

**KTJ**

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## MUNICIPAL LAW GROUP

# NEW ILLINOIS TRUST ACT PROHIBITS DETAINING OR ARRESTING PERSONS SOLELY DUE TO IMMIGRATION OR CITIZENSHIP STATUS

The Illinois General Assembly has enacted express prohibitions on the detention or arrest of persons by law enforcement officials based on an “immigration detainer”, non-judicial warrant, citizenship or immigration status. Training on the provisions of the Act is required.

A summary of the law is included herein.

The full text of the law is available at:

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0463>



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## SUMMARY OF P.A. 100-0463 (ILLINOIS TRUST ACT)

The Illinois General Assembly has enacted P.A. 100-0463 which prohibits the detention or arrest of persons by law enforcement officials to enforce federal civil immigration laws for the following reasons:

- Solely due to any immigration detainer<sup>1</sup> or non-judicial immigration warrant<sup>2</sup> or to otherwise comply with such detainer or warrant.
- To stop, arrest, search, detain or continue to detain any individual solely due to their citizenship or immigration status.

This prohibition does not apply if a police department or official is provided a lawful, enforceable federal warrant. Further the prohibition does not limit communications by and between federal agencies and local law enforcement.

Local law enforcement has immunity from civil or criminal liability if acting in good faith under this Act to release a person subject to an immigration detainer or non-judicial immigration warrant.

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<sup>1</sup> "Immigration detainer" means a document issued by an immigration agent that is not approved or ordered by a judge and requests a law enforcement agency or law enforcement official to provide notice of release or maintain custody of a person, including a detainer issued under Section 1226 or 1357 of Title 8 of the United States Code or Section 236.1 or 287.7 of Title 8 of the Code of Federal Regulations.

<sup>2</sup> "Non-judicial immigration warrant" means a Form I-200 or I-205 administrative warrant or any other immigration warrant or request that is not approved or ordered by a judge, including administrative warrants entered into the Federal Bureau of Investigation's National Crime Information Center database.