



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3115

Introduced 2/2/2026, by Sen. Andrew S. Chesney

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Immigration Enforcement Act. Provides that a State entity, local entity, or law enforcement agency may not adopt or maintain a law, ordinance, resolution, rule, regulation, policy, directive, order, practice, or procedure, formal or informal, written or unwritten, that prohibits or materially restricts the State entity, local entity, or law enforcement agency from complying with or assisting in the enforcement of immigration laws. Includes mandatory duties of law enforcement agencies regarding immigration detainees. Requires a county jail, municipal jail, and the Department of Corrections to enter into an agreement with the U.S. Immigration and Customs Enforcement or other federal agency for temporarily housing persons who are the subject of immigration detainees and for the payment of the costs of housing and detaining those persons. Requires implementation of the Act in a manner consistent with federal laws and regulations governing immigration and discrimination, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens. Limits home rule powers by providing that regulation of immigration enforcement is an exclusive power and function of the State. Repeals the Illinois TRUST Act. Makes corresponding changes in various other Acts. Repeals provisions in the Illinois Public Aid Code and the Illinois Administrative Procedure Act relating to medical services for certain noncitizens. Amends the Department of Human Services Act. Creates the Asylum Travel Expense Program in the Department of Human Services to provide noncitizens seeking asylum who are residing in Illinois transportation and travel expenses for travel to another state that prohibits law enforcement or other governmental agencies from assisting the United States Immigration and Customs Enforcement or other federal government agency with immigration enforcement or to the country of origin of the noncitizen seeking asylum. Requires the method of transportation selected by the Department to be by the cheapest means to transport the noncitizen seeking asylum to the noncitizen's desired destination. Provides for the transfer of \$10,000,000 from the General Revenue Fund into the Asylum Travel Expenses Fund to fund the Program. Amends the State Finance Act to create the Fund. Effective immediately.

LRB104 18867 RLC 32312 b

A BILL FOR

1 AN ACT concerning government.

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 Enforcement Act.

6 Section 5. Definitions. As used in this Act:

7 "Immigration detainer is facially sufficient" means: (i)  
8 the federal immigration agency's official form is incomplete  
9 and fails to indicate on its face that the federal immigration  
10 official has probable cause to believe that the person to be  
11 detained is a removable alien under federal immigration law  
12 but is supported by an affidavit, order, or other official  
13 documentation that indicates that the federal immigration  
14 agency has probable cause to believe that the person to be  
15 detained is a removable alien under federal immigration law  
16 and the federal immigration agency supplies with its detention  
17 request a Form I-200 Warrant for Arrest of Alien, a Form I-205  
18 Warrant of Removal/Deportation, a successor warrant, or other  
19 warrant authorized by federal law; or (ii) the federal  
20 immigration agency's official form is complete and indicates  
21 on its face that the federal immigration official has probable  
22 cause to believe that the person to be detained is a removable  
23 alien under federal immigration law.

1 "Law enforcement agency" means any entity with statutory  
2 police powers and the ability to employ individuals authorized  
3 to make arrests, including local and State agencies.

4 "Local entity" means a unit of local government, a school  
5 district, or a community college district.

6 "State entity" means the State of Illinois and all of its  
7 agencies, State universities and colleges, and all corporate  
8 outgrowths of the State.

9 Section 10. Prohibited policies regarding immigration  
10 enforcement. A State entity, local entity, or law enforcement  
11 agency may not adopt or maintain a law, ordinance, resolution,  
12 rule, regulation, policy, directive, order, practice, or  
13 procedure, formal or informal, written or unwritten, that  
14 prohibits or materially restricts the State entity, local  
15 entity, or law enforcement agency from complying with or  
16 assisting in the enforcement of immigration laws. This  
17 includes prohibitions or restrictions on:

18 (1) inquiries into the immigration status of any  
19 person;

20 (2) transmitting, requesting, or receiving information  
21 relating to immigration status, lawful or unlawful, of any  
22 person to or from any federal immigration enforcement  
23 agency;

24 (3) maintaining, archiving, or otherwise storing for  
25 subsequent use information relating to an individual's

1 immigration status;

2 (4) exchanging information relating to immigration  
3 status with another law enforcement agency, local entity,  
4 State entity, or a federal immigration agency;

5 (5) complying with an immigration detainer, including,  
6 but not limited to, refusing to cooperate or comply with a  
7 lawfully issued detainer in the absence of a warrant or  
8 other order directing compliance with or enforcement of  
9 such a detainer;

10 (6) complying with a request from a federal  
11 immigration agency to notify the agency before the release  
12 of an inmate;

13 (7) providing a federal immigration agency with an  
14 inmate's incarceration status or release date;

15 (8) assisting or cooperating with a federal  
16 immigration agency, including by providing enforcement  
17 assistance;

18 (9) participating in any program or agreement  
19 authorized under Section 287 of the federal Immigration  
20 and Nationality Act (8 U.S.C. 1357); or

21 (10) permitting a federal immigration officer to enter  
22 and conduct enforcement activities at a municipal jail,  
23 county jail, or Division of Corrections or rehabilitation  
24 facility involving or related to the enforcement of  
25 federal immigration laws.

1           Section 15. Mandatory duties of law enforcement agencies  
2 regarding immigration detainers.

3           (a) A law enforcement agency that takes initial custody of  
4 a person subject to an immigration detainer shall:

5                 (1) provide notice to the court authorized to grant or  
6 deny the person's release on bail or bond that the person  
7 is subject to an immigration detainer;

8                 (2) record in the person's case file that the person  
9 is subject to an immigration detainer; and

10                (3) upon determining that the immigration detainer is  
11 facially sufficient, comply with the requests made in the  
12 immigration detainer to the extent required by law.

13           (b) A law enforcement agency is not required to perform a  
14 duty imposed by subsection (a) with respect to a person who has  
15 been transferred to the custody of the agency by another law  
16 enforcement agency subject to the requirements of this  
17 Section.

18           (c) A court of competent jurisdiction that receives notice  
19 that a person is subject to an immigration detainer shall  
20 record this information in the court record, regardless of  
21 whether the notice is received before or after a judgment in  
22 the case.

23           Section 20. Mandatory agreements for housing persons  
24 subject to immigration detainers.

25           (a) Each county jail, municipal jail, and the Department

1 of Corrections shall enter into an agreement with a federal  
2 immigration agency for temporarily housing persons who are the  
3 subject of immigration detainers and for the payment of the  
4 costs of housing and detaining those persons.

5 (b) An agreement under this Section must include a  
6 contract with a federal immigration agency for housing or  
7 detaining persons subject to immigration detainers, such as  
8 basic ordering agreements, intergovernmental service  
9 agreements, agreements authorized by Section 287 of the  
10 federal Immigration and Nationality Act (8 U.S.C. 1357),  
11 successor agreements, or other similar agreements authorized  
12 by federal law.

13 Section 25. Implementation; discrimination prohibited.

14 (a) This Act shall be implemented in a manner consistent  
15 with federal laws and regulations governing immigration,  
16 protecting the civil rights of all persons, and respecting the  
17 privileges and immunities of United States citizens.

18 (b) A State entity, local entity, or law enforcement  
19 agency and a person employed by or otherwise under the  
20 direction or control of a State entity, local entity, or law  
21 enforcement agency may not base the entity's, agency's, or  
22 person's actions under this Act on the gender, race, color,  
23 religion, language, national origin, or physical disability of  
24 a person except to the extent authorized by the United States  
25 Constitution, the constitution and laws of this State, or

1 other applicable federal law.

2 Section 30. Home rule. The regulation of immigration  
3 enforcement is an exclusive power and function of the State. A  
4 home rule unit may not regulate immigration enforcement. This  
5 Act is a denial and limitation of home rule powers and  
6 functions under subsection (h) of Section 6 of Article VII of  
7 the Illinois Constitution.

8 (5 ILCS 100/5-45.37 rep.)

9 Section 100. The Illinois Administrative Procedure Act is  
10 amended by repealing Section 5-45.37.

11 (5 ILCS 805/Act rep.)

12 Section 105. The Illinois TRUST Act is repealed.

13 Section 110. The Illinois Identification Card Act is  
14 amended by changing Section 11 as follows:

15 (15 ILCS 335/11) (from Ch. 124, par. 31)

16 Sec. 11. Records.

17 (a) The Secretary may make a search of his records and  
18 furnish information as to whether a person has a current  
19 Standard Illinois Identification Card or an Illinois Person  
20 with a Disability Identification Card then on file, upon  
21 receipt of a written application therefor accompanied with the

1 prescribed fee. However, the Secretary may not disclose  
2 medical information concerning an individual to any person,  
3 public agency, private agency, corporation or governmental  
4 body unless the individual has submitted a written request for  
5 the information or unless the individual has given prior  
6 written consent for the release of the information to a  
7 specific person or entity. This exception shall not apply to:  
8 (1) offices and employees of the Secretary who have a need to  
9 know the medical information in performance of their official  
10 duties, or (2) orders of a court of competent jurisdiction.  
11 When medical information is disclosed by the Secretary in  
12 accordance with the provisions of this Section, no liability  
13 shall rest with the Office of the Secretary of State as the  
14 information is released for informational purposes only.

15 (b) Except as otherwise provided in this Section, the  
16 Secretary may release personally identifying information only  
17 to:

18 (1) officers and employees of the Secretary who have a  
19 need to know that information for issuance of driver's  
20 licenses, permits, or identification cards and  
21 investigation of fraud or misconduct;

22 (2) other governmental agencies for use in their  
23 official governmental functions;

24 (3) law enforcement agencies for a criminal or civil  
25 investigation, except as restricted by subsections (g) and  
26 (h);

1           (3-5) the State Board of Elections as may be required  
2           by an agreement the State Board of Elections has entered  
3           into with a multi-state voter registration list  
4           maintenance system; or

5           (4) any entity that the Secretary has authorized, by  
6           rule.

7           (c) Except as otherwise provided in this Section, the  
8           Secretary may release highly restricted personal information  
9           only to:

10           (1) officers and employees of the Secretary who have a  
11           need to access the information for the issuance of  
12           driver's licenses, permits, or identification cards and  
13           investigation of fraud or misconduct;

14           (2) law enforcement officials for a criminal or civil  
15           law enforcement investigation, except as restricted by  
16           subsections (g) and (h);

17           (3) the State Board of Elections for the purpose of  
18           providing the signature for completion of voter  
19           registration; or

20           (4) any other entity the Secretary has authorized by  
21           rule.

22           (d) Documents required to be submitted with an application  
23           for an identification card to prove the applicant's identity  
24           (name and date of birth), social security number or lack of a  
25           social security number, written signature, residency, and, as  
26           applicable, citizenship and immigration status and country of

1 citizenship shall be confidential and shall not be disclosed  
2 except to the following persons:

3 (1) the individual to whom the identification card was  
4 issued, upon written request;

5 (2) officers and employees of the Secretary of State  
6 who have a need to have access to the stored images for  
7 purposes of issuing and controlling driver's licenses,  
8 permits, or identification cards and investigation of  
9 fraud or misconduct;

10 (3) law enforcement officials for a civil or criminal  
11 law enforcement investigation, except as restricted by  
12 subsections (g) and (h);

13 (4) other entities that the Secretary may authorize by  
14 rule.

15 (e) The Secretary may not disclose an individual's social  
16 security number or any associated information obtained from  
17 the Social Security Administration without the written request  
18 or consent of the individual except: (i) to officers and  
19 employees of the Secretary who have a need to know the social  
20 security number in the performance of their official duties;  
21 (ii) except as restricted by subsections (g) and (h) to law  
22 enforcement officials for a civil or criminal law enforcement  
23 investigation if an officer of the law enforcement agency has  
24 made a written request to the Secretary specifying the law  
25 enforcement investigation for which the social security number  
26 is being sought; (iii) under a lawful court order signed by a

1 judge; (iv) to the Illinois Department of Veterans Affairs for  
2 the purpose of confirming veteran status to agencies in other  
3 states responsible for the issuance of state identification  
4 cards for participation in State-to-State verification  
5 service; or (v) the last 4 digits to the Illinois State Board  
6 of Elections for purposes of voter registration and as may be  
7 required pursuant to an agreement for a multi-state voter  
8 registration list maintenance system. The Secretary retains  
9 the right to require additional verification regarding the  
10 validity of a request from law enforcement. If social security  
11 information is disclosed by the Secretary in accordance with  
12 this Section, no liability shall rest with the Office of the  
13 Secretary of State or any of its officers or employees, as the  
14 information is released for official purposes only.

15 (f) The Secretary of State shall not provide facial  
16 recognition search services or photographs obtained in the  
17 process of issuing an identification card to any federal,  
18 State, or local law enforcement agency or other governmental  
19 entity for the purpose of enforcing federal immigration laws.  
20 This subsection shall not apply to requests from federal,  
21 State, or local law enforcement agencies or other governmental  
22 entities for facial recognition search services or photographs  
23 obtained in the process of issuing a driver's license or  
24 permit when the purpose of the request relates to criminal  
25 activity other than violations of immigration laws.

26 (g) Notwithstanding any other provision of law, the

1 Secretary may not release highly restricted personal  
2 information or personally identifying information or disclose  
3 documents described in subsection (d) to any immigration  
4 agent, ~~as defined in Section 10 of the Illinois TRUST Act,~~  
5 unless necessary to comply with the following, to the extent  
6 that production of such information or documents is  
7 specifically required:

8 (1) a lawful court order;

9 (2) a judicial warrant signed by a judge appointed  
10 pursuant to Article III of the Constitution of the United  
11 States; or

12 (3) a subpoena for individual records issued by a  
13 federal or State court.

14 When responding to such a court order, warrant, or  
15 subpoena, the Secretary shall disclose only those documents or  
16 information specifically requested. Within 3 business days of  
17 receiving such a court order, warrant, or subpoena, the  
18 Secretary shall send a notification to the individual about  
19 whom such information was requested that a court order,  
20 warrant, or subpoena was received and the identity of the  
21 entity that presented the court order, warrant, or subpoena.

22 As used in this subsection, "immigration agent" means an  
23 agent of the U.S. Immigration and Customs Enforcement, the  
24 U.S. Customs and Border Protection, or any similar or  
25 successor agency.

26 (h) The Secretary shall not enter into or maintain any

1 agreement regarding the sharing of any highly restricted  
2 personal information or personally identifying information or  
3 documents described in subsection (d) unless all other parties  
4 to such agreement certify that the information obtained will  
5 not be used for civil immigration purposes or knowingly  
6 disseminated to any third party for any purpose related to  
7 civil immigration enforcement.

8 (Source: P.A. 103-210, eff. 7-1-24; 104-234, eff. 8-15-25.)

9 Section 115. The Department of Human Services Act is  
10 amended by adding Section 1-92 as follows:

11 (20 ILCS 1305/1-92 new)

12 Sec. 1-92. Asylum Travel Expense Program.

13 (a) As used in this Section, "noncitizen seeking asylum"  
14 means a noncitizen who wants to begin the process of seeking  
15 asylum through processes required by the United States  
16 Citizenship and Immigration Services or who has already begun  
17 or has completed the application process of requesting asylum  
18 required by the United States Citizenship and Immigration  
19 Services.

20 (b) The Asylum Travel Expense Program is created within  
21 the Department. The Program shall, subject to funding as  
22 provided in subsection (c) and future appropriation, provide  
23 noncitizens seeking asylum who are residing in Illinois  
24 transportation and travel expenses for travel to another state

1 that prohibits law enforcement or other governmental agencies  
2 from assisting the United States Immigration and Customs  
3 Enforcement or other federal government agency with  
4 immigration enforcement or to the country of origin of the  
5 noncitizen seeking asylum. The Department may provide for,  
6 using moneys from the Fund established under subsection (c),  
7 transportation and travel expenses to relocate the noncitizen  
8 seeking asylum to the state of choice of the noncitizen or the  
9 country of origin of the noncitizen as allowed under this  
10 subsection. The method of transportation selected by the  
11 Department shall be by the cheapest means to transport the  
12 noncitizen seeking asylum to the noncitizen's desired  
13 destination. The Department may adopt rules to implement the  
14 Program.

15 (c) On July 1, 2026, the State Comptroller shall direct  
16 and the State Treasurer shall transfer \$10,000,000 from the  
17 General Revenue Fund into the Asylum Travel Expenses Fund, a  
18 special fund that is created in the State treasury, and may be  
19 expended by the Secretary of Human Services to provide  
20 transportation and travel expenses as provided in subsection  
21 (b).

22 Section 120. The State Finance Act is amended by adding  
23 Section 5.1038 as follows:

24 (30 ILCS 105/5.1038 new)

1           Sec. 5.1038. The Asylum Travel Expenses Fund.

2           Section 125. The School Code is amended by changing  
3           Section 22-105, as added by Public Act 104-288, as follows:

4           (105 ILCS 5/22-106)

5           Sec. 22-106 ~~22-105~~. Denial of free education prohibited.

6           (a) The purpose of this Section is to secure the right of  
7           every child to equal access to a free public education and a  
8           school that is safe from intimidation and fear, consistent  
9           with the landmark United States Supreme Court decision in  
10          Plyler v. Doe, 457 U.S. 202 (1982), as in effect on January 1,  
11          2025, which held that it is unconstitutional for states to  
12          deny children a free public education based on immigration  
13          status. In their efforts to promote the right to educational  
14          equality established in Plyler, schools must take steps to  
15          protect the integrity of school learning environments for all  
16          children, so that no parent is discouraged from sending and no  
17          child is discouraged from attending school, including from the  
18          threat of immigration enforcement or other law enforcement  
19          activity on a school campus.

20          (b) As used in this Section:

21          "Citizenship or immigration status" means all matters  
22          regarding citizenship of the United States or any other  
23          country or the authority or lack thereof to reside in or  
24          otherwise to be present in the United States, including an

1 individual's nationality and country of citizenship.

2 "Law enforcement agent" means an agent of federal, State,  
3 or local law enforcement authorized with the power to arrest  
4 or detain individuals or manage the custody of detained  
5 individuals for a law enforcement purpose, including civil  
6 immigration enforcement. "Law enforcement agent" does not  
7 include a school resource officer as defined in Section  
8 10-20.68 of this Code.

9 "Nonjudicial warrant" means a warrant issued by a federal,  
10 State, or local agency authorized with the power to arrest or  
11 detain individuals or manage the custody of detained  
12 individuals for any law enforcement purpose, including civil  
13 immigration enforcement. "Nonjudicial warrant" includes an  
14 immigration detainer or civil immigration warrant ~~as defined~~  
15 ~~in the Illinois TRUST Act~~. "Nonjudicial warrant" does not  
16 include a criminal warrant issued upon a judicial  
17 determination of probable cause, in compliance with the  
18 requirements of the Fourth Amendment to the United States  
19 Constitution and Section 6 of Article I of the Illinois  
20 Constitution.

21 "Prevailing party" includes any party:

22 (1) who obtains some of his or her requested relief  
23 through a judicial judgment in his or her favor;

24 (2) who obtains some of his or her requested relief  
25 through a settlement agreement approved by the court; or

26 (3) whose pursuit of a non-frivolous claim was a

1 catalyst for a unilateral change in position by the  
2 opposing party relative to the relief sought.

3 "School" means every public school, school district, and  
4 governing body, including a special charter district or  
5 charter school, organized under this Code, and its agents,  
6 including a contracted party.

7 (c) No child may be denied a free public education through  
8 secondary school while in this State based on the child's  
9 perceived or actual immigration status or the child's parent's  
10 or guardian's perceived or actual citizenship or immigration  
11 status.

12 (1) A school must not exclude a child from  
13 participation in or deny a child the benefits of any  
14 program or activity on the grounds of that child's  
15 perceived or actual immigration status or the child's  
16 parent's or guardian's actual or perceived citizenship or  
17 immigration status.

18 (2) A school must not use policies or procedures or  
19 engage in practices that have the effect of excluding a  
20 child from participation in or denying the benefits of any  
21 program or activity or the effect of excluding  
22 participation of the child's parent or guardian from  
23 parental engagement activities or programs because of the  
24 child's perceived or actual immigration status or the  
25 child's parent's or guardian's actual or perceived  
26 immigration status. These policies, procedures, and

1 practices include:

2 (A) requesting or collecting information or  
3 documentation from a student or the student's parent  
4 or guardian about citizenship or immigration status  
5 unless required by State or federal law; and

6 (B) designating immigration status, citizenship,  
7 place of birth, nationality, or national origin as  
8 directory information, as that term is defined by  
9 federal and State law.

10 (3) A school must not perform any of the following  
11 actions:

12 (A) Threaten to disclose anything related to the  
13 actual or perceived citizenship or immigration status  
14 of a child or a person associated with the child to any  
15 other person or entity or an immigration or law  
16 enforcement agency.

17 (B) Disclose anything related to the perceived  
18 citizenship or immigration status of a child or a  
19 person associated with the child to any other person  
20 or entity or an immigration or law enforcement agency  
21 if the school does not have direct knowledge of the  
22 child's or associated person's actual citizenship or  
23 immigration status, subject to the requirements of  
24 this paragraph (3).

25 (C) Disclose anything related to the actual  
26 citizenship or immigration status of a child or a

1 person associated with the child to any other person  
2 or nongovernmental entity if the school has direct  
3 knowledge of the child's or associated person's actual  
4 citizenship or immigration status, subject to the  
5 requirements of this paragraph (3).

6 Nothing in subparagraphs (B) and (C) of this paragraph  
7 (3) may be construed to permit the disclosure of student  
8 records or information without complying with State and  
9 federal requirements governing the disclosure of such  
10 records or information. Subparagraphs (B) and (C) of this  
11 paragraph (3) may not be construed to prohibit or restrict  
12 an entity from sending to or receiving from the United  
13 States Department of Homeland Security or any other  
14 federal, State, or local governmental entity information  
15 regarding the citizenship or immigration status of an  
16 individual under Sections 1373 and 1644 of Title 8 of the  
17 United States Code.

18 (4) A school must develop procedures for reviewing and  
19 authorizing requests from law enforcement agents  
20 attempting to enter a school or school facility by July 1,  
21 2026. The procedures must comply with the requirements of  
22 paragraph (2) of this subsection (c), and, at a minimum,  
23 include the following:

24 (A) procedures for reviewing and contacting a  
25 designated authorized person at the school or school  
26 facility and the district superintendent's office or

1 school administrative office, who may contact the  
2 school's legal counsel, and procedures for that  
3 authorized person or legal counsel to review requests  
4 to enter a school or school facility, including  
5 judicial warrants, nonjudicial warrants, and  
6 subpoenas;

7 (B) procedures for monitoring or accompanying and  
8 procedures for documenting all interactions with law  
9 enforcement agents while on the school's premises; and

10 (C) procedures for notifying and seeking consent  
11 from a student's parents or guardian or from the  
12 student if the student is 18 years old or older or  
13 emancipated if a law enforcement agent requests access  
14 to a student for immigration enforcement purposes,  
15 unless such access is in compliance with a judicial  
16 warrant or subpoena that restricts the disclosure of  
17 the information to the student's parent or guardian.

18 This paragraph (4) is subject to subsection (c) of  
19 Section 22-88 of this Code.

20 (d) A school shall adopt a policy for complying with  
21 paragraphs (1), (2), (3), and (4) of subsection (c) by July 1,  
22 2026.

23 (e) Beginning July 1, 2026, any party aggrieved by conduct  
24 that violates subsection (c) may bring a civil lawsuit. This  
25 lawsuit must be brought no later than 2 years after the  
26 violation of subsection (c). If the court finds that a willful

1 violation of paragraph (1), (2), or (3) of subsection (c) has  
2 occurred, the court may award actual damages. The court, as it  
3 deems appropriate, may grant, as relief, any permanent or  
4 preliminary negative or mandatory injunction, temporary  
5 restraining order, or other order.

6 (f) Nothing in this Section may be construed to require an  
7 exhaustion of the administrative complaint process before  
8 civil law remedies may be pursued.

9 (g) Upon a motion, a court shall award reasonable  
10 attorney's fees and costs, including expert witness fees and  
11 other litigation expenses, to a plaintiff who is a prevailing  
12 party in any action brought under subsection (c). In awarding  
13 reasonable attorney's fees, the court shall consider the  
14 degree to which the relief obtained relates to the relief  
15 sought.

16 (h) The General Assembly finds and declares that this  
17 Section is a State law within the meaning of subsection (d) of  
18 Section 1621 of Title 8 of the United States Code.

19 (Source: P.A. 104-288, eff. 1-1-26; revised 10-27-25.)

20 Section 130. The Public Higher Education Act is amended by  
21 changing Section 18 as follows:

22 (110 ILCS 167/18)

23 Sec. 18. Immigration status and immigration enforcement.

24 (a) As used in this Section:

1 "Citizenship or immigration status" means all matters  
2 regarding citizenship of the United States or any other  
3 country or the authority or lack thereof to reside in or  
4 otherwise to be present in the United States, including an  
5 individual's nationality, country of citizenship, or status as  
6 an international student.

7 "Employee" means a full-time or part-time faculty member,  
8 staff member, executive leader, supervisor, clerical person,  
9 student, or contracted member of personnel employed by a  
10 school whose role involves direct, routine, or meaningful  
11 interaction with students to support their academic progress,  
12 personal development, or well-being.

13 "Law enforcement agent" means an agent of federal, State,  
14 or local law enforcement authorized with the power to arrest  
15 or detain individuals, or manage the custody of detained  
16 individuals, for civil immigration enforcement. "Law  
17 enforcement agent" does not include an agent of a school's  
18 police department.

19 "Nonjudicial warrant" means a warrant issued by a federal,  
20 State, or local governmental agency authorized with the power  
21 to arrest or detain individuals or manage the custody of  
22 detained individuals for any law enforcement purpose,  
23 including civil immigration enforcement. "Nonjudicial warrant"  
24 includes an immigration detainer or civil immigration warrant  
25 ~~as defined in the Illinois TRUST Act.~~ "Nonjudicial warrant"  
26 does not include a criminal warrant issued upon a judicial

1 determination of probable cause, in compliance with the  
2 requirements of the Fourth Amendment to the United States  
3 Constitution and Section 6 of Article I of the Illinois  
4 Constitution.

5 "Prevailing party" includes any party:

6 (1) who obtains some of his or her requested relief  
7 through a judicial judgment in his or her favor;

8 (2) who obtains some of his or her requested relief  
9 through a settlement agreement approved by a court; or

10 (3) whose pursuit of a nonfrivolous claim was a  
11 catalyst for a unilateral change in position by the  
12 opposing party relative to the relief sought.

13 "School" means a public institution of higher education as  
14 defined in Section 5.

15 "School campus" or "school's campus" means:

16 (1) any building or property owned or controlled by a  
17 school within the same reasonably contiguous geographic  
18 area of the school and used by the school in direct support  
19 of or in a manner related to the school's educational  
20 purposes, including, but not limited to, residence halls;  
21 and

22 (2) property within the same reasonably contiguous  
23 geographic area of the school that is owned by the school  
24 but controlled by another person, is used by students, and  
25 supports school purposes, including, but not limited to, a  
26 food or other retail vendor.

1 (b) Unless required by State or federal law or rule, a  
2 school must not perform any of the following actions:

3 (1) Threaten to disclose the actual or perceived  
4 citizenship or immigration status of an employee, a  
5 student, or a person associated with an employee or  
6 student to an external party, including immigration or law  
7 enforcement agencies.

8 (2) Knowingly disclose, without the consent of the  
9 employee or student, anything related to the perceived  
10 citizenship or immigration status of an employee, a  
11 student, or a person associated with an employee or  
12 student to an external party, including immigration or law  
13 enforcement agencies, if the school does not have direct  
14 knowledge of the employee's, student's, or associated  
15 person's actual citizenship or immigration status, subject  
16 to the requirements of this subsection.

17 (3) Knowingly disclose, without the consent of the  
18 employee or student, anything related to the actual  
19 citizenship or immigration status of an employee, a  
20 student, or a person associated with an employee or  
21 student to any other person or nongovernmental entity if  
22 the school has direct knowledge of the employee's,  
23 student's, or associated person's actual citizenship or  
24 immigration status, subject to the requirements of this  
25 subsection.

26 (4) Designate immigration status, citizenship, place

1 of birth, nationality, or national origin as directory  
2 information, as that term is defined by State and federal  
3 law.

4 Nothing in this subsection may be construed to:

5 (A) prohibit a school from complying with all  
6 applicable State and federal laws and rules, including,  
7 but not limited to, 8 U.S.C. 214;

8 (B) prohibit or restrict a school from sending to or  
9 receiving from the United States Department of Homeland  
10 Security or any other federal, State, or local  
11 governmental entity information regarding the citizenship  
12 or immigration status of an individual under Sections 1373  
13 and 1644 of Title 8 of the United States Code;

14 (C) permit the disclosure of personally identifiable  
15 education records, as that term is defined by State or  
16 federal law, or information from those records without  
17 complying with State and federal laws and rules governing  
18 the disclosure of such records or information;

19 (D) prohibit schools from complying with valid  
20 judicial warrants, orders, or subpoenas; or

21 (E) prohibit or restrict a school from disclosing  
22 information necessary to respond to an administrative  
23 complaint or litigation brought against or by the school.

24 (c) A school must develop procedures for reviewing and  
25 authorizing requests from law enforcement agents attempting to  
26 enter a school's campus by January 1, 2026. The procedures

1 must, at a minimum, include the following:

2 (1) procedures for reviewing and contacting a  
3 designated authorized person, office, or department at the  
4 school or school facility, which person, office, or  
5 department may contact the school's legal counsel, and  
6 procedures for that authorized person, office, or  
7 department or legal counsel to review requests to enter a  
8 school's campus, including judicial warrants or orders,  
9 nonjudicial warrants, and subpoenas;

10 (2) procedures for documenting all interactions with  
11 law enforcement agents while on the school's campus; and

12 (3) procedures for notifying and seeking consent from  
13 an employee or student if a law enforcement agent requests  
14 access to the employee or student for immigration  
15 enforcement purposes, unless such consent is prohibited by  
16 a judicial warrant or subpoena.

17 (d) A school must provide information on its website about  
18 who employees and students should contact if a law enforcement  
19 agent seeks to enter the school campus, enters the school  
20 campus, or engages in nonconsensual interactions with members  
21 of the school community, including employees or students, by  
22 January 1, 2026.

23 (e) A school shall submit to either the Illinois Community  
24 College Board or the Illinois Board of Higher Education, as  
25 applicable, a copy of the procedures developed to implement  
26 subsections (b) and (c). The Illinois Community College Board

1 and the Illinois Board of Higher Education shall submit to the  
2 General Assembly a report compiling the procedures received  
3 from each school under this subsection (e) by July 1, 2026.

4 (f) The General Assembly finds and declares that this  
5 Section is a State law within the meaning of subsection (d) of  
6 Section 1621 of Title 8 of the United States Code.

7 (g) By January 1, 2026, a school shall provide immigration  
8 enforcement resources on its website to help students and  
9 employees understand their constitutional rights and access  
10 immigration-related guidance. These resources may include, but  
11 are not limited to, a link to [illinoisimmigrationinfo.org](http://illinoisimmigrationinfo.org).  
12 This information shall be posted in a clear and easily  
13 accessible location on the school's primary website.

14 (h) For the purposes of this subsection, "immigration  
15 enforcement activity" includes any arrests or detentions  
16 conducted by agents or officers of the United States  
17 Department of Homeland Security, United States Immigration and  
18 Customs Enforcement, or United States Customs and Border  
19 Protection or any other individual or entity with the power to  
20 arrest or detain individuals or manage custody of detained  
21 individuals for the purposes of civil immigration enforcement.

22 By January 1, 2026, a school shall adopt procedures  
23 designed to:

24 (1) determine if an immigration enforcement activity  
25 is occurring or has occurred on the school's campus,  
26 including verification of the first and last name,

1 employer or agency, and badge number of the lead law  
2 enforcement agent, if possible; and

3 (2) notify the appropriate school-campus unit or area  
4 if the school confirms that immigration enforcement  
5 activity is occurring or has occurred on the school's  
6 campus that, in the judgment of school law enforcement or  
7 the school's public safety office, could adversely impact  
8 school-campus safety or operations.

9 (i) A school may not impede students or employees from  
10 offering, attending, or participating in training on  
11 constitutional rights and immigration-related guidance,  
12 including, but not limited to, attending know-your-rights  
13 training or sharing know-your-rights flyers.

14 (j) Beginning January 1, 2026, any party aggrieved by  
15 conduct that violates subsection (b) may bring a civil  
16 lawsuit. This lawsuit must be brought no later than 2 years  
17 after the violation of subsection (b) or 2 years from the date  
18 the aggrieved party becomes aware of the violation of  
19 subsection (b), whichever is later. If the court finds that a  
20 willful violation of subsection (b) has occurred, the court  
21 may award actual damages. The court, as it deems appropriate,  
22 may grant, as relief, a permanent or preliminary negative or  
23 mandatory injunction, temporary restraining order, or other  
24 order.

25 (k) Nothing in this Section may be construed to require an  
26 exhaustion of the administrative complaint process before

1 civil law remedies may be pursued.

2 (1) Upon a motion, a court shall award reasonable  
3 attorney's fees and costs, including expert witness fees and  
4 other litigation expenses, to a plaintiff who is a prevailing  
5 party in any action brought under subsection (i). In awarding  
6 reasonable attorney's fees, the court shall consider the  
7 degree to which the relief obtained relates to the relief  
8 sought.

9 (Source: P.A. 104-440, eff. 12-9-25.)

10 (305 ILCS 5/12-4.35 rep.)

11 Section 135. The Illinois Public Aid Code is amended by  
12 repealing Section 12-4.35.

13 Section 140. The Illinois Vehicle Code is amended by  
14 changing Section 6-110.3 as follows:

15 (625 ILCS 5/6-110.3)

16 Sec. 6-110.3. Restrictions on use of information for  
17 certain purposes.

18 (a) Notwithstanding any other provision of law, the  
19 Secretary may not release or make accessible in any manner any  
20 highly restricted personal information as defined in Section  
21 1-125.9 or personally identifying information as defined in  
22 Section 1-159.2, provide images, photos, or facial recognition  
23 services as described in Section 6-110.1, or disclose

1 documents as described in Section 6-110.2 to any immigration  
2 agent ~~as defined in Section 10 of the Illinois TRUST Act,~~  
3 unless necessary to comply with the following, to the extent  
4 that production of such information or documents is  
5 specifically required:

6 (1) a lawful court order;

7 (2) a judicial warrant signed by a judge appointed  
8 pursuant to Article III of the Constitution of the United  
9 States; or

10 (3) a subpoena for individual records issued by a  
11 federal or State court.

12 When responding to such a court order, warrant, or  
13 subpoena, the Secretary shall disclose only those documents or  
14 information specifically requested. Within 3 business days of  
15 receiving such a court order, warrant, or subpoena, the  
16 Secretary shall send a notification to the individual about  
17 whom such information was requested that a court order,  
18 warrant, or subpoena was received and the identity of the  
19 entity that presented the court order, warrant, or subpoena.

20 As used in this subsection, "immigration agent" means an  
21 agent of the U.S. Immigration and Customs Enforcement, the  
22 U.S. Customs and Border Protection, or any similar or  
23 successor agency.

24 (b) The Secretary shall not enter into or maintain any  
25 agreement regarding the sharing of any highly restricted  
26 personal information as defined in Section 1-125.9, personally

1 identifying information as defined in Section 1-159.2, images  
2 or photos described in Section 6-110.1, or documents described  
3 in Section 6-110.2 unless all other parties to such agreement  
4 certify that the information obtained will not be used for  
5 civil immigration purposes or knowingly disseminated to any  
6 third party for any purpose related to civil immigration  
7 enforcement.

8 (Source: P.A. 103-210, eff. 7-1-24.)

9 Section 999. Effective date. This Act takes effect upon  
10 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 100/5-45.37 rep.

5 5 ILCS 805/Act rep.

6 15 ILCS 335/11 from Ch. 124, par. 31

7 20 ILCS 1305/1-92 new

8 30 ILCS 105/5.1038 new

9 105 ILCS 5/22-106

10 110 ILCS 167/18

11 305 ILCS 5/12-4.35 rep.

12 625 ILCS 5/6-110.3