



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3289

Introduced 2/7/2024, by Sen. Andrew S. Chesney

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 805/Act rep.

15 ILCS 335/11

625 ILCS 5/6-110.3

from Ch. 124, par. 31

Creates the Immigration Enforcement Act. Provides that a State entity, local entity, or law enforcement agency may not adopt or maintain a law, ordinance, resolution, rule, regulation, policy, directive, order, practice, or procedure, formal or informal, written or unwritten, that prohibits or materially restricts the State entity, local entity, or law enforcement agency from complying with or assisting in the enforcement of immigration laws. Includes mandatory duties of law enforcement agencies regarding immigration detainees. Requires a county jail, municipal jail, and the Department of Corrections to enter into an agreement with the U.S. Immigration and Customs Enforcement or other federal agency for temporarily housing persons who are the subject of immigration detainees and for the payment of the costs of housing and detaining those persons. Requires implementation of the Act in a manner consistent with federal laws and regulations governing immigration and discrimination, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens. Limits home rule powers by providing that regulation of immigration enforcement is an exclusive power and function of the State. Repeals the Illinois TRUST Act. Makes corresponding changes in the Illinois Identification Card Act and the Illinois Vehicle Code. Effective immediately.

LRB103 36973 AWJ 67087 b

1 AN ACT concerning government.

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 Immigration Enforcement Act.

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

7 "Immigration detainer is facially sufficient" means: (i)  
8 the federal immigration agency's official form is incomplete  
9 and fails to indicate on its face that the federal immigration  
10 official has probable cause to believe that the person to be  
11 detained is a removable alien under federal immigration law  
12 but is supported by an affidavit, order, or other official  
13 documentation that indicates that the federal immigration  
14 agency has probable cause to believe that the person to be  
15 detained is a removable alien under federal immigration law  
16 and the federal immigration agency supplies with its detention  
17 request a Form I-200 Warrant for Arrest of Alien, a Form I-205  
18 Warrant of Removal/Deportation, a successor warrant, or other  
19 warrant authorized by federal law; or (ii) the federal  
20 immigration agency's official form is complete and indicates  
21 on its face that the federal immigration official has probable  
22 cause to believe that the person to be detained is a removable  
23 alien under federal immigration law.

1 "Law enforcement agency" means any entity with statutory  
2 police powers and the ability to employ individuals authorized  
3 to make arrests, including local and State agencies.

4 "Local entity" means a unit of local government, a school  
5 district, or a community college district.

6 "State entity," means the State of Illinois and all of its  
7 agencies, State universities and colleges, and all corporate  
8 outgrowths of the State.

9 Section 10. Prohibited policies regarding immigration  
10 enforcement. A State entity, local entity, or law enforcement  
11 agency may not adopt or maintain a law, ordinance, resolution,  
12 rule, regulation, policy, directive, order, practice, or  
13 procedure, formal or informal, written or unwritten, that  
14 prohibits or materially restricts the State entity, local  
15 entity, or law enforcement agency from complying with or  
16 assisting in the enforcement of immigration laws. This  
17 includes prohibitions or restrictions on:

18 (1) inquiries into the immigration status of any  
19 person;

20 (2) transmitting, requesting, or receiving information  
21 relating to immigration status, lawful or unlawful, of any  
22 person to or from any federal immigration enforcement  
23 agency;

24 (3) maintaining, archiving, or otherwise storing for  
25 subsequent use information relating to an individual's

1 immigration status;

2 (4) exchanging information relating to immigration  
3 status with another law enforcement agency, local entity,  
4 State entity, or a federal immigration agency;

5 (5) complying with an immigration detainer, including,  
6 but not limited to, refusing to cooperate or comply with a  
7 lawfully issued detainer in the absence of a warrant or  
8 other order directing compliance with or enforcement of  
9 such a detainer;

10 (6) complying with a request from a federal  
11 immigration agency to notify the agency before the release  
12 of an inmate;

13 (7) providing a federal immigration agency with an  
14 inmate's incarceration status or release date;

15 (8) assisting or cooperating with a federal  
16 immigration agency, including by providing enforcement  
17 assistance;

18 (9) participating in any program or agreement  
19 authorized under Section 287 of the federal Immigration  
20 and Nationality Act (8 U.S.C. 1357); or

21 (10) permitting a federal immigration officer to enter  
22 and conduct enforcement activities at a municipal jail,  
23 county jail, or Division of Corrections or rehabilitation  
24 facility involving or related to the enforcement of  
25 federal immigration laws.

1           Section 15. Mandatory duties of law enforcement agencies  
2 regarding immigration detainers.

3           (a) A law enforcement agency that takes initial custody of  
4 a person subject to an immigration detainer shall:

5                 (1) provide notice to the court authorized to grant or  
6 deny the person's release on bail or bond that the person  
7 is subject to an immigration detainer;

8                 (2) record in the person's case file that the person  
9 is subject to an immigration detainer; and

10                (3) upon determining that the immigration detainer is  
11 facially sufficient, comply with the requests made in the  
12 immigration detainer to the extent required by law.

13           (b) A law enforcement agency is not required to perform a  
14 duty imposed by subsection (a) with respect to a person who has  
15 been transferred to the custody of the agency by another law  
16 enforcement agency subject to the requirements of this  
17 section.

18           (c) A court of competent jurisdiction that receives notice  
19 that a person is subject to an immigration detainer shall  
20 record this information in the court record, regardless of  
21 whether the notice is received before or after a judgment in  
22 the case.

23           Section 20. Mandatory agreements for housing persons  
24 subject to immigration detainers.

25           (a) Each county jail, municipal jail, and the Department

1 of Corrections shall enter into an agreement with a federal  
2 immigration agency for temporarily housing persons who are the  
3 subject of immigration detainers and for the payment of the  
4 costs of housing and detaining those persons.

5 (b) A agreement under this Section must include a contract  
6 with a federal immigration agency for housing or detaining  
7 persons subject to immigration detainers, such as basic  
8 ordering agreements, intergovernmental service agreements,  
9 agreements authorized by Section 287 of the federal  
10 Immigration and Nationality Act (8 U.S.C. 1357), successor  
11 agreements, or other similar agreements authorized by federal  
12 law.

13 Section 25. Implementation; discrimination prohibited.

14 (a) This Act shall be implemented in a manner consistent  
15 with federal laws and regulations governing immigration,  
16 protecting the civil rights of all persons, and respecting the  
17 privileges and immunities of United States citizens.

18 (b) A State entity, local entity, or law enforcement  
19 agency and a person employed by or otherwise under the  
20 direction or control of a State entity, local entity, or law  
21 enforcement agency may not base the entity's, agency's, or  
22 person's actions under this Act on the gender, race, color,  
23 religion, language, national origin, or physical disability of  
24 a person except to the extent authorized by the United States  
25 Constitution, the constitution and laws of this State, or

1 other applicable federal law.

2 Section 30. Home rule. The regulation of immigration  
3 enforcement is an exclusive power and function of the State. A  
4 home rule unit may not regulate immigration enforcement. This  
5 Act is a denial and limitation of home rule powers and  
6 functions under subsection (h) of Section 6 of Article VII of  
7 the Illinois Constitution.

8 (5 ILCS 805/Act rep.)

9 Section 35. The Illinois TRUST Act is repealed.

10 Section 40. The Illinois Identification Card Act is  
11 amended by changing Section 11 as follows:

12 (15 ILCS 335/11) (from Ch. 124, par. 31)

13 (Text of Section before amendment by P.A. 103-210)

14 Sec. 11. Records.

15 (a) The Secretary may make a search of his records and  
16 furnish information as to whether a person has a current  
17 Standard Illinois Identification Card or an Illinois Person  
18 with a Disability Identification Card then on file, upon  
19 receipt of a written application therefor accompanied with the  
20 prescribed fee. However, the Secretary may not disclose  
21 medical information concerning an individual to any person,  
22 public agency, private agency, corporation or governmental

1 body unless the individual has submitted a written request for  
2 the information or unless the individual has given prior  
3 written consent for the release of the information to a  
4 specific person or entity. This exception shall not apply to:  
5 (1) offices and employees of the Secretary who have a need to  
6 know the medical information in performance of their official  
7 duties, or (2) orders of a court of competent jurisdiction.  
8 When medical information is disclosed by the Secretary in  
9 accordance with the provisions of this Section, no liability  
10 shall rest with the Office of the Secretary of State as the  
11 information is released for informational purposes only.

12 (b) Except as otherwise provided in this Section, the  
13 Secretary may release personally identifying information only  
14 to:

15 (1) officers and employees of the Secretary who have a  
16 need to know that information for issuance of driver's  
17 licenses, permits, or identification cards and  
18 investigation of fraud or misconduct;

19 (2) other governmental agencies for use in their  
20 official governmental functions;

21 (3) law enforcement agencies for a criminal or civil  
22 investigation;

23 (3-5) the State Board of Elections as may be required  
24 by an agreement the State Board of Elections has entered  
25 into with a multi-state voter registration list  
26 maintenance system; or



1           (4) any entity that the Secretary has authorized, by  
2           rule.

3           (c) Except as otherwise provided in this Section, the  
4           Secretary may release highly restricted personal information  
5           only to:

6           (1) officers and employees of the Secretary who have a  
7           need to access the information for the issuance of  
8           driver's licenses, permits, or identification cards and  
9           investigation of fraud or misconduct;

10          (2) law enforcement officials for a criminal or civil  
11          law enforcement investigation;

12          (3) the State Board of Elections for the purpose of  
13          providing the signature for completion of voter  
14          registration; or

15          (4) any other entity the Secretary has authorized by  
16          rule.

17          (d) Documents required to be submitted with an application  
18          for an identification card to prove the applicant's identity  
19          (name and date of birth), social security number, written  
20          signature, residency, and, as applicable, proof of lawful  
21          status shall be confidential and shall not be disclosed except  
22          to the following persons:

23          (1) the individual to whom the identification card was  
24          issued, upon written request;

25          (2) officers and employees of the Secretary of State  
26          who have a need to have access to the stored images for

1 purposes of issuing and controlling driver's licenses,  
2 permits, or identification cards and investigation of  
3 fraud or misconduct;

4 (3) law enforcement officials for a civil or criminal  
5 law enforcement investigation;

6 (4) other entities that the Secretary may authorize by  
7 rule.

8 (e) The Secretary may not disclose an individual's social  
9 security number or any associated information obtained from  
10 the Social Security Administration without the written request  
11 or consent of the individual except: (i) to officers and  
12 employees of the Secretary who have a need to know the social  
13 security number in the performance of their official duties;  
14 (ii) to law enforcement officials for a civil or criminal law  
15 enforcement investigation if an officer of the law enforcement  
16 agency has made a written request to the Secretary specifying  
17 the law enforcement investigation for which the social  
18 security number is being sought; (iii) under a lawful court  
19 order signed by a judge; (iv) to the Illinois Department of  
20 Veterans' Affairs for the purpose of confirming veteran status  
21 to agencies in other states responsible for the issuance of  
22 state identification cards for participation in State-to-State  
23 verification service; or (v) the last 4 digits to the Illinois  
24 State Board of Elections for purposes of voter registration  
25 and as may be required pursuant to an agreement for a  
26 multi-state voter registration list maintenance system. The

1 Secretary retains the right to require additional verification  
2 regarding the validity of a request from law enforcement. If  
3 social security information is disclosed by the Secretary in  
4 accordance with this Section, no liability shall rest with the  
5 Office of the Secretary of State or any of its officers or  
6 employees, as the information is released for official  
7 purposes only.

8 (f) The Secretary of State shall not provide facial  
9 recognition search services or photographs obtained in the  
10 process of issuing an identification card to any federal,  
11 State, or local law enforcement agency or other governmental  
12 entity for the purpose of enforcing federal immigration laws.  
13 This subsection shall not apply to requests from federal,  
14 State, or local law enforcement agencies or other governmental  
15 entities for facial recognition search services or photographs  
16 obtained in the process of issuing a driver's license or  
17 permit when the purpose of the request relates to criminal  
18 activity other than violations of immigration laws.

19 (Source: P.A. 101-326, eff. 8-9-19; 102-354, eff. 8-13-21.)

20 (Text of Section after amendment by P.A. 103-210)

21 Sec. 11. Records.

22 (a) The Secretary may make a search of his records and  
23 furnish information as to whether a person has a current  
24 Standard Illinois Identification Card or an Illinois Person  
25 with a Disability Identification Card then on file, upon

1 receipt of a written application therefor accompanied with the  
2 prescribed fee. However, the Secretary may not disclose  
3 medical information concerning an individual to any person,  
4 public agency, private agency, corporation or governmental  
5 body unless the individual has submitted a written request for  
6 the information or unless the individual has given prior  
7 written consent for the release of the information to a  
8 specific person or entity. This exception shall not apply to:  
9 (1) offices and employees of the Secretary who have a need to  
10 know the medical information in performance of their official  
11 duties, or (2) orders of a court of competent jurisdiction.  
12 When medical information is disclosed by the Secretary in  
13 accordance with the provisions of this Section, no liability  
14 shall rest with the Office of the Secretary of State as the  
15 information is released for informational purposes only.

16 (b) Except as otherwise provided in this Section, the  
17 Secretary may release personally identifying information only  
18 to:

19 (1) officers and employees of the Secretary who have a  
20 need to know that information for issuance of driver's  
21 licenses, permits, or identification cards and  
22 investigation of fraud or misconduct;

23 (2) other governmental agencies for use in their  
24 official governmental functions;

25 (3) law enforcement agencies for a criminal or civil  
26 investigation, except as restricted by subsections (g) and

1 (h);

2 (3-5) the State Board of Elections as may be required  
3 by an agreement the State Board of Elections has entered  
4 into with a multi-state voter registration list  
5 maintenance system; or

6 (4) any entity that the Secretary has authorized, by  
7 rule.

8 (c) Except as otherwise provided in this Section, the  
9 Secretary may release highly restricted personal information  
10 only to:

11 (1) officers and employees of the Secretary who have a  
12 need to access the information for the issuance of  
13 driver's licenses, permits, or identification cards and  
14 investigation of fraud or misconduct;

15 (2) law enforcement officials for a criminal or civil  
16 law enforcement investigation, except as restricted by  
17 subsections (g) and (h);

18 (3) the State Board of Elections for the purpose of  
19 providing the signature for completion of voter  
20 registration; or

21 (4) any other entity the Secretary has authorized by  
22 rule.

23 (d) Documents required to be submitted with an application  
24 for an identification card to prove the applicant's identity  
25 (name and date of birth), social security number or lack of a  
26 social security number, written signature, residency, and, as

1 applicable, citizenship and immigration status and country of  
2 citizenship shall be confidential and shall not be disclosed  
3 except to the following persons:

4 (1) the individual to whom the identification card was  
5 issued, upon written request;

6 (2) officers and employees of the Secretary of State  
7 who have a need to have access to the stored images for  
8 purposes of issuing and controlling driver's licenses,  
9 permits, or identification cards and investigation of  
10 fraud or misconduct;

11 (3) law enforcement officials for a civil or criminal  
12 law enforcement investigation, except as restricted by  
13 subsections (g) and (h);

14 (4) other entities that the Secretary may authorize by  
15 rule.

16 (e) The Secretary may not disclose an individual's social  
17 security number or any associated information obtained from  
18 the Social Security Administration without the written request  
19 or consent of the individual except: (i) to officers and  
20 employees of the Secretary who have a need to know the social  
21 security number in the performance of their official duties;  
22 (ii) except as restricted by subsections (g) and (h) to law  
23 enforcement officials for a civil or criminal law enforcement  
24 investigation if an officer of the law enforcement agency has  
25 made a written request to the Secretary specifying the law  
26 enforcement investigation for which the social security number

1 is being sought; (iii) under a lawful court order signed by a  
2 judge; (iv) to the Illinois Department of Veterans' Affairs  
3 for the purpose of confirming veteran status to agencies in  
4 other states responsible for the issuance of state  
5 identification cards for participation in State-to-State  
6 verification service; or (v) the last 4 digits to the Illinois  
7 State Board of Elections for purposes of voter registration  
8 and as may be required pursuant to an agreement for a  
9 multi-state voter registration list maintenance system. The  
10 Secretary retains the right to require additional verification  
11 regarding the validity of a request from law enforcement. If  
12 social security information is disclosed by the Secretary in  
13 accordance with this Section, no liability shall rest with the  
14 Office of the Secretary of State or any of its officers or  
15 employees, as the information is released for official  
16 purposes only.

17 (f) The Secretary of State shall not provide facial  
18 recognition search services or photographs obtained in the  
19 process of issuing an identification card to any federal,  
20 State, or local law enforcement agency or other governmental  
21 entity for the purpose of enforcing federal immigration laws.  
22 This subsection shall not apply to requests from federal,  
23 State, or local law enforcement agencies or other governmental  
24 entities for facial recognition search services or photographs  
25 obtained in the process of issuing a driver's license or  
26 permit when the purpose of the request relates to criminal

1 activity other than violations of immigration laws.

2 (g) Notwithstanding any other provision of law, the  
3 Secretary may not release highly restricted personal  
4 information or personally identifying information or disclose  
5 documents described in subsection (d) to any immigration  
6 agent, ~~as defined in Section 10 of the Illinois TRUST Act,~~  
7 unless necessary to comply with the following, to the extent  
8 that production of such information or documents is  
9 specifically required:

10 (1) a lawful court order;

11 (2) a judicial warrant signed by a judge appointed  
12 pursuant to Article III of the Constitution of the United  
13 States; or

14 (3) a subpoena for individual records issued by a  
15 federal or State court.

16 When responding to such a court order, warrant, or  
17 subpoena, the Secretary shall disclose only those documents or  
18 information specifically requested. Within 3 business days of  
19 receiving such a court order, warrant, or subpoena, the  
20 Secretary shall send a notification to the individual about  
21 whom such information was requested that a court order,  
22 warrant, or subpoena was received and the identity of the  
23 entity that presented the court order, warrant, or subpoena.

24 As used in this subsection, "immigration agent" means an  
25 agent of the U.S. Immigration and Customs Enforcement, the  
26 U.S. Customs and Border Protection, or any similar or



1 successor agency.

2 (h) The Secretary shall not enter into or maintain any  
3 agreement regarding the sharing of any highly restricted  
4 personal information or personally identifying information or  
5 documents described in subsection (d) unless all other parties  
6 to such agreement certify that the information obtained will  
7 not be used for civil immigration purposes or knowingly  
8 disseminated to any third party for any purpose related to  
9 civil immigration enforcement.

10 (Source: P.A. 102-354, eff. 8-13-21; 103-210, eff. 7-1-24.)

11 Section 45. The Illinois Vehicle Code is amended by  
12 changing Section 6-110.3 as follows:

13 (625 ILCS 5/6-110.3)

14 (This Section may contain text from a Public Act with a  
15 delayed effective date)

16 Sec. 6-110.3. Restrictions on use of information for  
17 certain purposes.

18 (a) Notwithstanding any other provision of law, the  
19 Secretary may not release or make accessible in any manner any  
20 highly restricted personal information as defined in Section  
21 1-125.9 or personally identifying information as defined in  
22 Section 1-159.2, provide images, photos, or facial recognition  
23 services as described in Section 6-110.1, or disclose  
24 documents as described in Section 6-110.2 to any immigration

1 agent ~~as defined in Section 10 of the Illinois TRUST Act,~~  
2 unless necessary to comply with the following, to the extent  
3 that production of such information or documents is  
4 specifically required:

5 (1) a lawful court order;

6 (2) a judicial warrant signed by a judge appointed  
7 pursuant to Article III of the Constitution of the United  
8 States; or

9 (3) a subpoena for individual records issued by a  
10 federal or State court.

11 When responding to such a court order, warrant, or  
12 subpoena, the Secretary shall disclose only those documents or  
13 information specifically requested. Within 3 business days of  
14 receiving such a court order, warrant, or subpoena, the  
15 Secretary shall send a notification to the individual about  
16 whom such information was requested that a court order,  
17 warrant, or subpoena was received and the identity of the  
18 entity that presented the court order, warrant, or subpoena.

19 As used in this subsection, "immigration agent" means an  
20 agent of the U.S. Immigration and Customs Enforcement, the  
21 U.S. Customs and Border Protection, or any similar or  
22 successor agency.

23 (b) The Secretary shall not enter into or maintain any  
24 agreement regarding the sharing of any highly restricted  
25 personal information as defined in Section 1-125.9, personally  
26 identifying information as defined in Section 1-159.2, images

1 or photos described in Section 6-110.1, or documents described  
2 in Section 6-110.2 unless all other parties to such agreement  
3 certify that the information obtained will not be used for  
4 civil immigration purposes or knowingly disseminated to any  
5 third party for any purpose related to civil immigration  
6 enforcement.

7 (Source: P.A. 103-210, eff. 7-1-24.)

8 Section 95. No acceleration or delay. Where this Act makes  
9 changes in a statute that is represented in this Act by text  
10 that is not yet or no longer in effect (for example, a Section  
11 represented by multiple versions), the use of that text does  
12 not accelerate or delay the taking effect of (i) the changes  
13 made by this Act or (ii) provisions derived from any other  
14 Public Act.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.