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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 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.

17 Section 10. Definitions. In this Act:

18 "Administrative warrant" means an immigration warrant of
19 arrest, order to detain or release aliens, notice of custody
20 determination, notice to appear, removal order, warrant of
21 removal, or any other document issued by an immigration agent
22 or immigration judge that can form the basis for an

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1 individual's arrest or detention for a civil immigration
2 enforcement purpose including administrative warrants entered
3 into the Federal Bureau of Investigation's National Crime
4 Information Center database, or any successor or similar
5 database maintained by the United States. "Administrative
6 warrant" does not include any warrants issued by a criminal
7 court upon a determination of probable cause and in compliance
8 with the requirements of the Fourth Amendment to the United
9 States Constitution and Article I, Section 6 of the Illinois
10 Constitution.

11 "Certification form" means any law enforcement
12 certification form or statement required by federal
13 immigration law certifying that a person is a victim of
14 qualifying criminal activity including, but not limited to, the
15 information required by Section 1184(p) of Title 8 of the
16 United States Code (including current United States
17 Citizenship and Immigration Service Form I-918, Supplement B,
18 or any successor forms) for purposes of obtaining a U visa, or
19 by Section 1184(o) of Title 8 of the United States Code
20 (including current United States Citizenship and Immigration
21 Service Form I-914, Supplement B, or any successor forms) for
22 purposes of obtaining a T visa.

23 "Certifying agency" means a State or local law enforcement
24 agency, prosecutor, or other authority that has responsibility
25 for the detection, investigation, or prosecution of criminal
26 activity including an agency that has criminal investigative

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1 jurisdiction in its respective areas of expertise, and
2 specifically includes the Department of Labor, the Department
3 of Children and Family Services, the Department of Human
4 Services, and the Illinois Workers' Compensation Commission,
5 but not including any State court.

6 "Coerce" means to use express or implied threats towards a
7 person or family member of a person that attempts to put the
8 person in immediate fear of the consequences in order to compel
9 that person to act against his or her will.

10 "Contact information" means home address, work address,
11 telephone number, electronic mail address, social media
12 information, or any other personal identifying information
13 that could be used as a means to contact an individual.

14 "Eligible for release from custody" means that the
15 individual may be released from custody because one of the
16 following conditions has occurred:

17 (1) all criminal charges against the individual have
18 been dropped or dismissed;

19 (2) the individual has been acquitted of all criminal
20 charges filed against him or her;

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

23 (4) the individual has posted a bond; or
24 (5) the individual is otherwise eligible for release
25 under State or local law or local policy.
26 "Family member" means a person's (i) mother or father

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1 (including step or adoptive), spouse, brother or sister
2 (including blood, step, half, or adoptive), son or daughter
3 (including blood, step, half, or adopted), father-in-law,
4 mother-in-law, daughter-in-law, son-in-law, brother-in-law,
5 sister-in-law, grandparent, or grandchild; (ii)
6 court-appointed legal guardian or a person for whom the person
7 is a court-appointed legal guardian; or (iii) domestic partner
8 or the domestic partner's mother or father (including step or
9 adoptive), brother or sister (including blood, step, half, or
10 adoptive), or son or daughter (including blood, step, half, or
11 adopted).

12 "Immigration agent" means an agent of federal Immigration
13 and Customs Enforcement, federal Customs and Border
14 Protection, an individual authorized to conduct enforcement of
15 civil immigration laws under Section 1357(g) of Title 8 of the
16 United States Code or any other federal law, any other federal
17 agent charged with enforcement of civil immigration laws, or
18 any successor.

19 "Immigration enforcement operation" means an operation
20 that has as one of its objectives the identification or
21 apprehension of a person or persons: (1) in order to subject
22 them to civil immigration detention, removal proceedings or
23 removal from the United States; or (2) to criminally prosecute
24 a person or persons for offenses related to immigration status,
25 including, but not limited to, violations of Sections 1253,
26 1304, 1306(a) and (b), 1325, or 1326 of Title 8 of the United

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1 States Code.

2 "Immigration detainer" means a document issued by an
3 immigration agent to a federal, State, or local law enforcement

4 agency that requests that the law enforcement agency provide
5 notice of release or maintain custody of an individual based on
6 an alleged violation of a civil immigration law, including
7 detainers issued under Section 287.7 of Title 8 of the United
8 States Code or Section 236.1 of Title 8 of the Code of Federal
9 Regulations.

10 "Law enforcement agency" means an agency in this State
11 charged with enforcement of State, county, or municipal laws or
12 with managing custody of detained persons in the State,
13 including municipal police departments, sheriff's departments,
14 campus police departments, the Department of State Police, and
15 the Department of Juvenile Justice.

16 "Law enforcement official" means any officer or other agent
17 of a State or local law enforcement agency authorized to
18 enforce criminal laws, rules, regulations, or local ordinances
19 or to operate jails, correctional facilities, or juvenile
20 detention facilities or to maintain custody of individuals in
21 jails, correctional facilities, or juvenile detention
22 facilities.

23 "Qualifying criminal activity" means any activity
24 regardless of the stage of detection, investigation, or
25 prosecution, involving one or more of the following or any
26 similar activity in violation of federal, State, or local

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1 criminal law: rape; torture; trafficking; incest; domestic
2 violence; sexual assault; abusive sexual contact;
3 prostitution; sexual exploitation; stalking; female genital
4 mutilation; being held hostage; peonage; involuntary
5 servitude; slave trade; kidnapping; abduction; unlawful
6 criminal restraint; false imprisonment; blackmail; extortion;
7 manslaughter; murder; felonious assault; witness tampering;
8 obstruction of justice; perjury; fraud in foreign labor
9 contracting (as defined in Section 1351 of Title 18 of the
10 United States Code); or attempt, conspiracy, or solicitation to
11 commit any of the above mentioned crimes; and any criminal
12 activity that has an articulable similarity to any activity
13 listed under this definition, but is not specifically listed
14 under this definition. Qualifying criminal activity also means
15 any qualifying criminal activity that occurs during the

16 commission of non-qualifying criminal activity, regardless of
17 whether or not criminal prosecution was sought for the
18 qualifying criminal activity. Criminal activity may be
19 considered qualifying criminal activity regardless of how much
20 time has elapsed since its commission.

21 "Verbal abuse" means the use of a remark which is overtly
22 insulting, mocking, or belittling directed at a person based
23 upon the actual or perceived: (1) race, color, sex, religion,
24 national origin, English proficiency, sexual orientation, or
25 gender identity of that person, or (2) citizenship or
26 immigration status of that person or that person's family

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1 member.

2 "Victim of qualifying criminal activity" means any
3 individual who:

4 (1)(A)(i) has reported qualifying criminal activity to
5 a law enforcement agency or certifying agency; or (ii) has
6 otherwise participated in the detection, investigation, or
7 prosecution of qualifying criminal activity; and

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

20 (2) was a victim of a severe form of trafficking in
21 persons as defined in Section 7102 of Title 22 of the
22 United States Code and Section 10-9 of the Criminal Code of
23 2012.

24 More than one victim may be identified and provided with a
25 certification form depending upon the circumstances. For
26 purposes of the definition of "victim of qualifying criminal

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1 activity", the term "incapacitated" means unable to interact
2 with the law enforcement agency or certifying agency personnel
3 as a result of a cognitive impairment or other physical
4 limitation, because of physical restraint or disappearance, or
5 because the victim was a minor at the time the crime was
6 committed and reported.

7 Section 15. Prohibited immigration enforcement activities;
8 exceptions.

9 (a) A law enforcement agency or official shall not detain
10 or continue to detain any individual solely on the basis of any
11 immigration detainer or administrative warrant, or otherwise
12 comply with an immigration detainer or administrative warrant
13 after that individual becomes eligible for release from
14 custody.

15 (b) A law enforcement agency or official shall not stop,
16 arrest, search, detain, or continue to detain a person solely
17 based on an individual's citizenship or immigration status, an
18 administrative warrant, an individual's possession of a
19 temporary visitor's driver's license issued by the Secretary of
20 State under the Illinois Vehicle Code, or an individual's
21 possession of a passport, consular identification document, or
22 other identification document issued by a foreign government.

23 (c) A law enforcement agency or official shall not inquire
24 about the citizenship or immigration status of an individual,
25 including a crime victim, a witness, or a person who calls or

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1 approaches the law enforcement agency or official seeking
2 assistance, unless necessary to investigate criminal activity
3 by that individual. Nothing in this subsection (c) shall be
4 construed to limit the ability of a law enforcement agency or
5 official to ask a person in the law enforcement agency's
6 custody about that person's country of nationality for purposes
7 of facilitating communication with consular officers from that
8 person's country of nationality in accordance with the Vienna

9 Convention on Consular Relations.

10 (d) A law enforcement agency or official shall not request
11 or accept a temporary visitor's driver's license issued by the
12 Secretary of State under the Illinois Vehicle Code as proof of
13 a person's identity. A law enforcement agency or official may
14 only request an individual's temporary visitor's driver's
15 license to establish that the individual is or is not licensed
16 by the State to operate a motor vehicle.

17 (e) A law enforcement agency or official shall not enter
18 into an agreement under Section 1357(g) of Title 8 of the
19 United States Code or any other federal law that permits State
20 or local governmental entities to enforce federal civil
21 immigration laws.

22 (f) A law enforcement agency or official shall not
23 participate in immigration enforcement operations as defined
24 in Section 10 of this Act, which includes, but is not limited
25 to, operations to establish traffic perimeters. Except as
26 provided in subsection (i) of this Section, a law enforcement

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1 agency or official shall not provide to any immigration agent
2 information on persons that may be the subject of immigration
3 enforcement operations.

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

5 (1) give any immigration agent access to any
6 individual;

7 (2) transfer any person into an immigration agent's
8 custody;

9 (3) permit immigration agents use of agency facilities
10 or equipment, including any agency electronic databases
11 not available to the public, for investigative interviews
12 or other investigative purpose in executing an immigration
13 enforcement operation; or

14 (4) respond to immigration agent inquiries regarding
15 any individual's incarceration status, release date, or
16 contact information except insofar as the agency makes that
17 information available to the public.

18 (h) Notwithstanding any other provision of this Section,
19 (1) if an immigration agent presents to a law enforcement
20 official or law enforcement agency a valid and properly issued

21 criminal warrant related to the investigation or prosecution of
22 any criminal offense, including offenses provided for in the
23 laws of another state or federal law, or (2) otherwise
24 demonstrates that he or she is engaged in the investigation or
25 prosecution of a criminal offense or activity (not including
26 any offense related to immigration status, including, but not

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1 limited to, a violation of Section 1253, 1304, 1306 (a) or (b),
2 1325, or 1326 of Title 8 of the United States Code), then the
3 law enforcement official or law enforcement agency may conduct
4 any of the activities listed in this Section or otherwise
5 communicate or coordinate with an immigration agent solely for
6 assisting with that specific purpose.

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

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

15 (k) Nothing in this Section shall be construed as
16 restricting any expenditure or activity necessary to the
17 performance by the State, any unit of local government, or any
18 law enforcement or other agency, official, employee, or agent
19 of any obligations under any contract between the State, the
20 unit of local government, or the agency and federal officials
21 regarding the use of a facility to detain individuals in
22 federal immigration removal proceedings.

23 Section 20. Prohibited activities related to immigration
24 detention facilities. Notwithstanding subsection (k) of
25 Section 15 of this Act, no State agency or unit of local

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1 government shall be permitted to contract with a private
2 for-profit vendor or contractor for the provision of services,

3 other than ancillary services as defined under Section 3 of the
4 Private Correctional Facility Moratorium Act, relating to the
5 operation or management of a facility to detain individuals in
6 federal immigration removal proceedings, or to approve any
7 permits, zoning changes, or other measures required for, or to
8 otherwise facilitate, the construction, operation, or
9 management of any such facility.

10 Section 25. Other prohibited activities; verbal abuse and
11 coercion. A law enforcement agency or law enforcement official
12 shall not:

13 (1) coerce any person based upon the person's actual or
14 perceived citizenship or immigration status or the actual or
15 perceived citizenship or immigration status of the person's
16 family member;

17 (2) communicate a threat to deport that person or any
18 family member of that person under circumstances that
19 reasonably tend to produce a fear that the threat will be
20 carried out; or

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

23 Section 30. Other prohibited activities; registry
24 programs. A State or local government agency or official shall

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1 not expend any time, facilities, equipment, information, or
2 other resources of the agency or official to facilitate the
3 creation, publication, or maintenance of any federal program
4 with the purpose of registering or maintaining a database of
5 individuals present in the United States based on their race,
6 color, ancestry, national origin, or religion, or to facilitate
7 the participation in such a program of any residents of the
8 jurisdiction served by that agency or official.

9 Section 35. Certifications for victims of qualifying
10 criminal activity.

11 (a) A certifying agency shall complete a certification form
12 requested by any victim of qualifying criminal activity as
13 defined in Section 10 of this Act within 90 days of receiving
14 the request, except as otherwise required under this subsection

15 (a). If the victim of qualifying criminal activity is in
16 federal immigration removal proceedings or detained, then the
17 certifying agency shall complete the certification form no
18 later than 14 days after the request is received by the agency.
19 If the victim's children, parents, or siblings will become
20 ineligible for benefits under Sections 1184(p) and 1184(o) of
21 Title 8 of the United States Code by virtue of the victim's
22 children having reached the age of 21 years, the victim having
23 reached the age of 21 years, or the victim's sibling having
24 reached the age of 18 years within 90 days from the date that
25 the certifying agency receives the certification request, the

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1 certifying agency shall complete the certification form no
2 later than 14 days after the request is received by the agency,
3 or if the loss of the benefit would occur less than 14 days of
4 receipt of the certification request, the agency shall complete
5 a certification form within 3 days. Requests for expedited
6 completion of a certification form shall be affirmatively
7 raised by the victim or representative of the victim.

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

17 (c) Each certifying agency has independent legal authority
18 to complete and issue a certification form. The head of each
19 certifying agency, or a designated agent who performs a
20 supervisory role within the certifying agency, shall perform
21 the following responsibilities:

22 (1) respond to requests for certifications as required
23 by this Section;

24 (2) make information regarding the agency's procedures
25 for certification requests publicly available for victims
26 of qualifying criminal activity and their representatives;

1 and

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

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

14 (e) Notwithstanding any other provision of this Section, a
15 certifying agency's completion of a certification form shall
16 not be considered sufficient evidence that an applicant for a U
17 or T visa has met all eligibility requirements for that visa
18 and completion of a certification form by a certifying agency
19 shall not be construed to guarantee that the victim will
20 receive federal immigration relief. It is the exclusive
21 responsibility of federal immigration officials to determine
22 whether any individual is eligible for a U or T visa.
23 Completion of a certification form by a certifying agency
24 merely verifies factual information relevant to the
25 immigration benefit sought, including information relevant for
26 federal immigration officials to determine eligibility for a U

1 or T visa. By completing a certification form, the certifying
2 agency attests that the information is true and correct to the
3 best of the certifying official's knowledge. If, after
4 completion of a certification form, the victim unreasonably
5 refuses to assist in the investigation or prosecution of the
6 qualifying criminal activity of which he or she is a victim,
7 then the certifying agency may notify United States Citizenship
8 and Immigration Services in writing.

9 (f) All certifying agencies not subject to the training

10 requirements established in Section 10.17-5 of the Illinois
11 Police Training Act shall adopt a training program on U and T
12 nonimmigrant visas and other remedies for immigrant victims of
13 qualifying criminal activity.

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

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

18 (a) Absent a judicial warrant or probable cause of criminal
19 activity (not including an offense related to immigration
20 status, including, but not limited to, a violation of Section
21 1253, 1304, 1306 (a) or (b), 1325, or 1326 of Title 8 of the
22 United States Code), a government official shall not make
23 arrests in the following State-funded facilities or their
24 adjacent grounds:

25 (1) State-funded schools, including licensed day care

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1 centers, pre-schools, and other early learning programs;
2 elementary and secondary schools, and institutions of
3 higher education.

4 (2) State-funded medical treatment and health care
5 facilities, including hospitals, health clinics, emergency
6 or urgent care facilities, nursing homes, group homes for
7 persons with developmental disabilities,
8 community-integrated living arrangements, and State mental
9 health facilities.

10 (3) Facilities operated by the Office of the Secretary
11 of State.

12 (4) Circuit courts, State appellate courts, or the
13 Supreme Court.

14 (b) Employees of elementary and secondary schools in this
15 State and institutions of higher education in this State shall
16 not inquire about a student's citizenship or immigration status
17 or that of the student's family members, except in cases of
18 in-State or in-district tuition verification, scholarships,
19 grants, or services that are contingent upon this information.
20 State agencies and State-funded medical treatment and health
21 care facilities shall not inquire about or request proof of

22 citizenship or immigration status when providing services or
23 benefits, except when the receipt of the services or benefits
24 is contingent upon the person's immigration or citizenship
25 status or when inquiries are otherwise lawfully required by
26 federal, State, or local laws. State agencies and State-funded

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1 medical treatment and health care facilities shall not collect
2 information regarding a person's citizenship or immigration
3 status, except as required by federal or State law.

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

13 (d) The appropriate personnel of a facility listed in
14 paragraph (1) of subsection (a) of this Section shall develop a
15 plan within 90 days after the effective date of this Act to
16 provide assistance, information, and safety to persons who are
17 concerned about the government's immigration enforcement
18 efforts. The appropriate personnel of a facility listed in
19 paragraph (2) of subsection (a) of this Section shall make
20 information available to patients to address concerns about the
21 government's immigration enforcement efforts.

22 (e) Information or documents regarding an individual's
23 citizenship or immigration status are confidential
24 information. Absent a judicial warrant or court-ordered
25 subpoena, a school, institution of higher education, State
26 agency, State-funded medical treatment or health care facility

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1 that collects information or documents regarding an
2 individual's citizenship or immigration status under federal

3 or State law shall not disclose or otherwise make available to
4 any person or entity information or documents regarding an
5 individual's citizenship or immigration status except when
6 disclosure is necessary between a facility listed in paragraph
7 (2) of subsection (a) of this Section and any other licensed
8 health care facility or professional for the provision of
9 health care and except as provided under subsection (g) of this
10 Section. Nothing in this Section is intended to prevent any
11 entity from exchanging aggregated, de-identified information
12 with State, local, or federal entities.

13 (f) A facility listed in paragraph (2) of subsection (a) of
14 this Section may deny access, delay access, or limit access by
15 law enforcement personnel, including immigration agents, based
16 upon the medical condition or safety of patients or staff or
17 based upon compliance with legal requirements, such as federal
18 or State law governing patient privacy. A facility and an
19 individual affiliated with that facility who, acting in good
20 faith, either grants or denies access to the facility by law
21 enforcement personnel, including immigration agents, under
22 this Act shall be immune from any civil or criminal liability
23 based upon the decision to grant or deny access.

24 (g) Nothing in this Section shall be construed to
25 prohibit or restrict any entity covered by Sections 1373 and
26 1644 of Title 8 of the United States Code from sending to, or

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1 receiving from, the United States Department of Homeland
2 Security or any other federal, State, or local government
3 entity information regarding the citizenship or immigration
4 status of any individual.

5 Section 45. Equal access to educational, rehabilitative,
6 and diversionary programs in the criminal justice system.
7 Neither the Department of Corrections nor any law enforcement
8 agency may consider an immigration detainer or administrative
9 warrant in determining an individual's eligibility or
10 placement in any educational, rehabilitative, or diversionary
11 program described in the Unified Code of Corrections or any
12 other educational, rehabilitative, or diversionary program
13 administered by a law enforcement agency.

14 Section 50. Compliance Board; oversight.

15 (a) The Governor shall appoint, with the advice and consent
16 of the Senate, an Illinois Trust Act Compliance Board within 90
17 days after the effective date of this Act. This Board shall
18 consist of 13 members, serving terms of 3 years, and the
19 members shall elect their chairperson. No more than 7 members
20 shall be of the same political party. All appointments shall be
21 made in writing and filed with the Secretary of State as a
22 public record.

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

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

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

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

5 (4) one representative of law enforcement from the
6 Chicago Police Department;

7 (5) one representative of law enforcement from Cook
8 County;

9 (6) 2 representatives of law enforcement from outside
10 of Cook County;

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

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

15 (9) one representative that advocates for immigrants
16 in the African, Arab, or Muslim American community in this
17 State;

18 (10) one representative that advocates for immigrants
19 in this State;

20 (11) 2 representatives that advocate for immigrant
21 victims of domestic violence, sexual assault, or human
22 trafficking in this State;

23 (c) This Board shall be charged with the following
24 responsibilities:

25 (1) monitoring compliance with this Act;

26 (2) disseminating information about this Act to

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1 affected communities and the general public;

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

5 (4) identifying implementation issues and other
6 trends, and providing recommendations to the Governor and
7 the Attorney General for addressing these issues;

8 (5) conducting research regarding sharing personally
9 identifiable information between law enforcement agencies
10 and federal Immigration and Customs Enforcement, including
11 but not limited to, research regarding:

12 (A) requests for or investigations involving
13 personally identifiable information by law enforcement
14 agencies and officials;

15 (B) sharing of information and data posted in the
16 Illinois Law Enforcement Agencies Database System
17 (LEADS) or any other State administered database to
18 which immigration agents have access;

19 (C) immigration agents' use of the LEADS database
20 or any other State administered database; and

21 (D) the impact of the requests, investigations,
22 and sharing and use of information on relations between
23 law enforcement agencies and immigrant communities;

24 (6) conducting additional research as may be
25 necessary, including, but not limited to, requesting and
26 disseminating data from law enforcement agencies relevant

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1 to this Act and this Act's impact on law enforcement
2 agencies, police-community relations, affected
3 communities, and the State overall;

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

6 (8) any other responsibilities relating to this Act as
7

the Board may identify.

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

10 (5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

11 Sec. 3-104. Maximum Fee.

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

16 (b) Fees for a notary public, agency, or any other person
17 who is not an attorney or an accredited representative filling
18 out immigration forms shall be limited to the following:

19 (1) \$10 per form completion;

20 (2) \$10 per page for the translation of a non-English
21 language into English where such translation is required
22 for immigration forms;

23 (3) \$1 for notarizing;

24 (4) \$3 to execute any procedures necessary to obtain a

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1 document required to complete immigration forms; and

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

3 Fees authorized under this subsection shall not include
4 application fees required to be submitted with immigration
5 applications.

6 Any person who violates the provisions of this subsection
7 shall be guilty of a Class A misdemeanor for a first offense
8 and a Class 3 felony for a second or subsequent offense
9 committed within 5 years of a previous conviction for the same
10 offense.

11 (c) Upon his own information or upon complaint of any
12 person, the Attorney General or any State's Attorney, or their
13 designee, may maintain an action for injunctive relief in the
14 court against any notary public or any other person who
15 violates the provisions of subsection (b) of this Section.
16 These remedies are in addition to, and not in substitution for,
17 other available remedies.

18 (c-5) Notwithstanding subsection (c) of this Section, any
19

20 person may file a civil action to enforce the provisions of
21 this subsection and maintain an action for injunctive relief,
22 for compensatory damages to recover prohibited fees, or for
23 such additional relief as may be appropriate to deter, prevent,
24 or compensate for the violation. In order to deter violations
25 of this Section, courts shall not require a showing of the
26 traditional elements for equitable relief. A prevailing
plaintiff may be awarded 3 times the prohibited fees, or a

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1 minimum of \$1,000 in punitive damages, attorney's fees, and
2 costs of bringing an action under this Section. It is the
3 express intent of the General Assembly that remedies for
4 violation of this Section be cumulative. If the Attorney
5 General or any State's Attorney fails to bring an action as
6 provided pursuant to this subsection within 90 days of receipt
7 of a complaint, any person may file a civil action to enforce
8 the provisions of this subsection and maintain an action for
9 injunctive relief.

10 (d) All notaries public must provide receipts and keep
11 records for fees accepted for services provided. Failure to
12 provide receipts and keep records that can be presented as
13 evidence of no wrongdoing shall be construed as a presumptive
14 admission of allegations raised in complaints against the
15 notary for violations related to accepting prohibited fees.
16 (Source: P.A. 98-29, eff. 6-21-13.)

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

19 (50 ILCS 705/10.17-5 new)

20 Sec. 10.17-5. Training program on federal nonimmigrant
21 visas. The Board shall conduct or approve a training program on
22 U and T nonimmigrant visas and other immigration remedies for
23 immigrant victims of qualifying criminal activity as defined in
24 Section 10 of the Illinois Trust Act. A law enforcement

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1 agency's continuing education program shall provide to the head
2 of the agency or the head of the agency's designee continuing
3 education concerning U and T nonimmigrant visas, and continuing
4 education concerning cultural diversity awareness.

5 Section 125. The Code of Criminal Procedure of 1963 is
6 amended by changing Section 113-8 and by adding Section 110-5.2
7 as follows:

8 (725 ILCS 5/110-5.2 new)

9 Sec. 110-5.2. Bail for persons subject to an immigration
10 detainer. A person subject to an immigration detainer or
11 administrative warrant shall not be denied bail solely on the
12 basis of the immigration detainer or administrative warrant.
13 Nothing in this Section may be construed to undermine the
14 authority of a court to set bail or a bond determination under
15 this Article.

16 (725 ILCS 5/113-8)

17 Sec. 113-8. Advisement concerning status as an alien.
18 Before the acceptance of a plea of guilty, guilty but mentally
19 ill, or nolo contendere to a misdemeanor or felony offense, the
20 court shall give the following advisement to the defendant in
21 open court:

22 "If you are not a citizen of the United States, you are
23 hereby advised that conviction of the offense for which you

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1 have been charged may have the consequences of deportation,
2 exclusion from admission to the United States, or denial of
3 naturalization under the laws of the United States."

4 Nothing in this Section shall be construed to authorize or
5 direct any court to request that the defendant state his or her
6 immigration or citizenship status, or to require that the
7 defendant provide such information.

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

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

11 (730 ILCS 110/12) (from Ch. 38, par. 204-4)

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

13 (1) To investigate as required by Section 5-3-1 of the
14 "Unified Code of Corrections", approved July 26, 1972, as
15 amended, the case of any person to be placed on probation. Full
16 opportunity shall be afforded a probation officer to confer
17 with the person under investigation when such person is in
18 custody.

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

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

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

17 (5) To take charge of and watch over all persons placed on
18 probation under such regulations and for such terms as may be
19 prescribed by the court, and giving to each probationer full
20 instructions as to the terms of his release upon probation and
21 requiring from him such periodical reports as shall keep the
22 officer informed as to his conduct.

23 (6) To develop and operate programs of reasonable public or
24 community service for any persons ordered by the court to
25 perform public or community service, providing, however, that
26 no probation officer or any employee of a probation office

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1 acting in the course of his official duties shall be liable for
2 any tortious acts of any person performing public or community
3 service except for wilful misconduct or gross negligence on the
4 part of the probation officer or employee.

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

19 (8) To authorize travel permits to individuals under their
20 supervision unless otherwise ordered by the court.

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

24 (10) To send written notification to a public housing
25 agency if a person on probation for a felony who is under the
26 supervision of the probation officer informs the probation

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1 officer that he or she has resided, resides, or will reside at
2 an address that is a housing facility owned, managed, operated,
3 or leased by that public housing agency.

4 (11) If a person on probation for a felony offense who is
5 under the supervision of the probation officer becomes a
6 resident of a facility licensed or regulated by the Department
7 of Public Health, the Illinois Department of Public Aid, or

8 Illinois Department of Human Services, the probation officer
9 shall within 3 days of the person becoming a resident, notify
10 the licensing or regulating Department and licensed or
11 regulated facility and shall provide the licensed or regulated
12 facility and licensing or regulating Department with copies of
13 the following:

- 14 (a) (blank);
- 15 (b) any applicable probation orders and corresponding
16 compliance plans;
- 17 (c) the name and contact information for the assigned
18 probation officer.

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

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

22 (815 ILCS 505/2AA)

23 Sec. 2AA. Immigration services.

24 (a) "Immigration matter" means any proceeding, filing, or

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1 action affecting the nonimmigrant, immigrant or citizenship
2 status of any person that arises under immigration and
3 naturalization law, executive order or presidential
4 proclamation of the United States or any foreign country, or
5 that arises under action of the United States Citizenship and
6 Immigration Services, the United States Department of Labor, or
7 the United States Department of State.

8 "Immigration assistance service" means any information or
9 action provided or offered to customers or prospective
10 customers related to immigration matters, excluding legal
11 advice, recommending a specific course of legal action, or
12 providing any other assistance that requires legal analysis,
13 legal judgment, or interpretation of the law.

14 "Compensation" means money, property, services, promise of
15 payment, or anything else of value.

16 "Employed by" means that a person is on the payroll of the
17 employer and the employer deducts from the employee's paycheck
18 social security and withholding taxes, or receives
19 compensation from the employer on a commission basis or as an
20 independent contractor.

21 "Reasonable costs" means actual costs or, if actual costs
22 cannot be calculated, reasonably estimated costs of such things
23 as photocopying, telephone calls, document requests, and
24 filing fees for immigration forms, and other nominal costs
25 incidental to assistance in an immigration matter.

26 (a-1) The General Assembly finds and declares that private

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

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

15 (1) An attorney licensed to practice law in any state
16 or territory of the United States, or of any foreign
17 country when authorized by the Illinois Supreme Court, to
18 the extent the attorney renders immigration assistance
19 service in the course of his or her practice as an
20 attorney.

21 (2) A legal intern, as described by the rules of the
22 Illinois Supreme Court, employed by and under the direct
23 supervision of a licensed attorney and rendering
24 immigration assistance service in the course of the
25 intern's employment.

26 (3) A not-for-profit organization recognized by the

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1 Board of Immigration Appeals under 8 C.F.R. 292.2(a) and

2 employees of those organizations accredited under 8 C.F.R.
3 292.2(d).

4 (4) Any organization employing or desiring to employ a
5 documented or undocumented immigrant or nonimmigrant
6 alien, where the organization, its employees or its agents
7 provide advice or assistance in immigration matters to
8 documented or undocumented immigrant or nonimmigrant alien
9 employees or potential employees without compensation from
10 the individuals to whom such advice or assistance is
11 provided.

12 Nothing in this Section shall regulate any business to the
13 extent that such regulation is prohibited or preempted by State
14 or federal law.

15 All other persons providing or offering to provide
16 immigration assistance service shall be subject to this
17 Section.

18 (b) Any person who provides or offers to provide
19 immigration assistance service may perform only the following
20 services:

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

25 (2) Transcribing responses to a government agency form
26 which is related to an immigration matter, but not advising

1 a customer as to his or her answers on those forms.

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

5 (4) Securing for the customer supporting documents
6 currently in existence, such as birth and marriage
7 certificates, which may be needed to be submitted with
8 government agency forms.

9 (5) Translating documents from a foreign language into
10 English.

11 (6) Notarizing signatures on government agency forms,
12 if the person performing the service is a notary public of

13 the State of Illinois.

14 (7) Making referrals, without fee, to attorneys who
15 could undertake legal representation for a person in an
16 immigration matter.

17 (8) Preparing or arranging for the preparation of
18 photographs and fingerprints.

19 (9) Arranging for the performance of medical testing
20 (including X-rays and AIDS tests) and the obtaining of
21 reports of such test results.

22 (10) Conducting English language and civics courses.

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

26 Fees for a notary public, agency, or any other person who

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

14 No person subject to this Act shall charge fees directly or
15 indirectly for referring an individual to an attorney or for
16 any immigration matter not authorized by this Article, provided
17 that a person may charge a fee for notarizing documents as
18 permitted by the Illinois Notary Public Act.

19 (c) Any person performing such services shall register with
20 the Illinois Attorney General and submit verification of
21 malpractice insurance or of a surety bond.

22 (d) Except as provided otherwise in this subsection, before
23 providing any assistance in an immigration matter a person
24 shall provide the customer with a written contract that

25 includes the following:

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

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

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

7 This subsection does not apply to a not-for-profit
8 organization that provides advice or assistance in immigration
9 matters to clients without charge beyond a reasonable fee to
10 reimburse the organization's or clinic's reasonable costs
11 relating to providing immigration services to that client.

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

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

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

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1 (3) The fee schedule.

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

5 (5) Additional information the Attorney General may

6 require by rule.

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

21 Any person who provides or offers immigration assistance
22 service and is not exempted from this Section shall not, in any
23 document, advertisement, stationery, letterhead, business
24 card, or other comparable written material, literally
25 translate from English into another language terms or titles
26 including, but not limited to, notary public, notary, licensed,

1 attorney, lawyer, or any other term that implies the person is
2 an attorney. To illustrate, the words "notario" and "poder
3 notarial" are prohibited under this provision.

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

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

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

13 (h) A customer has the right to rescind a contract within
14 72 hours after his or her signing of the contract.

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

17 (j) No person engaged in providing immigration services who

18 is not exempted under this Section shall do any of the
19 following:

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

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

25 (2.5) Accept payment in exchange for providing legal
26 advice or any other assistance that requires legal

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1 analysis, legal judgment, or interpretation of the law.

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

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

19 (5) Provide legal advice, recommend a specific course
20 of legal action, or provide any other assistance that
21 requires legal analysis, legal judgment, or interpretation
22 of the law.

23 (6) Make any misrepresentation of false statement,
24 directly or indirectly, to influence, persuade, or induce
25 patronage.

26 (k) (Blank)

1 (l) (Blank)

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

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

15 ~~Notwithstanding this subsection (m), any If the Attorney~~
16 ~~General or any State's Attorney or a municipality with a~~
17 ~~population of more than 1,000,000 fails to bring an action as~~
18 ~~provided under this Section any~~ person may file a civil action
19 to enforce the provisions of this Article and maintain an
20 action for injunctive relief, for compensatory damages to
21 recover prohibited fees, or for such additional relief as may
22 be appropriate to deter, prevent, or compensate for the
23 violation. In order to deter violations of this Section, courts
24 shall not require a showing of the traditional elements for
25 equitable relief. A prevailing plaintiff may be awarded 3 times
26 the prohibited fees or a minimum of \$1,000 in punitive damages,

1 attorney's fees, and costs of bringing an action under this
2 Section. It is the express intention of the General Assembly
3 that remedies for violation of this Section be cumulative.

4 (n) No unit of local government, including any home rule
5 unit, shall have the authority to regulate immigration
6 assistance services unless such regulations are at least as
7 stringent as those contained in this amendatory Act of 1992. It
8 is declared to be the law of this State, pursuant to paragraph
9 (i) of Section 6 of Article VII of the Illinois Constitution of
10 1970, that this amendatory Act of 1992 is a limitation on the

11 authority of a home rule unit to exercise powers concurrently
12 with the State. The limitations of this Section do not apply to
13 a home rule unit that has, prior to the effective date of this
14 amendatory Act, adopted an ordinance regulating immigration
15 assistance services.

16 (o) This Section is severable under Section 1.31 of the
17 Statute on Statutes.

18 (p) The Attorney General shall issue rules not inconsistent
19 with this Section for the implementation, administration, and
20 enforcement of this Section. The rules may provide for the
21 following:

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

25 (2) Standard forms for use in the administration of
26 this Section.

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1 (3) Any additional requirements deemed necessary.
2 (Source: P.A. 99-679, eff. 1-1-17.)

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

5 Section 999. Effective date. This Act takes effect upon
6 becoming law.