



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3458

Introduced 2/5/2026, by Sen. Graciela Guzmán

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 a violation does not apply to an immigration agent. Provides that a violation is a Class 4 felony unless a deadly weapon is used while detaining or transferring another person from one place to another with the intent to detain the other person for civil immigration enforcement, in which case the violation is a Class 3 felony.

LRB104 19291 RLC 32737 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) In this Section:

10 "Civil immigration enforcement" means the execution or
11 attempted execution of any non-criminal arrests or
12 detentions ordered or authorized by an immigration agent.

13 "Civil immigration enforcement" does not include actions
14 related to the enforcement of federal criminal charges, or
15 the execution or attempted execution of a federal criminal
16 warrant.

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

22 "Immigration agent" means an agent of federal
23 Immigration and Customs Enforcement, federal Customs and

1 Border Protection, or any similar or successor agency, or
2 any other individual with the power to arrest or detain
3 individuals or manage custody of detained individuals for
4 purposes of civil immigration enforcement while acting in
5 that capacity or conducting investigations or enforcement
6 pursuant to that power.

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

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

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

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

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

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

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