



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 35

2 AMENDMENT NO. _____. Amend Senate Bill 35 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Immigration Safe Zones Act.

6 Section 5. Legislative findings. The General Assembly
7 finds that:

8 (1) This State is committed to ensuring that all residents
9 are treated equally notwithstanding race, religion, national
10 origin, disability status, sexual orientation, gender, or
11 immigration status.

12 (2) All residents of this State are entitled to live with
13 dignity and without fear.

14 (3) Immigrants are valuable and essential members of the
15 Illinois community, and should be able to live full and
16 productive lives without fear of the government.

1 (4) A relationship of trust between the Illinois immigrant
2 community and State and local agencies is central to the public
3 safety of the people of this State. This trust is threatened
4 when State and local agencies are entangled with federal
5 immigration enforcement, with the result that immigrant
6 community members fear going to court, seeking basic health
7 services, or attending school to the detriment of public safety
8 and the well-being of all residents of this State.

9 (5) The General Assembly shall continue to strive to create
10 an environment where all residents are protected to the best of
11 this State's ability.

12 Section 10. Model policies for immigration enforcement.

13 (a) In this Section, "immigration enforcement" means any
14 and all efforts to investigate, enforce, or assist in the
15 investigation or enforcement of any federal civil immigration
16 law including any and all efforts to investigate, enforce, or
17 assist in the investigation or enforcement of any federal
18 criminal immigration law that penalizes a person's presence in,
19 entry or reentry to, or employment in, the United States.

20 (b) The Attorney General by April 1, 2019, in consultation
21 with appropriate stakeholders, shall publish model policies
22 limiting assistance with immigration enforcement to the
23 fullest extent possible consistent with federal and State law
24 ensuring the following facilities remain safe and accessible to
25 all residents of this State, regardless of immigration status:

1 (1) State-funded schools, including licensed day care
2 centers, pre-schools, and other early learning programs;
3 elementary and secondary schools; and institutions of
4 higher education;

5 (2) State-funded medical treatment and health care
6 facilities; including hospitals, health clinics, emergency
7 or urgent care facilities, nursing homes, group homes for
8 persons with developmental disabilities,
9 community-integrated living arrangements, and State mental
10 health facilities;

11 (3) public libraries;

12 (4) facilities operated by the Office of the Secretary
13 of State; and

14 (5) courts of this State.

15 (c) The model policies created under subsection (b) of this
16 Section shall incorporate protections against unreasonable
17 searches and seizures and requirements for warrants based on
18 probable cause guaranteed by the Fourth Amendment of the United
19 States Constitution, Article I, Section 6 of the Illinois
20 Constitution, and other relevant constitutional and legal
21 protections. Facilities enumerated in subsection (b) of this
22 Section shall implement the model policy or an equivalent
23 policy. All other organizations and entities that provide
24 services related to physical or mental health and wellness,
25 education, or access to justice are encouraged to adopt the
26 model policy.

1 Section 15. Public safety.

2 (a) In this Section:

3 "Immigration agent" means an agent of federal
4 Immigration and Customs Enforcement, federal Customs and
5 Border Protection, a person authorized to conduct
6 enforcement of civil immigration laws under subsection (g)
7 of Section 1357 of Title 8 of the United States Code or any
8 other federal law, any other federal agent charged with
9 enforcement of civil immigration laws, or any successor.

10 "Immigration enforcement operation" means any
11 operation that has as one of its objectives the
12 identification or apprehension of a person or persons: (1)
13 in order to subject the person or persons to civil
14 immigration detention, removal proceedings and removal
15 from the United States; or (2) to criminally prosecute a
16 person or persons for offenses related to immigration
17 status, including, but not limited to, violations of
18 Sections 1253, 1304, 1306(a) and (b), 1325, or 1326 of
19 Title 8 of the United States Code.

20 "Law enforcement agency" means an agency in this State
21 charged with enforcement of State, county, or municipal
22 laws or with managing custody of detained persons in the
23 State, including municipal police departments, sheriff's
24 departments, campus police departments, the Department of
25 State Police, and the Department of Juvenile Justice.

1 "Law enforcement official" means any officer or other
2 agent of a State or local law enforcement agency authorized
3 to enforce criminal laws, rules, regulations, or local
4 ordinances or to operate jails, correctional facilities,
5 or juvenile detention facilities or to maintain custody of
6 individuals in jails, correctional facilities, or juvenile
7 detention facilities.

8 (b) A law enforcement official shall not assist or support
9 in any immigration enforcement operation by an immigration
10 agent taking place in or around the perimeter of any of the
11 agencies listed in Section 10 of this Act unless immigration
12 officials present a valid and properly issued criminal warrant
13 related to the investigation or prosecution of any criminal
14 offense, including offenses provided for in the laws of another
15 state or federal law. "Criminal offense" or "criminal activity"
16 shall not include any offense related to immigration status,
17 including, but not limited to, a violation of Section 1253,
18 1304, 1306 (a) or (b), 1325, or 1326 of Title 8 of the United
19 States Code.

20 (c) Nothing in this Section shall preclude a law
21 enforcement official from executing her or his duties in
22 ensuring public safety except as provided in subsection (b) of
23 this Section.

24 Section 20. Review of file information; questions
25 regarding citizenship. On and after the effective date of this

1 Act, all applications, questionnaires, and interview forms
2 used in relation to benefits, opportunities, or services
3 provided by a State agency or in-State or in-district tuition
4 verification, scholarships, grants, or services provided by a
5 public elementary or secondary school or public institution of
6 higher education shall be promptly reviewed by that State
7 agency, school, or institution and any questions regarding
8 citizenship or immigration status, other than those required by
9 statute, ordinance, federal law, or court order shall be
10 removed within 60 days after the effective date of this Act.
11 Sixty days after the effective date of this Act, an
12 application, questionnaire, or interview form used in relation
13 to benefits, opportunities, or services provided by a State
14 agency or in-State or in-district tuition verification,
15 scholarships, grants, or services provided by a public
16 elementary or secondary school or public institution of higher
17 education shall not contain any questions regarding
18 citizenship or immigration status, other than those required by
19 statute, ordinance, federal law, or court order.

20 Section 97. Severability. The provisions of this Act are
21 severable under Section 1.31 of the Statute on Statutes."