

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 Illinois TRUST Act.

6 Section 5. Legislative Purpose. Recognizing that State law
7 does not currently grant State or local law enforcement the
8 authority to enforce federal civil immigration laws, it is the
9 intent of the General Assembly that nothing in this Act shall
10 be construed to authorize any law enforcement agency or law
11 enforcement official to enforce federal civil immigration law.
12 This Act shall not be construed to prohibit or restrict any
13 entity from sending to, or receiving from, the United States
14 Department of Homeland Security or other federal, State, or
15 local government entity information regarding the citizenship
16 or immigration status of any individual under Sections 1373 and
17 1644 of Title 8 of the United States Code. Further, nothing in
18 this Act shall prevent a law enforcement officer from
19 contacting another law enforcement agency for the purposes of
20 clarifying or confirming the nature and status of possible
21 offenses in a record provided by the National Crime Information
22 Center, or detaining someone based on a notification in the Law
23 Enforcement Agencies Data Administrative System unless it is

1 clear that request is based on a non-judicial immigration
2 warrant.

3 Section 10. Definitions. In this Act:

4 "Immigration detainer" means a document issued by an
5 immigration agent that is not approved or ordered by a judge
6 and requests a law enforcement agency or law enforcement
7 official to provide notice of release or maintain custody of a
8 person, including a detainer issued under Section 1226 or 1357
9 of Title 8 of the United States Code or Section 236.1 or 287.7
10 of Title 8 of the Code of Federal Regulations.

11 "Law enforcement agency" means an agency of the State or of
12 a unit of local government charged with enforcement of State,
13 county, or municipal laws or with managing custody of detained
14 persons in the State.

15 "Law enforcement official" means any individual with the
16 power to arrest or detain individuals, including law
17 enforcement officers, county corrections officer, and others
18 employed or designated by a law enforcement agency.

19 "Non-judicial immigration warrant" means a Form I-200 or
20 I-205 administrative warrant or any other immigration warrant
21 or request that is not approved or ordered by a judge,
22 including administrative warrants entered into the Federal
23 Bureau of Investigation's National Crime Information Center
24 database.

1 Section 15. Prohibition on enforcing federal civil
2 immigration laws.

3 (a) A law enforcement agency or law enforcement official
4 shall not detain or continue to detain any individual solely on
5 the basis of any immigration detainer or non-judicial
6 immigration warrant or otherwise comply with an immigration
7 detainer or non-judicial immigration warrant.

8 (b) A law enforcement agency or law enforcement official
9 shall not stop, arrest, search, detain, or continue to detain a
10 person solely based on an individual's citizenship or
11 immigration status.

12 (c) This Section 15 does not apply if a law enforcement
13 agency or law enforcement official is presented with a valid,
14 enforceable federal warrant. Nothing in this Section 15
15 prohibits communication between federal agencies or officials
16 and law enforcement agencies or officials.

17 (d) A law enforcement agency or law enforcement official
18 acting in good faith in compliance with this Section who
19 releases a person subject to an immigration detainer or
20 non-judicial immigration warrant shall have immunity from any
21 civil or criminal liability that might otherwise occur as a
22 result of making the release, with the exception of willful or
23 wanton misconduct.

24 Section 20. Law enforcement training. By January 1, 2018,
25 every law enforcement agency shall provide guidance to its law

1 enforcement officials on compliance with Section 15 of this
2 Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.