

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 to Article VIII 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 related
12 to a 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;

18 (2) it is offered to prove an interest or bias of a
19 witness, if it does not cause confusion of the issues or
20 mislead the trier of fact, and the probative value of the
21 evidence outweighs its prejudicial nature; or

22 (3) a person or his or her attorney voluntarily reveals

1 his or her immigration status to the court.

2 (c) A party intending to offer evidence relating to a
3 person's immigration status shall file a written motion at
4 least 14 days before a hearing or a trial specifically
5 describing the evidence and stating the purpose for which it is
6 offered. A court, for good cause, may require a different time
7 for filing or permit filing during trial.

8 Upon receipt of the motion and notice to all parties, the
9 court shall conduct an in camera hearing, with counsel present,
10 limited to review of the probative value of the person's
11 immigration status to the case. If the court finds that the
12 evidence relating to a person's immigration status meets the
13 criteria set forth in paragraph (1), (2), or (3) of subsection
14 (b), the court shall make findings of fact and conclusions of
15 law regarding the permitted use of the evidence.

16 The motion, related papers, and the record of the hearing
17 shall be sealed and remain under seal unless the court orders
18 otherwise.

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