



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4010

Introduced 1/8/2020, by Rep. Karina Villa

#### SYNOPSIS AS INTRODUCED:

5 ILCS 805/15

Amends the Illinois TRUST Act. Provides that a person shall not be subject to civil arrest in a courthouse while attending a court proceeding or having legal business in the courthouse. Provides that the amendatory Act does not narrow, or in any way lessen, any existing common law privilege and does not apply to arrests made under a valid judicial warrant. Provides that a judicial officer may prohibit activities that threaten access to State courthouses and court proceedings, and may prohibit interruption of judicial administration, including protecting the privilege from civil arrest at courthouses and court proceedings. Defines "judicial officer". Contains a severability clause. Effective immediately.

LRB101 15927 RLC 65287 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 5. The Illinois TRUST Act is amended by changing  
5 Section 15 as follows:

6 (5 ILCS 805/15)

7 Sec. 15. Prohibition on enforcing federal civil  
8 immigration laws.

9 (a) A law enforcement agency or law enforcement official  
10 shall not detain or continue to detain any individual solely on  
11 the basis of any immigration detainer or non-judicial  
12 immigration warrant or otherwise comply with an immigration  
13 detainer or non-judicial immigration warrant.

14 (b) A law enforcement agency or law enforcement official  
15 shall not stop, arrest, search, detain, or continue to detain a  
16 person solely based on an individual's citizenship or  
17 immigration status.

18 (c) This Section 15 does not apply if a law enforcement  
19 agency or law enforcement official is presented with a valid,  
20 enforceable federal warrant. Nothing in this Section 15  
21 prohibits communication between federal agencies or officials  
22 and law enforcement agencies or officials.

23 (c-5) (1) A person shall not be subject to civil arrest in a

1 courthouse while attending a court proceeding or having legal  
2 business in the courthouse.

3 (2) This subsection (c-5) does not narrow, or in any way  
4 lessen, any existing common law privilege.

5 (3) This subsection (c-5) does not apply to arrests made  
6 under a valid judicial warrant.

7 (4) A judicial officer may prohibit activities that  
8 threaten access to State courthouses and court proceedings, and  
9 may prohibit interruption of judicial administration,  
10 including protecting the privilege from civil arrest at  
11 courthouses and court proceedings.

12 (5) In this subsection (c-5), "judicial officer" means an  
13 actively serving:

14 (1) judge of the Illinois Supreme Court, including the  
15 Chief Justice;

16 (2) judge of the Illinois Appellate Court; and

17 (3) judge or associate judge of the Illinois Circuit  
18 Courts.

19 (d) A law enforcement agency or law enforcement official  
20 acting in good faith in compliance with this Section who  
21 releases a person subject to an immigration detainer or  
22 non-judicial immigration warrant shall have immunity from any  
23 civil or criminal liability that might otherwise occur as a  
24 result of making the release, with the exception of willful or  
25 wanton misconduct.

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

1           Section 97. Severability. The provisions of this Act are  
2 severable under Section 1.31 of the Statute on Statutes.

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