



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1202

Introduced 1/24/2025, by Sen. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 805/Act rep.

15 ILCS 335/11

625 ILCS 5/6-110.3

from Ch. 124, par. 31

Creates the Immigration Enforcement Act. Provides that a State entity, local entity, or law enforcement agency may not adopt or maintain a law, ordinance, resolution, rule, regulation, policy, directive, order, practice, or procedure, formal or informal, written or unwritten, that prohibits or materially restricts the State entity, local entity, or law enforcement agency from complying with or assisting in the enforcement of immigration laws. Includes mandatory duties of law enforcement agencies regarding immigration detainees. Requires a county jail, municipal jail, and the Department of Corrections to enter into an agreement with the U.S. Immigration and Customs Enforcement or other federal agency for temporarily housing persons who are the subject of immigration detainees and for the payment of the costs of housing and detaining those persons. Requires implementation of the Act in a manner consistent with federal laws and regulations governing immigration and discrimination, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens. Limits home rule powers by providing that regulation of immigration enforcement is an exclusive power and function of the State. Repeals the Illinois TRUST Act. Makes corresponding changes in the Illinois Identification Card Act and the Illinois Vehicle Code. Effective immediately.

LRB104 03936 RLC 13960 b

1 AN ACT concerning government.

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

4 Section 1. Short title. This Act may be cited as the
5 Immigration Enforcement Act.

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

7 "Immigration detainer is facially sufficient" means: (i)
8 the federal immigration agency's official form is incomplete
9 and fails to indicate on its face that the federal immigration
10 official has probable cause to believe that the person to be
11 detained is a removable alien under federal immigration law
12 but is supported by an affidavit, order, or other official
13 documentation that indicates that the federal immigration
14 agency has probable cause to believe that the person to be
15 detained is a removable alien under federal immigration law
16 and the federal immigration agency supplies with its detention
17 request a Form I-200 Warrant for Arrest of Alien, a Form I-205
18 Warrant of Removal/Deportation, a successor warrant, or other
19 warrant authorized by federal law; or (ii) the federal
20 immigration agency's official form is complete and indicates
21 on its face that the federal immigration official has probable
22 cause to believe that the person to be detained is a removable
23 alien under federal immigration law.

1 "Law enforcement agency" means any entity with statutory
2 police powers and the ability to employ individuals authorized
3 to make arrests, including local and State agencies.

4 "Local entity" means a unit of local government, a school
5 district, or a community college district.

6 "State entity," means the State of Illinois and all of its
7 agencies, State universities and colleges, and all corporate
8 outgrowths of the State.

9 Section 10. Prohibited policies regarding immigration
10 enforcement. A State entity, local entity, or law enforcement
11 agency may not adopt or maintain a law, ordinance, resolution,
12 rule, regulation, policy, directive, order, practice, or
13 procedure, formal or informal, written or unwritten, that
14 prohibits or materially restricts the State entity, local
15 entity, or law enforcement agency from complying with or
16 assisting in the enforcement of immigration laws. This
17 includes prohibitions or restrictions on:

18 (1) inquiries into the immigration status of any
19 person;

20 (2) transmitting, requesting, or receiving information
21 relating to immigration status, lawful or unlawful, of any
22 person to or from any federal immigration enforcement
23 agency;

24 (3) maintaining, archiving, or otherwise storing for
25 subsequent use information relating to an individual's

1 immigration status;

2 (4) exchanging information relating to immigration
3 status with another law enforcement agency, local entity,
4 State entity, or a federal immigration agency;

5 (5) complying with an immigration detainer, including,
6 but not limited to, refusing to cooperate or comply with a
7 lawfully issued detainer in the absence of a warrant or
8 other order directing compliance with or enforcement of
9 such a detainer;

10 (6) complying with a request from a federal
11 immigration agency to notify the agency before the release
12 of an inmate;

13 (7) providing a federal immigration agency with an
14 inmate's incarceration status or release date;

15 (8) assisting or cooperating with a federal
16 immigration agency, including by providing enforcement
17 assistance;

18 (9) participating in any program or agreement
19 authorized under Section 287 of the federal Immigration
20 and Nationality Act (8 U.S.C. 1357); or

21 (10) permitting a federal immigration officer to enter
22 and conduct enforcement activities at a municipal jail,
23 county jail, or Division of Corrections or rehabilitation
24 facility involving or related to the enforcement of
25 federal immigration laws.

1 Section 15. Mandatory duties of law enforcement agencies
2 regarding immigration detainers.

3 (a) A law enforcement agency that takes initial custody of
4 a person subject to an immigration detainer shall:

5 (1) provide notice to the court authorized to grant or
6 deny the person's release on bail or bond that the person
7 is subject to an immigration detainer;

8 (2) record in the person's case file that the person
9 is subject to an immigration detainer; and

10 (3) upon determining that the immigration detainer is
11 facially sufficient, comply with the requests made in the
12 immigration detainer to the extent required by law.

13 (b) A law enforcement agency is not required to perform a
14 duty imposed by subsection (a) with respect to a person who has
15 been transferred to the custody of the agency by another law
16 enforcement agency subject to the requirements of this
17 section.

18 (c) A court of competent jurisdiction that receives notice
19 that a person is subject to an immigration detainer shall
20 record this information in the court record, regardless of
21 whether the notice is received before or after a judgment in
22 the case.

23 Section 20. Mandatory agreements for housing persons
24 subject to immigration detainers.

25 (a) Each county jail, municipal jail, and the Department

1 of Corrections shall enter into an agreement with a federal
2 immigration agency for temporarily housing persons who are the
3 subject of immigration detainers and for the payment of the
4 costs of housing and detaining those persons.

5 (b) A agreement under this Section must include a contract
6 with a federal immigration agency for housing or detaining
7 persons subject to immigration detainers, such as basic
8 ordering agreements, intergovernmental service agreements,
9 agreements authorized by Section 287 of the federal
10 Immigration and Nationality Act (8 U.S.C. 1357), successor
11 agreements, or other similar agreements authorized by federal
12 law.

13 Section 25. Implementation; discrimination prohibited.

14 (a) This Act shall be implemented in a manner consistent
15 with federal laws and regulations governing immigration,
16 protecting the civil rights of all persons, and respecting the
17 privileges and immunities of United States citizens.

18 (b) A State entity, local entity, or law enforcement
19 agency and a person employed by or otherwise under the
20 direction or control of a State entity, local entity, or law
21 enforcement agency may not base the entity's, agency's, or
22 person's actions under this Act on the gender, race, color,
23 religion, language, national origin, or physical disability of
24 a person except to the extent authorized by the United States
25 Constitution, the constitution and laws of this State, or

1 other applicable federal law.

2 Section 30. Home rule. The regulation of immigration
3 enforcement is an exclusive power and function of the State. A
4 home rule unit may not regulate immigration enforcement. This
5 Act is a denial and limitation of home rule powers and
6 functions under subsection (h) of Section 6 of Article VII of
7 the Illinois Constitution.

8 (5 ILCS 805/Act rep.)

9 Section 35. The Illinois TRUST Act is repealed.

10 Section 40. The Illinois Identification Card Act is
11 amended by changing Section 11 as follows:

12 (15 ILCS 335/11) (from Ch. 124, par. 31)

13 Sec. 11. Records.

14 (a) The Secretary may make a search of his records and
15 furnish information as to whether a person has a current
16 Standard Illinois Identification Card or an Illinois Person
17 with a Disability Identification Card then on file, upon
18 receipt of a written application therefor accompanied with the
19 prescribed fee. However, the Secretary may not disclose
20 medical information concerning an individual to any person,
21 public agency, private agency, corporation or governmental
22 body unless the individual has submitted a written request for

1 the information or unless the individual has given prior
2 written consent for the release of the information to a
3 specific person or entity. This exception shall not apply to:
4 (1) offices and employees of the Secretary who have a need to
5 know the medical information in performance of their official
6 duties, or (2) orders of a court of competent jurisdiction.
7 When medical information is disclosed by the Secretary in
8 accordance with the provisions of this Section, no liability
9 shall rest with the Office of the Secretary of State as the
10 information is released for informational purposes only.

11 (b) Except as otherwise provided in this Section, the
12 Secretary may release personally identifying information only
13 to:

14 (1) officers and employees of the Secretary who have a
15 need to know that information for issuance of driver's
16 licenses, permits, or identification cards and
17 investigation of fraud or misconduct;

18 (2) other governmental agencies for use in their
19 official governmental functions;

20 (3) law enforcement agencies for a criminal or civil
21 investigation, except as restricted by subsections (g) and
22 (h);

23 (3-5) the State Board of Elections as may be required
24 by an agreement the State Board of Elections has entered
25 into with a multi-state voter registration list
26 maintenance system; or

1 (4) any entity that the Secretary has authorized, by
2 rule.

3 (c) Except as otherwise provided in this Section, the
4 Secretary may release highly restricted personal information
5 only to:

6 (1) officers and employees of the Secretary who have a
7 need to access the information for the issuance of
8 driver's licenses, permits, or identification cards and
9 investigation of fraud or misconduct;

10 (2) law enforcement officials for a criminal or civil
11 law enforcement investigation, except as restricted by
12 subsections (g) and (h);

13 (3) the State Board of Elections for the purpose of
14 providing the signature for completion of voter
15 registration; or

16 (4) any other entity the Secretary has authorized by
17 rule.

18 (d) Documents required to be submitted with an application
19 for an identification card to prove the applicant's identity
20 (name and date of birth), social security number or lack of a
21 social security number, written signature, residency, and, as
22 applicable, citizenship and immigration status and country of
23 citizenship shall be confidential and shall not be disclosed
24 except to the following persons:

25 (1) the individual to whom the identification card was
26 issued, upon written request;

1 (2) officers and employees of the Secretary of State
2 who have a need to have access to the stored images for
3 purposes of issuing and controlling driver's licenses,
4 permits, or identification cards and investigation of
5 fraud or misconduct;

6 (3) law enforcement officials for a civil or criminal
7 law enforcement investigation, except as restricted by
8 subsections (g) and (h);

9 (4) other entities that the Secretary may authorize by
10 rule.

11 (e) The Secretary may not disclose an individual's social
12 security number or any associated information obtained from
13 the Social Security Administration without the written request
14 or consent of the individual except: (i) to officers and
15 employees of the Secretary who have a need to know the social
16 security number in the performance of their official duties;
17 (ii) except as restricted by subsections (g) and (h) to law
18 enforcement officials for a civil or criminal law enforcement
19 investigation if an officer of the law enforcement agency has
20 made a written request to the Secretary specifying the law
21 enforcement investigation for which the social security number
22 is being sought; (iii) under a lawful court order signed by a
23 judge; (iv) to the Illinois Department of Veterans' Affairs
24 for the purpose of confirming veteran status to agencies in
25 other states responsible for the issuance of state
26 identification cards for participation in State-to-State

1 verification service; or (v) the last 4 digits to the Illinois
2 State Board of Elections for purposes of voter registration
3 and as may be required pursuant to an agreement for a
4 multi-state voter registration list maintenance system. The
5 Secretary retains the right to require additional verification
6 regarding the validity of a request from law enforcement. If
7 social security information is disclosed by the Secretary in
8 accordance with this Section, no liability shall rest with the
9 Office of the Secretary of State or any of its officers or
10 employees, as the information is released for official
11 purposes only.

12 (f) The Secretary of State shall not provide facial
13 recognition search services or photographs obtained in the
14 process of issuing an identification card to any federal,
15 State, or local law enforcement agency or other governmental
16 entity for the purpose of enforcing federal immigration laws.
17 This subsection shall not apply to requests from federal,
18 State, or local law enforcement agencies or other governmental
19 entities for facial recognition search services or photographs
20 obtained in the process of issuing a driver's license or
21 permit when the purpose of the request relates to criminal
22 activity other than violations of immigration laws.

23 (g) Notwithstanding any other provision of law, the
24 Secretary may not release highly restricted personal
25 information or personally identifying information or disclose
26 documents described in subsection (d) to any immigration

1 agent, ~~as defined in Section 10 of the Illinois TRUST Act,~~
2 unless necessary to comply with the following, to the extent
3 that production of such information or documents is
4 specifically required:

5 (1) a lawful court order;

6 (2) a judicial warrant signed by a judge appointed
7 pursuant to Article III of the Constitution of the United
8 States; or

9 (3) a subpoena for individual records issued by a
10 federal or State court.

11 When responding to such a court order, warrant, or
12 subpoena, the Secretary shall disclose only those documents or
13 information specifically requested. Within 3 business days of
14 receiving such a court order, warrant, or subpoena, the
15 Secretary shall send a notification to the individual about
16 whom such information was requested that a court order,
17 warrant, or subpoena was received and the identity of the
18 entity that presented the court order, warrant, or subpoena.

19 As used in this subsection, "immigration agent" means an
20 agent of the U.S. Immigration and Customs Enforcement, the
21 U.S. Customs and Border Protection, or any similar or
22 successor agency.

23 (h) The Secretary shall not enter into or maintain any
24 agreement regarding the sharing of any highly restricted
25 personal information or personally identifying information or
26 documents described in subsection (d) unless all other parties

1 to such agreement certify that the information obtained will
2 not be used for civil immigration purposes or knowingly
3 disseminated to any third party for any purpose related to
4 civil immigration enforcement.

5 (Source: P.A. 102-354, eff. 8-13-21; 103-210, eff. 7-1-24.)

6 Section 45. The Illinois Vehicle Code is amended by
7 changing Section 6-110.3 as follows:

8 (625 ILCS 5/6-110.3)

9 Sec. 6-110.3. Restrictions on use of information for
10 certain purposes.

11 (a) Notwithstanding any other provision of law, the
12 Secretary may not release or make accessible in any manner any
13 highly restricted personal information as defined in Section
14 1-125.9 or personally identifying information as defined in
15 Section 1-159.2, provide images, photos, or facial recognition
16 services as described in Section 6-110.1, or disclose
17 documents as described in Section 6-110.2 to any immigration
18 agent ~~as defined in Section 10 of the Illinois TRUST Act,~~
19 unless necessary to comply with the following, to the extent
20 that production of such information or documents is
21 specifically required:

22 (1) a lawful court order;

23 (2) a judicial warrant signed by a judge appointed
24 pursuant to Article III of the Constitution of the United

1 States; or

2 (3) a subpoena for individual records issued by a
3 federal or State court.

4 When responding to such a court order, warrant, or
5 subpoena, the Secretary shall disclose only those documents or
6 information specifically requested. Within 3 business days of
7 receiving such a court order, warrant, or subpoena, the
8 Secretary shall send a notification to the individual about
9 whom such information was requested that a court order,
10 warrant, or subpoena was received and the identity of the
11 entity that presented the court order, warrant, or subpoena.

12 As used in this subsection, "immigration agent" means an
13 agent of the U.S. Immigration and Customs Enforcement, the
14 U.S. Customs and Border Protection, or any similar or
15 successor agency.

16 (b) The Secretary shall not enter into or maintain any
17 agreement regarding the sharing of any highly restricted
18 personal information as defined in Section 1-125.9, personally
19 identifying information as defined in Section 1-159.2, images
20 or photos described in Section 6-110.1, or documents described
21 in Section 6-110.2 unless all other parties to such agreement
22 certify that the information obtained will not be used for
23 civil immigration purposes or knowingly disseminated to any
24 third party for any purpose related to civil immigration
25 enforcement.

26 (Source: P.A. 103-210, eff. 7-1-24.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.