



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3202

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-25 new

Amends the Code of Criminal Procedure of 1963. Requires a party seeking to impeach a witness with the witness's illegal immigration status to first attempt to obtain a stipulation regarding the witness's immigration status from the party offering the witness. If a stipulation is agreed to and signed, a party may not question the witness regarding his or her illegal immigration status. Requires the stipulation to be presented to the trier-of-fact immediately after the testimony of the witness. Effective immediately.

LRB099 00243 MRW 20248 b

1 AN ACT concerning criminal law.

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

4 Section 1. The reporting of criminal activity and
5 cooperation with the judicial process by every person in this
6 State is a legitimate interest that needs to be protected. The
7 current laws of this State discourage individuals whose
8 immigration status is in question from reporting crimes or
9 testifying to events they witness for fear of
10 self-incriminating statements related to immigration
11 consequences. This Act addresses the immigration status of
12 potential witnesses while encouraging cooperation with law
13 enforcement officers and the courts.

14 Section 5. The Code of Criminal Procedure of 1963 is
15 amended by adding Section 115-25 as follows:

16 (725 ILCS 5/115-25 new)

17 Sec. 115-25. Immigration status impeachment; stipulation;
18 burden of proof. A party seeking to impeach a witness with the
19 witness's illegal immigration status may do so on
20 cross-examination only if the party offering the witness
21 refuses to stipulate to that status to the trier-of-fact. The
22 party seeking to introduce a witness's illegal immigration

1 status has the burden of proving that status by a preponderance
2 of the evidence. If the party offering the witness agrees to
3 and signs the stipulation, the opposing party may not question
4 the witness regarding his or her illegal immigration status.
5 The stipulation must be presented to the trier-of-fact
6 immediately after the testimony of the witness. Nothing in this
7 Section shall be construed to affect the discovery obligations
8 of the parties.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.