



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1637

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

New Act

Creates the Keep Illinois Families Together Act. Provides that the Attorney General, within 90 days of the effective date of this Act, in consultation with the appropriate stakeholders, shall propose new rules related to limiting assistance with immigration enforcement at the following facilities to the fullest extent possible consistent with federal and State law to ensure that these facilities remain safe and accessible to all Illinois residents, regardless of immigration status: (1) public schools, including public pre-schools and other early learning programs, public elementary and secondary schools, and public institutions of higher education; (2) State-funded medical treatment and health care facilities, including hospitals, health clinics, emergency or urgent care facilities, nursing homes, group homes for persons with developmental disabilities, community-integrated living arrangements, and State mental health facilities; (3) public libraries; (4) facilities operated by the Office of the Secretary of State; and (5) courthouses. Provides that within 6 months of the effective date of the Act, all State agencies, public schools, and public institutions of higher education shall review their confidentiality policies to identify any changes necessary to limit collection of information from individuals to that information necessary to perform agency duties and to limit use or disclosure of information for any other purpose. Provides that a law enforcement agency or official may not inquire about the citizenship or immigration status or place of birth of any individual, including any person who has been arrested or detained by the agency, any person in the agency or official's custody, any person submitting to questioning by the agency or official, any crime victim, any witness, or any person who calls or approaches the law enforcement agency or official seeking assistance. Makes other changes.

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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 1. Short title. This Act may be cited as the Keep
5 Illinois Families Together Act.

6 Section 5. Findings. The General Assembly makes the
7 following findings:

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

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

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

18 (4) A relationship of trust between this State's
19 immigrant community and State and local agencies is central
20 to the public safety of the people of Illinois. This trust
21 is threatened when State and local agencies are entangled
22 with federal immigration enforcement, with the result that
23 immigrant community members fear going to court, seeking

1 basic health or other services, or pursuing education to
2 the detriment of public safety and the well-being of all
3 residents.

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

7 Section 10. Model policies for certain facilities.

8 (a) In accordance with the Illinois Administrative
9 Procedure Act, the Attorney General, within 90 days of the
10 effective date of this Act, in consultation with the
11 appropriate stakeholders, shall propose new rules related to
12 limiting assistance with immigration enforcement at the
13 following facilities to the fullest extent possible consistent
14 with federal and State law to ensure that these facilities
15 remain safe and accessible to all Illinois residents,
16 regardless of immigration status:

17 (1) Public schools, including public pre-schools and
18 other early learning programs, public elementary and
19 secondary schools, and public institutions of higher
20 education.

21 (2) State-funded medical treatment and health care
22 facilities, including hospitals, health clinics, emergency
23 or urgent care facilities, nursing homes, group homes for
24 persons with developmental disabilities,
25 community-integrated living arrangements, and State mental

1 health facilities.

2 (3) Public libraries.

3 (4) Facilities operated by the Office of the Secretary
4 of State.

5 (5) Courthouses.

6 (b) Within 90 days of the adoption of the rules described
7 in subsection (a), the Attorney General shall publish model
8 policies for the categories of facilities described in
9 subsection (a) that provides guidance on compliance with the
10 adopted rules and any other best practices for limiting
11 assistance with immigration enforcement to the fullest extent
12 possible consistent with federal and State law. All facilities
13 shall implement the model policy or an equivalent policy that
14 is in compliance with the adopted rule.

15 (c) All other organizations and entities that provide
16 services related to physical or mental health and wellness or
17 education are encouraged to adopt the appropriate model policy
18 published under subsection (b).

19 (d) In this Section, "immigration enforcement" includes
20 any and all efforts to investigate, enforce, or assist in the
21 investigation or enforcement of any federal civil immigration
22 law including any and all efforts to investigate, enforce, or
23 assist in the investigation or enforcement of any federal
24 criminal immigration law that penalizes a person's presence in,
25 entry or reentry to, or employment in, the United States.

1 Section 15. Information collection and confidentiality.

2 (a) Within 6 months of the effective date of this Act, all
3 State agencies, public schools, and public institutions of
4 higher education shall review their confidentiality policies
5 to identify any changes necessary to limit collection of
6 information from individuals to that information necessary to
7 perform agency duties and to limit use or disclosure of
8 information for any other purpose.

9 (b) The review described in subsection (a) shall include a
10 review of all applications, questionnaires, and interview
11 forms used in relation to benefits, opportunities, or services
12 provided by a State agency, or to in-State or in-district
13 tuition verification, scholarship, grant, or service provided
14 by a public elementary or secondary school or public
15 institution of higher education. Within 6 months after the
16 effective date of this Act, all State agencies, public schools,
17 and public institutions of higher education shall remove any
18 questions regarding citizenship or immigration status from any
19 application, questionnaire, and interview form, other than
20 those questions required by statute, ordinance, federal law, or
21 court order. No State agency, public school, or public
22 institution of higher education may add any question regarding
23 citizenship or immigration status to any application,
24 questionnaire, or interview form unless those questions are
25 required by statute, ordinance, federal law, or court order.

26 (c) Any further necessary changes to agency, school, or

1 institutional confidentiality and data collection policies
2 must be made within one year of the effective date of this Act,
3 consistent with agency, school, or institutional procedures.
4 These policies must restrict any public employee from making
5 services conditional upon, or requesting information or proof
6 regarding a person's immigration or citizenship status or place
7 of birth, except as required by statute, ordinance, federal
8 law, or court order. These policies must also require that
9 public services are available to, and public employees must
10 serve, all Illinois residents without regard to immigration or
11 citizenship status.

12 Section 20. Public safety.

13 (a) In this Section:

14 "Immigration agent" means an agent of federal
15 Immigration and Customs Enforcement, federal Customs and
16 Border Protection, an individual authorized to conduct
17 enforcement of civil immigration laws under 8 U.S.C.
18 1357(g) or any other federal law, any other federal agent
19 charged with enforcement of civil immigration laws, or any
20 successor.

21 "Immigration enforcement operation" means any
22 operation that has as one of its objectives the
23 identification or apprehension of a person or persons: (1)
24 in order to subject such person or persons to civil
25 immigration detention, removal proceedings and removal

1 from the United States; or (2) to criminally prosecute a
2 person or persons for offenses related to immigration
3 status, including but not limited to violations of 8 U.S.C.
4 1253, 1304, 1306(a) and (b), 1325, or 1326.

5 "Law enforcement agency" means an agency in this State
6 charged with enforcement of State, county, or municipal
7 laws or with managing custody of detained persons in the
8 State, including municipal police departments, sheriff's
9 departments, campus police departments, the Department of
10 State Police, and the Department of Juvenile Justice.

11 "Law enforcement official" means any officer or other
12 agent of a State or local law enforcement agency authorized
13 to enforce criminal laws, rules, regulations, or local
14 ordinances or operate jails, correctional facilities, or
15 juvenile detention facilities or to maintain custody of
16 individuals in jails, correctional facilities, or juvenile
17 detention facilities also including any school resource
18 officer or other police or security officer assigned to any
19 public school, including any public pre-school and other
20 early learning program, public elementary and secondary
21 school, or public institution of higher education.

22 (b) A law enforcement agency or official may not inquire
23 about the citizenship or immigration status or place of birth
24 of any individual, including any person who has been arrested
25 or detained by the agency, any person in the agency or
26 official's custody, any person submitting to questioning by the

1 agency or official, any crime victim, any witness, or any
2 person who calls or approaches the law enforcement agency or
3 official seeking assistance. Nothing in this subsection (b)
4 shall be construed to limit the ability of a law enforcement
5 agency or official to inform a person in the law enforcement
6 agency's custody about that person's right to communicate with
7 consular officers from that person's country of nationality, or
8 facilitate such communication, in accordance with the Vienna
9 Convention on Consular Relations.

10 (c) A law enforcement agency or official may not
11 participate in immigration enforcement operations, including
12 any collateral assistance such as establishing a traffic
13 perimeter surrounding such operations. A law enforcement
14 agency or official may not provide to any immigration agent any
15 information regarding persons who may be the subject of
16 immigration enforcement operations.

17 (d) A law enforcement agency or official may not enter into
18 an agreement under 8 U.S.C. 1357(g) or any other federal law
19 that permits State or local governmental entities to enforce
20 federal civil immigration laws.

21 (e) A law enforcement agency or official may not:

22 (1) give any immigration agent access to any individual
23 in that agency's custody;

24 (2) transfer any person into an immigration agent's
25 custody;

26 (3) permit immigration agents use of agency facilities

1 or equipment, including any agency electronic databases
2 not available to the public, for investigative interviews
3 or other investigative or immigration enforcement purpose;

4 (4) respond to any immigration agent's inquiry or
5 request for information regarding any individual in the
6 agency's custody; or

7 (5) provide to any immigration agent information
8 regarding any individual's release contact information, or
9 otherwise facilitate an immigration agent to apprehend an
10 individual for immigration enforcement.

11 (f) Notwithstanding any other provision of this Section, if
12 an immigration agent presents to a law enforcement official or
13 law enforcement agency a criminal warrant, the law enforcement
14 official or law enforcement agency may conduct any of the
15 activities listed in subsections (b), (c), or (e) or otherwise
16 communicate or coordinate with an immigration agent solely for
17 assisting with that specific purpose.

18 (g) A law enforcement agency may not deny services,
19 benefits, privileges, or opportunities to individuals in
20 custody, or under community custody or probation status, on the
21 basis of the presence of an immigration detainer or
22 non-judicial immigration warrant as defined in Section 10 of
23 the Illinois TRUST Act.

24 (h) Nothing in this Section shall preclude a law
25 enforcement official from otherwise executing that official's
26 duties in ensuring public safety.