

**FROM: AL JOHNSON, EUGENE**

**TO: SENATE COMMITTEE ON JUDICIARY  
HOUSE COMMITTEE ON JUDICIARY  
OREGON STATE CAPITOL  
900 COURT ST. NE, ROOM 347  
SALEM, OREGON 97301**

**RE: SENATE BILLS 1594 AND 1563  
HOUSE BILLS 4114, 4138**

**DATE: FEBRUARY 4, 2026**

Greetings, Chairs Prozanski, Kropf, and members of the Committees.

I am submitting for your review bills pending in the Colorado and Illinois legislatures that may be useful as you refine similar bills before you during this short session. The Colorado bill, in particular, has an important review of applicable law in its declaration. Your bills should have similar language, with modifications that you deem appropriate.

Time is short, but the need for a well-researched and carefully-crafted legislative response to the pending threat to our citizens, our guests, and our electoral process is urgent.

I am encouraged to see my state legislature stepping up to its vital role in protecting the people of Oregon in their state and federal constitutional rights at a time when those rights are being brazenly violated on almost a daily basis. I am particularly concerned at the consequences for our electoral system, for the safety of voters, and for the future of our constitutional republic if the perpetrators succeed.

Those consequences, and worse, will almost certainly result from the current campaign to limit the mid-term electorate to those who have the right skin color, the right paperwork, the practical ability to vote in person, and the freedom every voter must have from fear of being seized, searched, injured, or killed while participating in or observing the electoral process that sustains our nation's integrity and honor.

These are not groundless fears. Witness the President's call for "nationalization" of election. Witness his threats to declare insurrections. Witness the effort to require voters to be at the polls in person rather than safely at home. Witness the requirement of proof of citizenship with documentation attainable, if at all, at substantial cost in money and time, amounting to a poll tax at the least and an insurmountable barrier at worst. Witness the assurances of "absolute immunity" given to federal law enforcement by the vice-president and chief of staff. Witness the premature and consistently inaccurate prejudgments disseminated by highly-placed federal officials including the President, concerning injuries, deaths, detentions, and disappearances. Witness the deployment of militarily armed,

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equipped, and trained combat personnel and battlefield equipment to observe, intimidate, and interfere with domestic gatherings for the purpose of exercising and reporting on constitutionally-protected speech, petition, and assembly.

These are not new strategies. They are tried and true election-rigging techniques in authoritarian regimes across the globe. Sadly, they also have a long and shameful history right here in the United States of America. These tactics have been deployed with great effect to rig elections, suppress and distort voter participation, and deny American citizens the equal protection of the laws for over 150 of this Republic's 250 years.

These strategies, or their kissing cousins, were key to the end of Reconstruction and the effective repeal of the Fourteenth and Fifteenth Amendments in the 1870s. At that time, it was federal protection for the disfranchised rather, than, as now, the other way around.

How it worked throughout the South is illustrated by the frantic plea of Mississippi's Republican Governor (and former Union General) Adelbert Ames for federal help in protecting black voters from violent Democratic militias in the runup to the 1875 election. As historian Nicholas Lemann reports, in his 2006 book, **Redemption: The Last Battle of the Civil War**:

Mississippi was in an extreme version of a condition that had become common during the last few years in those former Confederate states that were still Republican and (not coincidentally) had large Negro populations. The Democratic Party, functionally, though not officially, had become as much a military as a political organization. . .

President Grant was out of town. His new attorney general, Edwards Pierrepont, wrote back to Ames, denying his request and telling him that

"The meaning of the Constitution and laws, when taken together, is that the Executive of a State may call upon the President for military aid to quell domestic violence only in case of an insurrection in any State against the government thereof when the Legislature cannot be called together."

"Be careful to bring yourself strictly within the Constitution and the laws, and if there is such resistance to your State authorities as you cannot by all the means at your command suppress, the President will quickly aid you in suppressing these lawless traitors."

On the same day the AG was writing his letter to Ames, Lemann says,

"A group of three hundred colored men in Vicksburg sent Ames a letter of their own, reporting on a resurgence of White Line activity there: 'The Democrats will be forced away from the polls and not allowed for fear of being shot down.'"

Help did not come. The Democrats took over. Ames lost his job. He moved to Northfield Minnesota, where he helped run his family's mill. There, about year later, the decorated Union general helped defend the town from the Jesse James gang, which had come to rob the bank where the hated "carpetbagger" governor had deposited his money. See **Adelbert Ames, the Civil War, and the Creation of Modern America**, by Michael Megelsh. It's a great true story, not the version you get watching Robert Duvall and Cliff Robertson in **The Great Northfield Minnesota Raid**.

Since then we have had literacy tests, poll taxes, lynchings, and, not least, oppressive minority rule. As leading Reconstruction historian Eric Foner observes at the end of **Reconstruction, American's Unfinished Revolution**:

"Long into the twentieth century, the South remained a one-party region under the control of a reactionary ruling elite who used the same violence and fraud that had helped defeat Reconstruction to stifle internal dissent."

Today we have a federal executive that is as determined, wily, and unscrupulous as the "redeemers" of old. Today, it is indeed time for the states to step up and, in the words of Grant's attorney general, "use all the means at your command," to resist a threat from the heart of our republic that once came from its hinterlands.

Good luck with your challenging and vital task.

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**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

## INTRODUCED

BLLS NO. 26-0710.01 Conrad Imel x2313

**SENATE BILL 26-005**

## SENATE SPONSORSHIP

**Weissman and Gonzales J.**, Coleman, Hinrichsen, Jodeh, Kipp, Marchman, Rodriguez, Wallace

## HOUSE SPONSORSHIP

**Mabrey and Zokaie,**

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### Senate Committees

Judiciary

### House Committees

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## A BILL FOR AN ACT

101 **CONCERNING STATE COURT REMEDIES FOR VIOLATIONS OF FEDERAL**  
102 **CONSTITUTIONAL RIGHTS OCCURRING DURING IMMIGRATION**  
103 **ENFORCEMENT.**

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### Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates a statutory cause of action for a person who is injured during a civil immigration enforcement action by another person who, whether or not under color of law, violates the United States constitution while participating in civil immigration enforcement. A person who violates the United States constitution while participating in civil immigration enforcement is liable to the injured party for legal or equitable relief or any other appropriate relief. The action must be commenced within 2 years after the cause of action accrues.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly

3 finds and declares that:

4 (a) Since the earliest days of the nation, the United States supreme  
5 court has held, in cases such as *Little v. Barreme*, 6 U.S. 170 (1804), and  
6 *Murray v. The Charming Betsey*, 6 U.S. 64 (1804), that federal officials  
7 may be liable in damages for violations of federal laws;

8 (b) The United States supreme court has long held that federal  
9 employees are not inherently beyond the reach of state laws simply  
10 because they are federal employees. For example, in *Johnson v.*  
11 *Maryland*, 254 U.S. 51 (1920), the court noted, "[A]n employee of the  
12 United States does not secure a general immunity from state law while  
13 acting in the course of his employment", and in *Colorado v. Symes*, 286  
14 U.S. 510 (1932), the court stated, "Federal officers and employees are not,  
15 merely because they are such, granted immunity from prosecution in state  
16 courts for crimes against state law".

17 (c) Decades later, the United States supreme court continued to  
18 recognize the role of state law in holding federal officials accountable for  
19 legal violations, noting in *Wheeldin v. Wheeler*, 373 U.S. 647 (1963),  
20 "[w]hen it comes to suits for damages for abuse of power, federal  
21 officials are usually governed by local law";

22 (d) When the United States supreme court recognized a federal  
23 law cause of action for violation of certain constitutional rights in *Bivens*  
24 *v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971), that cause

1 of action was in addition to, rather than instead of, traditional state law  
2 remedies. Even one of the dissenting justices in *Bivens* noted the ongoing  
3 role of state law, writing, "The task of evaluating the pros and cons of  
4 creating judicial remedies for particular wrongs is a matter for Congress  
5 and the legislatures of the States".

6 (e) More recently, congress has made federal statutory law the  
7 exclusive remedy for certain claims sounding in tort, but this exclusivity  
8 specifically "does not extend or apply to a civil action against an  
9 employee of the Government [. . .] which is brought for a violation of the  
10 Constitution of the United States", 28 U.S.C. sec. 2679. The prime  
11 sponsor of legislation amending the federal "Tort Claims Act" to provide  
12 for limited exclusivity took pains to clarify, "We make special provisions  
13 here to make clear that the more controversial issue of constitutional torts  
14 is not covered by this bill. If you are accused of having violated  
15 someone's constitutional rights, this bill does not affect it", 134 Cong.  
16 Rec. 15963 (1988).

17 (f) In 2022, in declining to extend the scope of the *Bivens* action  
18 in *Egbert v. Boule*, 596 U.S. 482 (2022), the United States supreme court  
19 observed that legislatures, not courts, are the better branches of  
20 government to fashion damages remedies;

21 (g) In its most recently completed term, the United States supreme  
22 court declined, in *Martin v. United States*, 145 S. Ct. 1689 (2025), to  
23 extend the doctrine of supremacy clause immunity beyond its traditional  
24 criminal law context;

25 (h) Violating the federal constitutional rights of residents of the  
26 United States has never been and can never be "necessary and proper" to  
27 the execution of the laws and powers of the United States within the

1 meaning of article I, section 8, clause 18 of the United States constitution;  
2 and

3 (i) In enacting this act, the Colorado general assembly affirms its  
4 longstanding and rightful role as a sovereign state in providing forum in  
5 its courts for adjudication of claims of federal constitutional violations.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 13-20-1302 as  
7 follows:

8 **13-20-1302. Civil action for violation of constitutional rights**  
9 **during immigration enforcement - relief - attorney fees - time limit to**  
10 **commence action - definition.**

11 (1) A PERSON WHO IS INJURED DURING CIVIL IMMIGRATION  
12 ENFORCEMENT BY ANOTHER PERSON WHO, WHETHER OR NOT UNDER  
13 COLOR OF LAW, VIOLATES THE UNITED STATES CONSTITUTION WHILE  
14 PARTICIPATING IN CIVIL IMMIGRATION ENFORCEMENT MAY BRING A CIVIL  
15 ACTION AGAINST THE OTHER PERSON. A PERSON FOUND TO HAVE  
16 VIOLATED THE UNITED STATES CONSTITUTION WHILE PARTICIPATING IN  
17 CIVIL IMMIGRATION ENFORCEMENT IS LIABLE TO THE INJURED PERSON FOR  
18 LEGAL OR EQUITABLE RELIEF OR ANY OTHER APPROPRIATE RELIEF.

19 (2) (a) IN AN ACTION BROUGHT PURSUANT TO THIS SECTION, A  
20 COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO A  
21 PREVAILING PLAINTIFF. IN ACTIONS FOR INJUNCTIVE RELIEF, A COURT  
22 SHALL DEEM A PLAINTIFF TO HAVE PREVAILED IF THE PLAINTIFF'S SUIT WAS  
23 A SUBSTANTIAL FACTOR OR SIGNIFICANT CATALYST IN OBTAINING THE  
24 RESULTS SOUGHT BY THE LITIGATION.

25 (b) WHEN A JUDGMENT IS ENTERED IN FAVOR OF A DEFENDANT,  
26 THE COURT MAY AWARD REASONABLE COSTS AND ATTORNEY FEES TO THE  
27 DEFENDANT FOR DEFENDING ANY CLAIMS THE COURT FINDS FRIVOLOUS.

1 (3) TO THE MAXIMUM EXTENT PERMISSIBLE UNDER THE UNITED  
2 STATES CONSTITUTION, A GRANT OF IMMUNITY TO A DEFENDANT,  
3 INCLUDING, BUT NOT LIMITED TO, SOVEREIGN IMMUNITY; OFFICIAL  
4 IMMUNITY; INTERGOVERNMENTAL IMMUNITY; QUALIFIED IMMUNITY;  
5 SUPREMACY CLAUSE IMMUNITY; STATUTORY IMMUNITY, INCLUDING THE  
6 "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24;  
7 OR COMMON LAW IMMUNITY, DOES NOT APPLY IN AN ACTION BROUGHT  
8 PURSUANT TO THIS SECTION.

9 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
10 REQUIRES, "CIVIL IMMIGRATION ENFORCEMENT" MEANS AN ACTION TO  
11 INVESTIGATE, QUESTION, DETAIN, TRANSFER, OR ARREST A PERSON FOR  
12 THE PURPOSE OF ENFORCING FEDERAL CIVIL IMMIGRATION LAW. "CIVIL  
13 IMMIGRATION ENFORCEMENT" DOES NOT INCLUDE AN ACTION COMMITTED  
14 BY A PEACE OFFICER WHO IS ACTING WITHIN THE SCOPE OF THE PEACE  
15 OFFICER'S DUTIES CONSISTENT WITH STATE LAW.

16 (5) PURSUANT TO SECTION 13-80-102, A CIVIL ACTION DESCRIBED  
17 IN THIS SECTION MUST BE COMMENCED WITHIN TWO YEARS AFTER THE  
18 CAUSE OF ACTION ACCRUES.

19 **SECTION 3.** In Colorado Revised Statutes, 13-80-102, **amend**  
20 (1)(k); and **add** (1)(l) as follows:

21 **13-80-102. General limitation of actions - two years.**

22 (1) The following civil actions, regardless of the theory upon  
23 which suit is brought, or against whom suit is brought, must be  
24 commenced within two years after the cause of action accrues, and not  
25 thereafter:

26 (k) All actions brought ~~under~~ PURSUANT TO section 13-21-109 (2);

27 AND



1           (I) AN ACTION ALLEGING A VIOLATION OF CONSTITUTIONAL RIGHTS  
2 DURING CIVIL IMMIGRATION ENFORCEMENT BROUGHT PURSUANT TO  
3 SECTION 13-20-1302.

4           **SECTION 4.     Safety clause.** The general assembly finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, or safety or for appropriations for  
7 the support and maintenance of the departments of the state and state  
8 institutions.

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**ILLINOIS**

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 capicum 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

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

6 "Prevailing party" includes any party:

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

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

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

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

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

1           Section 5-15. Remedies.

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

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

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

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

26                 (4) whether the defendant was operating or using a

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

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

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

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

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

21 (740 ILCS 174/5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Illinois Human Rights Act; or

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

9 "Retaliatory action" does not include:

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

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

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

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



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

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

4 (740 ILCS 174/15)

5 Sec. 15. Retaliation for certain disclosures prohibited.

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

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

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

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

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

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

## 14 ARTICLE 10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 "Civil arrest" means an arrest that is not:

25 (1) a criminal arrest for an alleged criminal

1 violation of any federal, State, or local law;

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

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

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

26 "Court proceeding" means the business conducted by a State

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

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

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

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

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

19 (1) at the place of the court proceedings;

20 (2) within the courthouse building;

21 (3) on the premises of the courthouse, including  
22 parking facilities serving the courthouse;

23 (4) on any sidewalk, parkway, and street surrounding  
24 the courthouse and its premises; and

25 (5) on any public way within 1,000 feet of the

1 courthouse including a sidewalk, parkway, or street.

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

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

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

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

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

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



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

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

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

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

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

## 18 ARTICLE 15

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

21 (110 ILCS 330/15 new)

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

1 with Section 6.14h of the Hospital Licensing Act.

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

4 (210 ILCS 85/6.14h new)

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

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

8 (b) As used in this Section:

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

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

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

20 (c) Each general acute care hospital shall adopt and  
21 implement a policy regarding interactions with law enforcement  
22 agents by January 1, 2026, and all other hospitals shall adopt  
23 and implement a policy regarding interactions with law  
24 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

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

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

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

16 (i) place of birth;

17 (ii) immigration or citizenship status; or

18 (iii) information from birth certificates,

19 passports, permanent resident cards, alien  
20 registration cards, or employment authorization  
21 documents; and

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

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

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

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

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

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

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

26 (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

1 hospital's service area.

2 (f) By January 15, 2026, the Department shall notify any  
3 general acute care hospital that has failed to provide a copy  
4 of the policy required under this Section, and by March 15,  
5 2026, the Department shall notify all other hospitals that  
6 have failed to provide a copy of the policy required under this  
7 Section. The Department may adopt emergency rules to enforce  
8 compliance with the provisions of this Section. This emergency  
9 rulemaking authority shall expire 6 months after the effective  
10 date of this amendatory Act of the 104th General Assembly.

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

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

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

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

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

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

8       (5 ILCS 100/5-45.70 new)

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

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

21                                   ARTICLE 20

22       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

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

10 "Prevailing party" includes any party:

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Nothing in this subsection may be construed to:

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

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

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

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

26 (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

1 January 1, 2026.

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

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

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

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

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

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

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

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

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

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

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

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

14 ARTICLE 25

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

17 (225 ILCS 10/3.8 new)

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

20 (a) As used in this Section:

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



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

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

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

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

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

1 reporting.

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

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

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

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

1 parent or guardian and includes the following:

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

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

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

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

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

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

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

1 care center will use to reach a child's emergency contacts,

2 including the number of attempted phone calls to parents and <sup>35</sup> ~~HB1312 Enrolled~~ <sup>LB104 03042 BDA 13060 b</sup>

3 emergency contacts and any requests for police assistance in

4 finding a child's emergency contact.

5 (g) Failure to comply with subsection (b) of this Section

6 shall result in a formal licensing violation. Failure to

7 comply with any other provision of this Section may result in a

8 licensing violation.

9 ARTICLE 99

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

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