



Rep. Jennifer Gong-Gershowitz

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10100SB1429ham001

LRB101 08748 LNS 60215 a

1 AMENDMENT TO SENATE BILL 1429

2 AMENDMENT NO. _____. Amend Senate Bill 1429 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 adding Pt. 29 to Article VIII as follows:

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

7 Pt. 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 Section is
15 admissible if:

1 (1) it is essential to prove an element of a claim or
2 an affirmative defense. Evidence of an individual's
3 immigration status is essential when the court cannot make
4 a complete determination of the controversy without the
5 introduction of a person's immigration status;

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

10 (3) a person or his or her attorney voluntarily reveals
11 his or her immigration status to the court.

12 (c) No evidence admissible under paragraph (1), (2), or (3)
13 of subsection (b) shall be introduced unless ruled admissible
14 by the court after an offer of proof has been made at an in
15 camera hearing. The hearing shall be limited to review of the
16 probative value of the person's immigration status. The offer
17 of proof shall include reasonably specific information
18 describing the evidence, indicating where the evidence
19 originated from, and stating the purpose for which the evidence
20 is offered. The court shall not admit evidence under this
21 subsection unless it determines at the hearing that the
22 evidence meets the criteria set forth in paragraph (1), (2), or
23 (3) of subsection (b), that the evidence is relevant, and that
24 the probative value of the evidence outweighs the danger of
25 unfair prejudice.

26 The evidence shall be admissible at trial to the extent

1 that an order made by the court specifies the evidence that may
2 be admitted and the areas with respect to which the immigrant
3 person may be examined or cross examined. The order shall be in
4 writing and include findings of fact and conclusions of law
5 regarding the permitted use of the evidence.

6 The offer of proof, record of the hearing, and related
7 papers shall be sealed and remain under seal unless the court
8 orders otherwise.

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