



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4105

Introduced 10/15/2025, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

5 ILCS 805/35 new
725 ILCS 5/107-2

from Ch. 38, par. 107-2

Amends the Code of Criminal Procedure of 1963. Provides that notwithstanding any other law to the contrary, a peace officer who arrests a person for a felony and reasonably believes that the person arrested is residing in the United States in violation of the federal Immigration and Nationality Act, may inquire about the immigration status of the person arrested. Provides that the peace officer may notify U.S. Immigration and Customs Enforcement of the person's arrest and pending prosecution when the peace officer reasonably believes that the person arrested for a felony is residing in the United States in violation of the federal Immigration and Nationality Act. Provides that upon request from any federal agency, law enforcement agencies shall provide known immigration status of any person arrested or charged with a felony. Amends the Illinois TRUST Act to make conforming changes.

LRB104 14615 RLC 27757 b

1 AN ACT concerning criminal law.

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 adding
5 Section 35 as follows:

6 (5 ILCS 805/35 new)

7 Sec. 35. Construction. Nothing in this Act shall be
8 construed to prohibit a peace officer or law enforcement
9 agency from taking any action authorized under subsection (5)
10 of Section 107-2 of the Code of Criminal Procedure of 1963.

11 Section 10. The Code of Criminal Procedure of 1963 is
12 amended by changing Section 107-2 as follows:

13 (725 ILCS 5/107-2) (from Ch. 38, par. 107-2)

14 Sec. 107-2. Arrest by peace officer.

15 (1) A peace officer may arrest a person when:

16 (a) He has a warrant commanding that such person be
17 arrested; or

18 (b) He has reasonable grounds to believe that a
19 warrant for the person's arrest has been issued in this
20 State or in another jurisdiction; or

21 (c) He has reasonable grounds to believe that the

1 person is committing or has committed an offense.

2 (2) Whenever a peace officer arrests a person, the officer
3 shall question the arrestee as to whether he or she has any
4 children under the age of 18 living with him or her who may be
5 neglected as a result of the arrest or otherwise. The peace
6 officer shall assist the arrestee in the placement of the
7 children with a relative or other responsible person
8 designated by the arrestee. If the peace officer has
9 reasonable cause to believe that a child may be a neglected
10 child as defined in the Abused and Neglected Child Reporting
11 Act, he shall report it immediately to the Department of
12 Children and Family Services as provided in that Act.

13 (3) A peace officer who executes a warrant of arrest in
14 good faith beyond the geographical limitation of the warrant
15 shall not be liable for false arrest.

16 (4) Whenever a peace officer is aware of a warrant of
17 arrest issued by a circuit court of this State for a person and
18 the peace officer has contact with the person because the
19 person is requesting or receiving emergency medical assistance
20 or medical forensic services for sexual assault at a medical
21 facility, if the warrant of arrest is not for a forcible felony
22 as defined in Section 2-8 of the Criminal Code of 2012, a
23 violent crime as defined in subsection (c) of Section 3 of the
24 Rights of Crime Victims and Witnesses Act, or an alleged
25 violation of parole or mandatory supervised release, the peace
26 officer shall contact the prosecuting authority of the

1 jurisdiction issuing the warrant, or if that prosecutor is not
2 available, the prosecuting authority for the jurisdiction that
3 covers the medical facility to request waiver of the prompt
4 execution of the warrant. The prosecuting authority may secure
5 a court order waiving the immediate execution of the warrant
6 and provide a copy to the peace officer. As used in this
7 subsection (4), "sexual assault" means an act of sexual
8 conduct or sexual penetration defined in Section 11-0.1 of the
9 Criminal Code of 2012, including without limitation, acts
10 prohibited under Sections 11-1.20 through 11-1.60 of the
11 Criminal Code of 2012.

12 (4.5) Whenever a peace officer has a warrant of arrest for
13 a person, subject to the same limitations described in
14 subsection (4), and the peace officer has contact with the
15 person because the person reported that he or she was sexually
16 assaulted within the past 7 days, in addition to informing the
17 person of his or her right to seek free medical attention and
18 evidence collection and providing the written notice required
19 by Section 25 of the Sexual Assault Incident Procedure Act,
20 the officer shall also notify the person that if he or she
21 chooses to go to a medical facility to seek any of those
22 services, then the officer shall inform the prosecuting
23 authority to request waiver of the prompt execution of the
24 warrant.

25 (5) Notwithstanding any other law to the contrary, a peace
26 officer who arrests a person for a felony and reasonably

1 believes that the person arrested is residing in the United
2 States in violation of the federal Immigration and Nationality
3 Act, may inquire about the immigration status of the person
4 arrested. The peace officer may notify U.S. Immigration and
5 Customs Enforcement of the person's arrest and pending
6 prosecution when the peace officer reasonably believes that
7 the person arrested for a felony is residing in the United
8 States in violation of the federal Immigration and Nationality
9 Act. Upon request from any federal agency, law enforcement
10 agencies shall provide known immigration status of any person
11 arrested or charged with a felony.

12 (Source: P.A. 101-39, eff. 6-1-20.)