



Sen. John J. Cullerton

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1 AMENDMENT TO SENATE BILL 31

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 31 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Illinois Trust Act.

6 Section 5. Legislative intent. It is the intent of the  
7 General Assembly that this Act shall not be construed as  
8 providing, expanding, or ratifying the legal authority for any  
9 State or local law enforcement agency to detain an individual  
10 on an immigration detainer or administrative warrant, or  
11 perform any other civil immigration enforcement function.  
12 State law does not grant State or local law enforcement the  
13 authority to enforce federal civil immigration laws.  
14 Interactions between State and local law enforcement and  
15 federal immigration agents shall be consistent and uniform  
16 throughout the State.

1 Section 10. Definitions. In this Act:

2 "Administrative warrant" means an immigration warrant of  
3 arrest, order to detain or release aliens, notice of custody  
4 determination, notice to appear, removal order, warrant of  
5 removal, or any other document issued by an immigration agent  
6 or immigration judge that can form the basis for an  
7 individual's arrest or detention for a civil immigration  
8 enforcement purpose including administrative warrants entered  
9 into the Federal Bureau of Investigation's National Crime  
10 Information Center database, or any successor or similar  
11 database maintained by the United States. "Administrative  
12 warrant" does not include any warrants issued by a criminal  
13 court upon a determination of probable cause and in compliance  
14 with the requirements of the Fourth Amendment to the United  
15 States Constitution and Article I, Section 6 of the Illinois  
16 Constitution.

17 "Certification form" means any law enforcement  
18 certification form or statement required by federal  
19 immigration law certifying that a person is a victim of  
20 qualifying criminal activity including, but not limited to, the  
21 information required by Section 1184(p) of Title 8 of the  
22 United States Code (including current United States  
23 Citizenship and Immigration Service Form I-918, Supplement B,  
24 or any successor forms) for purposes of obtaining a U visa, or  
25 by Section 1184(o) of Title 8 of the United States Code

1 (including current United States Citizenship and Immigration  
2 Service Form I-914, Supplement B, or any successor forms) for  
3 purposes of obtaining a T visa.

4 "Certifying agency" means a State or local law enforcement  
5 agency, prosecutor, or other authority that has responsibility  
6 for the detection, investigation, or prosecution of criminal  
7 activity including an agency that has criminal investigative  
8 jurisdiction in its respective areas of expertise, and  
9 specifically includes the Department of Labor, the Department  
10 of Children and Family Services, the Department of Human  
11 Services, and the Illinois Workers' Compensation Commission,  
12 but not including any State court.

13 "Coerce" means to use express or implied threats towards a  
14 person or family member of a person that attempts to put the  
15 person in immediate fear of the consequences in order to compel  
16 that person to act against his or her will.

17 "Contact information" means home address, work address,  
18 telephone number, electronic mail address, social media  
19 information, or any other personal identifying information  
20 that could be used as a means to contact an individual.

21 "Eligible for release from custody" means that the  
22 individual may be released from custody because one of the  
23 following conditions has occurred:

24 (1) all criminal charges against the individual have  
25 been dropped or dismissed;

26 (2) the individual has been acquitted of all criminal

1 charges filed against him or her;

2 (3) the individual has served all the time required for  
3 his or her sentence;

4 (4) the individual has posted a bond; or

5 (5) the individual is otherwise eligible for release  
6 under State or local law or local policy.

7 "Family member" means a person's (i) mother or father  
8 (including step or adoptive), spouse, brother or sister  
9 (including blood, step, half, or adoptive), son or daughter  
10 (including blood, step, half, or adopted), father-in-law,  
11 mother-in-law, daughter-in-law, son-in-law, brother-in-law,  
12 sister-in-law, grandparent, or grandchild; (ii)  
13 court-appointed legal guardian or a person for whom the person  
14 is a court-appointed legal guardian; or (iii) domestic partner  
15 or the domestic partner's mother or father (including step or  
16 adoptive), brother or sister (including blood, step, half, or  
17 adoptive), or son or daughter (including blood, step, half, or  
18 adopted).

19 "Immigration agent" means an agent of federal Immigration  
20 and Customs Enforcement, federal Customs and Border  
21 Protection, an individual authorized to conduct enforcement of  
22 civil immigration laws under Section 1357(g) of Title 8 of the  
23 United States Code or any other federal law, any other federal  
24 agent charged with enforcement of civil immigration laws, or  
25 any successor.

26 "Immigration enforcement operation" means an operation

1 that has as one of its objectives the identification or  
2 apprehension of a person or persons: (1) in order to subject  
3 them to civil immigration detention, removal proceedings or  
4 removal from the United States; or (2) to criminally prosecute  
5 a person or persons for offenses related to immigration status,  
6 including, but not limited to, violations of Sections 1253,  
7 1304, 1306(a) and (b), 1325, or 1326 of Title 8 of the United  
8 States Code.

9 "Immigration detainer" means a document issued by an  
10 immigration agent to a federal, State, or local law enforcement  
11 agency that requests that the law enforcement agency provide  
12 notice of release or maintain custody of an individual based on  
13 an alleged violation of a civil immigration law, including  
14 detainers issued under Section 287.7 of Title 8 of the United  
15 States Code or Section 236.1 of Title 8 of the Code of Federal  
16 Regulations.

17 "Law enforcement agency" means an agency in this State  
18 charged with enforcement of State, county, or municipal laws or  
19 with managing custody of detained persons in the State,  
20 including municipal police departments, sheriff's departments,  
21 campus police departments, the Department of State Police, and  
22 the Department of Juvenile Justice.

23 "Law enforcement official" means any officer or other agent  
24 of a State or local law enforcement agency authorized to  
25 enforce criminal laws, rules, regulations, or local ordinances  
26 or to operate jails, correctional facilities, or juvenile

1 detention facilities or to maintain custody of individuals in  
2 jails, correctional facilities, or juvenile detention  
3 facilities.

4 "Qualifying criminal activity" means any activity  
5 regardless of the stage of detection, investigation, or  
6 prosecution, involving one or more of the following or any  
7 similar activity in violation of federal, State, or local  
8 criminal law: rape; torture; trafficking; incest; domestic  
9 violence; sexual assault; abusive sexual contact;  
10 prostitution; sexual exploitation; stalking; female genital  
11 mutilation; being held hostage; peonage; involuntary  
12 servitude; slave trade; kidnapping; abduction; unlawful  
13 criminal restraint; false imprisonment; blackmail; extortion;  
14 manslaughter; murder; felonious assault; witness tampering;  
15 obstruction of justice; perjury; fraud in foreign labor  
16 contracting (as defined in Section 1351 of Title 18 of the  
17 United States Code); or attempt, conspiracy, or solicitation to  
18 commit any of the above mentioned crimes; and any criminal  
19 activity that has an articulable similarity to any activity  
20 listed under this definition, but is not specifically listed  
21 under this definition. Qualifying criminal activity also means  
22 any qualifying criminal activity that occurs during the  
23 commission of non-qualifying criminal activity, regardless of  
24 whether or not criminal prosecution was sought for the  
25 qualifying criminal activity. Criminal activity may be  
26 considered qualifying criminal activity regardless of how much

1 time has elapsed since its commission.

2 "Verbal abuse" means the use of a remark which is overtly  
3 insulting, mocking, or belittling directed at a person based  
4 upon the actual or perceived: (1) race, color, sex, religion,  
5 national origin, English proficiency, sexual orientation, or  
6 gender identity of that person, or (2) citizenship or  
7 immigration status of that person or that person's family  
8 member.

9 "Victim of qualifying criminal activity" means any  
10 individual who:

11 (1) (A) (i) has reported qualifying criminal activity to  
12 a law enforcement agency or certifying agency; or (ii) has  
13 otherwise participated in the detection, investigation, or  
14 prosecution of qualifying criminal activity; and

15 (B) has suffered direct and proximate harm as a result  
16 of the commission of any qualifying criminal activity;  
17 including, but not limited to: (i) any indirect victim  
18 regardless of the direct victim's immigration or  
19 citizenship status, who, in any case in which the direct  
20 victim is deceased, incompetent, or incapacitated, is the  
21 direct victim's spouse, the direct victim's child under 21  
22 years of age, or if the direct victim is under 21 years of  
23 age, the direct victim's unmarried sibling under 18 years  
24 of age or parent; or (ii) any bystander victim who suffers  
25 direct physical or mental harm as a result of the  
26 qualifying criminal activity, or

1           (2) was a victim of a severe form of trafficking in  
2 persons as defined in Section 7102 of Title 22 of the  
3 United States Code and Section 10-9 of the Criminal Code of  
4 2012.

5           More than one victim may be identified and provided with a  
6 certification form depending upon the circumstances. For  
7 purposes of the definition of "victim of qualifying criminal  
8 activity," the term "incapacitated" means unable to interact  
9 with the law enforcement agency or certifying agency personnel  
10 as a result of a cognitive impairment or other physical  
11 limitation, because of physical restraint or disappearance, or  
12 because the victim was a minor at the time the crime was  
13 committed and reported.

14           Section 15. Prohibited immigration enforcement activities;  
15 exceptions.

16           (a) A law enforcement agency or official shall not detain  
17 or continue to detain any individual solely on the basis of any  
18 immigration detainer or administrative warrant, or otherwise  
19 comply with an immigration detainer or administrative warrant  
20 after that individual becomes eligible for release from  
21 custody.

22           (b) A law enforcement agency or official shall not stop,  
23 arrest, search, detain, or continue to detain a person solely  
24 based on an individual's citizenship or immigration status, an  
25 administrative warrant, an individual's possession of a



1 temporary visitor's driver's license issued by the Secretary of  
2 State under the Illinois Vehicle Code, or an individual's  
3 possession of a passport, consular identification document, or  
4 other identification document issued by a foreign government.

5 (c) A law enforcement agency or official shall not inquire  
6 about the citizenship or immigration status of an individual,  
7 including a crime victim, a witness, or a person who calls or  
8 approaches the law enforcement agency or official seeking  
9 assistance, unless necessary to investigate criminal activity  
10 by that individual. Nothing in this subsection (c) shall be  
11 construed to limit the ability of a law enforcement agency or  
12 official to ask a person in the law enforcement agency's  
13 custody about that person's country of nationality for purposes  
14 of facilitating communication with consular officers from that  
15 person's country of nationality in accordance with the Vienna  
16 Convention on Consular Relations.

17 (d) A law enforcement agency or official shall not request  
18 or accept a temporary visitor's driver's license issued by the  
19 Secretary of State under the Illinois Vehicle Code as proof of  
20 a person's identity. A law enforcement agency or official may  
21 only request an individual's temporary visitor's driver's  
22 license to establish that the individual is or is not licensed  
23 by the State to operate a motor vehicle.

24 (e) A law enforcement agency or official shall not enter  
25 into an agreement under Section 1357(g) of Title 8 of the  
26 United States Code or any other federal law that permits State

1 or local governmental entities to enforce federal civil  
2 immigration laws.

3 (f) A law enforcement agency or official shall not  
4 participate in immigration enforcement operations as defined  
5 in Section 10 of this Act, which includes, but is not limited  
6 to, operations to establish traffic perimeters. Except as  
7 provided in subsection (i) of this Section, a law enforcement  
8 agency or official shall not provide to any immigration agent  
9 information on persons that may be the subject of immigration  
10 enforcement operations.

11 (g) A law enforcement agency or official shall not:

12 (1) give any immigration agent access to any  
13 individual;

14 (2) transfer any person into an immigration agent's  
15 custody;

16 (3) permit immigration agents use of agency facilities  
17 or equipment, including any agency electronic databases  
18 not available to the public, for investigative interviews  
19 or other investigative purpose in executing an immigration  
20 enforcement operation; or

21 (4) respond to immigration agent inquiries regarding  
22 any individual's incarceration status, release date, or  
23 contact information except insofar as the agency makes that  
24 information available to the public.

25 (h) Notwithstanding any other provision of this Section,  
26 (1) if an immigration agent presents to a law enforcement

1 official or law enforcement agency a valid and properly issued  
2 criminal warrant related to the investigation or prosecution of  
3 any criminal offense, including offenses provided for in the  
4 laws of another state or federal law, or (2) otherwise  
5 demonstrates that he or she is engaged in the investigation or  
6 prosecution of a criminal offense or activity (not including  
7 any offense related to immigration status, including, but not  
8 limited to, a violation of Section 1253, 1304, 1306 (a) or (b),  
9 1325, or 1326 of Title 8 of the United States Code), then the  
10 law enforcement official or law enforcement agency may conduct  
11 any of the activities listed in this Section or otherwise  
12 communicate or coordinate with an immigration agent solely for  
13 assisting with that specific purpose.

14 (i) Nothing in this Section shall be construed to prohibit  
15 or restrict any entity from sending to, or receiving from, the  
16 United States Department of Homeland Security or other federal,  
17 State, or local government entity information regarding the  
18 citizenship or immigration status of any individual under  
19 Sections 1373 and 1644 of Title 8 of the United States Code.

20 (j) Subsection (g) of this Section shall not apply to the  
21 Department of Corrections.

22 (k) Nothing in this Section shall be construed as  
23 restricting any expenditure or activity necessary to the  
24 performance by the State, any unit of local government, or any  
25 law enforcement or other agency, official, employee, or agent  
26 of any obligations under any contract between the State, the

1 unit of local government, or the agency and federal officials  
2 regarding the use of a facility to detain individuals in  
3 federal immigration removal proceedings.

4 Section 20. Prohibited activities related to immigration  
5 detention facilities. Notwithstanding subsection (k) of  
6 Section 15 of this Act, no State agency or unit of local  
7 government shall be permitted to contract with a private  
8 for-profit vendor or contractor for the provision of services,  
9 other than ancillary services as defined under Section 3 of the  
10 Private Correctional Facility Moratorium Act, relating to the  
11 operation or management of a facility to detain individuals in  
12 federal immigration removal proceedings, or to approve any  
13 permits, zoning changes, or other measures required for, or to  
14 otherwise facilitate, the construction, operation, or  
15 management of any such facility.

16 Section 25. Other prohibited activities; verbal abuse and  
17 coercion. A law enforcement agency or law enforcement official  
18 shall not:

19 (1) coerce any person based upon the person's actual or  
20 perceived citizenship or immigration status or the actual or  
21 perceived citizenship or immigration status of the person's  
22 family member;

23 (2) communicate a threat to deport that person or any  
24 family member of that person under circumstances that

1 reasonably tend to produce a fear that the threat will be  
2 carried out; or

3 (3) otherwise subject a person to verbal abuse as defined  
4 by Section 10 of this Act.

5 Section 30. Other prohibited activities; registry  
6 programs. A State or local government agency or official shall  
7 not expend any time, facilities, equipment, information, or  
8 other resources of the agency or official to facilitate the  
9 creation, publication, or maintenance of any federal program  
10 with the purpose of registering or maintaining a database of  
11 individuals present in the United States based on their race,  
12 color, ancestry, national origin, or religion, or to facilitate  
13 the participation in such a program of any residents of the  
14 jurisdiction served by that agency or official.

15 Section 35. Certifications for victims of qualifying  
16 criminal activity.

17 (a) A certifying agency shall complete a certification form  
18 requested by any victim of qualifying criminal activity as  
19 defined in Section 10 of this Act within 90 days of receiving  
20 the request, except as otherwise required under this subsection  
21 (a). If the victim of qualifying criminal activity is in  
22 federal immigration removal proceedings or detained, then the  
23 certifying agency shall complete the certification form no  
24 later than 14 days after the request is received by the agency.

1 If the victim's children, parents, or siblings will become  
2 ineligible for benefits under Sections 1184(p) and 1184(o) of  
3 Title 8 of the United States Code by virtue of the victim's  
4 children having reached the age of 21 years, the victim having  
5 reached the age of 21 years, or the victim's sibling having  
6 reached the age of 18 years within 90 days from the date that  
7 the certifying agency receives the certification request, the  
8 certifying agency shall complete the certification form no  
9 later than 14 days after the request is received by the agency,  
10 or if the loss of the benefit would occur less than 14 days of  
11 receipt of the certification request, the agency shall complete  
12 a certification form within 3 days. Requests for expedited  
13 completion of a certification form shall be affirmatively  
14 raised by the victim or representative of the victim.

15 (b) A request for completion of a certification form under  
16 subsection (a) of this Section may be submitted by a  
17 representative of the victim, including, but not limited to, an  
18 attorney, accredited representative, or domestic violence  
19 service provider. A certifying agency may decline to complete  
20 the certification form requested under subsection (a) of this  
21 Section only if, after a good faith inquiry, the agency cannot  
22 determine that the applicant is a victim of qualifying criminal  
23 activity as defined in Section 10 of this Act.

24 (c) Each certifying agency has independent legal authority  
25 to complete and issue a certification form. The head of each  
26 certifying agency, or a designated agent who performs a

1 supervisory role within the certifying agency, shall perform  
2 the following responsibilities:

3 (1) respond to requests for certifications as required  
4 by this Section;

5 (2) make information regarding the agency's procedures  
6 for certification requests publicly available for victims  
7 of qualifying criminal activity and their representatives;  
8 and

9 (3) keep written records of all certification requests  
10 and responses, which shall be reported to the Illinois  
11 Trust Act Compliance Board on an annual basis.

12 (d) A certifying agency shall complete and reissue a  
13 certification form within 90 days of receiving a request to  
14 reissue. If the victim seeking recertification has a deadline  
15 to respond to a request for evidence from United States  
16 Citizenship and Immigration Services, the certifying agency  
17 shall complete and issue the form no later than 14 days after  
18 the request is received by the agency. Requests for expedited  
19 re-certification shall be affirmatively raised by the victim or  
20 representative of the victim.

21 (e) Notwithstanding any other provision of this Section, a  
22 certifying agency's completion of a certification form shall  
23 not be considered sufficient evidence that an applicant for a U  
24 or T visa has met all eligibility requirements for that visa  
25 and completion of a certification form by a certifying agency  
26 shall not be construed to guarantee that the victim will

1 receive federal immigration relief. It is the exclusive  
2 responsibility of federal immigration officials to determine  
3 whether any individual is eligible for a U or T visa.  
4 Completion of a certification form by a certifying agency  
5 merely verifies factual information relevant to the  
6 immigration benefit sought, including information relevant for  
7 federal immigration officials to determine eligibility for a U  
8 or T visa. By completing a certification form, the certifying  
9 agency attests that the information is true and correct to the  
10 best of the certifying official's knowledge. If, after  
11 completion of a certification form, the victim unreasonably  
12 refuses to assist in the investigation or prosecution of the  
13 qualifying criminal activity of which he or she is a victim,  
14 then the certifying agency may notify United States Citizenship  
15 and Immigration Services in writing.

16 (f) All certifying agencies not subject to the training  
17 requirements established in Section 10.17-5 of the Illinois  
18 Police Training Act shall adopt a training program on U and T  
19 nonimmigrant visas and other remedies for immigrant victims of  
20 qualifying criminal activity.

21 (g) All certifying agencies shall adopt and implement a  
22 language access protocol for non-English speaking victims of  
23 qualifying criminal activity.

24 Section 40. Certain State-funded schools and facilities.

25 (a) Absent a judicial warrant or probable cause of criminal



1 activity (not including an offense related to immigration  
2 status, including, but not limited to, a violation of Section  
3 1253, 1304, 1306 (a) or (b), 1325, or 1326 of Title 8 of the  
4 United States Code), a government official shall not make  
5 arrests in the following State-funded facilities or their  
6 adjacent grounds:

7 (1) State-funded schools, including licensed day care  
8 centers, pre-schools, and other early learning programs;  
9 elementary and secondary schools, and institutions of  
10 higher education.

11 (2) State-funded medical treatment and health care  
12 facilities, including hospitals, health clinics, emergency  
13 or urgent care facilities, nursing homes, group homes for  
14 persons with developmental disabilities,  
15 community-integrated living arrangements, and State mental  
16 health facilities.

17 (3) Facilities operated by the Office of the Secretary  
18 of State.

19 (4) Circuit courts, State appellate courts, or the  
20 Supreme Court.

21 (b) Employees of elementary and secondary schools in this  
22 State and institutions of higher education in this State shall  
23 not inquire about a student's citizenship or immigration status  
24 or that of the student's family members, except in cases of  
25 in-State or in-district tuition verification, scholarships,  
26 grants, or services that are contingent upon this information.

1 State agencies and State-funded medical treatment and health  
2 care facilities shall not inquire about or request proof of  
3 citizenship or immigration status when providing services or  
4 benefits, except when the receipt of the services or benefits  
5 is contingent upon the person's immigration or citizenship  
6 status or when inquiries are otherwise lawfully required by  
7 federal, State, or local laws. State agencies and State-funded  
8 medical treatment and health care facilities shall not collect  
9 information regarding a person's citizenship or immigration  
10 status, except as required by federal or State law.

11 (c) Beginning 120 days after the effective date of this  
12 Act, except as required by federal, State, or local law, no new  
13 applications, questionnaires, or interview forms used in  
14 relation to benefits, opportunities, or services provided by a  
15 State agency or in-State or in-district tuition verification,  
16 scholarships, grants, or services provided by a public  
17 elementary or secondary school or public institution of higher  
18 education may contain any questions regarding citizenship or  
19 immigration status.

20 (d) The appropriate personnel of a facility listed in  
21 paragraph (1) of subsection (a) of this Section shall develop a  
22 plan within 90 days after the effective date of this Act to  
23 provide assistance, information, and safety to persons who are  
24 concerned about the government's immigration enforcement  
25 efforts. The appropriate personnel of a facility listed in  
26 paragraph (2) of subsection (a) of this Section shall make

1 information available to patients to address concerns about the  
2 government's immigration enforcement efforts.

3 (e) Information or documents regarding an individual's  
4 citizenship or immigration status are confidential  
5 information. Absent a judicial warrant or court-ordered  
6 subpoena, a school, institution of higher education, State  
7 agency, State-funded medical treatment or health care facility  
8 that collects information or documents regarding an  
9 individual's citizenship or immigration status under federal  
10 or State law shall not disclose or otherwise make available to  
11 any person or entity information or documents regarding an  
12 individual's citizenship or immigration status except when  
13 disclosure is necessary between a facility listed in paragraph  
14 (2) of subsection (a) of this Section and any other licensed  
15 health care facility or professional for the provision of  
16 health care and except as provided under subsection (g) of this  
17 Section. Nothing in this Section is intended to prevent any  
18 entity from exchanging aggregated, de-identified information  
19 with State, local, or federal entities.

20 (f) A facility listed in paragraph (2) of subsection (a) of  
21 this Section may deny access, delay access, or limit access by  
22 law enforcement personnel, including immigration agents, based  
23 upon the medical condition or safety of patients or staff or  
24 based upon compliance with legal requirements, such as federal  
25 or State law governing patient privacy. A facility and an  
26 individual affiliated with that facility who, acting in good

1 faith, either grants or denies access to the facility by law  
2 enforcement personnel, including immigration agents, under  
3 this Act shall be immune from any civil or criminal liability  
4 based upon the decision to grant or deny access.

5 (g) Nothing in this Section 40 shall be construed to  
6 prohibit or restrict any entity covered by Section 1373 and  
7 1644 of Title 8 of the United States Code from sending to, or  
8 receiving from, the United States Department of Homeland  
9 Security or any other federal, State, or local government  
10 entity information regarding the citizenship or immigration  
11 status of any individual.

12 Section 45. Equal access to educational, rehabilitative,  
13 and diversionary programs in the criminal justice system.  
14 Neither the Department of Corrections nor any law enforcement  
15 agency may consider an immigration detainer or administrative  
16 warrant in determining an individual's eligibility or  
17 placement in any educational, rehabilitative, or diversionary  
18 program described in the Unified Code of Corrections or any  
19 other educational, rehabilitative, or diversionary program  
20 administered by a law enforcement agency.

21 Section 50. Compliance Board; oversight.

22 (a) The Governor shall appoint, with the advice and consent  
23 of the Senate, an Illinois Trust Act Compliance Board within 90  
24 days after the effective date of this Act. This Board shall

1 consist of 13 members, serving terms of 3 years, and the  
2 members shall elect their chairperson. No more than 7 members  
3 shall be of the same political party. All appointments shall be  
4 made in writing and filed with the Secretary of State as a  
5 public record.

6 (b) The Board shall consist of the following members:

7 (1) one representative of the Governor's office;

8 (2) one representative of the Attorney General's  
9 office;

10 (3) one representative of the Illinois Legislative  
11 Latino Caucus;

12 (4) one representative of law enforcement from the  
13 Chicago Police Department;

14 (5) one representative of law enforcement from Cook  
15 County;

16 (6) 2 representatives of law enforcement from outside  
17 of Cook County;

18 (7) one representative that advocates for immigrants  
19 in the Latino or Hispanic community in this State;

20 (8) one representative that advocates for immigrants  
21 in the Asian American community in this State;

22 (9) one representative that advocates for immigrants  
23 in the African, Arab, or Muslim American community in this  
24 State;

25 (10) one representative that advocates for immigrants  
26 in this State;

1 (11) 2 representatives that advocate for immigrant  
2 victims of domestic violence, sexual assault, or human  
3 trafficking in this State;

4 (c) This Board shall be charged with the following  
5 responsibilities:

6 (1) monitoring compliance with this Act;

7 (2) disseminating information about this Act to  
8 affected communities and the general public;

9 (3) establishing mechanisms by which the public can  
10 report concerns and recommendations regarding  
11 implementation of this Act;

12 (4) identifying implementation issues and other  
13 trends, and providing recommendations to the Governor and  
14 the Attorney General for addressing these issues;

15 (5) conducting research regarding sharing personally  
16 identifiable information between law enforcement agencies  
17 and federal Immigration and Customs Enforcement, including  
18 but not limited to, research regarding:

19 (A) requests for or investigations involving  
20 personally identifiable information by law enforcement  
21 agencies and officials;

22 (B) sharing of information and data posted in the  
23 Illinois Law Enforcement Agencies Database System  
24 (LEADS) or any other State administered database to  
25 which immigration agents have access;

26 (C) immigration agents' use of the LEADS database

1 or any other State administered database; and

2 (D) the impact of the requests, investigations,  
3 and sharing and use of information on relations between  
4 law enforcement agencies and immigrant communities;

5 (6) conducting additional research as may be  
6 necessary, including, but not limited to, requesting and  
7 disseminating data from law enforcement agencies relevant  
8 to this Act and this Act's impact on law enforcement  
9 agencies, police-community relations, affected  
10 communities, and the State overall;

11 (7) publishing a report of its activities no less than  
12 once each calendar year; and

13 (8) any other responsibilities relating to this Act as  
14 the Board may identify.

15 Section 115. The Illinois Notary Public Act is amended by  
16 changing Section 3-104 as follows:

17 (5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

18 Sec. 3-104. Maximum Fee.

19 (a) Except as provided in subsection (b) of this Section,  
20 the maximum fee in this State is \$1.00 for any notarial act  
21 performed and, until July 1, 2018, up to \$25 for any notarial  
22 act performed pursuant to Section 3-102.

23 (b) Fees for a notary public, agency, or any other person  
24 who is not an attorney or an accredited representative filling

1 out immigration forms shall be limited to the following:

2 (1) \$10 per form completion;

3 (2) \$10 per page for the translation of a non-English  
4 language into English where such translation is required  
5 for immigration forms;

6 (3) \$1 for notarizing;

7 (4) \$3 to execute any procedures necessary to obtain a  
8 document required to complete immigration forms; and

9 (5) A maximum of \$75 for one complete application.

10 Fees authorized under this subsection shall not include  
11 application fees required to be submitted with immigration  
12 applications.

13 Any person who violates the provisions of this subsection  
14 shall be guilty of a Class A misdemeanor for a first offense  
15 and a Class 3 felony for a second or subsequent offense  
16 committed within 5 years of a previous conviction for the same  
17 offense.

18 (c) Upon his own information or upon complaint of any  
19 person, the Attorney General or any State's Attorney, or their  
20 designee, may maintain an action for injunctive relief in the  
21 court against any notary public or any other person who  
22 violates the provisions of subsection (b) of this Section.  
23 These remedies are in addition to, and not in substitution for,  
24 other available remedies.

25 (c-5) Notwithstanding subsection (c) of this Section, any  
26 person may file a civil action to enforce the provisions of



1 this subsection and maintain an action for injunctive relief,  
2 for compensatory damages to recover prohibited fees, or for  
3 such additional relief as may be appropriate to deter, prevent,  
4 or compensate for the violation. In order to deter violations  
5 of this Section, courts shall not require a showing of the  
6 traditional elements for equitable relief. A prevailing  
7 plaintiff may be awarded 3 times the prohibited fees, or a  
8 minimum of \$1,000 in punitive damages, attorney's fees, and  
9 costs of bringing an action under this Section. It is the  
10 express intent of the General Assembly that remedies for  
11 violation of this Section be cumulative. If the Attorney  
12 General or any State's Attorney fails to bring an action as  
13 provided pursuant to this subsection within 90 days of receipt  
14 of a complaint, any person may file a civil action to enforce  
15 the provisions of this subsection and maintain an action for  
16 injunctive relief.

17 (d) All notaries public must provide receipts and keep  
18 records for fees accepted for services provided. Failure to  
19 provide receipts and keep records that can be presented as  
20 evidence of no wrongdoing shall be construed as a presumptive  
21 admission of allegations raised in complaints against the  
22 notary for violations related to accepting prohibited fees.

23 (Source: P.A. 98-29, eff. 6-21-13.)

24 Section 120. The Illinois Police Training Act is amended by  
25 adding Section 10.17-5 as follows:

1 (50 ILCS 705/10.17-5 new)

2 Sec. 10.17-5. Training program on federal nonimmigrant  
3 visas. The Board shall conduct or approve a training program on  
4 U and T nonimmigrant visas and other immigration remedies for  
5 immigrant victims of qualifying criminal activity as defined in  
6 Section 10 of the Illinois Trust Act. A law enforcement  
7 agency's continuing education program shall provide to the head  
8 of the agency or the head of the agency's designee continuing  
9 education concerning U and T nonimmigrant visas, and continuing  
10 education concerning cultural diversity awareness.

11 Section 125. The Code of Criminal Procedure of 1963 is  
12 amended by changing Section 113-8 and by adding Section 110-5.2  
13 as follows:

14 (725 ILCS 5/110-5.2 new)

15 Sec. 110-5.2. Bail for persons subject to an immigration  
16 detainer. A person subject to an immigration detainer or  
17 administrative warrant shall not be denied bail solely on the  
18 basis of the immigration detainer or administrative warrant.  
19 Nothing in this Section may be construed to undermine the  
20 authority of a court to set bail or a bond determination under  
21 this Article.

22 (725 ILCS 5/113-8)

1           Sec. 113-8. Advisement concerning status as an alien.  
2 Before the acceptance of a plea of guilty, guilty but mentally  
3 ill, or nolo contendere to a misdemeanor or felony offense, the  
4 court shall give the following advisement to the defendant in  
5 open court:

6           "If you are not a citizen of the United States, you are  
7 hereby advised that conviction of the offense for which you  
8 have been charged may have the consequences of deportation,  
9 exclusion from admission to the United States, or denial of  
10 naturalization under the laws of the United States.".

11           Nothing in this Section shall be construed to authorize or  
12 direct any court to request that the defendant state his or her  
13 immigration or citizenship status, or to require that the  
14 defendant provide such information.

15 (Source: P.A. 93-373, eff. 1-1-04.)

16           Section 130. The Probation and Probation Officers Act is  
17 amended by changing Section 12 as follows:

18           (730 ILCS 110/12) (from Ch. 38, par. 204-4)

19           Sec. 12. The duties of probation officers shall be:

20           (1) To investigate as required by Section 5-3-1 of the  
21 "Unified Code of Corrections", approved July 26, 1972, as  
22 amended, the case of any person to be placed on probation. Full  
23 opportunity shall be afforded a probation officer to confer  
24 with the person under investigation when such person is in

1 custody.

2 (2) To notify the court of any previous conviction for  
3 crime or previous probation of any defendant invoking the  
4 provisions of this Act.

5 (3) All reports and notifications required in this Act to  
6 be made by probation officers shall be in writing and shall be  
7 filed by the clerk in the respective cases.

8 (4) To preserve complete and accurate records of cases  
9 investigated, including a description of the person  
10 investigated, the action of the court with respect to his case  
11 and his probation, the subsequent history of such person, if he  
12 becomes a probationer, during the continuance of his probation,  
13 which records shall be open to inspection by any judge or by  
14 any probation officer pursuant to order of court, but shall not  
15 be a public record, and its contents shall not be divulged  
16 otherwise than as above provided, except upon order of court;  
17 provided that nothing in this Section shall be construed to  
18 require or direct any probation officer to (A) inquire to the  
19 United States Department of Homeland Security regarding the  
20 citizenship or immigration status of a person or (B) provide to  
21 the United States Department of Homeland Security any personal  
22 information regarding that person, unless otherwise required  
23 by law.

24 (5) To take charge of and watch over all persons placed on  
25 probation under such regulations and for such terms as may be  
26 prescribed by the court, and giving to each probationer full

1 instructions as to the terms of his release upon probation and  
2 requiring from him such periodical reports as shall keep the  
3 officer informed as to his conduct.

4 (6) To develop and operate programs of reasonable public or  
5 community service for any persons ordered by the court to  
6 perform public or community service, providing, however, that  
7 no probation officer or any employee of a probation office  
8 acting in the course of his official duties shall be liable for  
9 any tortious acts of any person performing public or community  
10 service except for wilful misconduct or gross negligence on the  
11 part of the probation officer or employee.

12 (7) When any person on probation removes from the county  
13 where his offense was committed, it shall be the duty of the  
14 officer under whose care he was placed to report the facts to  
15 the probation officer in the county to which the probationer  
16 has removed; and it shall thereupon become the duty of such  
17 probation officer to take charge of and watch over said  
18 probationer the same as if the case originated in that county;  
19 and for that purpose he shall have the same power and authority  
20 over said probationer as if he had been originally placed in  
21 said officer's charge; and such officer shall be required to  
22 report in writing every 6 months, or more frequently upon  
23 request the results of his supervision to the probation officer  
24 in whose charge the said probationer was originally placed by  
25 the court.

26 (8) To authorize travel permits to individuals under their

1 supervision unless otherwise ordered by the court.

2 (9) To perform such other duties as are provided for in  
3 this act or by rules of court and such incidental duties as may  
4 be implied from those expressly required.

5 (10) To send written notification to a public housing  
6 agency if a person on probation for a felony who is under the  
7 supervision of the probation officer informs the probation  
8 officer that he or she has resided, resides, or will reside at  
9 an address that is a housing facility owned, managed, operated,  
10 or leased by that public housing agency.

11 (11) If a person on probation for a felony offense who is  
12 under the supervision of the probation officer becomes a  
13 resident of a facility licensed or regulated by the Department  
14 of Public Health, the Illinois Department of Public Aid, or  
15 Illinois Department of Human Services, the probation officer  
16 shall within 3 days of the person becoming a resident, notify  
17 the licensing or regulating Department and licensed or  
18 regulated facility and shall provide the licensed or regulated  
19 facility and licensing or regulating Department with copies of  
20 the following:

21 (a) (blank);

22 (b) any applicable probation orders and corresponding  
23 compliance plans;

24 (c) the name and contact information for the assigned  
25 probation officer.

26 (Source: P.A. 94-163, eff. 7-11-05; 94-752, eff. 5-10-06.)

1           Section 135. The Consumer Fraud and Deceptive Business  
2 Practices Act is amended by changing Section 2AA as follows:

3           (815 ILCS 505/2AA)

4           Sec. 2AA. Immigration services.

5           (a) "Immigration matter" means any proceeding, filing, or  
6 action affecting the nonimmigrant, immigrant or citizenship  
7 status of any person that arises under immigration and  
8 naturalization law, executive order or presidential  
9 proclamation of the United States or any foreign country, or  
10 that arises under action of the United States Citizenship and  
11 Immigration Services, the United States Department of Labor, or  
12 the United States Department of State.

13           "Immigration assistance service" means any information or  
14 action provided or offered to customers or prospective  
15 customers related to immigration matters, excluding legal  
16 advice, recommending a specific course of legal action, or  
17 providing any other assistance that requires legal analysis,  
18 legal judgment, or interpretation of the law.

19           "Compensation" means money, property, services, promise of  
20 payment, or anything else of value.

21           "Employed by" means that a person is on the payroll of the  
22 employer and the employer deducts from the employee's paycheck  
23 social security and withholding taxes, or receives  
24 compensation from the employer on a commission basis or as an

1 independent contractor.

2 "Reasonable costs" means actual costs or, if actual costs  
3 cannot be calculated, reasonably estimated costs of such things  
4 as photocopying, telephone calls, document requests, and  
5 filing fees for immigration forms, and other nominal costs  
6 incidental to assistance in an immigration matter.

7 (a-1) The General Assembly finds and declares that private  
8 individuals who assist persons with immigration matters have a  
9 significant impact on the ability of their clients to reside  
10 and work within the United States and to establish and maintain  
11 stable families and business relationships. The General  
12 Assembly further finds that that assistance and its impact also  
13 have a significant effect on the cultural, social, and economic  
14 life of the State of Illinois and thereby substantially affect  
15 the public interest. It is the intent of the General Assembly  
16 to establish rules of practice and conduct for those  
17 individuals to promote honesty and fair dealing with residents  
18 and to preserve public confidence.

19 (a-5) The following persons are exempt from this Section,  
20 provided they prove the exemption by a preponderance of the  
21 evidence:

22 (1) An attorney licensed to practice law in any state  
23 or territory of the United States, or of any foreign  
24 country when authorized by the Illinois Supreme Court, to  
25 the extent the attorney renders immigration assistance  
26 service in the course of his or her practice as an



1 attorney.

2 (2) A legal intern, as described by the rules of the  
3 Illinois Supreme Court, employed by and under the direct  
4 supervision of a licensed attorney and rendering  
5 immigration assistance service in the course of the  
6 intern's employment.

7 (3) A not-for-profit organization recognized by the  
8 Board of Immigration Appeals under 8 C.F.R. 292.2(a) and  
9 employees of those organizations accredited under 8 C.F.R.  
10 292.2(d).

11 (4) Any organization employing or desiring to employ a  
12 documented or undocumented immigrant or nonimmigrant  
13 alien, where the organization, its employees or its agents  
14 provide advice or assistance in immigration matters to  
15 documented or undocumented immigrant or nonimmigrant alien  
16 employees or potential employees without compensation from  
17 the individuals to whom such advice or assistance is  
18 provided.

19 Nothing in this Section shall regulate any business to the  
20 extent that such regulation is prohibited or preempted by State  
21 or federal law.

22 All other persons providing or offering to provide  
23 immigration assistance service shall be subject to this  
24 Section.

25 (b) Any person who provides or offers to provide  
26 immigration assistance service may perform only the following

1 services:

2 (1) Completing a government agency form, requested by  
3 the customer and appropriate to the customer's needs, only  
4 if the completion of that form does not involve a legal  
5 judgment for that particular matter.

6 (2) Transcribing responses to a government agency form  
7 which is related to an immigration matter, but not advising  
8 a customer as to his or her answers on those forms.

9 (3) Translating information on forms to a customer and  
10 translating the customer's answers to questions posed on  
11 those forms.

12 (4) Securing for the customer supporting documents  
13 currently in existence, such as birth and marriage  
14 certificates, which may be needed to be submitted with  
15 government agency forms.

16 (5) Translating documents from a foreign language into  
17 English.

18 (6) Notarizing signatures on government agency forms,  
19 if the person performing the service is a notary public of  
20 the State of Illinois.

21 (7) Making referrals, without fee, to attorneys who  
22 could undertake legal representation for a person in an  
23 immigration matter.

24 (8) Preparing or arranging for the preparation of  
25 photographs and fingerprints.

26 (9) Arranging for the performance of medical testing

1 (including X-rays and AIDS tests) and the obtaining of  
2 reports of such test results.

3 (10) Conducting English language and civics courses.

4 (11) Other services that the Attorney General  
5 determines by rule may be appropriately performed by such  
6 persons in light of the purposes of this Section.

7 Fees for a notary public, agency, or any other person who  
8 is not an attorney or an accredited representative filling out  
9 immigration forms shall be limited to the maximum fees set  
10 forth in subsections (a) and (b) of Section 3-104 of the Notary  
11 Public Act (5 ILCS 312/3-104). The maximum fee schedule set  
12 forth in subsections (a) and (b) of Section 3-104 of the Notary  
13 Public Act shall apply to any person that provides or offers to  
14 provide immigration assistance service performing the services  
15 described therein. The Attorney General may promulgate rules  
16 establishing maximum fees that may be charged for any services  
17 not described in that subsection. The maximum fees must be  
18 reasonable in light of the costs of providing those services  
19 and the degree of professional skill required to provide the  
20 services.

21 No person subject to this Act shall charge fees directly or  
22 indirectly for referring an individual to an attorney or for  
23 any immigration matter not authorized by this Article, provided  
24 that a person may charge a fee for notarizing documents as  
25 permitted by the Illinois Notary Public Act.

26 (c) Any person performing such services shall register with

1 the Illinois Attorney General and submit verification of  
2 malpractice insurance or of a surety bond.

3 (d) Except as provided otherwise in this subsection, before  
4 providing any assistance in an immigration matter a person  
5 shall provide the customer with a written contract that  
6 includes the following:

7 (1) An explanation of the services to be performed.

8 (2) Identification of all compensation and costs to be  
9 charged to the customer for the services to be performed.

10 (3) A statement that documents submitted in support of  
11 an application for nonimmigrant, immigrant, or  
12 naturalization status may not be retained by the person for  
13 any purpose, including payment of compensation or costs.

14 This subsection does not apply to a not-for-profit  
15 organization that provides advice or assistance in immigration  
16 matters to clients without charge beyond a reasonable fee to  
17 reimburse the organization's or clinic's reasonable costs  
18 relating to providing immigration services to that client.

19 (e) Any person who provides or offers immigration  
20 assistance service and is not exempted from this Section, shall  
21 post signs at his or her place of business, setting forth  
22 information in English and in every other language in which the  
23 person provides or offers to provide immigration assistance  
24 service. Each language shall be on a separate sign. Signs shall  
25 be posted in a location where the signs will be visible to  
26 customers. Each sign shall be at least 11 inches by 17 inches,

1 and shall contain the following:

2 (1) The statement "I AM NOT AN ATTORNEY LICENSED TO  
3 PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES  
4 FOR LEGAL ADVICE."

5 (2) The statement "I AM NOT ACCREDITED TO REPRESENT YOU  
6 BEFORE THE UNITED STATES IMMIGRATION AND NATURALIZATION  
7 SERVICE AND THE IMMIGRATION BOARD OF APPEALS."

8 (3) The fee schedule.

9 (4) The statement that "You may cancel any contract  
10 within 3 working days and get your money back for services  
11 not performed."

12 (5) Additional information the Attorney General may  
13 require by rule.

14 Every person engaged in immigration assistance service who  
15 is not an attorney who advertises immigration assistance  
16 service in a language other than English, whether by radio,  
17 television, signs, pamphlets, newspapers, or other written  
18 communication, with the exception of a single desk plaque,  
19 shall include in the document, advertisement, stationery,  
20 letterhead, business card, or other comparable written  
21 material the following notice in English and the language in  
22 which the written communication appears. This notice shall be  
23 of a conspicuous size, if in writing, and shall state: "I AM  
24 NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY  
25 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If such  
26 advertisement is by radio or television, the statement may be

1 modified but must include substantially the same message.

2 Any person who provides or offers immigration assistance  
3 service and is not exempted from this Section shall not, in any  
4 document, advertisement, stationery, letterhead, business  
5 card, or other comparable written material, literally  
6 translate from English into another language terms or titles  
7 including, but not limited to, notary public, notary, licensed,  
8 attorney, lawyer, or any other term that implies the person is  
9 an attorney. To illustrate, the words "notario" and "poder  
10 notarial" are prohibited under this provision.

11 If not subject to penalties under subsection (a) of Section  
12 3-103 of the Notary Public Act (5 ILCS 312/3-103), violations  
13 of this subsection shall result in a fine of \$1,000. Violations  
14 shall not preempt or preclude additional appropriate civil or  
15 criminal penalties.

16 (f) The written contract shall be in both English and in  
17 the language of the customer.

18 (g) A copy of the contract shall be provided to the  
19 customer upon the customer's execution of the contract.

20 (h) A customer has the right to rescind a contract within  
21 72 hours after his or her signing of the contract.

22 (i) Any documents identified in paragraph (3) of subsection  
23 (c) shall be returned upon demand of the customer.

24 (j) No person engaged in providing immigration services who  
25 is not exempted under this Section shall do any of the  
26 following:

1           (1) Make any statement that the person can or will  
2 obtain special favors from or has special influence with  
3 the United States Immigration and Naturalization Service  
4 or any other government agency.

5           (2) Retain any compensation for service not performed.

6           (2.5) Accept payment in exchange for providing legal  
7 advice or any other assistance that requires legal  
8 analysis, legal judgment, or interpretation of the law.

9           (3) Refuse to return documents supplied by, prepared on  
10 behalf of, or paid for by the customer upon the request of  
11 the customer. These documents must be returned upon request  
12 even if there is a fee dispute between the immigration  
13 assistant and the customer.

14           (4) Represent or advertise, in connection with the  
15 provision assistance in immigration matters, other titles  
16 of credentials, including but not limited to "notary  
17 public" or "immigration consultant," that could cause a  
18 customer to believe that the person possesses special  
19 professional skills or is authorized to provide advice on  
20 an immigration matter; provided that a notary public  
21 appointed by the Illinois Secretary of State may use the  
22 term "notary public" if the use is accompanied by the  
23 statement that the person is not an attorney; the term  
24 "notary public" may not be translated to another language;  
25 for example "notario" is prohibited.

26           (5) Provide legal advice, recommend a specific course

1 of legal action, or provide any other assistance that  
2 requires legal analysis, legal judgment, or interpretation  
3 of the law.

4 (6) Make any misrepresentation of false statement,  
5 directly or indirectly, to influence, persuade, or induce  
6 patronage.

7 (k) (Blank)

8 (l) (Blank)

9 (m) Any person who violates any provision of this Section,  
10 or the rules and regulations issued under this Section, shall  
11 be guilty of a Class A misdemeanor for a first offense and a  
12 Class 3 felony for a second or subsequent offense committed  
13 within 5 years of a previous conviction for the same offense.

14 Upon his own information or upon the complaint of any  
15 person, the Attorney General or any State's Attorney, or a  
16 municipality with a population of more than 1,000,000, may  
17 maintain an action for injunctive relief and also seek a civil  
18 penalty not exceeding \$50,000 in the circuit court against any  
19 person who violates any provision of this Section. These  
20 remedies are in addition to, and not in substitution for, other  
21 available remedies.

22 Notwithstanding this subsection (m), any ~~If the Attorney~~  
23 ~~General or any State's Attorney or a municipality with a~~  
24 ~~population of more than 1,000,000 fails to bring an action as~~  
25 ~~provided under this Section~~ any person may file a civil action  
26 to enforce the provisions of this Article and maintain an



1 action for injunctive relief, for compensatory damages to  
2 recover prohibited fees, or for such additional relief as may  
3 be appropriate to deter, prevent, or compensate for the  
4 violation. In order to deter violations of this Section, courts  
5 shall not require a showing of the traditional elements for  
6 equitable relief. A prevailing plaintiff may be awarded 3 times  
7 the prohibited fees or a minimum of \$1,000 in punitive damages,  
8 attorney's fees, and costs of bringing an action under this  
9 Section. It is the express intention of the General Assembly  
10 that remedies for violation of this Section be cumulative.

11 (n) No unit of local government, including any home rule  
12 unit, shall have the authority to regulate immigration  
13 assistance services unless such regulations are at least as  
14 stringent as those contained in this amendatory Act of 1992. It  
15 is declared to be the law of this State, pursuant to paragraph  
16 (i) of Section 6 of Article VII of the Illinois Constitution of  
17 1970, that this amendatory Act of 1992 is a limitation on the  
18 authority of a home rule unit to exercise powers concurrently  
19 with the State. The limitations of this Section do not apply to  
20 a home rule unit that has, prior to the effective date of this  
21 amendatory Act, adopted an ordinance regulating immigration  
22 assistance services.

23 (o) This Section is severable under Section 1.31 of the  
24 Statute on Statutes.

25 (p) The Attorney General shall issue rules not inconsistent  
26 with this Section for the implementation, administration, and

1 enforcement of this Section. The rules may provide for the  
2 following:

3 (1) The content, print size, and print style of the  
4 signs required under subsection (e). Print sizes and styles  
5 may vary from language to language.

6 (2) Standard forms for use in the administration of  
7 this Section.

8 (3) Any additional requirements deemed necessary.

9 (Source: P.A. 99-679, eff. 1-1-17.)

10 Section 997. Severability. The provisions of this Act are  
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 999. Effective date. This Act takes effect upon  
13 becoming law."