

SB1324



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1324

Introduced 2/6/2023, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2901

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning immigration status.

LRB103 27740 LNS 54118 b

A BILL FOR

1 AN ACT concerning immigration.

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

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 8-2901 as follows:

6 (735 ILCS 5/8-2901)

7 Sec. 8-2901. Admissibility of evidence; immigration
8 status.

9 (a) Except as provided in subsection (b), evidence related
10 to a person's immigration status is not admissible in any
11 civil proceeding.

12 (b) Evidence otherwise inadmissible under this ~~this~~ Act is
13 admissible if:

14 (1) it is essential to prove an element of a claim or
15 an affirmative defense;

16 (2) it is offered to prove an interest or bias of a
17 witness, if it does not cause confusion of the issues or
18 mislead the trier of fact, and the probative value of the
19 evidence outweighs its prejudicial nature; or

20 (3) a person or his or her attorney voluntarily
21 reveals his or her immigration status to the court.

22 (c) A party intending to offer evidence relating to a
23 person's immigration status shall file a written motion at

1 least 14 days before a hearing or a trial specifically
2 describing the evidence and stating the purpose for which it
3 is offered. A court, for good cause, may require a different
4 time for filing or permit filing during trial.

5 Upon receipt of the motion and notice to all parties, the
6 court shall conduct an in camera hearing, with counsel
7 present, limited to review of the probative value of the
8 person's immigration status to the case. If the court finds
9 that the evidence relating to a person's immigration status
10 meets the criteria set forth in paragraph (1), (2), or (3) of
11 subsection (b), the court shall make findings of fact and
12 conclusions of law regarding the permitted use of the
13 evidence.

14 The motion, related papers, and the record of the hearing
15 shall be sealed and remain under seal unless the court orders
16 otherwise.

17 (d) A person may not, with the intent to deter any person
18 or witness from testifying freely, fully, and truthfully to
19 any matter before trial or in any court or before a grand jury,
20 administrative agency, or any other State or local
21 governmental unit, threaten to or actually disclose, directly
22 or indirectly, a person's or witness's immigration status to
23 any entity or any immigration or law enforcement agency. A
24 person who violates this subsection commits a Class C
25 misdemeanor.

26 (Source: P.A. 101-550, eff. 1-1-20.)