

# SB1881



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1881

Introduced 2/5/2025, by Sen. Karina Villa

### SYNOPSIS AS INTRODUCED:

5 ILCS 805/10  
5 ILCS 805/15  
5 ILCS 805/25  
5 ILCS 805/30

Amends the Illinois TRUST Act. Adds schools and school employees to provisions regarding law enforcement agencies and law enforcement officials. Defines "school".

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A BILL FOR

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 5. The Illinois TRUST Act is amended by changing  
5 Sections 10, 15, 25, and 30 as follows:

6 (5 ILCS 805/10)

7 Sec. 10. Definitions. In this Act:

8 "Citizenship or immigration status" means all matters  
9 regarding citizenship of the United States or any other  
10 country or the authority to reside in or otherwise be present  
11 in the United States.

12 "Civil immigration warrant" means any document that is not  
13 approved or ordered by a judge that can form the basis for an  
14 individual's arrest or detention for a civil immigration  
15 enforcement purpose. "Civil immigration warrant" includes Form  
16 I-200 "Warrant for the Arrest of Alien", Form I-203 "Order to  
17 Detain or Release Alien", Form I-205 "Warrant of  
18 Removal/Deportation", Form I-286 "Notice of Custody  
19 Determination", any predecessor or successor form, and all  
20 warrants, hits, or requests contained in the "Immigration  
21 Violator File" of the FBI's National Crime Information Center  
22 (NCIC) database. "Civil immigration warrant" does not include  
23 any criminal warrant.

1 "Contact information" means home address, work address,  
2 telephone number, electronic mail address, social media  
3 information, or any other personal identifying information  
4 that could be used as a means to contact an individual.

5 "Immigration agent" means an agent of federal Immigration  
6 and Customs Enforcement, federal Customs and Border  
7 Protection, or any similar or successor agency.

8 "Immigration detainer" means a request to a State or local  
9 law enforcement agency to provide notice of release or  
10 maintain custody of an individual based on an alleged  
11 violation of a civil immigration law, including detainers  
12 issued under Sections 1226 or 1357 of Title 8 of the United  
13 States Code or 287.7 or 236.1 of Title 8 of the Code of Federal  
14 Regulations. "Immigration detainer" includes Form I-247A  
15 "Immigration Detainer - Notice of Action" and any predecessor  
16 or successor form.

17 "Law enforcement agency" means an agency of the State or  
18 of a unit of local government charged with enforcement of  
19 State, county, or municipal laws or with managing custody of  
20 detained persons in the State.

21 "Law enforcement official" means any individual with the  
22 power to arrest or detain individuals, including law  
23 enforcement officers, corrections officers, and others  
24 employed or designated by a law enforcement agency. "Law  
25 enforcement official" includes any probation officer.

26 "School" means any public elementary or secondary school,

1 public community college, public college, or public State  
2 university.

3 (Source: P.A. 102-234, eff. 8-2-21; 103-154, eff. 6-30-23.)

4 (5 ILCS 805/15)

5 Sec. 15. Prohibition on enforcing federal civil  
6 immigration laws.

7 (a) A law enforcement agency or law enforcement official  
8 shall not detain or continue to detain any individual solely  
9 on the basis of any immigration detainer or civil immigration  
10 warrant or otherwise comply with an immigration detainer or  
11 civil immigration warrant.

12 (b) A law enforcement agency or law enforcement official  
13 shall not stop, arrest, search, detain, or continue to detain  
14 a person solely based on an individual's citizenship or  
15 immigration status.

16 (c) (Blank).

17 (d) A law enforcement agency or law enforcement official  
18 acting in good faith in compliance with this Section who  
19 releases a person subject to an immigration detainer or civil  
20 immigration warrant shall have immunity from any civil or  
21 criminal liability that might otherwise occur as a result of  
22 making the release, with the exception of willful or wanton  
23 misconduct.

24 (e) A law enforcement agency or law enforcement official  
25 may not inquire about or investigate the citizenship or

1 immigration status or place of birth of any individual in the  
2 agency or official's custody or who has otherwise been stopped  
3 or detained by the agency or official. Nothing in this  
4 subsection shall be construed to limit the ability of a law  
5 enforcement agency or law enforcement official, pursuant to  
6 State or federal law, to notify a person in the law enforcement  
7 agency's custody about that person's right to communicate with  
8 consular officers from that person's country of nationality,  
9 or facilitate such communication, in accordance with the  
10 Vienna Convention on Consular Relations or other bilateral  
11 agreements. Nothing in this subsection shall be construed to  
12 limit the ability of a law enforcement agency or law  
13 enforcement official to request evidence of citizenship or  
14 immigration status pursuant to the Firearm Owners  
15 Identification Card Act, the Firearm Concealed Carry Act,  
16 Article 24 of the Criminal Code of 2012, or 18 United States  
17 Code Sections 921 through 931.

18 (f) Unless otherwise limited by federal law, a law  
19 enforcement agency or law enforcement official may not deny  
20 services, benefits, privileges, or opportunities to an  
21 individual in custody or under probation status, including,  
22 but not limited to, eligibility for or placement in a lower  
23 custody classification, educational, rehabilitative, or  
24 diversionary programs, on the basis of the individual's  
25 citizenship or immigration status, the issuance of an  
26 immigration detainer or civil immigration warrant against the

1 individual, or the individual being in immigration removal  
2 proceedings.

3 (g) (1) No law enforcement agency, law enforcement  
4 official, or any unit of State or local government may enter  
5 into or renew any contract, intergovernmental service  
6 agreement, or any other agreement to house or detain  
7 individuals for federal civil immigration violations.

8 (2) Any law enforcement agency, law enforcement official,  
9 or unit of State or local government with an existing  
10 contract, intergovernmental agreement, or other agreement,  
11 whether in whole or in part, that is utilized to house or  
12 detain individuals for civil immigration violations shall  
13 exercise the termination provision in the agreement as applied  
14 to housing or detaining individuals for civil immigration  
15 violations no later than January 1, 2022.

16 (h) Unless presented with a federal criminal warrant, or  
17 otherwise required by federal law, a law enforcement agency,  
18 law enforcement ~~or~~ official, school, or school employee may  
19 not:

20 (1) participate, support, or assist in any capacity  
21 with an immigration agent's enforcement operations,  
22 including any collateral assistance such as coordinating  
23 an arrest in a courthouse or other public facility,  
24 providing use of any equipment, transporting any  
25 individuals, or establishing a security or traffic  
26 perimeter surrounding such operations, or any other

1 on-site support;

2 (2) give any immigration agent access, including by  
3 telephone, to any individual who is in that agency's  
4 custody;

5 (3) transfer any person into an immigration agent's  
6 custody;

7 (4) permit immigration agents use of agency facilities  
8 or equipment, including any agency electronic databases  
9 not available to the public, for investigative interviews  
10 or other investigative or immigration enforcement purpose;

11 (5) enter into or maintain any agreement regarding  
12 direct access to any electronic database or other  
13 data-sharing platform maintained by any law enforcement  
14 agency, or otherwise provide such direct access to the  
15 U.S. Immigration and Customs Enforcement, United States  
16 Customs and Border Protection or any other federal entity  
17 enforcing civil immigration violations;

18 (6) provide information in response to any immigration  
19 agent's inquiry or request for information regarding any  
20 individual in the agency's custody; or

21 (7) provide to any immigration agent information not  
22 otherwise available to the public relating to an  
23 individual's release or contact information, or otherwise  
24 facilitate for an immigration agent to apprehend or  
25 question an individual for immigration enforcement.

26 (i) Nothing in this Section shall preclude a law

1 enforcement official from otherwise executing that official's  
2 duties in investigating violations of criminal law and  
3 cooperating in such investigations with federal and other law  
4 enforcement agencies (including criminal investigations  
5 conducted by federal Homeland Security Investigations (HSI))  
6 in order to ensure public safety.

7 (Source: P.A. 102-234, eff. 8-2-21; 103-154, eff. 6-30-23.)

8 (5 ILCS 805/25)

9 Sec. 25. Reporting requirements.

10 (a) In order to ensure compliance with this Act, starting  
11 on the effective date of this amendatory Act of the 102nd  
12 General Assembly, law enforcement agencies shall submit a  
13 report annually to the Attorney General. Starting on the  
14 effective date of this amendatory Act of the 104th General  
15 Assembly, schools shall also submit a report annually to the  
16 Attorney General. This report shall include:

17 (1) Any requests from the United States Department of  
18 Homeland Security, including, but not limited to,  
19 Immigration and Customs and Enforcement, with respect to  
20 participation, support, or assistance in any immigration  
21 agent's civil enforcement operation, and any documentation  
22 regarding how the request was addressed, provided that if  
23 an agency does not receive any such requests during a  
24 reporting period, the agency shall certify and report that  
25 it received no such requests;

1           (2) All immigration detainers or civil immigration  
2 warrants received by the law enforcement agency, provided  
3 that if an agency does not receive any such detainers or  
4 warrants during a reporting period, the agency shall  
5 certify and report that it received no such detainers or  
6 warrants. The reports shall include:

7           (A) the date when the immigration detainer or  
8 civil immigration warrant was received;

9           (B) the date and time the individual subject to  
10 the immigration detainer or civil immigration warrant  
11 posted criminal bail, if applicable;

12           (C) whether the individual subject to the  
13 immigration detainer or civil immigration warrant was  
14 released or transferred;

15           (D) the date and time the individual was released  
16 or transferred; and

17           (E) if the individual is transferred, to which  
18 governmental agency's custody.

19           (b) Law enforcement agencies shall not include names or  
20 other personally identifying information in any reports  
21 required under this Section.

22           (Source: P.A. 102-234, eff. 8-2-21.)

23           (5 ILCS 805/30)

24           Sec. 30. Attorney General enforcement provisions. In order  
25 to ensure compliance with this Act:

1           (a) The Attorney General shall have authority to  
2           conduct investigations into violations of this Act. The  
3           Attorney General may: (1) require a law enforcement  
4           agency, law enforcement official, school, school employee,  
5           or any other person or entity to file a statement or report  
6           in writing under oath or otherwise, as to all information  
7           the Attorney General may consider necessary; (2) examine  
8           under oath any law enforcement official, school employee,  
9           or any other person alleged to have participated in or  
10          with knowledge of the alleged violation; or (3) issue  
11          subpoenas, obtain records, conduct hearings, or take any  
12          other actions in aid of any investigation. In the event a  
13          law enforcement agency, law enforcement official, school,  
14          school employee, or other person or entity fails to  
15          comply, in whole or in part, with a subpoena or other  
16          investigative request issued pursuant to this paragraph,  
17          the Attorney General may compel compliance through an  
18          action in the circuit court.

19          (b) Upon his or her own information or upon the  
20          complaint of any person, the Attorney General may maintain  
21          an action for declaratory, injunctive or any other  
22          equitable relief in the circuit court against any law  
23          enforcement agency, law enforcement official, or other  
24          person or entity who violates any provision of this Act.  
25          These remedies are in addition to, and not in substitution  
26          for, other available remedies.

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1 (Source: P.A. 102-234, eff. 8-2-21.)