



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2375

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212
725 ILCS 5/107-14

from Ch. 38, par. 107-14

Amends Illinois Vehicle Code. Provides that upon completion of a traffic stop for temporary questioning, without making an arrest or issuing a warning citation, the officer shall provide the motorist stopped with a stop receipt which briefly describes the stop, including the purpose of the stop, and contains the officer's name and badge number. The officer shall file a copy of the stop receipt with his or her department or agency, which shall maintain the copy in its records. Amends the Code of Criminal Procedure of 1963. Provides that upon completion of any stop of a person (rather than any stop involving a frisk or search) for temporary questioning where the officer is required to provide the person with a stop receipt, the officer shall file a copy of the stop receipt with his or her department or agency, which shall maintain the copy in its records.

LRB100 08028 AXK 18111 b

1 AN ACT concerning police officers.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-212 as follows:

6 (625 ILCS 5/11-212)

7 (Section scheduled to be repealed on July 1, 2019)

8 Sec. 11-212. Traffic and pedestrian stop statistical
9 study.

10 (a) Whenever a State or local law enforcement officer
11 issues a uniform traffic citation or warning citation for an
12 alleged violation of the Illinois Vehicle Code, he or she shall
13 record at least the following:

14 (1) the name, address, gender, and the officer's
15 subjective determination of the race of the person stopped;
16 the person's race shall be selected from the following
17 list: American Indian or Alaska Native, Asian, Black or
18 African American, Hispanic or Latino, Native Hawaiian or
19 Other Pacific Islander, or White;

20 (2) the alleged traffic violation that led to the stop
21 of the motorist;

22 (3) the make and year of the vehicle stopped;

23 (4) the date and time of the stop, beginning when the

1 vehicle was stopped and ending when the driver is free to
2 leave or taken into physical custody;

3 (5) the location of the traffic stop;

4 (5.5) whether or not a consent search contemporaneous
5 to the stop was requested of the vehicle, driver,
6 passenger, or passengers; and, if so, whether consent was
7 given or denied;

8 (6) whether or not a search contemporaneous to the stop
9 was conducted of the vehicle, driver, passenger, or
10 passengers; and, if so, whether it was with consent or by
11 other means;

12 (6.2) whether or not a police dog performed a sniff of
13 the vehicle; and, if so, whether or not the dog alerted to
14 the presence of contraband; and, if so, whether or not an
15 officer searched the vehicle; and, if so, whether or not
16 contraband was discovered; and, if so, the type and amount
17 of contraband;

18 (6.5) whether or not contraband was found during a
19 search; and, if so, the type and amount of contraband
20 seized; and

21 (7) the name and badge number of the issuing officer.

22 (b) Whenever a State or local law enforcement officer stops
23 a motorist for an alleged violation of the Illinois Vehicle
24 Code and does not issue a uniform traffic citation or warning
25 citation for an alleged violation of the Illinois Vehicle Code,
26 he or she shall complete a uniform stop card, which includes

1 field contact cards, or any other existing form currently used
2 by law enforcement containing information required pursuant to
3 this Act, that records at least the following:

4 (1) the name, address, gender, and the officer's
5 subjective determination of the race of the person stopped;
6 the person's race shall be selected from the following
7 list: American Indian or Alaska Native, Asian, Black or
8 African American, Hispanic or Latino, Native Hawaiian or
9 Other Pacific Islander, or White;

10 (2) the reason that led to the stop of the motorist;

11 (3) the make and year of the vehicle stopped;

12 (4) the date and time of the stop, beginning when the
13 vehicle was stopped and ending when the driver is free to
14 leave or taken into physical custody;

15 (5) the location of the traffic stop;

16 (5.5) whether or not a consent search contemporaneous
17 to the stop was requested of the vehicle, driver,
18 passenger, or passengers; and, if so, whether consent was
19 given or denied;

20 (6) whether or not a search contemporaneous to the stop
21 was conducted of the vehicle, driver, passenger, or
22 passengers; and, if so, whether it was with consent or by
23 other means;

24 (6.2) whether or not a police dog performed a sniff of
25 the vehicle; and, if so, whether or not the dog alerted to
26 the presence of contraband; and, if so, whether or not an

1 officer searched the vehicle; and, if so, whether or not
2 contraband was discovered; and, if so, the type and amount
3 of contraband;

4 (6.5) whether or not contraband was found during a
5 search; and, if so, the type and amount of contraband
6 seized; and

7 (7) the name and badge number of the issuing officer.

8 Upon completion of the stop without issuing a uniform
9 traffic citation or warning citation, the officer shall provide
10 the motorist with a stop receipt which briefly describes the
11 stop, including the purpose of the stop, and contains the
12 officer's name and badge number. The officer shall file a copy
13 of the stop receipt with his or her department or agency, which
14 shall maintain the copy in its records.

15 (b-5) For purposes of this subsection (b-5), "detention"
16 means all frisks, searches, summons, and arrests. Whenever a
17 law enforcement officer subjects a pedestrian to detention in a
18 public place, he or she shall complete a uniform pedestrian
19 stop card, which includes any existing form currently used by
20 law enforcement containing all the information required under
21 this Section, that records at least the following:

22 (1) the gender, and the officer's subjective
23 determination of the race of the person stopped; the
24 person's race shall be selected from the following list:
25 American Indian or Alaska Native, Asian, Black or African
26 American, Hispanic or Latino, Native Hawaiian or Other

1 Pacific Islander, or White;

2 (2) all the alleged reasons that led to the stop of the
3 person;

4 (3) the date and time of the stop;

5 (4) the location of the stop;

6 (5) whether or not a protective pat down or frisk was
7 conducted of the person; and, if so, all the alleged
8 reasons that led to the protective pat down or frisk, and
9 whether it was with consent or by other means;

10 (6) whether or not contraband was found during the
11 protective pat down or frisk; and, if so, the type and
12 amount of contraband seized;

13 (7) whether or not a search beyond a protective pat
14 down or frisk was conducted of the person or his or her
15 effects; and, if so, all the alleged reasons that led to
16 the search, and whether it was with consent or by other
17 means;

18 (8) whether or not contraband was found during the
19 search beyond a protective pat down or frisk; and, if so,
20 the type and amount of contraband seized;

21 (9) the disposition of the stop, such as a warning, a
22 ticket, a summons, or an arrest;

23 (10) if a summons or ticket was issued, or an arrest
24 made, a record of the violations, offenses, or crimes
25 alleged or charged; and

26 (11) the name and badge number of the officer who

1 conducted the detention.

2 This subsection (b-5) does not apply to searches or
3 inspections for compliance authorized under the Fish and
4 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,
5 or searches or inspections during routine security screenings
6 at facilities or events.

7 (c) The Illinois Department of Transportation shall
8 provide a standardized law enforcement data compilation form on
9 its website.

10 (d) Every law enforcement agency shall, by March 1 with
11 regard to data collected during July through December of the
12 previous calendar year and by August 1 with regard to data
13 collected during January through June of the current calendar
14 year, compile the data described in subsections (a), (b), and
15 (b-5) on the standardized law enforcement data compilation form
16 provided by the Illinois Department of Transportation and
17 transmit the data to the Department.

18 (e) The Illinois Department of Transportation shall
19 analyze the data provided by law enforcement agencies required
20 by this Section and submit a report of the previous year's
21 findings to the Governor, the General Assembly, the Racial
22 Profiling Prevention and Data Oversight Board, and each law
23 enforcement agency no later than July 1 of each year. The
24 Illinois Department of Transportation may contract with an
25 outside entity for the analysis of the data provided. In
26 analyzing the data collected under this Section, the analyzing

1 entity shall scrutinize the data for evidence of statistically
2 significant aberrations. The following list, which is
3 illustrative, and not exclusive, contains examples of areas in
4 which statistically significant aberrations may be found:

5 (1) The percentage of minority drivers, passengers, or
6 pedestrians being stopped in a given area is substantially
7 higher than the proportion of the overall population in or
8 traveling through the area that the minority constitutes.

9 (2) A substantial number of false stops including stops
10 not resulting in the issuance of a traffic ticket or the
11 making of an arrest.

12 (3) A disparity between the proportion of citations
13 issued to minorities and proportion of minorities in the
14 population.

15 (4) A disparity among the officers of the same law
16 enforcement agency with regard to the number of minority
17 drivers, passengers, or pedestrians being stopped in a
18 given area.

19 (5) A disparity between the frequency of searches
20 performed on minority drivers or pedestrians and the
21 frequency of searches performed on non-minority drivers or
22 pedestrians.

23 (f) Any law enforcement officer identification information
24 and driver or pedestrian identification information that is
25 compiled by any law enforcement agency or the Illinois
26 Department of Transportation pursuant to this Act for the

1 purposes of fulfilling the requirements of this Section shall
2 be confidential and exempt from public inspection and copying,
3 as provided under Section 7 of the Freedom of Information Act,
4 and the information shall not be transmitted to anyone except
5 as needed to comply with this Section. This Section shall not
6 exempt those materials that, prior to the effective date of
7 this amendatory Act of the 93rd General Assembly, were
8 available under the Freedom of Information Act. This subsection
9 (f) shall not preclude law enforcement agencies from reviewing
10 data to perform internal reviews.

11 (g) Funding to implement this Section shall come from
12 federal highway safety funds available to Illinois, as directed
13 by the Governor.

14 (h) The Illinois Department of Transportation, in
15 consultation with law enforcement agencies, officials, and
16 organizations, including Illinois chiefs of police, the
17 Department of State Police, the Illinois Sheriffs Association,
18 and the Chicago Police Department, and community groups and
19 other experts, shall undertake a study to determine the best
20 use of technology to collect, compile, and analyze the traffic
21 stop statistical study data required by this Section. The
22 Department shall report its findings and recommendations to the
23 Governor and the General Assembly by March 1, 2004.

24 (h-5) For purposes of this Section:

25 (1) "American Indian or Alaska Native" means a person
26 having origins in any of the original peoples of North and

1 South America, including Central America, and who
2 maintains tribal affiliation or community attachment.

3 (2) "Asian" means a person having origins in any of the
4 original peoples of the Far East, Southeast Asia, or the
5 Indian subcontinent, including, but not limited to,
6 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
7 the Philippine Islands, Thailand, and Vietnam.

8 (2.5) "Badge" means an officer's department issued
9 identification number associated with his or her position
10 as a police officer with that department.

11 (3) "Black or African American" means a person having
12 origins in any of the black racial groups of Africa. Terms
13 such as "Haitian" or "Negro" can be used in addition to
14 "Black or African American".

15 (4) "Hispanic or Latino" means a person of Cuban,
16 Mexican, Puerto Rican, South or Central American, or other
17 Spanish culture or origin, regardless of race.

18 (5) "Native Hawaiian or Other Pacific Islander" means a
19 person having origins in any of the original peoples of
20 Hawaii, Guam, Samoa, or other Pacific Islands.

21 (6) "White" means a person having origins in any of the
22 original peoples of Europe, the Middle East, or North
23 Africa.

24 (i) This Section is repealed on July 1, 2019.

25 (Source: P.A. 98-686, eff. 6-30-14; 99-352, eff. 1-1-16.)

1 Section 10. The Code of Criminal Procedure of 1963 is
2 amended by changing Section 107-14 as follows:

3 (725 ILCS 5/107-14) (from Ch. 38, par. 107-14)

4 Sec. 107-14. Temporary questioning without arrest.

5 (a) A peace officer, after having identified himself as a
6 peace officer, may stop any person in a public place for a
7 reasonable period of time when the officer reasonably infers
8 from the circumstances that the person is committing, is about
9 to commit or has committed an offense as defined in Section
10 102-15 of this Code, and may demand the name and address of the
11 person and an explanation of his actions. Such detention and
12 temporary questioning will be conducted in the vicinity of
13 where the person was stopped.

14 (b) Upon completion of any stop under subsection (a),
15 ~~involving a frisk or search, and~~ unless impractical,
16 impossible, or under exigent circumstances, the officer shall
17 provide the person with a stop receipt which provides the
18 reason for the stop and contains the officer's name and badge
19 number. The officer shall file a copy of the stop receipt with
20 his or her department or agency, which shall maintain the copy
21 in its records. This subsection (b) does not apply to searches
22 or inspections for compliance with the Fish and Aquatic Life
23 Code, the Wildlife Code, the Herptiles-Herps Act, or searches
24 or inspections for routine security screenings at facilities or
25 events. For the purposes of this subsection (b), "badge" means

1 an officer's department issued identification number
2 associated with his or her position as a police officer with
3 that department.

4 (Source: P.A. 99-352, eff. 1-1-16.)