

AN ACT concerning government.

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

ARTICLE 5

Section 5-1. Short title. This Article may be cited as the Illinois Bivens Act. References in this Article to "this Act" mean this Article.

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

"Crowd control equipment" includes, but is not limited to, kinetic impact projectiles; compressed air launchers, such as PLS and FN303; oleoresin capsicum spray, CS gas, CN gas, or other chemical irritants; 40 millimeter munitions launchers; less-lethal shotguns; less-lethal specialty impact-chemical munitions; controlled noise and light distraction devices; and electronic control weapons.

"Facial covering" means any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including, but not limited to, a balaclava, tactical mask, gaiter mask, ski mask, or any similar type of facial covering or face-shielding item. "Facial covering" does not include a medical grade mask designed to prevent the transmission of diseases; a facial

covering designed to protect against exposure to smoke during a state of emergency related to wildfires; or protective gear used by Special Weapons and Tactics (SWAT) team officers necessary to protect their faces from harm while they perform their SWAT responsibilities.

"Prevailing party" includes any party:

(1) who obtains some of his or her requested relief through a judicial judgment in his or her favor;

(2) who obtains some of his or her requested relief through any settlement agreement approved by the court; or

(3) whose pursuit of a nonfrivolous claim was a catalyst for a unilateral change in position by the opposing party relative to the relief sought.

Section 5-10. Deprivation of constitutional rights; liability. (a) Any person may bring a civil action against any person who, while conducting civil immigration enforcement, knowingly engages in conduct that violates the Illinois Constitution or the United States Constitution. As used in this Section, "civil immigration enforcement" does not include an action committed by a law enforcement officer or peace officer that is acting within the officer's powers and duties consistent with Illinois law.

(b) Qualified immunity is a defense to liability under this Act.

Section 5-15. Remedies.

(a) All monetary, injunctive, and declaratory relief available at common law is available under this Act for a violation of this Act without regard to whether a plaintiff may have a claim under any other statute or common law cause of action. If a plaintiff seeks punitive damages against a defendant who committed a violation of this Act while acting under color of federal law, Illinois law, or other state law, the following facts shall be factors in determining the reprehensibility of the defendant's conduct:

(1) whether the defendant wore a facial covering while committing the violation;

(2) whether, at the time of the violation, the defendant was a law enforcement officer who failed to identify or disclose that he or she was a law enforcement officer either verbally or by wearing identifying insignia, such as a badge, agency logo, or patch, or by providing his or her name, badge or identification number, and the employing agency or department;

(3) whether, at the time of the violation, the defendant was a law enforcement officer who was required by State or federal law or regulation or agency policy to wear and use an officer-worn body camera during the type of activity that gave rise to the deprivation of rights and failed to do so;

(4) whether the defendant was operating or using a

motor vehicle without a license plate or with a non-Illinois license plate;

(5) whether the defendant used crowd control equipment at the time of the violation; or

(6) whether the defendant intentionally violated or failed to comply with any material term or condition of a court order or consent decree that was issued by a court, that was in effect at the time of the violation of this Act, that applied to the person acting under color of law, and that was issued or entered into in part to address or prevent future violations of this Act relating to the conduct complained of.

(b) Upon motion, a court shall award reasonable attorney's fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought under this Act. In awarding reasonable attorney's fees, the court shall consider the degree to which the relief obtained relates to the relief sought.

Section 5-90. The Whistleblower Act is amended by changing Sections 5 and 15 as follows:

(740 ILCS 174/5)

Sec. 5. Definitions. As used in this Act:

"Adverse employment action" means an action that a reasonable employee would find materially adverse. An action

is materially adverse when it could dissuade a reasonable worker from disclosing or threatening to disclose information protected by Section 15 or from refusing under Section 20.

"Employer" means: an individual, sole proprietorship, partnership, firm, corporation, association, and any other entity that has one or more employees in this State, including a political subdivision of the State; a unit of local government; a school district, combination of school districts, or governing body of a joint agreement of any type formed by two or more school districts; a community college district, State college or university, or any State agency whose major function is providing educational services; any authority including a department, division, bureau, board, commission, or other agency of these entities; and any person acting within the scope of his or her authority, express or implied, on behalf of those entities in dealing with its employees.

"Employee" means any individual permitted to work by an employer unless:

(1) the individual has been and will continue to be free from control and direction over the performance of his or her work, both under his or her contract of service with his or her employer and in fact;

(2) the individual performs work which is either outside the usual course of business or is performed outside all of the places of business of the employer

unless the employer is in the business of contracting with parties for the placement of employees; and

(3) the individual is in an independently established trade, occupation, profession, or business.

"Employee" also includes, but is not limited to, a licensed physician who practices his or her profession, in whole or in part, at a hospital, nursing home, clinic, or any medical facility that is a health care facility funded, in whole or in part, by the State.

"Public body" means any of the following: the State; any officer, board, political subdivision, or commission of the State; any institution supported in whole or in part by public funds; units of local government; and school districts.

"Retaliatory action" means an adverse employment action or the threat of an adverse employment action by an employer or his or her agent to penalize or any non-employment action that would dissuade a reasonable worker from disclosing information under this Act. "Retaliatory action" includes, but is not limited to:

(1) taking, or threatening to take, any action that would intentionally interfere with an employee's ability to obtain future employment or post-termination retaliation to intentionally interfere with a former employee's employment;

(2) taking, or threatening to take, any action prohibited by subsection (G) of Section 2-102 of the

Illinois Human Rights Act; or

(3) contacting, or threatening to contact, United States immigration authorities, or otherwise reporting, or threatening to report, an employee's suspected or actual citizenship or immigration status or the suspected or actual citizenship or immigration status of an employee's family or household member to a federal, State, or local agency.

"Retaliatory action" does not include:

(1) conduct undertaken at the express and specific direction or request of the federal government unless it involves a violation of the Illinois Bivens Act;

(2) truthful, performance-related information about an employee or former employee provided in good faith to a prospective employer at the request of the prospective employer; or

(3) conduct undertaken if specifically required by State or federal law. "Employee" also includes, but is not limited to, a licensed physician who practices his or her profession, in whole or in part, at a hospital, nursing home, clinic, or any medical facility that is a health care facility funded, in whole or in part, by the State.

"Supervisor" means any individual who has the authority to direct and control the work performance of the affected employee; or any individual who has managerial authority to take corrective action regarding a violation of the law, rule,

or regulation disclosed by an employee in accordance with Section 15.

(Source: P.A. 103-867, eff. 1-1-25.)

(740 ILCS 174/15)

Sec. 15. Retaliation for certain disclosures prohibited.

(a) An employer may not take retaliatory action against an employee who discloses or threatens to disclose to a public body conducting an investigation, or in a court, an administrative hearing, or any other proceeding initiated by a public body, information related to an activity, policy, or practice of the employer, where the employee has a good faith belief that the activity, policy, or practice (i) violates a State or federal law, rule, or regulation or (ii) poses a substantial and specific danger to employees, public health, or safety.

(b) An employer may not take retaliatory action against an employee for disclosing or threatening to disclose information to a government or law enforcement agency information related to an activity, policy, or practice of the employer, where the employee has a good faith belief that the activity, policy, or practice of the employer (i) violates a State or federal law, rule, or regulation or (ii) poses a substantial and specific danger to employees, public health, or safety.

(c) An employer may not take retaliatory action against an employee for disclosing or threatening to disclose to any

supervisor, principal officer, board member, or supervisor in an organization that has a contractual relationship with the employer who makes the employer aware of the disclosure, information related to an activity, policy, or practice of the employer if the employee has a good faith belief that the activity, policy, or practice (i) violates a State or federal law, rule, or regulation or (ii) poses a substantial and specific danger to employees, public health, or safety.

(d) An employer may not take retaliatory action against an employee for disclosing or threatening to disclose in good faith any violation of Section 5-10 of the Illinois Bivens Act.

(Source: P.A. 103-867, eff. 1-1-25; revised 10-21-24.)

ARTICLE 10

Section 10-1. Short title. This Article may be cited as the Court Access, Safety, and Participation Act. References in this Article to "this Act" mean this Article.

Section 10-5. Legislative findings. The General Assembly finds and declares the following:

(1) Illinois courts are a cornerstone of Illinois' government, satisfying the right of every person to obtain justice and find a remedy for all injuries and wrongs under Section 12 of Article I of the Constitution of this

State and playing an essential role in the peaceful and just resolution of disputes and the State's ability to promote the public health, safety, and general welfare of its residents.

(2) Access to courts and the court's ability to administer justice is, therefore, a matter of statewide concern, fostering fairness while promoting public confidence in, and respect for, the judicial process.

(3) Subjecting Illinois residents to arrest for civil, noncriminal matters while attending, attempting to attend, or after attending State court proceedings as parties, witnesses, potential witnesses, or court companions, or while otherwise accompanying a person who is a party, witness, or potential witness, threatens the fair administration of justice in this State.

(4) Victims and witnesses are increasingly reluctant to attend and participate in court proceedings, or otherwise access the justice system of this State, out of fear of civil arrests when going to, remaining at, or returning from a court proceeding.

(5) Residents of this State, including victims of crime, are less likely to report crimes and to use legal services when civil arrests are conducted at courthouses in this State or their environs.

(6) Illinois courts and court staff bear increased burdens and costs to their operations, through

adjournments, delays, and postponements caused by witnesses' or parties' failure to appear out of fear of civil arrests at courthouses or its environs.

(7) The ability of Illinois attorneys to zealously advocate for their clients and act as officers of the legal system with special responsibilities for the quality of justice in this State is threatened and impeded when civil arrests are conducted at courthouses in this State or their environs, forcing them to risk their clients' freedom in the pursuit of diligent representation.

(8) The civil arrest of individuals at a courthouse or its environs or while going to, remaining at, or returning from a court proceeding threatens the functioning of the court system and the fair administration of justice by deterring litigants, witnesses, and others participating in State court proceedings, jeopardizing the State courts' and parties' access to evidence that may be critical to fact-finding.

(9) The civil arrest of individuals at a courthouse or its environs or while going to, remaining at, or returning from a court proceeding threatens the public's right to seek justice in the courts and the ability of Illinois residents to peacefully resolve disputes by risking the intimidation of parties and witnesses and deterring litigants, witnesses, and others participating in State court proceedings, limiting the parties' ability to

protect and vindicate rights guaranteed by the laws and Constitution of this State.

(10) Illinois courts, as early as 1887, recognized the long-standing common law privilege from civil arrest, which has been established in English and American jurisprudence for centuries and which has not been legislatively repealed. Under this common law privilege, the parties to a suit and their witnesses are protected from arrest in coming to, attending, and returning from court proceedings for the sake of public justice.

(11) The State of Illinois has sovereign interest and authority to protect the effective functioning and operation of its judicial system.

(12) Civil arrests of persons in and around Illinois courthouses or those attending judicial proceedings threaten all of the foregoing public and private values of public access, as well as the core functions of Illinois courts, and must be considered unreasonable and unlawful seizures whether undertaken by local, State, or federal officers.

Section 10-10. Definitions. As used in this Act:

"Arrest" means a law enforcement agency or its officers taking an individual into custody.

"Civil arrest" means an arrest that is not:

- (1) a criminal arrest for an alleged criminal

violation of any federal, State, or local law;

(2) an arrest for any violation of any condition of probation, parole, pretrial release, supervised release, or mandatory supervised release for which arrest is otherwise authorized by law; or

(3) an arrest supported by a judicial warrant or judicial order authorizing the arrest.

"Court companion" means any of the following individuals whose purpose is to support, assist, or accompany a person who is going to, remaining at, or returning from a court proceeding: a spouse, domestic partner, or person who has a dating or engagement relationship with the party, witness, or potential witness; a biological parent, foster parent, adoptive parent, or stepparent of a party, witness, or potential witness; minor children or other persons under the care of a party, witness, or potential witness; interpreters; translators; a person assisting the party, witness, or potential witness with reading or completing court forms or other documents; persons providing health care or assistance to a party, witness, or potential witness to allow that individual to participate in the court proceeding; a case manager or social worker for the party, witness, or potential witness; a domestic violence or sexual assault advocate; a person transporting a party, witness, or potential witness to or from the court proceeding.

"Court proceeding" means the business conducted by a State

court or a matter pending under the jurisdiction or supervision of a State court, including, but not limited to, civil proceedings and criminal proceedings.

"Judicial warrant or judicial order authorizing the arrest" means a written order from a State court or federal Article III court that directs a law enforcement agency or some other person who is specifically named in the order to arrest a person.

"Law enforcement agency" means any entity with statutory police powers and the ability to employ individuals authorized to make arrests.

Section 10-15. Civil arrest prohibited; certain locations.

(a) A person duly and in good faith attending a State court proceeding in which the person is a party, a witness, a potential witness, or a court companion of a party, witness, or potential witness is privileged from civil arrest while going to, remaining at, and returning from the court proceeding, including:

- (1) at the place of the court proceedings;
- (2) within the courthouse building;
- (3) on the premises of the courthouse, including parking facilities serving the courthouse;
- (4) on any sidewalk, parkway, and street surrounding the courthouse and its premises; and
- (5) on any public way within 1,000 feet of the

courthouse including a sidewalk, parkway, or street.

(b) Nothing in this Section shall be construed to narrow, or in any way lessen, any common law or other right or privilege of a person privileged from arrest under this Act or otherwise.

(c) The protections in this Section apply regardless of whether a judicial order under Section 10-20 is issued or a court otherwise implements this Act by a rule or order.

(d) Nothing in this Section precludes the execution of a criminal arrest warrant issued by a judge or a criminal arrest based on probable cause for a violation of criminal law.

Section 10-20. Court order. In order to maintain access to the court and open judicial proceedings for all persons in their individual capacity and to prevent interference with the needs of judicial administration, a court may issue appropriate judicial orders to protect the privilege from arrest under this Act, Section 9 of the Attorney Act, or common law.

Section 10-25. Civil action; enforcement; remedies.

(a) A person who violates Section 10-15 or 10-20 of this Act is liable for civil damages for false imprisonment, including actual damages and statutory damages of \$10,000, if that person knew or reasonably should have known that the person arrested is a person duly and in good faith attending a

State court proceeding in which the person is a party, a witness, a potential witness, or a court companion of a party, witness, or potential witness while going to, remaining at, and returning from the court proceeding.

(b) A court may grant any other equitable or declaratory relief it deems appropriate and just.

(c) In any successful action under this Act, a plaintiff or petitioner may recover costs and reasonable attorney's fees.

(d) No action or proceeding may be commenced under this Section against the Illinois court system or any Illinois court system personnel acting lawfully under their duty to maintain safety and order in the courts.

(e) Nothing in this Act affects any right or defense, including any existing qualified immunity defense, of any person, police officer, peace officer or public officer, or any Illinois court system personnel acting lawfully.

ARTICLE 15

Section 15-5. The University of Illinois Hospital Act is amended by adding Section 15 as follows:

(110 ILCS 330/15 new)

Sec. 15. Compliance with the Health Care Sanctity and Privacy Law. The University of Illinois Hospital shall comply

with Section 6.14h of the Hospital Licensing Act.

Section 15-10. The Hospital Licensing Act is amended by adding Section 6.14h as follows:

(210 ILCS 85/6.14h new)

Sec. 6.14h. The Health Care Sanctity and Privacy Law.

(a) This Section may be referred to as the Health Care Sanctity and Privacy Law.

(b) As used in this Section:

"Administrative volunteer" means an individual who serves as a volunteer at a hospital in only an administrative capacity.

"Law enforcement agent" means an agent of federal, State, or local law enforcement authorized with the power to arrest or detain individuals, or manage the custody of detained individuals, for civil immigration enforcement.

"Patient" means any person who has received or is receiving medical care, treatment, or services from an individual or institution licensed to provide medical care or treatment in this State.

(c) Each general acute care hospital shall adopt and implement a policy regarding interactions with law enforcement agents by January 1, 2026, and all other hospitals shall adopt and implement a policy regarding interactions with law enforcement agents by March 1, 2026. Each policy adopted under

this subsection must include, at a minimum:

(1) The designation of a contact person or persons to be notified of all law enforcement presence or information requests at the hospital and procedures to respond to those requests. The designated contact person or persons shall be legal counsel of the hospital or other individuals within the administration of the hospital.

(2) Procedures to verify the identity and authority of any law enforcement agent involved in civil immigration activities at the hospital site, including, but not limited to, the use of best efforts to request and document the first and last name of the law enforcement agent, the name of the law enforcement agency, and the badge number of any law enforcement agent presenting with a patient or requesting information about a patient.

(3) Procedures for designating space for law enforcement agents to remain and wait at a hospital, considering public interest, staff safety, and patient needs; provided, however, that a law enforcement agent may access such areas of the hospital as the hospital's designated contact person approves if the law enforcement agent: (i) complies with hospital policy and State and federal law, including, but not limited to, that the law enforcement agent has a valid judicial warrant or court order signed by a judge or magistrate to accompany a patient in the law enforcement agent's custody or

otherwise be present in the facility or (ii) is requested by hospital staff to respond to a safety or security issue within the hospital.

(4) Procedures to ensure that patients are provided with:

(A) a notice of privacy policies in accordance with 45 CFR 164.520, including information about the patient's right to request an amendment to the patient's medical record, which shall be made available in the languages of the populations of persons living within the geographic area served by the hospital in compliance with the Language Assistance Services Act and which may include a request that any of the following information be deleted, redacted, or amended:

(i) place of birth;

(ii) immigration or citizenship status; or

(iii) information from birth certificates, passports, permanent resident cards, alien registration cards, or employment authorization documents; and

(B) an opportunity, at the earliest reasonable moment, to sign an authorization form in order to permit the disclosure of information by the hospital to parents, guardians, relatives, or other designees of the patient about the patient's health status or

hospital admission and discharge, which shall also be made available in languages of the populations of persons living within the geographic area served by the hospital in compliance with the Language Assistance Services Act.

(5) Procedures to ensure that any protected health information requested by a law enforcement agent is released only in strict accordance with all applicable local, State, and federal law, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996, as amended, and its implementing regulations, including, but not limited to, the Privacy Rule (45 CFR Parts 160, 162, and 164) and, including, but not limited to, 45 CFR 164.512(e) and (f).

(6) In the case of a law enforcement agent seeking information for the purpose of immigration enforcement, to the extent not in conflict with 45 CFR 164.512(e) and (f), a procedure to release information only when the following circumstances are met, and in strict compliance with:

(A) a valid and accurate subpoena issued by a federal judge or magistrate;

(B) a valid and accurate order issued by a federal judge or magistrate to require access; or

(C) a valid and accurate warrant issued by a federal judge or magistrate.

(7) Procedures to ensure annual and, as deemed

reasonably necessary by the hospital, episodic training on such policy to:

(A) all hospital clinical health care staff, including, but not limited to, intake staff, emergency room staff, and independent contractors who provide clinical services;

(B) security personnel;

(C) designated contact persons; and

(D) administrative volunteers.

(8) Procedures to ensure all policies of the hospital comply with this Section.

(9) A requirement that a hospital or its agents shall not retaliate against a patient, employee, or agent who files a complaint under this Section.

(d) The policies required by subsection (c) shall be submitted to the Department. General acute care hospitals shall submit the policies to the Department no later than January 1, 2026, and all other hospitals shall submit the policies to the Department no later than March 1, 2026.

(e) Hospitals shall post, either by physical or electronic means, in a conspicuous place within the hospital, which is accessible to patients, employees, and visitors, a description, provided by the Department, regarding the phone number that individuals can call to learn about their immigration rights. Notices under this Section shall be posted in the predominant language or languages spoken in the

hospital's service area.

(f) By January 15, 2026, the Department shall notify any general acute care hospital that has failed to provide a copy of the policy required under this Section, and by March 15, 2026, the Department shall notify all other hospitals that have failed to provide a copy of the policy required under this Section. The Department may adopt emergency rules to enforce compliance with the provisions of this Section. This emergency rulemaking authority shall expire 6 months after the effective date of this amendatory Act of the 104th General Assembly.

A hospital receiving such a notice shall have 7 working days to provide a copy of the policy. The failure of a hospital to submit a copy of such a policy within 7 working days may subject the hospital to the imposition of a fine by the Department. The Department may impose a fine of up to \$500 per day until the hospital files the policy.

(g) The Department shall have the authority to investigate and respond to complaints from patients, employees, and the public alleging noncompliance with subsection (c). A hospital and its agents shall not retaliate against a patient, employee, or agent who files a complaint under this Section.

(h) All hospital personnel, including administrative volunteers, shall be forever held harmless from any civil, criminal, or other liability that may arise, now or in the future, as a result of their reasonable compliance with the provisions of this Section.

(i) Nothing in this Section affects a hospital's obligation as a mandated reporter or to otherwise respond to instances of suspected crime on the premises.

(j) This Section is not intended to conflict with federal law or stand as an obstacle to the enforcement of federal laws.

Section 15-15. The Illinois Administrative Procedure Act is amended by adding Section 5-45.70 as follows:

(5 ILCS 100/5-45.70 new)

Sec. 5-45.70. Emergency rulemaking; Hospital Licensing Act. To provide for the expeditious and timely implementation of the changes made to the Hospital Licensing Act by this amendatory Act of the 104th General Assembly, emergency rules implementing the changes made to that Act by this amendatory Act of the 104th General Assembly may be adopted in accordance with Section 5-45 by the Department of Public Health. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed 6 months after the effective date of this Section.

ARTICLE 20

Section 20-5. The Public Higher Education Act is amended

by adding Section 18 as follows:

(110 ILCS 167/18 new)

Sec. 18. Immigration status and immigration enforcement.

(a) As used in this Section:

"Citizenship or immigration status" means all matters regarding citizenship of the United States or any other country or the authority or lack thereof to reside in or otherwise to be present in the United States, including an individual's nationality, country of citizenship, or status as an international student.

"Employee" means a full-time or part-time faculty member, staff member, executive leader, supervisor, clerical person, student, or contracted member of personnel employed by a school whose role involves direct, routine, or meaningful interaction with students to support their academic progress, personal development, or well-being.

"Law enforcement agent" means an agent of federal, State, or local law enforcement authorized with the power to arrest or detain individuals, or manage the custody of detained individuals, for civil immigration enforcement. "Law enforcement agent" does not include an agent of a school's police department.

"Nonjudicial warrant" means a warrant issued by a federal, State, or local governmental agency authorized with the power to arrest or detain individuals or manage the custody of

detained individuals for any law enforcement purpose, including civil immigration enforcement. "Nonjudicial warrant" includes an immigration detainer or civil immigration warrant as defined in the Illinois TRUST Act. "Nonjudicial warrant" does not include a criminal warrant issued upon a judicial determination of probable cause, in compliance with the requirements of the Fourth Amendment to the United States Constitution and Section 6 of Article I of the Illinois Constitution.

"Prevailing party" includes any party:

(1) who obtains some of his or her requested relief through a judicial judgment in his or her favor;

(2) who obtains some of his or her requested relief through a settlement agreement approved by a court; or

(3) whose pursuit of a nonfrivolous claim was a catalyst for a unilateral change in position by the opposing party relative to the relief sought.

"School" means a public institution of higher education as defined in Section 5.

"School campus" or "school's campus" means:

(1) any building or property owned or controlled by a school within the same reasonably contiguous geographic area of the school and used by the school in direct support of or in a manner related to the school's educational purposes, including, but not limited to, residence halls; and

(2) property within the same reasonably contiguous geographic area of the school that is owned by the school but controlled by another person, is used by students, and supports school purposes, including, but not limited to, a food or other retail vendor.

(b) Unless required by State or federal law or rule, a school must not perform any of the following actions:

(1) Threaten to disclose the actual or perceived citizenship or immigration status of an employee, a student, or a person associated with an employee or student to an external party, including immigration or law enforcement agencies.

(2) Knowingly disclose, without the consent of the employee or student, anything related to the perceived citizenship or immigration status of an employee, a student, or a person associated with an employee or student to an external party, including immigration or law enforcement agencies, if the school does not have direct knowledge of the employee's, student's, or associated person's actual citizenship or immigration status, subject to the requirements of this subsection.

(3) Knowingly disclose, without the consent of the employee or student, anything related to the actual citizenship or immigration status of an employee, a student, or a person associated with an employee or student to any other person or nongovernmental entity if

the school has direct knowledge of the employee's, student's, or associated person's actual citizenship or immigration status, subject to the requirements of this subsection.

(4) Designate immigration status, citizenship, place of birth, nationality, or national origin as directory information, as that term is defined by State and federal law.

Nothing in this subsection may be construed to:

(A) prohibit a school from complying with all applicable State and federal laws and rules, including, but not limited to, 8 U.S.C. 214;

(B) prohibit or restrict a school from sending to or receiving from the United States Department of Homeland Security or any other federal, State, or local governmental entity information regarding the citizenship or immigration status of an individual under Sections 1373 and 1644 of Title 8 of the United States Code;

(C) permit the disclosure of personally identifiable education records, as that term is defined by State or federal law, or information from those records without complying with State and federal laws and rules governing the disclosure of such records or information;

(D) prohibit schools from complying with valid judicial warrants, orders, or subpoenas; or

(E) prohibit or restrict a school from disclosing

information necessary to respond to an administrative complaint or litigation brought against or by the school.

(c) A school must develop procedures for reviewing and authorizing requests from law enforcement agents attempting to enter a school's campus by January 1, 2026. The procedures must, at a minimum, include the following:

(1) procedures for reviewing and contacting a designated authorized person, office, or department at the school or school facility, which person, office, or department may contact the school's legal counsel, and procedures for that authorized person, office, or department or legal counsel to review requests to enter a school's campus, including judicial warrants or orders, nonjudicial warrants, and subpoenas;

(2) procedures for documenting all interactions with law enforcement agents while on the school's campus; and

(3) procedures for notifying and seeking consent from an employee or student if a law enforcement agent requests access to the employee or student for immigration enforcement purposes, unless such consent is prohibited by a judicial warrant or subpoena.

(d) A school must provide information on its website about who employees and students should contact if a law enforcement agent seeks to enter the school campus, enters the school campus, or engages in nonconsensual interactions with members of the school community, including employees or students, by

January 1, 2026.

(e) A school shall submit to either the Illinois Community College Board or the Illinois Board of Higher Education, as applicable, a copy of the procedures developed to implement subsections (b) and (c). The Illinois Community College Board and the Illinois Board of Higher Education shall submit to the General Assembly a report compiling the procedures received from each school under this subsection (e) by July 1, 2026.

(f) The General Assembly finds and declares that this Section is a State law within the meaning of subsection (d) of Section 1621 of Title 8 of the United States Code.

(g) By January 1, 2026, a school shall provide immigration enforcement resources on its website to help students and employees understand their constitutional rights and access immigration-related guidance. These resources may include, but are not limited to, a link to illinoisimmigrationinfo.org. This information shall be posted in a clear and easily accessible location on the school's primary website.

(h) For the purposes of this subsection, "immigration enforcement activity" includes any arrests or detentions conducted by agents or officers of the United States Department of Homeland Security, United States Immigration and Customs Enforcement, or United States Customs and Border Protection or any other individual or entity with the power to arrest or detain individuals or manage custody of detained individuals for the purposes of civil immigration enforcement.

By January 1, 2026, a school shall adopt procedures designed to:

(1) determine if an immigration enforcement activity is occurring or has occurred on the school's campus, including verification of the first and last name, employer or agency, and badge number of the lead law enforcement agent, if possible; and

(2) notify the appropriate school-campus unit or area if the school confirms that immigration enforcement activity is occurring or has occurred on the school's campus that, in the judgment of school law enforcement or the school's public safety office, could adversely impact school-campus safety or operations.

(i) A school may not impede students or employees from offering, attending, or participating in training on constitutional rights and immigration-related guidance, including, but not limited to, attending know-your-rights training or sharing know-your-rights flyers.

(j) Beginning January 1, 2026, any party aggrieved by conduct that violates subsection (b) may bring a civil lawsuit. This lawsuit must be brought no later than 2 years after the violation of subsection (b) or 2 years from the date the aggrieved party becomes aware of the violation of subsection (b), whichever is later. If the court finds that a willful violation of subsection (b) has occurred, the court may award actual damages. The court, as it deems appropriate,

may grant, as relief, a permanent or preliminary negative or mandatory injunction, temporary restraining order, or other order.

(k) Nothing in this Section may be construed to require an exhaustion of the administrative complaint process before civil law remedies may be pursued.

(l) Upon a motion, a court shall award reasonable attorney's fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought under subsection (i). In awarding reasonable attorney's fees, the court shall consider the degree to which the relief obtained relates to the relief sought.

ARTICLE 25

Section 25-5. The Child Care Act of 1969 is amended by adding Section 3.8 as follows:

(225 ILCS 10/3.8 new)

Sec. 3.8. Licensed day care centers; immigration enforcement.

(a) As used in this Section:

"Immigration enforcement action" includes any arrests or detentions conducted by agents or officers of the United States Department of Homeland Security, United States

Immigration and Customs Enforcement, or United States Customs and Border Protection or any other individual or entity with the power to arrest or detain individuals or manage custody of detained individuals for the purposes of civil immigration enforcement.

"Law enforcement agent" means an agent of federal, State, or local law enforcement authorized with the power to arrest or detain individuals, or manage the custody of detained individuals, for civil immigration enforcement.

(b) A licensed day care center shall not disclose or threaten to disclose to any other person, entity, or agency information regarding or relating to the actual or perceived citizenship or immigration status of a child or an associated person, unless disclosure is required by State or federal law.

Nothing in this Section shall be construed to prohibit or restrict an entity from sending to or receiving from the United States Department of Homeland Security or any other federal, State, or local governmental entity information regarding the citizenship or immigration status of an individual under 8 U.S.C. 1373 and 8 U.S.C. 1644.

(c) This Section does not affect a licensed day care center's obligation as a mandated reporter or to otherwise respond to instances of suspected crime on the premises. This Section does not prohibit licensed day care centers from interacting with law enforcement agents for the purposes of hotline emergency calls or incidents arising out of mandated

reporting.

(d) The Department of Children and Family Services or the Department of Early Childhood, whichever is applicable, shall make available on its website resources for families, including, but not limited to, resources regarding the constitutional rights of families, family preparedness plans, and a copy of the Department of Children and Family Services' appointment of short-term guardian form (Form CFS 444-2 or its predecessor or successor form).

(e) If a child's parent or guardian directly faces immigration enforcement action, a licensed day care center shall use the child's emergency contact information and release the child to the persons designated as the child's emergency contacts or into the custody of an individual who presents a properly executed appointment of short-term guardian form on behalf of the child.

(f) A licensed day care center shall adopt policies by January 1, 2026 to comply with this Section and shall ensure that all staff members are trained on the adopted policies. The policies shall not have the effect of excluding or discouraging a child from any program at the licensed day care center because of the child's or the child's parent or guardian's actual or perceived immigration status shall require the following:

(1) a written plan of action for interacting with law enforcement agents that shall be shared with a child's

parent or guardian and includes the following:

(A) designation of spaces deemed to be private within the facility;

(B) designation of the licensed day care center director or the center director's designee to serve as the primary point of contact for interacting with law enforcement agents; and

(C) procedures that a licensed day care center's primary point of contact shall follow to respond and review any request for entry by law enforcement, including judicial warrants, orders, and subpoenas.

(2) procedures for notifying and seeking written consent from a child's parents or guardian if a law enforcement agent requests access to personally identifiable information from the child's records, unless such access is in compliance with a judicial warrant or order or a subpoena that restricts the disclosure of the information to the child's parents or guardian;

(3) families enrolled at the licensed day care center to update their emergency contact list biannually; and

(4) notification to be given, within a reasonable time period, to parents or guardians and the Department if immigration enforcement action occurs at the licensed day care center or its environs.

A licensed day care center's late pick-up policy shall be updated to include the degree of diligence the licensed day

care center will use to reach a child's emergency contacts, including the number of attempted phone calls to parents and emergency contacts and any requests for police assistance in finding a child's emergency contact.

(g) Failure to comply with subsection (b) of this Section shall result in a formal licensing violation. Failure to comply with any other provision of this Section may result in a licensing violation.

ARTICLE 99

Section 99-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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