



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2305

Introduced 2/7/2025, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

5 ILCS 805/5
5 ILCS 805/10
5 ILCS 805/15
5 ILCS 805/25
5 ILCS 835/Act rep.

Amends the Illinois TRUST Act. Provides that law enforcement may not: (i) retain information regarding the citizenship or immigration status or place of birth of any individual; (ii) give any immigration agent access, including by telephone or other communication medium (rather than only including by telephone), to any individual who is in that agency's custody; (iii) permit immigration agents' use of agency facilities or equipment, including any agency electronic databases not available to the public (rather than permit immigration agents use of agency facilities or equipment, including any agency electronic databases not available to the public, for investigative interviews or other investigative or immigration enforcement purpose); or (iv) provide information to any immigration agent regarding any individual in the agency's custody (rather than provide information in response to any immigration agent's inquiry or request for information regarding any individual in the agency's custody). Provides that law enforcement may not enter into or maintain any agreement regarding direct access to any electronic database or other data-sharing platform maintained by a law enforcement agency, or otherwise provide such direct access to a federal entity enforcing civil immigration law or any third parties unless such third parties certify that the information will not be used for civil immigration purposes or knowingly disseminated for any purpose related to civil immigration enforcement. Adds provisions from the Keep Illinois Families Together Act to the Illinois TRUST Act. Changes reporting requirements. Removes certain provisions from the legislative purpose. Changes definitions. Repeals the Keep Illinois Families Together Act. Effective immediately.

LRB104 12113 JDS 22212 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 5. The Illinois TRUST Act is amended by changing
5 Sections 5, 10, 15, and 25 as follows:

6 (5 ILCS 805/5)

7 Sec. 5. Legislative purpose. Recognizing that State law
8 does not currently grant State or local law enforcement the
9 authority to enforce federal civil immigration laws, it is the
10 intent of the General Assembly that nothing in this Act shall
11 be construed to authorize any law enforcement agency or law
12 enforcement official to enforce federal civil immigration law.
13 The changes made to the definitions of immigration detainer
14 and civil immigration warrant (formerly "non-judicial
15 immigration warrant") by Section 10 of this amendatory Act of
16 the 102nd General Assembly are declarative of existing law.
17 ~~This Act shall not be construed to prohibit or restrict any~~
18 ~~entity from sending to, or receiving from, the United States~~
19 ~~Department of Homeland Security or other federal, State, or~~
20 ~~local government entity information regarding the citizenship~~
21 ~~or immigration status of any individual under Sections 1373~~
22 ~~and 1644 of Title 8 of the United States Code. Further, nothing~~
23 ~~in this Act shall prevent a law enforcement officer from~~

1 ~~contacting another law enforcement agency for the purposes of~~
2 ~~clarifying or confirming the civil or criminal nature of~~
3 ~~notifications or other records provided by the National Crime~~
4 ~~Information Center or the Law Enforcement Agencies Data~~
5 ~~Administrative System.~~

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

7 (5 ILCS 805/10)

8 Sec. 10. Definitions. In this Act:

9 "Citizenship or immigration status" means all matters
10 regarding citizenship of the United States or any other
11 country or the authority to reside in or otherwise be present
12 in the United States, or lack thereof, including an
13 individual's nationality and country of citizenship.

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

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

20 "Law enforcement agency" means an agency of the State or
21 of a unit of local government charged with enforcement of
22 State, county, or municipal laws or with managing custody of
23 detained persons in the State, including municipal police
24 departments, sheriff's departments, campus police departments
25 at public institutions of higher education, the Illinois State
26 Police, and the Department of Juvenile Justice.

1 "Law enforcement official" means (i) any officer or other
2 agent of a State or local law enforcement agency authorized to
3 enforce criminal laws, rules, regulations, or local
4 ordinances, to operate jails, correctional facilities, or
5 juvenile detention facilities or to maintain custody of
6 individuals in jails, correctional facilities, or juvenile
7 detention facilities ~~any individual with the power to arrest~~
8 ~~or detain individuals, including law enforcement officers,~~
9 ~~corrections officers,~~ and (ii) others employed or designated
10 by a law enforcement agency. "Law enforcement official"
11 includes (i) any probation officer and (ii) any school
12 resource officer or other police or security officer assigned
13 to any public school, including any public pre-school and
14 other early learning program, public elementary and secondary
15 school, or public institution of higher education.

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

17 (5 ILCS 805/15)

18 Sec. 15. Prohibition on enforcing federal civil
19 immigration laws.

20 (a) A law enforcement agency or law enforcement official
21 shall not detain or continue to detain any individual solely
22 on the basis of any immigration detainer or civil immigration
23 warrant or otherwise comply with an immigration detainer or
24 civil immigration warrant.

25 (b) A law enforcement agency or law enforcement official

1 shall not stop, arrest, search, detain, or continue to detain
2 a person solely based on an individual's actual or perceived
3 citizenship or immigration status.

4 (c) (Blank).

5 (d) A law enforcement agency or law enforcement official
6 acting in good faith in compliance with this Section who
7 releases a person subject to an immigration detainer or civil
8 immigration warrant shall have immunity from any civil or
9 criminal liability that might otherwise occur as a result of
10 making the release, with the exception of willful or wanton
11 misconduct.

12 (e) (1) A law enforcement agency or law enforcement
13 official may not inquire about, ~~or~~ investigate, or retain
14 information regarding the citizenship or immigration status or
15 place of birth of any individual in the agency or official's
16 custody or who has otherwise been stopped or detained by the
17 agency or official.

18 (2) Nothing in this subsection shall be construed to limit
19 the ability of a law enforcement agency or law enforcement
20 official, pursuant to State or federal law, to notify a person
21 in the law enforcement agency's custody about that person's
22 right to communicate with consular officers from that person's
23 country of nationality, or facilitate such communication, in
24 accordance with the Vienna Convention on Consular Relations or
25 other bilateral agreements.

26 (3) Nothing in this subsection shall be construed to limit

1 the ability of a law enforcement agency or law enforcement
2 official to request evidence of citizenship or immigration
3 status pursuant to the Firearm Owners Identification Card Act,
4 the Firearm Concealed Carry Act, Article 24 of the Criminal
5 Code of 2012, or 18 United States Code Sections 921 through
6 931.

7 (f) Unless otherwise limited by federal law, a law
8 enforcement agency or law enforcement official may not deny
9 services, benefits, privileges, or opportunities to an
10 individual in custody or under probation status, including,
11 but not limited to, eligibility for or placement in a lower
12 custody classification, educational, rehabilitative, or
13 diversionary programs, on the basis of the individual's actual
14 or perceived citizenship or immigration status, the issuance
15 of an immigration detainer or civil immigration warrant
16 against the individual, or the individual being in immigration
17 removal proceedings.

18 (g)(1) No law enforcement agency, law enforcement
19 official, or any unit of State or local government may enter
20 into or renew any contract, intergovernmental service
21 agreement, or any other agreement to house or detain
22 individuals for federal civil immigration violations.

23 (2) Any law enforcement agency, law enforcement official,
24 or unit of State or local government with an existing
25 contract, intergovernmental agreement, or other agreement,
26 whether in whole or in part, that is utilized to house or

1 detain individuals for civil immigration violations shall
2 exercise the termination provision in the agreement as applied
3 to housing or detaining individuals for civil immigration
4 violations no later than January 1, 2022.

5 (h) Unless presented with a federal criminal warrant, or
6 otherwise required by federal law, a law enforcement agency or
7 official may not:

8 (1) participate, support, or assist in any capacity
9 with an immigration agent's enforcement operations,
10 including any collateral assistance such as coordinating
11 an arrest in a courthouse or other public facility,
12 providing use of any equipment, transporting any
13 individuals, or establishing a security or traffic
14 perimeter surrounding such operations, or any other
15 on-site support;

16 (2) give any immigration agent access, including by
17 telephone or other communication medium, to any individual
18 who is in that agency's custody;

19 (3) transfer any person into an immigration agent's
20 custody;

21 (4) permit immigration agents use of agency facilities
22 or equipment, including any agency electronic databases
23 not available to the public, ~~for investigative interviews~~
24 ~~or other investigative or immigration enforcement purpose;~~

25 (5) (blank); ~~enter into or maintain any agreement~~
26 ~~regarding direct access to any electronic database or~~

~~other data-sharing platform maintained by any law enforcement agency, or otherwise provide such direct access to the U.S. Immigration and Customs Enforcement, United States Customs and Border Protection or any other federal entity enforcing civil immigration violations;~~

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

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

(i) Unless required by federal law, a law enforcement agency or official may not enter into or maintain any agreement regarding direct access to any electronic database or other data-sharing platform maintained by any law enforcement agency or otherwise provide such direct access to:

(1) U.S. Immigration and Customs Enforcement, United States Customs and Border Protection, or any other federal entity enforcing civil immigration law; or

(2) any third party or parties, unless all such parties certify that the information in the databases or other data-sharing platforms will not be used for civil immigration purposes or knowingly disseminated to any other party for any purpose related to civil immigration

1 enforcement.

2 (j) No law enforcement agency or official may enter into
3 or remain in an agreement with the U.S. Department of Homeland
4 Security or any agencies or offices within that department
5 under 8 U.S.C. 1357(g) or any other federal program
6 authorizing or permitting law enforcement agencies or
7 officials to engage in civil immigration enforcement.

8 (k) ~~(i)~~ Nothing in this Section shall preclude a law
9 enforcement official from otherwise executing that official's
10 duties in investigating violations of criminal law and
11 cooperating in such investigations with federal and other law
12 enforcement agencies (including criminal investigations
13 conducted by federal Homeland Security Investigations (HSI))
14 in order to ensure public safety.

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

16 (5 ILCS 805/25)

17 Sec. 25. Reporting requirements.

18 (a) In order to ensure compliance with this Act, starting
19 on the effective date of this amendatory Act of the 102nd
20 General Assembly, law enforcement agencies shall submit a
21 report annually to the Attorney General. This report shall
22 include:

23 (1) Any requests from any immigration agent ~~the United~~
24 ~~States Department of Homeland Security, including, but not~~
25 ~~limited to, Immigration and Customs and Enforcement, with~~

1 respect to participation, support, or assistance in any
2 immigration agent's civil enforcement operation, and any
3 documentation regarding how the request was addressed,
4 provided that if an agency does not receive any such
5 requests during a reporting period, the agency shall
6 certify and report that it received no such requests;

7 (2) All immigration detainers or civil immigration
8 warrants received by the law enforcement agency, provided
9 that if an agency does not receive any such detainers or
10 warrants during a reporting period, the agency shall
11 certify and report that it received no such detainers or
12 warrants. The reports shall include:

13 (A) the date when the immigration detainer or
14 civil immigration warrant was received;

15 (B) the date and time the individual subject to
16 the immigration detainer or civil immigration warrant
17 posted criminal bail, if applicable;

18 (C) whether the individual subject to the
19 immigration detainer or civil immigration warrant was
20 released or transferred;

21 (D) the date and time the individual was released
22 or transferred; and

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

25 (b) Law enforcement agencies shall not include names or
26 other personally identifying information in any reports

1 required under this Section.

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

3 (5 ILCS 835/Act rep.)

4 Section 10. The Keep Illinois Families Together Act is
5 repealed.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.