



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0338

by Rep. Lindsay Parkhurst

SYNOPSIS AS INTRODUCED:

5 ILCS 805/15

Amends the Illinois TRUST Act. Provides that nothing shall be construed as restricting an expenditure or activity necessary to perform by the State, a unit of local government, or law enforcement agency, or other State or unit of local government agency, official, employee, or agent of any obligations under any contract between the State, the unit of local government, law enforcement agency, or other State or local government agency and federal officials regarding the use of a facility to detain persons in federal immigration removal proceedings, as long as the detention is not based solely on a civil immigration detainer. Provides that nothing shall be construed as restricting or limiting the transfer of a person lawfully in the custody of a unit of the State, a unit of local government, a law enforcement agency, or other State or local government agency to federal officials, including immigration agents, provided the person is not otherwise eligible for release from custody, and the detention is not prolonged by that unit of the State, unit of local government, law enforcement agency, or other State or local government agency.

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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 on
11 the basis of any immigration detainer or non-judicial
12 immigration warrant or otherwise comply with an immigration
13 detainer or non-judicial immigration warrant.

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

18 (c) This Section 15 does not apply if a law enforcement
19 agency or law enforcement official is presented with a valid,
20 enforceable federal warrant. Nothing in this Section 15
21 prohibits communication between federal agencies or officials
22 and law enforcement agencies or officials.

23 (d) A law enforcement agency or law enforcement official

1 acting in good faith in compliance with this Section who
2 releases a person subject to an immigration detainer or
3 non-judicial immigration warrant shall have immunity from any
4 civil or criminal liability that might otherwise occur as a
5 result of making the release, with the exception of willful or
6 wanton misconduct.

7 (e) Nothing in this Section shall be construed as
8 restricting an expenditure or activity necessary to perform by
9 the State, a unit of local government, or law enforcement
10 agency, or other State or unit of local government agency,
11 official, employee, or agent of any obligations under any
12 contract between the State, the unit of local government, law
13 enforcement agency, or other State or local government agency
14 and federal officials regarding the use of a facility to detain
15 persons in federal immigration removal proceedings, as long as
16 the detention is not based solely on a civil immigration
17 detainer.

18 (f) Nothing in this Section shall be construed as
19 restricting or limiting the transfer of a person lawfully in
20 the custody of a unit of the State, a unit of local government,
21 a law enforcement agency, or other State or local government
22 agency to federal officials, including immigration agents,
23 provided the person is not otherwise eligible for release from
24 custody, and the detention is not prolonged by that unit of the
25 State, unit of local government, law enforcement agency, or
26 other State or local government agency.

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1 (Source: P.A. 100-463, eff. 8-28-17.)