

SB1313



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1313

Introduced 1/28/2025, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

5 ILCS 805/15

Amends the Illinois TRUST Act. Provides that certain limitations under the Act regarding actions that may be taken by law enforcement agencies and officials do not apply with respect to an individual who is not a citizen of the United States and who has been charged or convicted of a criminal offense under Illinois law. Directs a law enforcement agency or official to immediately notify an immigration agent whenever it has in its custody such an individual. Effective immediately.

LRB104 10581 BDA 20657 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 5. The Illinois TRUST Act is amended by changing
5 Section 15 as follows:

6 (5 ILCS 805/15)

7 Sec. 15. Prohibition on enforcing federal civil
8 immigration laws.

9 (a) A law enforcement agency or law enforcement official
10 shall not detain or continue to detain any individual solely
11 on the basis of any immigration detainer or civil immigration
12 warrant or otherwise comply with an immigration detainer or
13 civil immigration warrant.

14 (b) A law enforcement agency or law enforcement official
15 shall not stop, arrest, search, detain, or continue to detain
16 a person solely based on an individual's citizenship or
17 immigration status.

18 (c) (Blank).

19 (d) A law enforcement agency or law enforcement official
20 acting in good faith in compliance with this Section who
21 releases a person subject to an immigration detainer or civil
22 immigration warrant shall have immunity from any civil or
23 criminal liability that might otherwise occur as a result of

1 making the release, with the exception of willful or wanton
2 misconduct.

3 (e) A law enforcement agency or law enforcement official
4 may not inquire about or investigate the citizenship or
5 immigration status or place of birth of any individual in the
6 agency or official's custody or who has otherwise been stopped
7 or detained by the agency or official. Nothing in this
8 subsection shall be construed to limit the ability of a law
9 enforcement agency or law enforcement official, pursuant to
10 State or federal law, to notify a person in the law enforcement
11 agency's custody about that person's right to communicate with
12 consular officers from that person's country of nationality,
13 or facilitate such communication, in accordance with the
14 Vienna Convention on Consular Relations or other bilateral
15 agreements. Nothing in this subsection shall be construed to
16 limit the ability of a law enforcement agency or law
17 enforcement official to request evidence of citizenship or
18 immigration status pursuant to the Firearm Owners
19 Identification Card Act, the Firearm Concealed Carry Act,
20 Article 24 of the Criminal Code of 2012, or 18 United States
21 Code Sections 921 through 931.

22 (f) Unless otherwise limited by federal law, a law
23 enforcement agency or law enforcement official may not deny
24 services, benefits, privileges, or opportunities to an
25 individual in custody or under probation status, including,
26 but not limited to, eligibility for or placement in a lower

1 custody classification, educational, rehabilitative, or
2 diversionary programs, on the basis of the individual's
3 citizenship or immigration status, the issuance of an
4 immigration detainer or civil immigration warrant against the
5 individual, or the individual being in immigration removal
6 proceedings.

7 (g) (1) No law enforcement agency, law enforcement
8 official, or any unit of State or local government may enter
9 into or renew any contract, intergovernmental service
10 agreement, or any other agreement to house or detain
11 individuals for federal civil immigration violations.

12 (2) Any law enforcement agency, law enforcement official,
13 or unit of State or local government with an existing
14 contract, intergovernmental agreement, or other agreement,
15 whether in whole or in part, that is utilized to house or
16 detain individuals for civil immigration violations shall
17 exercise the termination provision in the agreement as applied
18 to housing or detaining individuals for civil immigration
19 violations no later than January 1, 2022.

20 (h) Unless presented with a federal criminal warrant, or
21 otherwise required by federal law, a law enforcement agency or
22 official may not:

23 (1) participate, support, or assist in any capacity
24 with an immigration agent's enforcement operations,
25 including any collateral assistance such as coordinating
26 an arrest in a courthouse or other public facility,

1 providing use of any equipment, transporting any
2 individuals, or establishing a security or traffic
3 perimeter surrounding such operations, or any other
4 on-site support;

5 (2) give any immigration agent access, including by
6 telephone, to any individual who is in that agency's
7 custody;

8 (3) transfer any person into an immigration agent's
9 custody;

10 (4) permit immigration agents use of agency facilities
11 or equipment, including any agency electronic databases
12 not available to the public, for investigative interviews
13 or other investigative or immigration enforcement purpose;

14 (5) enter into or maintain any agreement regarding
15 direct access to any electronic database or other
16 data-sharing platform maintained by any law enforcement
17 agency, or otherwise provide such direct access to the
18 U.S. Immigration and Customs Enforcement, United States
19 Customs and Border Protection or any other federal entity
20 enforcing civil immigration violations;

21 (6) provide information in response to any immigration
22 agent's inquiry or request for information regarding any
23 individual in the agency's custody; or

24 (7) provide to any immigration agent information not
25 otherwise available to the public relating to an
26 individual's release or contact information, or otherwise

1 facilitate for an immigration agent to apprehend or
2 question an individual for immigration enforcement.

3 (i) Nothing in this Section shall preclude a law
4 enforcement official from otherwise executing that official's
5 duties in investigating violations of criminal law and
6 cooperating in such investigations with federal and other law
7 enforcement agencies (including criminal investigations
8 conducted by federal Homeland Security Investigations (HSI))
9 in order to ensure public safety.

10 (j) Notwithstanding any other provision of this Section, a
11 law enforcement agency or official may take any action
12 described in this Section with respect to an individual who is
13 not a citizen of the United States and who has been charged or
14 convicted of a criminal offense under Illinois law. A law
15 enforcement agency or official shall immediately notify an
16 immigration agent whenever it has in its custody such an
17 individual.

18 (Source: P.A. 102-234, eff. 8-2-21; 103-154, eff. 6-30-23.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.