



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1472

Introduced 2/7/2023, by Sen. Rachel Ventura

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Noncitizens Rights Act. Prohibits an agent or agency from requesting information about or otherwise investigating or assisting in the investigation of the citizenship or immigration status of any person unless such inquiry or investigation is required by State statute, federal regulation, or court decision. Restricts a law enforcement or other agency of the State or other local government from inquiring into the immigration status of a person who interacts with a governmental agency. Requires law enforcement and other government offices that regularly have people walk in to report violations of law or to complain about government operations to prominently post signs describing the government's policy of not asking about an individual's immigration status. Provides that no agency or assigned counsel shall disclose information regarding the citizenship or immigration status of a person unless required to do so by legal process or when such a disclosure has been authorized in writing by the individual to whom such information pertains. Allows law enforcement officers to inquire into the immigration status of a person under specified circumstances. Provides that no agent, agency, or local government employee shall condition the receipt of benefits, opportunities, or services provided by the State on matters related to citizenship or immigration status unless required to do so by statute, federal regulation, or court decision. Provides that where presentation of a State driver's license or State issued government identification card is accepted as adequate evidence of identity, presentation of photo identity documents issued by the person's nation of origin shall be accepted and shall not subject the person to a higher scrutiny or different treatment than if the person had provided a State driver's license or government identification card. Establishes prohibited State or federal agency or agent actions. Authorizes an agency or agent to communicate with ICE in order to determine whether a matter involves enforcement based solely on a violation of civil immigration law. Establishes provisions related to liability and remedies for violations of the Act. Sets forth requirements for the removal of files maintained by agencies when such files contain information regarding citizenship or immigration status.

LRB103 28914 LNS 55300 b

A BILL FOR

1 AN ACT concerning human rights.

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  
5 Noncitizens Rights Act.

6 Section 5. Definitions. As used in this Act:

7 "Administrative warrant" means an immigration warrant  
8 issued by the Immigration and Customs Enforcement Agency, or a  
9 successor or similar federal agency charged with enforcement  
10 of civil immigration law, used as a noncriminal warrant for  
11 immigration purposes.

12 "Agency" means every State department, agency, division,  
13 council, committee, board, other body, or person established  
14 by authority of statute, executive order, or administrative  
15 rules.

16 "ICE" means the United States Immigration and Customs  
17 Enforcement Agency and shall include any successor agency  
18 charged with the enforcement of civil immigration law.

19 "Immigration detainer" means an official request issued by  
20 ICE, or other federal agency charged with the enforcement of  
21 civil immigration laws, to another federal, State, or local  
22 law enforcement agency to detain an individual based on a  
23 violation of civil immigration law.

1 "Investigation of the citizenship or immigration status"  
2 means questions of United States citizenship, citizenship of  
3 any other country, legal right to reside or otherwise be  
4 present in the United States, and the time or manner of a  
5 person's entry into the United States.

6 "Local government" means the government of municipalities,  
7 counties, and all other subdivisions of government through the  
8 State.

9 Section 10. Prohibited status requests.

10 (a) No agent or agency shall request information about or  
11 otherwise investigate or assist in the investigation of the  
12 citizenship or immigration status of any person unless such  
13 inquiry or investigation is required by State statute, federal  
14 regulation, or court decision. Notwithstanding this  
15 subsection, the State may investigate and inquire about  
16 immigration status when such an investigation or inquiry is  
17 relevant to potential or actual litigation or an  
18 administrative proceeding in which the State is or may be a  
19 party to. If an individual's immigration status is relevant,  
20 the assigned counsel is not permitted to discuss the  
21 immigration or citizenship status to any State or federal law  
22 enforcement unless the investigation pertains to a violent  
23 crime.

24 (b) No law enforcement or other agency of the State or  
25 other local government shall inquire into the immigration

1 status of any person who interacts with a governmental agency,  
2 or ask for the person's social security number or other  
3 information that would disclose an individual's immigration  
4 status.

5 (c) Law enforcement and other government offices that  
6 regularly have people walk in to report violations of law or to  
7 complain about government operations shall prominently post  
8 signs describing the government's policy of not asking about  
9 an individual's immigration status.

10 Section 15. Disclosing prohibited information. Except as  
11 otherwise provided under applicable federal law, no agency or  
12 assigned counsel shall disclose information regarding the  
13 citizenship or immigration status of any person unless  
14 required to do so by legal process or when such a disclosure  
15 has been authorized in writing by the individual whom such  
16 information pertains, or if such individual is a minor or is  
17 otherwise not legally competent, by such individual's parent  
18 or guardian.

19 Section 20. Permitted inquiries. Law enforcement officers  
20 may inquire into the immigration status of any person when  
21 such inquiry is required by federal law or an officer has  
22 reasonable grounds to believe that the person:

23 (1) has been convicted of a felony criminal law  
24 violation;

1           (2) was deported or left the United States after the  
2 conviction; and

3           (3) is again present in the United States.

4           Section 25. Conditioning benefits, services, or  
5 opportunities on immigration status prohibited.

6           (a) No agent, agency, or local government employee shall  
7 condition the receipt of benefits, opportunities, or services  
8 provided by the State on matters related to citizenship or  
9 immigration status unless required to do so by statute,  
10 federal regulation, or court decision.

11           (b) Where presentation of a State driver's license or  
12 State issued government identification card is accepted as  
13 adequate evidence of identity, presentation of photo identity  
14 documents issued by the person's nation of origin, such as a  
15 driver's license, passport, or martrricula consular, shall be  
16 accepted and shall not subject the person to a higher scrutiny  
17 or different treatment than if the person had provided a State  
18 driver's license or government identification card. However,  
19 this subsection shall not apply to the completion of the  
20 federally mandated I-9 forms.

21           Section 30. Civil immigration enforcement action.

22           (a) Except for such reasonable time as is necessary to  
23 conduct an investigation, no State or federal agency or agent  
24 shall:

1           (1) arrest, detain, or continue to detain a person  
2 solely on the belief that the person is not legally  
3 present in the United States or that the person has  
4 committed a civil immigration violation;

5           (2) arrest, detain, or continue to detain a person  
6 based on an administrative warrant entered into the  
7 Federal Bureau of Investigation's National Crime  
8 Information Center database, or successor or similar  
9 database maintained by the United States, when the  
10 administrative warrant is based solely on the violation of  
11 a civil immigration law; or

12           (3) detain or continue to detain a person based upon  
13 an immigration detainer when such immigration detainer is  
14 based solely on a violation of civil immigration law.

15           (b) Unless an agency or agent is acting pursuant to a  
16 legitimate law enforcement purpose that is unrelated to the  
17 enforcement of a civil immigration law, no agency or agent  
18 shall:

19           (1) permit ICE agents access to a person being  
20 detained by, or in custody of, the agency or agent;

21           (2) permit ICE agents use of any agency facilities for  
22 investigation interviews or other investigative purpose;  
23 or

24           (3) while on duty, expend time responding to ICE  
25 inquiries or communications with ICE regarding a person's  
26 custody status or release date. While off duty, an agent

1 is still subject to the disclosure prohibitions under this  
2 Act.

3 (c) An agency or agent is authorized to communicate with  
4 ICE in order to determine whether any matter involves  
5 enforcement based solely on a violation of civil immigration  
6 law.

7 (d) This Section shall not apply when an investigation  
8 conducted by the agent or agent indicates that the subject of  
9 the investigation:

10 (1) has an outstanding criminal warrant;

11 (2) has been convicted of a felony in any court of  
12 competent jurisdiction;

13 (3) is a defendant in a criminal case in any court of  
14 competent jurisdiction where a judgment has not been  
15 entered and a felony charge is pending; or

16 (4) has been identified as a known gang member either  
17 in a law enforcement agency's database or by the subject's  
18 own admission.

19 Section 35. Liability. This Act does not create or form  
20 the basis for liability on the part of the State, local  
21 government, its agents, or agencies. The exclusive remedy for  
22 violations of this Act shall be through the appropriate  
23 disciplinary procedures for officers and employees under  
24 rules, including, but not limited to, the State's personnel  
25 rules, union contracts, civil service commission rules, or any

1 other agency rules or regulations. A person alleged of  
2 violating this Act shall forward a complaint to the office of  
3 the entity subject of the alleged violation.

4 Section 40. Exchanging file information. All applications,  
5 questionnaires, and interview forms used in relation to  
6 providing State benefits, opportunities, or services shall be  
7 promptly reviewed by the pertinent agency and any questions  
8 regarding citizenship or immigration status, other than those  
9 required by statute, ordinance, federal regulation, or court  
10 decision, shall be removed within 90 days of the effective  
11 date of this Act.

12 Section 45. Severability. If any provision, clause,  
13 Section, or application of this Act to any person or  
14 circumstance is declared invalid by any court of competent  
15 jurisdiction, such invalidity shall not affect, impair, or  
16 invalidate the remainder hereof or its applicability to any  
17 other person or circumstances.