

SB2502



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2502

Introduced 2/26/2021, by Sen. Omar Aquino

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.

LRB102 16551 KMF 21946 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
10 maintain custody of an individual based on an alleged
11 violation of a civil immigration law, including detainers
12 issued pursuant to Sections 1226 or 1357 of Title 8 of the
13 United States Code or Sections 287.7 or 236.1 of Title 8 of the
14 Code of Federal Regulations. An immigration detainer includes,
15 but is not limited to, Form I-247A (Immigration Detainer -
16 Notice of Action form) and any predecessor or successor form.
17 ~~a document issued by an immigration agent that is not approved~~
18 ~~or ordered by a judge and requests a law enforcement agency or~~
19 ~~law enforcement official to provide notice of release or~~
20 ~~maintain custody of a person, including a detainer issued~~
21 ~~under Section 1226 or 1357 of Title 8 of the United States Code~~
22 ~~or Section 236.1 or 287.7 of Title 8 of the Code of Federal~~
23 ~~Regulations.~~

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

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

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

1 ~~or ordered by a judge, including administrative warrants~~
2 ~~entered into the Federal Bureau of Investigation's National~~
3 ~~Crime Information Center database.~~

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

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