



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2706

Introduced 2/6/2025, by Rep. Elizabeth "Lisa" Hernandez

#### SYNOPSIS AS INTRODUCED:

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

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

LRB104 09674 BDA 19740 b

1 AN ACT concerning government.

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

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

6 (5 ILCS 805/5)

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

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

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

7 (5 ILCS 805/10)

8 Sec. 10. Definitions. In this Act:

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

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

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

5 "Immigration agent" means (i) an agent of federal  
6 Immigration and Customs Enforcement, federal Customs and  
7 Border Protection, or any similar or successor agency or (ii)  
8 any other individual with the power to arrest or detain  
9 individuals or manage custody of detained individuals for  
10 purposes of civil immigration enforcement.

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

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

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

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

17 (5 ILCS 805/15)

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

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

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

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

4 (c) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1 other data-sharing platform maintained by any law  
2 enforcement agency, or otherwise provide such direct  
3 access to the U.S. Immigration and Customs Enforcement,  
4 United States Customs and Border Protection or any other  
5 federal entity enforcing civil immigration violations;~~

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

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

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

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

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

1 enforcement.

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

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

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

16 (5 ILCS 805/25)

17 Sec. 25. Reporting requirements.

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

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

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

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

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

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

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

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

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

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

1 required under this Section.

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

3 (5 ILCS 835/Act rep.)

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

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