



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3766

by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

New Act

Creates the Law Enforcement Immigration Detainer Act. Provides that a law enforcement officer who receives a civil immigration detainer with respect to a person who is in the custody of the law enforcement officer shall not detain the person under the civil immigration detainer request unless the law enforcement officer determines that the person: has been convicted of a felony under the laws of this State or any other jurisdiction; is subject to pending criminal charges in this State and bond has not been posted; has an outstanding arrest warrant in this State; is identified as a known gang member by the National Crime Information Center administered by the Federal Bureau of Investigation or as a security threat identified by the Law Enforcement Agencies Data System; is identified as a possible match on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation or similar database; is subject to a final order of deportation or removal issued by a federal immigration authority; or presents an unacceptable risk to public safety, as determined by the law enforcement officer. Provides that upon a determination by the law enforcement officer that the person is to be detained or released from custody, the law enforcement officer shall immediately notify Immigration and Customs Enforcement of the United States. Makes other changes.

LRB100 04770 SLF 14779 b

1 AN ACT concerning civil immigration detainers.

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 the
5 Law Enforcement Immigration Detainer Act.

6 Section 5. Definitions. For the purposes of this Act:

7 "Civil immigration detainer" means an immigration detainer
8 request issued under 8 CFR 287.7.

9 "Federal immigration authority" means an officer,
10 employee, or agent of federal Immigration and Customs
11 Enforcement or the federal Department of Homeland Security who
12 is charged with enforcing the provisions of the federal
13 Immigration and Nationality Act.

14 "Law enforcement officer" means a local, municipal, or
15 State enforcement officer with arrest authority or an officer
16 or employee of a Department of Corrections, county, or local
17 correctional facility.

18 Section 10. Civil immigration detainers; law enforcement
19 procedure.

20 (a) A law enforcement officer who receives a civil
21 immigration detainer with respect to a person who is in the
22 custody of the law enforcement officer shall not detain the

1 person under the civil immigration detainer request unless the
2 law enforcement officer determines that the person:

3 (1) has been convicted of a felony under the laws of
4 this State or any other jurisdiction;

5 (2) is subject to pending criminal charges in this
6 State and bond has not been posted;

7 (3) has an outstanding arrest warrant in this State;

8 (4) is identified as a known gang member by the
9 National Crime Information Center administered by the
10 Federal Bureau of Investigation or as a security threat
11 identified by the Law Enforcement Agencies Data System;

12 (5) is identified as a possible match on the
13 consolidated Terrorist Watchlist maintained by the
14 Terrorist Screening Center administered by the Federal
15 Bureau of Investigation or similar database;

16 (6) is subject to a final order of deportation or
17 removal issued by a federal immigration authority; or

18 (7) presents an unacceptable risk to public safety, as
19 determined by the law enforcement officer.

20 (b) Upon a determination by the law enforcement officer
21 that the person is to be detained or released from custody, the
22 law enforcement officer shall immediately notify the federal
23 Immigration and Customs Enforcement. If the person is to be
24 detained, the law enforcement officer shall inform Immigration
25 and Customs Enforcement that the person will be held for a
26 maximum of 48 hours, excluding Saturdays, Sundays, and federal

1 holidays. If Immigration and Customs Enforcement fails to take
2 custody of the person within the 48-hour period, the law
3 enforcement officer shall release the person. A person shall
4 not be detained for longer than 48 hours solely on the basis of
5 a civil immigration detainer.