



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5559

by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

New Act

Creates the Justice for Victims of Sanctuary Cities Act. Provides that any individual, or, if the individual is deceased or permanently incapacitated, a spouse, parent, or child of the individual, who is the victim of a murder, rape, or any felony in the State, for which an alien who benefited from a sanctuary policy has been arrested, convicted, or sentenced to a term of imprisonment of at least one year, may bring a sanctuary-related civil action for compensatory damages against a sanctuary jurisdiction in the appropriate court if the sanctuary jurisdiction failed to comply with: (1) a request with respect to the alien that was lawfully made by the Department of Homeland Security; and (2) a detainer for or notify about the release of the alien. Provides that such a sanctuary-related civil action may not be brought later than 10 years after the occurrence of the crime or the death of a person as a result of the crime, whichever occurs later. Provides for the cooperation between federal and local law enforcement. Provides that nothing may be construed to provide immunity to any person who knowingly violates the civil or constitutional rights of an individual.

LRB101 20520 LNS 70123 b

1 AN ACT concerning civil law.

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 Justice for Victims of Sanctuary Cities Act.

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

7 "Alien" has the meaning provided under 8 U.S.C. 1101(a)(3).

8 "Sanctuary jurisdiction" means any unit of local
9 government or State agency that has in effect a statute,
10 ordinance, policy, or practice that prohibits or restricts any
11 government entity or official from:

12 (1) sending, receiving, maintaining, or exchanging
13 with any federal, State, or local governmental entity
14 information regarding the citizenship or immigration
15 status of any alien; or

16 (2) complying with a request lawfully made by the
17 Department of Homeland Security under 8 U.S.C. 1226 and
18 1357 to comply with a detainer for or notify about the
19 release of an alien.

20 "Sanctuary jurisdiction" does not include a unit of local
21 government or State agency where the only basis for declaring
22 it a sanctuary jurisdiction is that it has a policy whereby its
23 officials will not share information regarding, or comply with

1 a request made by the Department of Homeland Security under 8
2 U.S.C. 1226 and 1357, to comply with a detainer regarding an
3 alien who comes forward as a victim or a witness to a criminal
4 offense.

5 "Sanctuary policy" means a statute, ordinance, policy, or
6 practice of a sanctuary city.

7 "Sanctuary-related civil action" means a civil action
8 brought against a sanctuary jurisdiction by an individual, or
9 the estate of or a survivor or heir of the individual, who:

10 (1) is injured or harmed by an alien who benefited from
11 a sanctuary policy of the sanctuary jurisdiction; and

12 (2) would not have been so injured or harmed but for
13 the alien receiving the benefit of the sanctuary policy.

14 Section 10. Sanctuary-related civil action.

15 (a) Any individual, or, if the individual is deceased or
16 permanently incapacitated, a spouse, parent, or child of the
17 individual, who is the victim of a murder, rape, or any felony
18 in this State, for which an alien who benefited from a
19 sanctuary policy has been arrested, convicted, or sentenced to
20 a term of imprisonment of at least one year, may bring a
21 sanctuary-related civil action for compensatory damages
22 against a sanctuary jurisdiction in the appropriate court if
23 the sanctuary jurisdiction failed to comply with:

24 (1) a request with respect to the alien that was
25 lawfully made by the Department of Homeland Security under

1 8 U.S.C. 1226 and 1357; and

2 (2) a detainer for or notify about the release of the
3 alien.

4 (b) An action brought under this Section may not be brought
5 later than 10 years after the occurrence of the crime or the
6 death of a person as a result of the crime, whichever occurs
7 later.

8 (c) In an action or proceeding under this Section, the
9 court shall award reasonable attorney's fees and costs,
10 including expert fees, to the prevailing plaintiff.

11 Section 15. Cooperation between federal and local law
12 enforcement.

13 (a) A sanctuary jurisdiction, or an officer, employee, or
14 agent of a sanctuary jurisdiction, that complies with a
15 detainer issued by the Department of Homeland Security under 8
16 U.S.C. 1226 and 1357, shall:

17 (1) be deemed to be acting as an agent of the
18 Department of Homeland Security; and

19 (2) comply with 8 U.S.C. 1357(d) and 8 CFR 287.5(d).

20 (b) Nothing in this Section may be construed to provide
21 immunity to any person who knowingly violates the civil or
22 constitutional rights of an individual.