



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1429

Introduced 1/28/2025, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

775 ILCS 45/10

Amends the Bill of Rights for the Homeless Act. Prohibits the State or a unit of local government from creating or enforcing policies or ordinances imposing fines or criminal penalties against people experiencing unsheltered homelessness for occupying or engaging in life-sustaining activities on public property. Provides exceptions to maintain access to property or address risks to public health and safety. Creates a necessity defense for charges alleging violation of laws criminalizing life-sustaining activities while the individual was experiencing unsheltered homelessness. Defines terms. Limits the exercise of concurrent home rule powers.

LRB104 06164 JRC 16198 b

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Bill of Rights for the Homeless Act is
5 amended by changing Section 10 as follows:

6 (775 ILCS 45/10)

7 Sec. 10. Bill of Rights.

8 (a) No person's rights, privileges, or access to public
9 services may be denied or abridged solely because he or she is
10 homeless. Such a person shall be granted the same rights and
11 privileges as any other citizen of this State. A person
12 experiencing homelessness has the following rights:

13 (1) the right to use and move freely in public spaces,
14 including but not limited to public sidewalks, public
15 parks, public transportation, and public buildings, in the
16 same manner as any other person and without discrimination
17 on the basis of his or her housing status;

18 (2) the right to equal treatment by all State and
19 municipal agencies, without discrimination on the basis of
20 housing status;

21 (3) the right not to face discrimination while
22 maintaining employment due to his or her lack of permanent
23 mailing address, or his or her mailing address being that

1 of a shelter or social service provider;

2 (4) the right to emergency medical care free from
3 discrimination based on his or her housing status;

4 (5) the right to vote, register to vote, and receive
5 documentation necessary to prove identity for voting
6 without discrimination due to his or her housing status;

7 (6) the right to protection from disclosure of his or
8 her records and information provided to homeless shelters
9 and service providers to State, municipal, and private
10 entities without appropriate legal authority; and the
11 right to confidentiality of personal records and
12 information in accordance with all limitations on
13 disclosure established by the federal Homeless Management
14 Information Systems, the federal Health Insurance
15 Portability and Accountability Act, and the federal
16 Violence Against Women Act; and

17 (7) the right to a reasonable expectation of privacy
18 in his or her personal property to the same extent as
19 personal property in a permanent residence.

20 (b) As used in this Act:7

21 "Enforcing entity" means the State or a unit of local
22 government as well as their representatives.

23 "Housing ~~housing~~ status" means the status of having or not
24 having a fixed or regular residence, including the status of
25 living on the streets, in a shelter, or in a temporary
26 residence.

1 "Life-sustaining activities" includes, but are not limited
2 to, moving, resting, sitting, standing, lying down, sleeping,
3 protecting oneself from the elements, eating, drinking, and
4 storing such personal property as needed to shelter oneself.

5 "Unsheltered homelessness" means the status of not having
6 a fixed or regular residence, including the status of living
7 on the streets because of a lack of access to a legally
8 operated indoor shelter or other temporary residence that is
9 appropriate and safe.

10 "Notice" in this instance is met when:

11 Written notice: Notification by the enforcing entity
12 in a conspicuous location 7 days before enforcement at the
13 site of removal, including, but not limited to, at the
14 entrance of the area or near the site and if possible on
15 the belongings of the unsheltered person.

16 Verbal notice shall be provided if the enforcing
17 entity's representatives and persons subject to
18 enforcement are present at a location simultaneously
19 during the 7-day time period.

20 (c) Neither the State or any unit of local government may
21 establish or enforce ordinances or policies that include fines
22 or criminal penalties against people experiencing unsheltered
23 homelessness for occupying or engaging in life-sustaining
24 activities on public property.

25 (d) Subject to other provisions of this Act, the State or a
26 unit of local government may enforce ordinances, policies, or

1 procedures without fines or criminal penalties against people
2 experiencing unsheltered homelessness to maintain public
3 access to a property or address serious and imminent risks to
4 public health and safety.

5 (e) Unless the enforcing entity determines that there is
6 an emergency related to public access to a property or public
7 health and safety, before enforcing any such ordinances,
8 policies and procedures, the enforcing entity shall provide
9 notice, as defined under this Section, to persons subject to
10 the enforcement. All enforcement under this Section shall
11 comply with the Community Emergency Services and Support Act
12 and other sections of this Act. The enforcing entity shall
13 make, without limitation, a good faith effort to provide or
14 refer persons subject to enforcement with transportation,
15 social services, and other resources to remedy their immediate
16 shelter and long-term housing needs.

17 (f) In determining whether an actual emergency exists, the
18 enforcing entity shall declare an emergency only when there is
19 an imminent risk to individuals or community members that can
20 only be mitigated by requiring unsheltered individuals to move
21 themselves or their belongings. In emergencies, as much notice
22 as is practicable shall be provided. The enforcing entity
23 shall make, without limitation, a good faith effort to also
24 provide or refer persons subject to enforcement with
25 transportation, social services, and other resources to remedy
26 their immediate shelter and long-term housing needs.

1 (g) It is an affirmative defense to a charge of violating a
2 statute or ordinance criminalizing one or more life-sustaining
3 activities that the individual was experiencing unsheltered
4 homelessness. It shall be the responsibility of the court to
5 notify the charged individual of the availability of this
6 defense and how to raise it. Once the defense is raised, there
7 is a rebuttable presumption that the person was experiencing
8 unsheltered homelessness and the burden of proving otherwise
9 is on the prosecution.

10 (h) A home rule unit may not enact rules or regulations
11 that are inconsistent with this Section. This amendatory Act
12 is a limitation under subsection (i) of Section 6 of Article
13 VII of the Illinois Constitution on the concurrent exercise by
14 home rule units of powers and functions exercised by the
15 State.

16 (Source: P.A. 98-516, eff. 8-22-13.)