



Sen. Ram Villivalam

Filed: 3/15/2019

10100SB1429sam001

LRB101 08748 LNS 57876 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 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:

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

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

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

9 (c) A party intending to offer evidence relating to a
10 person's immigration status shall file a written motion at
11 least 14 days before a hearing or a trial that specifically
12 describes the evidence, states the purpose for which it is
13 offered, and explains why it is essential to a claim or
14 affirmative defense or is probative of an interest or bias of a
15 witness, unless the court, for good cause, requires a different
16 time for filing or permits filing during trial.

17 Upon receipt of the motion and notice to all parties, the
18 court shall conduct an in camera hearing, with counsel present,
19 limited to review of the probative value of the person's
20 immigration status to the case. If the court finds that the
21 evidence relating to a person's immigration status meets the
22 criteria set forth in paragraph (1), (2), or (3) of subsection
23 (b), the court shall make findings of fact and conclusions of
24 law regarding the permitted use of the evidence.

25 The motion, related papers, and the record of the hearing
26 shall be sealed and remain under seal unless the court orders

1 otherwise.

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