



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4142

Introduced 2/27/2009, by Rep. Harry R. Ramey, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Creates the Taxpayer and Citizen Protection Act and amends various Acts. Prohibits the transportation or concealment of illegal aliens, and makes a violation a Class 4 felony. Provides that an educational institution may issue an identification card only to a United States Citizen or national or a legal permanent resident alien; provides for exceptions. Requires State and local agencies to verify (i) the federal employment authorization status of all new employees and (ii) the lawful presence in the U.S. of applicants for public benefits. Directs the Attorney General to negotiate the terms of a Memorandum of Understanding between the State of Illinois and the federal government concerning the enforcement of federal immigration and customs laws in this State. Provides that an individual who is not lawfully present in the U.S. is not eligible for certain postsecondary education benefits. Provides that the Secretary of State may issue an Illinois Identification Card or driver's license or permit only to a United States Citizen or national or a legal permanent resident alien, with exceptions. Provides for withholding of Illinois income tax in connection with a failure to verify federal employment authorization. Requires a determination of the citizenship status of a person charged with a felony or DUI and confined in a municipal or county jail. Makes changes concerning an in-state tuition charge for non-citizen college and university students. Makes it a civil rights violation for an employer to discharge a U.S. citizen or permanent resident alien while retaining an unauthorized alien hired after July 1, 2010. Makes other changes.

LRB096 08019 KTG 18124 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning foreign nationals.

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 Taxpayer and Citizen Protection Act.

6 Section 5. Legislative findings. The General Assembly
7 finds that illegal immigration is causing economic hardship and
8 lawlessness in this State and that illegal immigration is
9 encouraged when public agencies within this State provide
10 public benefits without verifying immigration status. The
11 General Assembly further finds that when illegal immigrants
12 have been harbored and sheltered in this State and encouraged
13 to reside in this State through the issuance of identification
14 cards that are issued without verifying immigration status,
15 these practices impede and obstruct the enforcement of federal
16 immigration law, undermine the security of our borders, and
17 impermissibly restrict the privileges and immunities of the
18 citizens of Illinois. Therefore, the General Assembly declares
19 that it is a compelling public interest of this State to
20 discourage illegal immigration by requiring all agencies
21 within this State to fully cooperate with federal immigration
22 authorities in the enforcement of federal immigration laws. The
23 General Assembly also finds that other measures are necessary

1 to ensure the integrity of various governmental programs and
2 services.

3 Section 10. Transportation or concealment of foreign
4 nationals; criminal offense.

5 (a) It is unlawful for any person to transport, move, or
6 attempt to transport in the State of Illinois any alien knowing
7 or in reckless disregard of the fact that the alien has come
8 to, entered, or remained in the United States in violation of
9 law, in furtherance of the illegal presence of the alien in the
10 United States.

11 (b) It is unlawful for any person to conceal, harbor, or
12 shelter from detection any alien in any place within the State
13 of Illinois, including any building or means of transportation,
14 knowing or in reckless disregard of the fact that the alien has
15 come to, entered, or remained in the United States in violation
16 of law.

17 (c) Nothing in this Section shall be construed so as to
18 prohibit or restrict the provision of any State or local public
19 benefit described in 8 U.S.C. 1621(b) or regulated public
20 health services provided by a private charity using private
21 funds.

22 (D) A person who violates the provisions of subsection (a)
23 or (b) commits a Class 4 felony.

24 Section 15. Public or private schools, colleges, or

1 universities; identification documents.

2 (a) An identification document, including an
3 identification card, issued by a public or private elementary
4 or secondary school, college, university, or technical or trade
5 school to identify the bearer as an administrator, faculty
6 member, student, or employee may be issued only to a United
7 States citizen or national or a legal permanent resident alien.

8 (b) The provisions of subsection (a) do not apply when an
9 applicant presents, in person, valid documentary evidence of
10 one of the following:

11 (1) A valid, unexpired immigrant or nonimmigrant visa
12 status for admission into the United States.

13 (2) A pending or approved application for asylum in the
14 United States.

15 (3) Admission into the United States in refugee status.

16 (4) A pending or approved application for temporary
17 protected status in the United States.

18 (5) Approved deferred action status.

19 (6) A pending application for adjustment of status to
20 legal permanent residence status or conditional resident
21 status.

22 Upon approval, the applicant may be issued an
23 identification document. The identification document shall be
24 valid only during the period of time of the authorized stay of
25 the applicant in the United States or, if there is no definite
26 end to the period of authorized stay, a period of one year. Any

1 identification document issued pursuant to the provisions of
2 this subsection shall clearly indicate that it is temporary and
3 shall state the date that the identification document expires.

4 The identification document may be renewed only upon
5 presentation of valid documentary evidence that the status by
6 which the applicant qualified for the identification document
7 has been extended by the United States Citizenship and
8 Immigration Services or other authorized agency of the United
9 States Department of Homeland Security.

10 (c) The provisions of subsection (a) do not apply to an
11 identification document that is only valid for use on the
12 campus or facility of that educational institution and includes
13 a statement of that restricted validity clearly and
14 conspicuously printed upon the face of the identification
15 document.

16 Section 20. Employers; citizenship or immigration status
17 verification.

18 (a) In this Section:

19 "Status Verification System" means an electronic system
20 operated by the federal government, through which an authorized
21 official of an agency of the State of Illinois or of a
22 political subdivision of this State may make an inquiry, by
23 exercise of authority delegated pursuant to 8 U.S.C. 1373, to
24 verify or ascertain the citizenship or immigration status of
25 any individual within the jurisdiction of the agency for any

1 purpose authorized by this Section. The Status Verification
2 System shall be deemed to include any of the following:

3 (1) The electronic verification of work authorization
4 program of the Illegal Immigration Reform and Immigration
5 Responsibility Act of 1996, P.L. 104-208, Division C,
6 Section 403(a), 8 U.S.C. 1324a, and operated by the United
7 States Department of Homeland Security, known as the Basic
8 Pilot Program or E-verify.

9 (2) Any equivalent federal program designated by the
10 United States Department of Homeland Security or any other
11 federal agency authorized to verify the work eligibility
12 status of newly hired employees, pursuant to the
13 Immigration Reform and Control Act of 1986 (IRCA), P.L.
14 99-603.

15 (3) Any other independent, third-party system with an
16 equal or higher degree of reliability as the programs,
17 systems, or processes described in this paragraph.

18 (4) The Social Security Number Verification Service,
19 or a similar online verification process implemented by the
20 United States Social Security Administration.

21 "Public employer" means every department, agency, or
22 instrumentality of this State or a political subdivision of
23 this State.

24 "Subcontractor" means a subcontractor, contract employee,
25 staffing agency, or any contractor regardless of its tier.

26 "Unauthorized alien" means an alien as defined in 8 U.S.C.

1 1324a(h)(3).

2 (b) Except as provided in subsection (f), every public
3 employer must register with and utilize a Status Verification
4 System as described in paragraph (1) or (2) of the definition
5 of "Status Verification System" in subsection (a) to verify the
6 federal employment authorization status of all new employees.

7 (c) Except as provided in subsection (f), after July 1,
8 2010, a public employer may not enter into a contract for the
9 physical performance of services within this State unless the
10 contractor registers and participates in the Status
11 Verification System to verify the work eligibility status of
12 all new employees.

13 (d) Except as provided in subsection (f), after July 1,
14 2010, a contractor or subcontractor who enters into a contract
15 with a public employer may not enter into such a contract or
16 subcontract in connection with the physical performance of
17 services within this State unless the contractor or
18 subcontractor registers and participates in the Status
19 Verification System to verify information of all new employees.

20 (e) This Section does not apply to any contract entered
21 into before the effective date of this Act even though such a
22 contract may involve the physical performance of services
23 within this State after July 1, 2010.

24 Section 25. Public benefits; verification of lawful
25 presence in U.S.

1 (a) Except as provided in subsection (c) of this Section or
2 unless exempted by federal law, every agency or a political
3 subdivision of this State shall verify the lawful presence in
4 the United States of any natural person 14 years of age or
5 older who has applied for State or local public benefits, as
6 defined in 8 U.S.C. 1621, or for federal public benefits, as
7 defined in 8 U.S.C. 1611, that are administered by an agency or
8 a political subdivision of this State.

9 (b) The provisions of this Section shall be enforced
10 without regard to race, religion, gender, ethnicity, or
11 national origin.

12 (c) Verification of lawful presence under the provisions of
13 this Section is not required:

14 (1) For any purpose for which lawful presence in the
15 United States is not restricted by law, ordinance, or
16 regulation.

17 (2) For assistance for health care items and services
18 that are necessary for the treatment of an emergency
19 medical condition, as defined in 42 U.S.C. 1396b(v)(3), of
20 the alien involved and are not related to an organ
21 transplant procedure.

22 (3) For short-term, noncash, in-kind emergency
23 disaster relief.

24 (4) For public health assistance for immunizations
25 with respect to diseases and for testing and treatment of
26 symptoms of communicable diseases whether or not such

1 symptoms are caused by a communicable disease.

2 (5) For programs, services, or assistance such as soup
3 kitchens, crisis counseling and intervention, and
4 short-term shelter specified by the United States Attorney
5 General, in the sole and unreviewable discretion of the
6 United States Attorney General after consultation with
7 appropriate federal agencies and departments, that meet
8 all of the following requirements:

9 (A) They deliver in-kind services at the community
10 level, including through public or private nonprofit
11 agencies.

12 (B) They do not condition the provision of
13 assistance, the amount of assistance provided, or the
14 cost of assistance provided on the income or resources
15 of the individual recipient.

16 (C) They are necessary for the protection of life
17 or safety.

18 (d) Verification of lawful presence in the United States by
19 the agency or political subdivision required to make that
20 verification shall require that the applicant execute an
21 affidavit under penalty of perjury that (i) he or she is a
22 United States citizen or (ii) he or she is a qualified alien
23 under the federal Immigration and Nationality Act and is
24 lawfully present in the United States. The agency or political
25 subdivision providing the State or local public benefits shall
26 provide notary public services at no cost to the applicant.

1 (e) For any applicant who has executed the affidavit
2 described in item (ii) of subsection (d), eligibility for
3 benefits shall be verified through the Systematic Alien
4 Verification for Entitlements (SAVE) Program operated by the
5 United States Department of Homeland Security or an equivalent
6 program designated by the United States Department of Homeland
7 Security. Until that eligibility verification is made, the
8 affidavit may be presumed to be proof of lawful presence for
9 the purposes of this Section.

10 (f) Any person who knowingly and willfully makes a false,
11 fictitious, or fraudulent statement of representation in an
12 affidavit executed pursuant to subsection (d) is subject to
13 criminal penalties applicable in this State for fraudulently
14 obtaining public assistance program benefits. If the affidavit
15 constitutes a false claim of U.S. citizenship under 18 U.S.C.
16 911, a complaint shall be filed by the agency requiring the
17 affidavit with the United States Attorney General for the
18 applicable district based upon the venue in which the affidavit
19 was executed.

20 (g) Agencies or political subdivisions of this State may
21 adopt variations to the requirements of the provisions of this
22 Section that demonstrably improve the efficiency or reduce
23 delay in the verification process or that provide for
24 adjudication of unique individual circumstances where the
25 verification procedures in this Section would impose unusual
26 hardship on a legal resident of Illinois.

1 (h) It is unlawful for any agency or a political
2 subdivision of this State to provide any State, local, or
3 federal benefit, as defined in 8 U.S.C. 1621 or 8 U.S.C. 1611,
4 in violation of the provisions of this Section.

5 (i) Each State agency that administers any program of State
6 or local public benefits shall provide an annual report to the
7 Governor and to the General Assembly with respect to its
8 compliance with the provisions of this Section. Each agency
9 shall monitor the Systematic Alien Verification for
10 Entitlements Program for application verification errors and
11 significant delays and shall provide an annual public report on
12 those errors and significant delays and recommendations to
13 ensure that the application of the Systematic Alien
14 Verification of Entitlements Program is not erroneously
15 denying benefits to legal residents of Illinois. Errors shall
16 also be reported to the United States Department of Homeland
17 Security by each agency.

18 Section 30. Enforcement of immigration laws.

19 (a) The Attorney General is authorized and directed to
20 negotiate the terms of a Memorandum of Understanding between
21 the State of Illinois and the United States Department of
22 Justice or the United States Department of Homeland Security,
23 as provided by 8 U.S.C. 1357(g), concerning the enforcement of
24 federal immigration and customs laws, detention and removals,
25 and investigations in the State of Illinois.

1 (b) The Memorandum of Understanding negotiated pursuant to
2 subsection (a) shall be signed on behalf of this State by the
3 Attorney General and the Governor or as otherwise required by
4 the appropriate federal agency.

5 (c) No unit of local government, whether acting through its
6 governing body or by an initiative, referendum, or any other
7 process, shall enact any ordinance or policy that limits or
8 prohibits a law enforcement officer, local official, or local
9 government employee from communicating or cooperating with
10 federal officials with regard to the immigration status of any
11 person within this State.

12 (d) Notwithstanding any other provision of law, no
13 government entity or official within the State of Illinois may
14 prohibit, or in any way restrict, any government entity or
15 official from sending to, or receiving from, the United States
16 Department of Homeland Security information regarding the
17 citizenship or immigration status, lawful or unlawful, of any
18 individual.

19 (e) Notwithstanding any other provision of law, no person
20 or agency may prohibit, or in any way restrict, a public
21 employee from doing any of the following with respect to
22 information regarding the immigration status, lawful or
23 unlawful, of any individual:

24 (1) Sending such information to, or requesting or
25 receiving such information from, the United States
26 Department of Homeland Security.

1 (2) Maintaining such information.

2 (3) Exchanging such information with any other
3 federal, State, or local government entity.

4 (f) The provisions of this Section shall allow for a
5 private right of action by any natural or legal person lawfully
6 domiciled in this State to file for a writ of mandamus to
7 compel any noncooperating local or State governmental agency to
8 comply with the reporting laws set forth or described in this
9 Section.

10 Section 35. Post-secondary education benefits.

11 (a) Except as otherwise provided by law, an individual who
12 is not lawfully present in the United States is not eligible on
13 the basis of residence within this State for:

14 (1) Any postsecondary education benefit, including,
15 but not limited to, scholarships, grants, loans, or other
16 financial aid.

17 (2) An in-state tuition charge.

18 (b) The provisions of subsection (a) do not apply to a
19 student enrolled in a degree program at a public postsecondary
20 educational institution within Illinois during the 2009-2010
21 school year or any prior year who was charged in-state tuition
22 at that institution.

23 Section 40. State Police; Fraudulent Documents
24 Identification Unit. Subject to the availability of funding,

1 the Department of State Police shall establish a Fraudulent
2 Documents Identification (FDI) Unit for the primary purpose of
3 investigating and apprehending persons or entities that
4 participate in the sale or distribution of fraudulent documents
5 used for identification purposes. The unit shall additionally
6 specialize in fraudulent identification documents created and
7 prepared for persons who are unlawfully residing within the
8 State of Illinois. The Department shall employ sufficient
9 employees to investigate and implement an FDI Unit.

10 Section 900. The Illinois Identification Card Act is
11 amended by adding Section 13A as follows:

12 (15 ILCS 335/13A new)

13 Sec. 13A. Restrictions on issuance to foreign nationals.

14 (a) The Secretary of State shall issue an Illinois
15 Identification Card only to a United States citizen or national
16 or a legal permanent resident alien.

17 (b) The provisions of subsection (a) do not apply when an
18 applicant presents, in person, valid documentary evidence of
19 any of the following:

20 (1) A valid, unexpired immigrant or nonimmigrant visa
21 status for admission into the United States.

22 (2) A pending or approved application for asylum in the
23 United States.

24 (3) Admission into the United States in refugee status.

1 (4) A pending or approved application for temporary
2 protected status in the United States.

3 (5) Approved deferred action status.

4 (6) A pending application for adjustment of status to
5 legal permanent residence status or conditional resident
6 status.

7 (c) Upon approval, the applicant may be issued an Illinois
8 Identification Card. The identification card shall be valid
9 only during the period of time of the authorized stay of the
10 applicant in the United States or, if there is no definite end
11 to the period of authorized stay, a period of one year. Any
12 identification card issued pursuant to this subsection shall
13 clearly indicate that it is temporary and shall state the date
14 that the identification card expires.

15 (d) The identification card may be renewed only upon
16 presentation of valid documentary evidence that the status by
17 which the applicant qualified for the identification card has
18 been extended by the United States Citizenship and Immigration
19 Services or other authorized agency of the United States
20 Department of Homeland Security.

21 Section 905. The Illinois Income Tax Act is amended by
22 adding Section 701.5 as follows:

23 (35 ILCS 5/701.5 new)

24 Sec. 701.5. Employment of foreign nationals.

1 (a) If an individual independent contractor, contracting
2 for the physical performance of services in this State, fails
3 to provide to the contracting entity documentation to verify
4 the independent contractor's employment authorization,
5 pursuant to the prohibition against the use of unauthorized
6 alien labor through contract set forth in 8 U.S.C. 1324a(a)(4),
7 the contracting entity shall withhold tax under this Act from
8 compensation paid to the individual independent contractor for
9 the performance of services within this State that exceeds the
10 minimum amount of compensation the contracting entity is
11 required to report as income on United States Internal Revenue
12 Service Form 1099. A contracting entity that fails to comply
13 with the withholding requirements of this subsection is liable
14 for the taxes required to have been withheld unless (i) the
15 contracting entity is exempt from federal withholding with
16 respect to the individual independent contractor pursuant to a
17 properly filed Internal Revenue Service Form 8233 or its
18 equivalent or (ii) Section 706 of this Code applies.

19 (b) Nothing in this Section is intended to create, or
20 should be construed as creating, an employer-employee
21 relationship between a contracting entity and an individual
22 independent contractor.

23 Section 910. The Illinois Municipal Code is amended by
24 adding Section 11-3-3 as follows:

1 (65 ILCS 5/11-3-3 new)

2 Sec. 11-3-3. Determination of prisoner's citizenship
3 status.

4 (a) When a person charged with a felony or with an offense
5 under Section 11-501 of the Illinois Vehicle Code is confined,
6 for any period, in the jail of a municipality, a determination
7 of the citizenship status of the person so confined shall be
8 made.

9 (b) If the prisoner is a foreign national, the keeper of
10 the jail or other officer shall verify that the prisoner has
11 been lawfully admitted to the United States and, if lawfully
12 admitted, that the lawful status has not expired. If
13 verification of lawful status cannot be made from documents in
14 the possession of the prisoner, verification shall be made
15 within 48 hours through a query to the Law Enforcement Support
16 Center of the United States Department of Homeland Security or
17 other office or agency designated for that purpose by the
18 United States Department of Homeland Security. If the lawful
19 immigration status of the prisoner cannot be verified, the
20 keeper of the jail or other officer shall notify the United
21 States Department of Homeland Security.

22 Section 915. The University of Illinois Act is amended by
23 changing Section 7e-5 as follows:

24 (110 ILCS 305/7e-5)

1 Sec. 7e-5. In-state tuition charge.

2 (a) Notwithstanding any other provision of law to the
3 contrary, for tuition purposes, the Board of Trustees shall
4 deem an individual an Illinois resident, until the individual
5 establishes a residence outside of this State, if all of the
6 following conditions are met:

7 (1) The individual resided with his or her parent or
8 guardian while attending a public or private high school in
9 this State.

10 (2) The individual graduated from a public or private
11 high school or received the equivalent of a high school
12 diploma in this State.

13 (3) The individual attended school in this State for at
14 least 3 years as of the date the individual graduated from
15 high school or received the equivalent of a high school
16 diploma.

17 (4) The individual registers as an entering student in
18 the University not earlier than the 2003 fall semester.

19 (5) In the case of an individual who is not a citizen
20 or a permanent resident of the United States, the
21 individual meets the requirements of subsection (a-5)
22 ~~provides the University with an affidavit stating that the~~
23 ~~individual will file an application to become a permanent~~
24 ~~resident of the United States at the earliest opportunity~~
25 ~~the individual is eligible to do so.~~

26 This subsection (a) applies only to tuition for a term or

1 semester that begins on or after May 20, 2003 (the effective
2 date of Public Act 93-7). Any revenue lost by the University in
3 implementing this subsection (a) shall be absorbed by the
4 University Income Fund.

5 (a-5) If a student cannot present to the University valid
6 documentation of United States nationality or an immigration
7 status permitting study at a postsecondary institution, the
8 student must do one of the following:

9 (1) Provide to the University a copy of a true and
10 correct application or petition filed with the United
11 States Citizenship and Immigration Services to legalize
12 the student's immigration status.

13 (2) File an affidavit with the University stating that
14 the student will file an application to legalize his or her
15 immigration status at the earliest opportunity the student
16 is eligible to do so, but in no case later than:

17 (A) one year after the date on which the student
18 enrolls for study at the University; or

19 (B) if there is no formal process to permit
20 children of parents without lawful immigration status
21 to apply for lawful status without risk of deportation,
22 one year after the date the United States Citizenship
23 and Immigration Services provide such a formal
24 process.

25 If the student files an affidavit pursuant to
26 subparagraph (B) of this paragraph (2), the student must

1 present to the University a copy of a true and correct
2 application or petition filed with the United States
3 Citizenship and Immigration Services no later than:

4 (C) one year after the date on which the student
5 enrolls for study at the University; or

6 (D) if there is no formal process to permit
7 children of parents without lawful immigration status
8 to apply for lawful status without risk of deportation,
9 one year after the date the United States Citizenship
10 and Immigration Services provide such a formal
11 process.

12 The copy shall be maintained in the University's
13 records for that student.

14 The provisions of this subsection (a-5) do not impose any
15 additional conditions to maintain in-state tuition status at
16 the University on a student who was enrolled in a degree
17 program and first received in-state tuition status at the
18 University during the 2009-2010 school year or any prior year.

19 (b) If a person is on active military duty and stationed in
20 Illinois, then the Board of Trustees shall deem that person and
21 any of his or her dependents Illinois residents for tuition
22 purposes. Beginning with the 2009-2010 academic year, if a
23 person is on active military duty and is stationed out of
24 State, but he or she was stationed in this State for at least 3
25 years immediately prior to being reassigned out of State, then
26 the Board of Trustees shall deem that person and any of his or

1 her dependents Illinois residents for tuition purposes, as long
2 as that person or his or her dependent (i) applies for
3 admission to the University within 18 months of the person on
4 active military duty being reassigned or (ii) remains
5 continuously enrolled at the University.

6 (Source: P.A. 95-888, eff. 1-1-09.)

7 Section 920. The Southern Illinois University Management
8 Act is amended by changing Section 8d-5 as follows:

9 (110 ILCS 520/8d-5)

10 Sec. 8d-5. In-state tuition charge.

11 (a) Notwithstanding any other provision of law to the
12 contrary, for tuition purposes, the Board shall deem an
13 individual an Illinois resident, until the individual
14 establishes a residence outside of this State, if all of the
15 following conditions are met:

16 (1) The individual resided with his or her parent or
17 guardian while attending a public or private high school in
18 this State.

19 (2) The individual graduated from a public or private
20 high school or received the equivalent of a high school
21 diploma in this State.

22 (3) The individual attended school in this State for at
23 least 3 years as of the date the individual graduated from
24 high school or received the equivalent of a high school

1 diploma.

2 (4) The individual registers as an entering student in
3 the University not earlier than the 2003 fall semester.

4 (5) In the case of an individual who is not a citizen
5 or a permanent resident of the United States, the
6 individual meets the requirements of subsection (a-5)
7 ~~provides the University with an affidavit stating that the~~
8 ~~individual will file an application to become a permanent~~
9 ~~resident of the United States at the earliest opportunity~~
10 ~~the individual is eligible to do so.~~

11 This subsection (a) applies only to tuition for a term or
12 semester that begins on or after May 20, 2003 (the effective
13 date of Public Act 93-7). Any revenue lost by the University in
14 implementing this subsection (a) shall be absorbed by the
15 University Income Fund.

16 (a-5) If a student cannot present to the University valid
17 documentation of United States nationality or an immigration
18 status permitting study at a postsecondary institution, the
19 student must do one of the following:

20 (1) Provide to the University a copy of a true and
21 correct application or petition filed with the United
22 States Citizenship and Immigration Services to legalize
23 the student's immigration status.

24 (2) File an affidavit with the University stating that
25 the student will file an application to legalize his or her
26 immigration status at the earliest opportunity the student

1 is eligible to do so, but in no case later than:

2 (A) one year after the date on which the student
3 enrolls for study at the University; or

4 (B) if there is no formal process to permit
5 children of parents without lawful immigration status
6 to apply for lawful status without risk of deportation,
7 one year after the date the United States Citizenship
8 and Immigration Services provide such a formal
9 process.

10 If the student files an affidavit pursuant to
11 subparagraph (B) of this paragraph (2), the student must
12 present to the University a copy of a true and correct
13 application or petition filed with the United States
14 Citizenship and Immigration Services no later than:

15 (C) one year after the date on which the student
16 enrolls for study at the University; or

17 (D) if there is no formal process to permit
18 children of parents without lawful immigration status
19 to apply for lawful status without risk of deportation,
20 one year after the date the United States Citizenship
21 and Immigration Services provide such a formal
22 process.

23 The copy shall be maintained in the University's
24 records for that student.

25 The provisions of this subsection (a-5) do not impose any
26 additional conditions to maintain in-state tuition status at

1 the University on a student who was enrolled in a degree
2 program and first received in-state tuition status at the
3 University during the 2009-2010 school year or any prior year.

4 (b) If a person is on active military duty and stationed in
5 Illinois, then the Board shall deem that person and any of his
6 or her dependents Illinois residents for tuition purposes.
7 Beginning with the 2009-2010 academic year, if a person is on
8 active military duty and is stationed out of State, but he or
9 she was stationed in this State for at least 3 years
10 immediately prior to being reassigned out of State, then the
11 Board shall deem that person and any of his or her dependents
12 Illinois residents for tuition purposes, as long as that person
13 or his or her dependent (i) applies for admission to the
14 University within 18 months of the person on active military
15 duty being reassigned or (ii) remains continuously enrolled at
16 the University.

17 (Source: P.A. 95-888, eff. 1-1-09.)

18 Section 925. The Chicago State University Law is amended by
19 changing Section 5-88 as follows:

20 (110 ILCS 660/5-88)

21 Sec. 5-88. In-state tuition charge.

22 (a) Notwithstanding any other provision of law to the
23 contrary, for tuition purposes, the Board shall deem an
24 individual an Illinois resident, until the individual

1 establishes a residence outside of this State, if all of the
2 following conditions are met:

3 (1) The individual resided with his or her parent or
4 guardian while attending a public or private high school in
5 this State.

6 (2) The individual graduated from a public or private
7 high school or received the equivalent of a high school
8 diploma in this State.

9 (3) The individual attended school in this State for at
10 least 3 years as of the date the individual graduated from
11 high school or received the equivalent of a high school
12 diploma.

13 (4) The individual registers as an entering student in
14 the University not earlier than the 2003 fall semester.

15 (5) In the case of an individual who is not a citizen
16 or a permanent resident of the United States, the
17 individual meets the requirements of subsection (a-5)
18 ~~provides the University with an affidavit stating that the~~
19 ~~individual will file an application to become a permanent~~
20 ~~resident of the United States at the earliest opportunity~~
21 ~~the individual is eligible to do so.~~

22 This subsection (a) applies only to tuition for a term or
23 semester that begins on or after May 20, 2003 (the effective
24 date of Public Act 93-7). Any revenue lost by the University in
25 implementing this subsection (a) shall be absorbed by the
26 University Income Fund.

1 (a-5) If a student cannot present to the University valid
2 documentation of United States nationality or an immigration
3 status permitting study at a postsecondary institution, the
4 student must do one of the following:

5 (1) Provide to the University a copy of a true and
6 correct application or petition filed with the United
7 States Citizenship and Immigration Services to legalize
8 the student's immigration status.

9 (2) File an affidavit with the University stating that
10 the student will file an application to legalize his or her
11 immigration status at the earliest opportunity the student
12 is eligible to do so, but in no case later than:

13 (A) one year after the date on which the student
14 enrolls for study at the University; or

15 (B) if there is no formal process to permit
16 children of parents without lawful immigration status
17 to apply for lawful status without risk of deportation,
18 one year after the date the United States Citizenship
19 and Immigration Services provide such a formal
20 process.

21 If the student files an affidavit pursuant to
22 subparagraph (B) of this paragraph (2), the student must
23 present to the University a copy of a true and correct
24 application or petition filed with the United States
25 Citizenship and Immigration Services no later than:

26 (C) one year after the date on which the student

1 enrolls for study at the University; or

2 (D) if there is no formal process to permit
3 children of parents without lawful immigration status
4 to apply for lawful status without risk of deportation,
5 one year after the date the United States Citizenship
6 and Immigration Services provide such a formal
7 process.

8 The copy shall be maintained in the University's
9 records for that student.

10 The provisions of this subsection (a-5) do not impose any
11 additional conditions to maintain in-state tuition status at
12 the University on a student who was enrolled in a degree
13 program and first received in-state tuition status at the
14 University during the 2009-2010 school year or any prior year.

15 (b) If a person is on active military duty and stationed in
16 Illinois, then the Board shall deem that person and any of his
17 or her dependents Illinois residents for tuition purposes.
18 Beginning with the 2009-2010 academic year, if a person is on
19 active military duty and is stationed out of State, but he or
20 she was stationed in this State for at least 3 years
21 immediately prior to being reassigned out of State, then the
22 Board shall deem that person and any of his or her dependents
23 Illinois residents for tuition purposes, as long as that person
24 or his or her dependent (i) applies for admission to the
25 University within 18 months of the person on active military
26 duty being reassigned or (ii) remains continuously enrolled at

1 the University.

2 (Source: P.A. 95-888, eff. 1-1-09.)

3 Section 930. The Eastern Illinois University Law is amended
4 by changing Section 10-88 as follows:

5 (110 ILCS 665/10-88)

6 Sec. 10-88. In-state tuition charge.

7 (a) Notwithstanding any other provision of law to the
8 contrary, for tuition purposes, the Board shall deem an
9 individual an Illinois resident, until the individual
10 establishes a residence outside of this State, if all of the
11 following conditions are met:

12 (1) The individual resided with his or her parent or
13 guardian while attending a public or private high school in
14 this State.

15 (2) The individual graduated from a public or private
16 high school or received the equivalent of a high school
17 diploma in this State.

18 (3) The individual attended school in this State for at
19 least 3 years as of the date the individual graduated from
20 high school or received the equivalent of a high school
21 diploma.

22 (4) The individual registers as an entering student in
23 the University not earlier than the 2003 fall semester.

24 (5) In the case of an individual who is not a citizen

1 or a permanent resident of the United States, the
2 individual meets the requirements of subsection (a-5)
3 ~~provides the University with an affidavit stating that the~~
4 ~~individual will file an application to become a permanent~~
5 ~~resident of the United States at the earliest opportunity~~
6 ~~the individual is eligible to do so.~~

7 This subsection (a) applies only to tuition for a term or
8 semester that begins on or after May 20, 2003 (the effective
9 date of Public Act 93-7). Any revenue lost by the University in
10 implementing this subsection (a) shall be absorbed by the
11 University Income Fund.

12 (a-5) If a student cannot present to the University valid
13 documentation of United States nationality or an immigration
14 status permitting study at a postsecondary institution, the
15 student must do one of the following:

16 (1) Provide to the University a copy of a true and
17 correct application or petition filed with the United
18 States Citizenship and Immigration Services to legalize
19 the student's immigration status.

20 (2) File an affidavit with the University stating that
21 the student will file an application to legalize his or her
22 immigration status at the earliest opportunity the student
23 is eligible to do so, but in no case later than:

24 (A) one year after the date on which the student
25 enrolls for study at the University; or

26 (B) if there is no formal process to permit

1 children of parents without lawful immigration status
2 to apply for lawful status without risk of deportation,
3 one year after the date the United States Citizenship
4 and Immigration Services provide such a formal
5 process.

6 If the student files an affidavit pursuant to
7 subparagraph (B) of this paragraph (2), the student must
8 present to the University a copy of a true and correct
9 application or petition filed with the United States
10 Citizenship and Immigration Services no later than:

11 (C) one year after the date on which the student
12 enrolls for study at the University; or

13 (D) if there is no formal process to permit
14 children of parents without lawful immigration status
15 to apply for lawful status without risk of deportation,
16 one year after the date the United States Citizenship
17 and Immigration Services provide such a formal
18 process.

19 The copy shall be maintained in the University's
20 records for that student.

21 The provisions of this subsection (a-5) do not impose any
22 additional conditions to maintain in-state tuition status at
23 the University on a student who was enrolled in a degree
24 program and first received in-state tuition status at the
25 University during the 2009-2010 school year or any prior year.

26 (b) If a person is on active military duty and stationed in

1 Illinois, then the Board shall deem that person and any of his
2 or her dependents Illinois residents for tuition purposes.
3 Beginning with the 2009-2010 academic year, if a person is on
4 active military duty and is stationed out of State, but he or
5 she was stationed in this State for at least 3 years
6 immediately prior to being reassigned out of State, then the
7 Board shall deem that person and any of his or her dependents
8 Illinois residents for tuition purposes, as long as that person
9 or his or her dependent (i) applies for admission to the
10 University within 18 months of the person on active military
11 duty being reassigned or (ii) remains continuously enrolled at
12 the University.

13 (Source: P.A. 95-888, eff. 1-1-09.)

14 Section 935. The Governors State University Law is amended
15 by changing Section 15-88 as follows:

16 (110 ILCS 670/15-88)

17 Sec. 15-88. In-state tuition charge.

18 (a) Notwithstanding any other provision of law to the
19 contrary, for tuition purposes, the Board shall deem an
20 individual an Illinois resident, until the individual
21 establishes a residence outside of this State, if all of the
22 following conditions are met:

23 (1) The individual resided with his or her parent or
24 guardian while attending a public or private high school in

1 this State.

2 (2) The individual graduated from a public or private
3 high school or received the equivalent of a high school
4 diploma in this State.

5 (3) The individual attended school in this State for at
6 least 3 years as of the date the individual graduated from
7 high school or received the equivalent of a high school
8 diploma.

9 (4) The individual registers as an entering student in
10 the University not earlier than the 2003 fall semester.

11 (5) In the case of an individual who is not a citizen
12 or a permanent resident of the United States, the
13 individual meets the requirements of subsection (a-5)
14 ~~provides the University with an affidavit stating that the~~
15 ~~individual will file an application to become a permanent~~
16 ~~resident of the United States at the earliest opportunity~~
17 ~~the individual is eligible to do so.~~

18 This subsection (a) applies only to tuition for a term or
19 semester that begins on or after May 20, 2003 (the effective
20 date of Public Act 93-7). Any revenue lost by the University in
21 implementing this subsection (a) shall be absorbed by the
22 University Income Fund.

23 (a-5) If a student cannot present to the University valid
24 documentation of United States nationality or an immigration
25 status permitting study at a postsecondary institution, the
26 student must do one of the following:

1 (1) Provide to the University a copy of a true and
2 correct application or petition filed with the United
3 States Citizenship and Immigration Services to legalize
4 the student's immigration status.

5 (2) File an affidavit with the University stating that
6 the student will file an application to legalize his or her
7 immigration status at the earliest opportunity the student
8 is eligible to do so, but in no case later than:

9 (A) one year after the date on which the student
10 enrolls for study at the University; or

11 (B) if there is no formal process to permit
12 children of parents without lawful immigration status
13 to apply for lawful status without risk of deportation,
14 one year after the date the United States Citizenship
15 and Immigration Services provide such a formal
16 process.

17 If the student files an affidavit pursuant to
18 subparagraph (B) of this paragraph (2), the student must
19 present to the University a copy of a true and correct
20 application or petition filed with the United States
21 Citizenship and Immigration Services no later than:

22 (C) one year after the date on which the student
23 enrolls for study at the University; or

24 (D) if there is no formal process to permit
25 children of parents without lawful immigration status
26 to apply for lawful status without risk of deportation,

1 one year after the date the United States Citizenship
2 and Immigration Services provide such a formal
3 process.

4 The copy shall be maintained in the University's
5 records for that student.

6 The provisions of this subsection (a-5) do not impose any
7 additional conditions to maintain in-state tuition status at
8 the University on a student who was enrolled in a degree
9 program and first received in-state tuition status at the
10 University during the 2009-2010 school year or any prior year.

11 (b) If a person is on active military duty and stationed in
12 Illinois, then the Board shall deem that person and any of his
13 or her dependents Illinois residents for tuition purposes.
14 Beginning with the 2009-2010 academic year, if a person is on
15 active military duty and is stationed out of State, but he or
16 she was stationed in this State for at least 3 years
17 immediately prior to being reassigned out of State, then the
18 Board shall deem that person and any of his or her dependents
19 Illinois residents for tuition purposes, as long as that person
20 or his or her dependent (i) applies for admission to the
21 University within 18 months of the person on active military
22 duty being reassigned or (ii) remains continuously enrolled at
23 the University.

24 (Source: P.A. 95-888, eff. 1-1-09.)

25 Section 940. The Illinois State University Law is amended

1 by changing Section 20-88 as follows:

2 (110 ILCS 675/20-88)

3 Sec. 20-88. In-state tuition charge.

4 (a) Notwithstanding any other provision of law to the
5 contrary, for tuition purposes, the Board shall deem an
6 individual an Illinois resident, until the individual
7 establishes a residence outside of this State, if all of the
8 following conditions are met:

9 (1) The individual resided with his or her parent or
10 guardian while attending a public or private high school in
11 this State.

12 (2) The individual graduated from a public or private
13 high school or received the equivalent of a high school
14 diploma in this State.

15 (3) The individual attended school in this State for at
16 least 3 years as of the date the individual graduated from
17 high school or received the equivalent of a high school
18 diploma.

19 (4) The individual registers as an entering student in
20 the University not earlier than the 2003 fall semester.

21 (5) In the case of an individual who is not a citizen
22 or a permanent resident of the United States, the
23 individual meets the requirements of subsection (a-5)
24 ~~provides the University with an affidavit stating that the~~
25 ~~individual will file an application to become a permanent~~

1 ~~resident of the United States at the earliest opportunity~~
2 ~~the individual is eligible to do so.~~

3 This subsection (a) applies only to tuition for a term or
4 semester that begins on or after May 20, 2003 (the effective
5 date of Public Act 93-7). Any revenue lost by the University in
6 implementing this subsection (a) shall be absorbed by the
7 University Income Fund.

8 (a-5) If a student cannot present to the University valid
9 documentation of United States nationality or an immigration
10 status permitting study at a postsecondary institution, the
11 student must do one of the following:

12 (1) Provide to the University a copy of a true and
13 correct application or petition filed with the United
14 States Citizenship and Immigration Services to legalize
15 the student's immigration status.

16 (2) File an affidavit with the University stating that
17 the student will file an application to legalize his or her
18 immigration status at the earliest opportunity the student
19 is eligible to do so, but in no case later than:

20 (A) one year after the date on which the student
21 enrolls for study at the University; or

22 (B) if there is no formal process to permit
23 children of parents without lawful immigration status
24 to apply for lawful status without risk of deportation,
25 one year after the date the United States Citizenship
26 and Immigration Services provide such a formal

1 process.

2 If the student files an affidavit pursuant to
3 subparagraph (B) of this paragraph (2), the student must
4 present to the University a copy of a true and correct
5 application or petition filed with the United States
6 Citizenship and Immigration Services no later than:

7 (C) one year after the date on which the student
8 enrolls for study at the University; or

9 (D) if there is no formal process to permit
10 children of parents without lawful immigration status
11 to apply for lawful status without risk of deportation,
12 one year after the date the United States Citizenship
13 and Immigration Services provide such a formal
14 process.

15 The copy shall be maintained in the University's
16 records for that student.

17 The provisions of this subsection (a-5) do not impose any
18 additional conditions to maintain in-state tuition status at
19 the University on a student who was enrolled in a degree
20 program and first received in-state tuition status at the
21 University during the 2009-2010 school year or any prior year.

22 (b) If a person is on active military duty and stationed in
23 Illinois, then the Board shall deem that person and any of his
24 or her dependents Illinois residents for tuition purposes.
25 Beginning with the 2009-2010 academic year, if a person is on
26 active military duty and is stationed out of State, but he or

1 she was stationed in this State for at least 3 years
2 immediately prior to being reassigned out of State, then the
3 Board shall deem that person and any of his or her dependents
4 Illinois residents for tuition purposes, as long as that person
5 or his or her dependent (i) applies for admission to the
6 University within 18 months of the person on active military
7 duty being reassigned or (ii) remains continuously enrolled at
8 the University.

9 (Source: P.A. 95-888, eff. 1-1-09.)

10 Section 945. The Northeastern Illinois University Law is
11 amended by changing Section 25-88 as follows:

12 (110 ILCS 680/25-88)

13 Sec. 25-88. In-state tuition charge.

14 (a) Notwithstanding any other provision of law to the
15 contrary, for tuition purposes, the Board shall deem an
16 individual an Illinois resident, until the individual
17 establishes a residence outside of this State, if all of the
18 following conditions are met:

19 (1) The individual resided with his or her parent or
20 guardian while attending a public or private high school in
21 this State.

22 (2) The individual graduated from a public or private
23 high school or received the equivalent of a high school
24 diploma in this State.

1 (3) The individual attended school in this State for at
2 least 3 years as of the date the individual graduated from
3 high school or received the equivalent of a high school
4 diploma.

5 (4) The individual registers as an entering student in
6 the University not earlier than the 2003 fall semester.

7 (5) In the case of an individual who is not a citizen
8 or a permanent resident of the United States, the
9 individual meets the requirements of subsection (a-5)
10 provides the University with an affidavit stating that the
11 individual will file an application to become a permanent
12 resident of the United States at the earliest opportunity
13 the individual is eligible to do so.

14 This subsection (a) applies only to tuition for a term or
15 semester that begins on or after May 20, 2003 (the effective
16 date of Public Act 93-7). Any revenue lost by the University in
17 implementing this subsection (a) shall be absorbed by the
18 University Income Fund.

19 (a-5) If a student cannot present to the University valid
20 documentation of United States nationality or an immigration
21 status permitting study at a postsecondary institution, the
22 student must do one of the following:

23 (1) Provide to the University a copy of a true and
24 correct application or petition filed with the United
25 States Citizenship and Immigration Services to legalize
26 the student's immigration status.

1 (2) File an affidavit with the University stating that
2 the student will file an application to legalize his or her
3 immigration status at the earliest opportunity the student
4 is eligible to do so, but in no case later than:

5 (A) one year after the date on which the student
6 enrolls for study at the University; or

7 (B) if there is no formal process to permit
8 children of parents without lawful immigration status
9 to apply for lawful status without risk of deportation,
10 one year after the date the United States Citizenship
11 and Immigration Services provide such a formal
12 process.

13 If the student files an affidavit pursuant to
14 subparagraph (B) of this paragraph (2), the student must
15 present to the University a copy of a true and correct
16 application or petition filed with the United States
17 Citizenship and Immigration Services no later than:

18 (C) one year after the date on which the student
19 enrolls for study at the University; or

20 (D) if there is no formal process to permit
21 children of parents without lawful immigration status
22 to apply for lawful status without risk of deportation,
23 one year after the date the United States Citizenship
24 and Immigration Services provide such a formal
25 process.

26 The copy shall be maintained in the University's

1 records for that student.

2 The provisions of this subsection (a-5) do not impose any
3 additional conditions to maintain in-state tuition status at
4 the University on a student who was enrolled in a degree
5 program and first received in-state tuition status at the
6 University during the 2009-2010 school year or any prior year.

7 (b) If a person is on active military duty and stationed in
8 Illinois, then the Board shall deem that person and any of his
9 or her dependents Illinois residents for tuition purposes.
10 Beginning with the 2009-2010 academic year, if a person is on
11 active military duty and is stationed out of State, but he or
12 she was stationed in this State for at least 3 years
13 immediately prior to being reassigned out of State, then the
14 Board shall deem that person and any of his or her dependents
15 Illinois residents for tuition purposes, as long as that person
16 or his or her dependent (i) applies for admission to the
17 University within 18 months of the person on active military
18 duty being reassigned or (ii) remains continuously enrolled at
19 the University.

20 (Source: P.A. 95-888, eff. 1-1-09.)

21 Section 950. The Northern Illinois University Law is
22 amended by changing Section 30-88 as follows:

23 (110 ILCS 685/30-88)

24 Sec. 30-88. In-state tuition charge.

1 (a) Notwithstanding any other provision of law to the
2 contrary, for tuition purposes, the Board shall deem an
3 individual an Illinois resident, until the individual
4 establishes a residence outside of this State, if all of the
5 following conditions are met:

6 (1) The individual resided with his or her parent or
7 guardian while attending a public or private high school in
8 this State.

9 (2) The individual graduated from a public or private
10 high school or received the equivalent of a high school
11 diploma in this State.

12 (3) The individual attended school in this State for at
13 least 3 years as of the date the individual graduated from
14 high school or received the equivalent of a high school
15 diploma.

16 (4) The individual registers as an entering student in
17 the University not earlier than the 2003 fall semester.

18 (5) In the case of an individual who is not a citizen
19 or a permanent resident of the United States, the
20 individual meets the requirements of subsection (a-5)
21 provides the University with an affidavit stating that the
22 individual will file an application to become a permanent
23 resident of the United States at the earliest opportunity
24 the individual is eligible to do so.

25 This subsection (a) applies only to tuition for a term or
26 semester that begins on or after May 20, 2003 (the effective

1 date of Public Act 93-7). Any revenue lost by the University in
2 implementing this subsection (a) shall be absorbed by the
3 University Income Fund.

4 (a-5) If a student cannot present to the University valid
5 documentation of United States nationality or an immigration
6 status permitting study at a postsecondary institution, the
7 student must do one of the following:

8 (1) Provide to the University a copy of a true and
9 correct application or petition filed with the United
10 States Citizenship and Immigration Services to legalize
11 the student's immigration status.

12 (2) File an affidavit with the University stating that
13 the student will file an application to legalize his or her
14 immigration status at the earliest opportunity the student
15 is eligible to do so, but in no case later than:

16 (A) one year after the date on which the student
17 enrolls for study at the University; or

18 (B) if there is no formal process to permit
19 children of parents without lawful immigration status
20 to apply for lawful status without risk of deportation,
21 one year after the date the United States Citizenship
22 and Immigration Services provide such a formal
23 process.

24 If the student files an affidavit pursuant to
25 subparagraph (B) of this paragraph (2), the student must
26 present to the University a copy of a true and correct

1 application or petition filed with the United States
2 Citizenship and Immigration Services no later than:

3 (C) one year after the date on which the student
4 enrolls for study at the University; or

5 (D) if there is no formal process to permit
6 children of parents without lawful immigration status
7 to apply for lawful status without risk of deportation,
8 one year after the date the United States Citizenship
9 and Immigration Services provide such a formal
10 process.

11 The copy shall be maintained in the University's
12 records for that student.

13 The provisions of this subsection (a-5) do not impose any
14 additional conditions to maintain in-state tuition status at
15 the University on a student who was enrolled in a degree
16 program and first received in-state tuition status at the
17 University during the 2009-2010 school year or any prior year.

18 (b) If a person is on active military duty and stationed in
19 Illinois, then the Board shall deem that person and any of his
20 or her dependents Illinois residents for tuition purposes.
21 Beginning with the 2009-2010 academic year, if a person is on
22 active military duty and is stationed out of State, but he or
23 she was stationed in this State for at least 3 years
24 immediately prior to being reassigned out of State, then the
25 Board shall deem that person and any of his or her dependents
26 Illinois residents for tuition purposes, as long as that person

1 or his or her dependent (i) applies for admission to the
2 University within 18 months of the person on active military
3 duty being reassigned or (ii) remains continuously enrolled at
4 the University.

5 (Source: P.A. 95-888, eff. 1-1-09.)

6 Section 955. The Western Illinois University Law is amended
7 by changing Section 35-88 as follows:

8 (110 ILCS 690/35-88)

9 Sec. 35-88. In-state tuition charge.

10 (a) Notwithstanding any other provision of law to the
11 contrary, for tuition purposes, the Board shall deem an
12 individual an Illinois resident, until the individual
13 establishes a residence outside of this State, if all of the
14 following conditions are met:

15 (1) The individual resided with his or her parent or
16 guardian while attending a public or private high school in
17 this State.

18 (2) The individual graduated from a public or private
19 high school or received the equivalent of a high school
20 diploma in this State.

21 (3) The individual attended school in this State for at
22 least 3 years as of the date the individual graduated from
23 high school or received the equivalent of a high school
24 diploma.

1 (4) The individual registers as an entering student in
2 the University not earlier than the 2003 fall semester.

3 (5) In the case of an individual who is not a citizen
4 or a permanent resident of the United States, the
5 individual meets the requirements of subsection (a-5)
6 ~~provides the University with an affidavit stating that the~~
7 ~~individual will file an application to become a permanent~~
8 ~~resident of the United States at the earliest opportunity~~
9 ~~the individual is eligible to do so.~~

10 This subsection (a) applies only to tuition for a term or
11 semester that begins on or after May 20, 2003 (the effective
12 date of Public Act 93-7). Any revenue lost by the University in
13 implementing this subsection (a) shall be absorbed by the
14 University Income Fund.

15 (a-5) If a student cannot present to the University valid
16 documentation of United States nationality or an immigration
17 status permitting study at a postsecondary institution, the
18 student must do one of the following:

19 (1) Provide to the University a copy of a true and
20 correct application or petition filed with the United
21 States Citizenship and Immigration Services to legalize
22 the student's immigration status.

23 (2) File an affidavit with the University stating that
24 the student will file an application to legalize his or her
25 immigration status at the earliest opportunity the student
26 is eligible to do so, but in no case later than:

1 (A) one year after the date on which the student
2 enrolls for study at the University; or

3 (B) if there is no formal process to permit
4 children of parents without lawful immigration status
5 to apply for lawful status without risk of deportation,
6 one year after the date the United States Citizenship
7 and Immigration Services provide such a formal
8 process.

9 If the student files an affidavit pursuant to
10 subparagraph (B) of this paragraph (2), the student must
11 present to the University a copy of a true and correct
12 application or petition filed with the United States
13 Citizenship and Immigration Services no later than:

14 (C) one year after the date on which the student
15 enrolls for study at the University; or

16 (D) if there is no formal process to permit
17 children of parents without lawful immigration status
18 to apply for lawful status without risk of deportation,
19 one year after the date the United States Citizenship
20 and Immigration Services provide such a formal
21 process.

22 The copy shall be maintained in the University's
23 records for that student.

24 The provisions of this subsection (a-5) do not impose any
25 additional conditions to maintain in-state tuition status at
26 the University on a student who was enrolled in a degree

1 program and first received in-state tuition status at the
2 University during the 2009-2010 school year or any prior year.

3 (b) If a person is on active military duty and stationed in
4 Illinois, then the Board shall deem that person and any of his
5 or her dependents Illinois residents for tuition purposes.
6 Beginning with the 2009-2010 academic year, if a person is on
7 active military duty and is stationed out of State, but he or
8 she was stationed in this State for at least 3 years
9 immediately prior to being reassigned out of State, then the
10 Board shall deem that person and any of his or her dependents
11 Illinois residents for tuition purposes, as long as that person
12 or his or her dependent (i) applies for admission to the
13 University within 18 months of the person on active military
14 duty being reassigned or (ii) remains continuously enrolled at
15 the University.

16 (Source: P.A. 95-888, eff. 1-1-09.)

17 Section 960. The Public Community College Act is amended by
18 changing Section 6-4a as follows:

19 (110 ILCS 805/6-4a)

20 Sec. 6-4a. In-state tuition charge.

21 (a) Notwithstanding any other provision of law to the
22 contrary, for tuition purposes, a board shall deem an
23 individual an Illinois resident, until the individual
24 establishes a residence outside of this State, if all of the

1 following conditions are met:

2 (1) The individual resided with his or her parent or
3 guardian while attending a public or private high school in
4 this State.

5 (2) The individual graduated from a public or private
6 high school or received the equivalent of a high school
7 diploma in this State.

8 (3) The individual attended school in this State for at
9 least 3 years as of the date the individual graduated from
10 high school or received the equivalent of a high school
11 diploma.

12 (4) The individual registers as an entering student in
13 the community college not earlier than the 2003 fall
14 semester.

15 (5) In the case of an individual who is not a citizen
16 or a permanent resident of the United States, the
17 individual meets the requirements of subsection (a-5)
18 ~~provides the community college with an affidavit stating~~
19 ~~that the individual will file an application to become a~~
20 ~~permanent resident of the United States at the earliest~~
21 ~~opportunity the individual is eligible to do so.~~

22 (a-5) If a student cannot present to the community college
23 valid documentation of United States nationality or an
24 immigration status permitting study at a postsecondary
25 institution, the student must do one of the following:

26 (1) Provide to the community college a copy of a true

1 and correct application or petition filed with the United
2 States Citizenship and Immigration Services to legalize
3 the student's immigration status.

4 (2) File an affidavit with the community college
5 stating that the student will file an application to
6 legalize his or her immigration status at the earliest
7 opportunity the student is eligible to do so, but in no
8 case later than:

9 (A) one year after the date on which the student
10 enrolls for study at the community college; or

11 (B) if there is no formal process to permit
12 children of parents without lawful immigration status
13 to apply for lawful status without risk of deportation,
14 one year after the date the United States Citizenship
15 and Immigration Services provide such a formal
16 process.

17 If the student files an affidavit pursuant to
18 subparagraph (B) of this paragraph (2), the student must
19 present to the community college a copy of a true and
20 correct application or petition filed with the United
21 States Citizenship and Immigration Services no later than:

22 (C) one year after the date on which the student
23 enrolls for study at the community college; or

24 (D) if there is no formal process to permit
25 children of parents without lawful immigration status
26 to apply for lawful status without risk of deportation,

1 one year after the date the United States Citizenship
2 and Immigration Services provide such a formal
3 process.

4 The copy shall be maintained in the community college's
5 records for that student.

6 The provisions of this subsection (a-5) do not impose any
7 additional conditions to maintain in-state tuition status at
8 the community college on a student who was enrolled in a degree
9 program and first received in-state tuition status at the
10 University during the 2009-2010 school year or any prior year.

11 (b) This Section applies only to tuition for a term or
12 semester that begins on or after the effective date of this
13 amendatory Act of the 93rd General Assembly.

14 (Source: P.A. 93-7, eff. 5-20-03.)

15 Section 965. The Illinois Vehicle Code is amended by adding
16 Section 6-103.2 as follows:

17 (625 ILCS 5/6-103.2 new)

18 Sec. 6-103.2. Restrictions on issuance of driver's license
19 or permit to foreign nationals.

20 (a) The Secretary of State shall issue a driver's license
21 or any permit under this Code only to a United States citizen
22 or national or a legal permanent resident alien.

23 (b) The provisions of subsection (a) do not apply when an
24 applicant presents, in person, valid documentary evidence of

1 any of the following:

2 (1) A valid, unexpired immigrant or nonimmigrant visa
3 status for admission into the United States.

4 (2) A pending or approved application for asylum in the
5 United States.

6 (3) Admission into the United States in refugee status.

7 (4) A pending or approved application for temporary
8 protected status in the United States.

9 (5) Approved deferred action status.

10 (6) A pending application for adjustment of status to
11 legal permanent residence status or conditional resident
12 status.

13 (c) Upon approval, the applicant may be issued a driver's
14 license or permit. The driver's license or permit shall be
15 valid only during the period of time of the authorized stay of
16 the applicant in the United States or, if there is no definite
17 end to the period of authorized stay, a period of one year. Any
18 driver's license or permit issued pursuant to this subsection
19 shall clearly indicate that it is temporary and shall state the
20 date that the driver's license or permit expires.

21 (d) The driver's license or permit may be renewed only upon
22 presentation of valid documentary evidence that the status by
23 which the applicant qualified for the driver's license or
24 permit has been extended by the United States Citizenship and
25 Immigration Services or other authorized agency of the United
26 States Department of Homeland Security.

1 (e) Any driver's license or permit issued to a person who
2 is not a United States citizen or national or a legal permanent
3 resident alien, for which an application has been made for
4 renewal, duplication, or reissuance, shall be presumed to have
5 been issued in accordance with the provisions of subsection
6 (b), provided that, at the time the application is made, the
7 driver's license or permit has not expired or been cancelled,
8 suspended, or revoked. The requirements of subsection (b) do
9 apply, however, to a renewal, duplication, or reissuance if the
10 Secretary of State is notified by a local, State, or federal
11 government agency of information in the possession of the
12 agency indicating a reasonable suspicion that the individual
13 seeking the renewal, duplication, or reissuance is present in
14 the United States in violation of law. The provisions of this
15 subsection do not apply to United States citizens or nationals
16 or to legal permanent resident aliens.

17 Section 970. The County Jail Act is amended by adding
18 Section 4.5 as follows:

19 (730 ILCS 125/4.5 new)

20 Sec. 4.5. Determination of prisoner's citizenship status.

21 (a) When a person charged with a felony or with an offense
22 under Section 11-501 of the Illinois Vehicle Code is confined,
23 for any period, in the jail, a determination shall be made of
24 the citizenship status of the person so confined.

1 (b) If the prisoner is a foreign national, the warden of
2 the jail or other officer shall verify that the prisoner has
3 been lawfully admitted to the United States and, if lawfully
4 admitted, that the lawful status has not expired. If
5 verification of lawful status cannot be made from documents in
6 the possession of the prisoner, verification shall be made
7 within 48 hours through a query to the Law Enforcement Support
8 Center of the United States Department of Homeland Security or
9 other office or agency designated for that purpose by the
10 United States Department of Homeland Security. If the lawful
11 immigration status of the prisoner cannot be verified, the
12 warden of the jail or other officer shall notify the United
13 States Department of Homeland Security.

14 Section 975. The Illinois Human Rights Act is amended by
15 changing Section 2-102 as follows:

16 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

17 Sec. 2-102. Civil Rights Violations - Employment. It is a
18 civil rights violation:

19 (A) Employers. For any employer to refuse to hire, to
20 segregate, or to act with respect to recruitment, hiring,
21 promotion, renewal of employment, selection for training or
22 apprenticeship, discharge, discipline, tenure or terms,
23 privileges or conditions of employment on the basis of unlawful
24 discrimination or citizenship status.

1 (A-5) Language. For an employer to impose a restriction
2 that has the effect of prohibiting a language from being spoken
3 by an employee in communications that are unrelated to the
4 employee's duties.

5 For the purposes of this subdivision (A-5), "language"
6 means a person's native tongue, such as Polish, Spanish, or
7 Chinese. "Language" does not include such things as slang,
8 jargon, profanity, or vulgarity.

9 (B) Employment Agency. For any employment agency to fail or
10 refuse to classify properly, accept applications and register
11 for employment referral or apprenticeship referral, refer for
12 employment, or refer for apprenticeship on the basis of
13 unlawful discrimination or citizenship status or to accept from
14 any person any job order, requisition or request for referral
15 of applicants for employment or apprenticeship which makes or
16 has the effect of making unlawful discrimination or
17 discrimination on the basis of citizenship status a condition
18 of referral.

19 (C) Labor Organization. For any labor organization to
20 limit, segregate or classify its membership, or to limit
21 employment opportunities, selection and training for
22 apprenticeship in any trade or craft, or otherwise to take, or
23 fail to take, any action which affects adversely any person's
24 status as an employee or as an applicant for employment or as
25 an apprentice, or as an applicant for apprenticeships, or
26 wages, tenure, hours of employment or apprenticeship

1 conditions on the basis of unlawful discrimination or
2 citizenship status.

3 (D) Sexual Harassment. For any employer, employee, agent of
4 any employer, employment agency or labor organization to engage
5 in sexual harassment; provided, that an employer shall be
6 responsible for sexual harassment of the employer's employees
7 by nonemployees or nonmanagerial and nonsupervisory employees
8 only if the employer becomes aware of the conduct and fails to
9 take reasonable corrective measures.

10 (E) Public Employers. For any public employer to refuse to
11 permit a public employee under its jurisdiction who takes time
12 off from work in order to practice his or her religious beliefs
13 to engage in work, during hours other than such employee's
14 regular working hours, consistent with the operational needs of
15 the employer and in order to compensate for work time lost for
16 such religious reasons. Any employee who elects such deferred
17 work shall be compensated at the wage rate which he or she
18 would have earned during the originally scheduled work period.
19 The employer may require that an employee who plans to take
20 time off from work in order to practice his or her religious
21 beliefs provide the employer with a notice of his or her
22 intention to be absent from work not exceeding 5 days prior to
23 the date of absence.

24 (F) Training and Apprenticeship Programs. For any
25 employer, employment agency or labor organization to
26 discriminate against a person on the basis of age in the

1 selection, referral for or conduct of apprenticeship or
2 training programs.

3 (G) Immigration-Related Practices.

4 (1) for an employer to request for purposes of
5 satisfying the requirements of Section 1324a(b) of Title 8
6 of the United States Code, as now or hereafter amended,
7 more or different documents than are required under such
8 Section or to refuse to honor documents tendered that on
9 their face reasonably appear to be genuine; or

10 (2) for an employer participating in the Basic Pilot
11 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
12 Programs for Employment Eligibility Confirmation (enacted
13 by PL 104-208, div. C title IV, subtitle A) to refuse to
14 hire, to segregate, or to act with respect to recruitment,
15 hiring, promotion, renewal of employment, selection for
16 training or apprenticeship, discharge, discipline, tenure
17 or terms, privileges or conditions of employment without
18 following the procedures under the Basic Pilot Program.

19 (G-5) Discharge of U.S. Citizen. For an employer to
20 discharge an employee working in Illinois who is a United
21 States citizen or permanent resident alien while retaining
22 an employee who the employer knows, or reasonably should
23 have known, is an unauthorized alien hired after July 1,
24 2010, and who is working in Illinois in a job category that
25 requires equal skill, effort, and responsibility and that
26 is performed under similar working conditions, as defined

1 by 29 U.S.C. 206(d)(1), as the job category held by the
2 discharged employee. An employer that, on the date of the
3 discharge in question, was currently enrolled in and used a
4 Status Verification System as defined in Section 20 of the
5 Foreign Nationals Act to verify the employment eligibility
6 of its employees in Illinois hired after July 1, 2010, is
7 exempt from liability, investigation, or suit arising from
8 any action under this paragraph (G-5). No cause of action
9 for a violation of this paragraph (G-5) shall arise
10 anywhere in Illinois law but from the provisions of this
11 paragraph (G-5).

12 (H) Pregnancy; peace officers and fire fighters. For a
13 public employer to refuse to temporarily transfer a pregnant
14 female peace officer or pregnant female fire fighter to a less
15 strenuous or hazardous position for the duration of her
16 pregnancy if she so requests, with the advice of her physician,
17 where that transfer can be reasonably accommodated. For the
18 purposes of this subdivision (H), "peace officer" and "fire
19 fighter" have the meanings ascribed to those terms in Section 3
20 of the Illinois Public Labor Relations Act.

21 It is not a civil rights violation for an employer to take
22 any action that is required by Section 1324a of Title 8 of the
23 United States Code, as now or hereafter amended.

24 (Source: P.A. 95-25, eff. 1-1-08; 95-137, eff. 1-1-08; 95-876,
25 eff. 8-21-08.)

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