

# SB3774



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3774

Introduced 2/14/2020, by Sen. Bill Cunningham

### SYNOPSIS AS INTRODUCED:

5 ILCS 805/10

Amends the Illinois TRUST Act. Modifies the definitions of "immigration detainer" and "non-judicial immigration warrant" for purposes of the Act. Effective immediately.

LRB101 20555 RLC 70172 b

A BILL FOR

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 5. The Illinois TRUST Act is amended by changing  
5 Section 10 as follows:

6 (5 ILCS 805/10)

7 Sec. 10. Definitions. In this Act:

8 "Immigration detainer" means a request to a State or local  
9 law enforcement agency to provide notice of release or maintain  
10 custody of an individual based on an alleged violation of a  
11 civil immigration law, including detainers issued pursuant to  
12 Sections 1226 or 1357 of Title 8 of the United States Code or  
13 Sections 287.7 or 236.1 of Title 8 of the Code of Federal  
14 Regulations. An immigration detainer includes, but is not  
15 limited to, Form I-247A (Immigration Detainer - Notice of  
16 Action form) and any predecessor or successor form. ~~a document~~  
17 ~~issued by an immigration agent that is not approved or ordered~~  
18 ~~by a judge and requests a law enforcement agency or law~~  
19 ~~enforcement official to provide notice of release or maintain~~  
20 ~~eustody of a person, including a detainer issued under Section~~  
21 ~~1226 or 1357 of Title 8 of the United States Code or Section~~  
22 ~~236.1 or 287.7 of Title 8 of the Code of Federal Regulations.~~

23 "Law enforcement agency" means an agency of the State or of

1 a unit of local government charged with enforcement of State,  
2 county, or municipal laws or with managing custody of detained  
3 persons in the State.

4 "Law enforcement official" means any individual with the  
5 power to arrest or detain individuals, including law  
6 enforcement officers, county corrections officer, and others  
7 employed or designated by a law enforcement agency.

8 "Non-judicial immigration warrant" means an immigration  
9 warrant of arrest, order to detain or release aliens, notice of  
10 custody determination, notice to appear, removal order,  
11 warrant of removal, or any other document that can form the  
12 basis for an individual's arrest or detention for a civil  
13 immigration enforcement purpose. A civil immigration warrant  
14 includes, but is not limited to, Form I-200 (Warrant for the  
15 Arrest of Alien), Form I-205 (Warrant of Removal/Deportation),  
16 any predecessor or successor form, and all warrants, hits, or  
17 requests contained in the Immigration Violator File of the  
18 National Crime Information Center database of the Federal  
19 Bureau of Investigations. "Non-judicial immigration warrant"  
20 does not include any criminal warrant issued upon a judicial  
21 determination of probable cause, and in compliance with the  
22 requirements of the 4th Amendment to the United States  
23 Constitution and Section 6 of Article I of the Illinois  
24 Constitution. ~~a Form I-200 or I-205 administrative warrant or~~  
25 ~~any other immigration warrant or request that is not approved~~  
26 ~~or ordered by a judge, including administrative warrants~~

1 ~~entered into the Federal Bureau of Investigation's National~~  
2 ~~Crime Information Center database.~~

3 (Source: P.A. 100-463, eff. 8-28-17.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.