



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1429

Introduced 2/13/2019, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/Art. VIII Pt. 29 heading new  
735 ILCS 5/8-2901 new

Amends the Evidence Article of the Code of Civil Procedure. Provides that evidence of a person's immigration status is not admissible in any civil proceeding unless: it is essential to prove an element of a claim or an affirmative defense; or a person or his or her attorney voluntarily reveals his or her immigration status to the court. Provides that a party intending to offer evidence regarding a person's immigration status shall file a written motion at least 14 days before trial. Provides that the court shall conduct an in camera hearing to review the probative value of the person's immigration status. Provides that if the court finds that the probative value of the person's immigration status outweighs its prejudicial nature, the court shall make findings of fact and conclusions of law regarding the permitted use of the evidence. Provides that the motion, related papers, and the record of the hearing shall be sealed and remain under seal unless the court orders otherwise. Provides that a party who communicates to a person or witness any threat to or actually disclose a person's or witness's immigration status to any entity or immigration or law enforcement agency with the intent to deter the person from testifying commits a Class C misdemeanor.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding  
5 Part 29 as follows:

6 (735 ILCS 5/Art. VIII Pt. 29 heading new)

7 Part 29. Immigration Status

8 (735 ILCS 5/8-2901 new)

9 Sec. 8-2901. Admissibility of evidence; immigration  
10 status.

11 (a) Except as provided in subsection (b), evidence of a  
12 person's immigration status is not admissible in any civil  
13 proceeding.

14 (b) Evidence otherwise inadmissible under this Act is  
15 admissible if:

16 (1) it is essential to prove an element of a claim or  
17 an affirmative defense; or

18 (2) a person or his or her attorney voluntarily reveals  
19 his or her immigration status to the court.

20 (c) A party intending to offer evidence regarding a  
21 person's immigration status shall file a written motion at  
22 least 14 days before trial specifically describing the evidence

1 and stating the purpose for which it is offered, unless the  
2 court, for good cause, requires a different time for filing or  
3 permits filing during trial.

4 Upon receipt of the motion and notice to all parties, the  
5 court shall conduct an in camera hearing, with counsel present,  
6 limited to review of the probative value of the person's  
7 immigration status to the case on trial. If the court finds  
8 that the probative value of the person's immigration status to  
9 the case outweighs its prejudicial nature, the court shall make  
10 findings of fact and conclusions of law regarding the permitted  
11 use of the evidence.

12 The motion, related papers, and the record of the hearing  
13 shall be sealed and remain under seal unless the court orders  
14 otherwise.

15 (d) A person may not, with the intent to deter any person  
16 or witness from testifying freely, fully, and truthfully to any  
17 matter before trial or in any court or before a grand jury,  
18 administrative agency, or any other State or local governmental  
19 unit, threaten to or actually disclose, directly or indirectly,  
20 a person's or witness's immigration status to any entity or any  
21 immigration or law enforcement agency. A person who violates  
22 this subsection commits a Class C misdemeanor.