 1-10. Criminal justice data; no sharing with U.S.
12 Immigration and Customs Enforcement or for civil immigration
13 enforcement purposes. Each contractor or business that stores,
14 maintains, or purchases criminal justice data for and from a
15 State agency or unit of local government shall certify in the
16 contract, under penalty of perjury, that the contractor or
17 business will not share that data with U.S. Immigration and
18 Customs Enforcement or for civil immigration enforcement
19 purposes.

20 Article 5.

21 Section 5-1. Short title. This Article may be cited as the
22 Criminal Justice Information Sharing Act. References in this
23 Article to "this Act" mean this Article.

1 Section 5-5. Criminal justice information; prohibited
2 sharing with Immigration and Customs Enforcement (ICE).

3 (a) In this Act:

4 "Civil immigration enforcement" means the enforcement of a
5 civil immigration warrant issued by an immigration judge who
6 is not appointed under Article III of the United States
7 Constitution but who is appointed as an administrative judge
8 by the United States Attorney General pursuant to the federal
9 Immigration and Nationality Act.

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

22 "Criminal history record information" means data
23 identifiable to an individual, including information collected
24 under Section 4.5 of the Criminal Identification Act, and
25 consisting of descriptions or notations of arrests,

1 detentions, indictments, informations, pre-trial proceedings,
2 trials, or other formal events in the criminal justice system
3 or descriptions or notations of criminal charges (including
4 criminal violations of local municipal ordinances) and the
5 nature of any disposition arising therefrom, including
6 sentencing, court or correctional supervision, rehabilitation,
7 and release. The term does not apply to statistical records
8 and reports in which individuals are not identified and from
9 which their identities are not ascertainable, or to
10 information that is for criminal investigative or intelligence
11 purposes.

12 "Criminal justice information" means any and every type of
13 information that is collected, transmitted, or maintained by
14 the criminal justice system, including criminal history record
15 information.

16 (b) Every contract with this State or a unit of local
17 government to store, maintain, or purchase criminal justice
18 information of this State or a unit of local government shall
19 contain a provision in which the contractor certifies that it
20 shall not share the criminal justice information with
21 Immigration and Customs Enforcement (ICE) or for civil
22 immigration enforcement purposes.