



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1986

Introduced 2/26/2021, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

New Act

Creates the Keep Illinois Families Together Act. Provides that the Attorney General, within 90 days of the effective date of this Act, in consultation with the appropriate stakeholders, shall propose new rules related to limiting assistance with immigration enforcement at the following facilities to the fullest extent possible consistent with federal and State law to ensure that these facilities remain safe and accessible to all Illinois residents, regardless of immigration status: (1) public schools, including public pre-schools and other early learning programs, public elementary and secondary schools, and public institutions of higher education; (2) State-funded medical treatment and health care facilities, including hospitals, health clinics, emergency or urgent care facilities, nursing homes, group homes for persons with developmental disabilities, community-integrated living arrangements, and State mental health facilities; (3) public libraries; (4) facilities operated by the Office of the Secretary of State; and (5) courthouses. Provides that within 6 months of the effective date of the Act, all State agencies, public schools, and public institutions of higher education shall review their confidentiality policies to identify any changes necessary to limit collection of information from individuals to that information necessary to perform agency duties and to limit use or disclosure of information for any other purpose. Provides that a law enforcement agency or official may not inquire about the citizenship or immigration status or place of birth of any individual, including any person who has been arrested or detained by the agency, any person in the agency or official's custody, any person submitting to questioning by the agency or official, any crime victim, any witness, or any person who calls or approaches the law enforcement agency or official seeking assistance. Makes other changes.

LRB102 16668 KMF 22069 b

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 1. Short title. This Act may be cited as the Keep
5 Illinois Families Together Act.

6 Section 5. Findings. The General Assembly makes the
7 following findings:

8 (1) The State of Illinois is committed to ensuring
9 that all residents of this State are treated equally
10 notwithstanding race, religion, national origin,
11 disability status, sexual orientation, gender, or
12 immigration status.

13 (2) All residents of this State are entitled to live
14 with dignity and without fear.

15 (3) Immigrants are valuable and essential members of
16 the Illinois community and should be able to live full and
17 productive lives without fear of the government.

18 (4) A relationship of trust between this State's
19 immigrant community and State and local agencies is
20 central to the public safety of the people of Illinois.
21 This trust is threatened when State and local agencies are
22 entangled with federal immigration enforcement, with the
23 result that immigrant community members fear going to

1 court, seeking basic health or other services, or pursuing
2 education to the detriment of public safety and the
3 well-being of all residents.

4 (5) The General Assembly shall continue to strive to
5 create an environment where all residents are protected to
6 the best of this State's ability.

7 Section 10. Model policies for certain facilities.

8 (a) In accordance with the Illinois Administrative
9 Procedure Act, the Attorney General, within 90 days of the
10 effective date of this Act, in consultation with the
11 appropriate stakeholders, shall propose new rules related to
12 limiting assistance with immigration enforcement at the
13 following facilities to the fullest extent possible consistent
14 with federal and State law to ensure that these facilities
15 remain safe and accessible to all Illinois residents,
16 regardless of immigration status:

17 (1) Public schools, including public pre-schools and
18 other early learning programs, public elementary and
19 secondary schools, and public institutions of higher
20 education.

21 (2) State-funded medical treatment and health care
22 facilities, including hospitals, health clinics, emergency
23 or urgent care facilities, nursing homes, group homes for
24 persons with developmental disabilities,
25 community-integrated living arrangements, and State mental

1 health facilities.

2 (3) Public libraries.

3 (4) Facilities operated by the Office of the Secretary
4 of State.

5 (5) Courthouses.

6 (b) Within 90 days of the adoption of the rules described
7 in subsection (a), the Attorney General shall publish model
8 policies for the categories of facilities described in
9 subsection (a) that provides guidance on compliance with the
10 adopted rules and any other best practices for limiting
11 assistance with immigration enforcement to the fullest extent
12 possible consistent with federal and State law. All facilities
13 shall implement the model policy or an equivalent policy that
14 is in compliance with the adopted rule.

15 (c) All other organizations and entities that provide
16 services related to physical or mental health and wellness or
17 education are encouraged to adopt the appropriate model policy
18 published under subsection (b).

19 (d) In this Section, "immigration enforcement" includes
20 any and all efforts to investigate, enforce, or assist in the
21 investigation or enforcement of any federal civil immigration
22 law including any and all efforts to investigate, enforce, or
23 assist in the investigation or enforcement of any federal
24 criminal immigration law that penalizes a person's presence
25 in, entry or reentry to, or employment in, the United States.

1 Section 15. Information collection and confidentiality.

2 (a) Within 6 months of the effective date of this Act, all
3 State agencies, public schools, and public institutions of
4 higher education shall review their confidentiality policies
5 to identify any changes necessary to limit collection of
6 information from individuals to that information necessary to
7 perform agency duties and to limit use or disclosure of
8 information for any other purpose.

9 (b) The review described in subsection (a) shall include a
10 review of all applications, questionnaires, and interview
11 forms used in relation to benefits, opportunities, or services
12 provided by a State agency, or to in-State or in-district
13 tuition verification, scholarship, grant, or service provided
14 by a public elementary or secondary school or public
15 institution of higher education. Within 6 months after the
16 effective date of this Act, all State agencies, public
17 schools, and public institutions of higher education shall
18 remove any questions regarding citizenship or immigration
19 status from any application, questionnaire, and interview
20 form, other than those questions required by statute,
21 ordinance, federal law, or court order. No State agency,
22 public school, or public institution of higher education may
23 add any question regarding citizenship or immigration status
24 to any application, questionnaire, or interview form unless
25 those questions are required by statute, ordinance, federal
26 law, or court order.

1 (c) Any further necessary changes to agency, school, or
2 institutional confidentiality and data collection policies
3 must be made within one year of the effective date of this Act,
4 consistent with agency, school, or institutional procedures.
5 These policies must restrict any public employee from making
6 services conditional upon, or requesting information or proof
7 regarding a person's immigration or citizenship status or
8 place of birth, except as required by statute, ordinance,
9 federal law, or court order. These policies must also require
10 that public services are available to, and public employees
11 must serve, all Illinois residents without regard to
12 immigration or citizenship status.

13 Section 20. Public safety.

14 (a) In this Section:

15 "Immigration agent" means an agent of federal
16 Immigration and Customs Enforcement, federal Customs and
17 Border Protection, an individual authorized to conduct
18 enforcement of civil immigration laws under 8 U.S.C.
19 1357(g) or any other federal law, any other federal agent
20 charged with enforcement of civil immigration laws, or any
21 successor.

22 "Immigration enforcement operation" means any
23 operation that has as one of its objectives the
24 identification or apprehension of a person or persons: (1)
25 in order to subject such person or persons to civil

1 immigration detention, removal proceedings and removal
2 from the United States; or (2) to criminally prosecute a
3 person or persons for offenses related to immigration
4 status, including but not limited to violations of 8
5 U.S.C. 1253, 1304, 1306(a) and (b), 1325, or 1326.

6 "Law enforcement agency" means an agency in this State
7 charged with enforcement of State, county, or municipal
8 laws or with managing custody of detained persons in the
9 State, including municipal police departments, sheriff's
10 departments, campus police departments, the Illinois State
11 Police, and the Department of Juvenile Justice.

12 "Law enforcement official" means any officer or other
13 agent of a State or local law enforcement agency
14 authorized to enforce criminal laws, rules, regulations,
15 or local ordinances or operate jails, correctional
16 facilities, or juvenile detention facilities or to
17 maintain custody of individuals in jails, correctional
18 facilities, or juvenile detention facilities also
19 including any school resource officer or other police or
20 security officer assigned to any public school, including
21 any public pre-school and other early learning program,
22 public elementary and secondary school, or public
23 institution of higher education.

24 (b) A law enforcement agency or official may not inquire
25 about the citizenship or immigration status or place of birth
26 of any individual, including any person who has been arrested

1 or detained by the agency, any person in the agency or
2 official's custody, any person submitting to questioning by
3 the agency or official, any crime victim, any witness, or any
4 person who calls or approaches the law enforcement agency or
5 official seeking assistance. Nothing in this subsection (b)
6 shall be construed to limit the ability of a law enforcement
7 agency or official to inform a person in the law enforcement
8 agency's custody about that person's right to communicate with
9 consular officers from that person's country of nationality,
10 or facilitate such communication, in accordance with the
11 Vienna Convention on Consular Relations.

12 (c) A law enforcement agency or official may not
13 participate in immigration enforcement operations, including
14 any collateral assistance such as establishing a traffic
15 perimeter surrounding such operations. A law enforcement
16 agency or official may not provide to any immigration agent
17 any information regarding persons who may be the subject of
18 immigration enforcement operations.

19 (d) A law enforcement agency or official may not enter
20 into an agreement under 8 U.S.C. 1357(g) or any other federal
21 law that permits State or local governmental entities to
22 enforce federal civil immigration laws.

23 (e) A law enforcement agency or official may not:

24 (1) give any immigration agent access to any
25 individual in that agency's custody;

26 (2) transfer any person into an immigration agent's

1 custody;

2 (3) permit immigration agents use of agency facilities
3 or equipment, including any agency electronic databases
4 not available to the public, for investigative interviews
5 or other investigative or immigration enforcement purpose;

6 (4) respond to any immigration agent's inquiry or
7 request for information regarding any individual in the
8 agency's custody; or

9 (5) provide to any immigration agent information
10 regarding any individual's release contact information, or
11 otherwise facilitate an immigration agent to apprehend an
12 individual for immigration enforcement.

13 (f) Notwithstanding any other provision of this Section,
14 if an immigration agent presents to a law enforcement official
15 or law enforcement agency a criminal warrant, the law
16 enforcement official or law enforcement agency may conduct any
17 of the activities listed in subsections (b), (c), or (e) or
18 otherwise communicate or coordinate with an immigration agent
19 solely for assisting with that specific purpose.

20 (g) A law enforcement agency may not deny services,
21 benefits, privileges, or opportunities to individuals in
22 custody, or under community custody or probation status, on
23 the basis of the presence of an immigration detainer or
24 non-judicial immigration warrant as defined in Section 10 of
25 the Illinois TRUST Act.

26 (h) Nothing in this Section shall preclude a law

1 enforcement official from otherwise executing that official's
2 duties in ensuring public safety.