



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5194

by Rep. Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Racial and Ethnic Impact Note Act. Provides that every criminal justice bill which affects pre-trial detention, sentencing, probation, mandatory supervised release, or parole policies in this State shall have prepared for it prior to second reading in the house of introduction, a brief explanatory statement or note, prepared by the Illinois Criminal Justice Information Authority which shall include, but not be limited to, a statistical analysis of how the proposed change in policy would affect racial and ethnic minorities and any additional information which indicates the impact of the proposed measure on racial and ethnic minorities. Provides that the Illinois Criminal Justice Information Authority shall work in conjunction with the Department of Corrections, Department of Juvenile Justice, pre-trial service agencies of counties of this State, and the Illinois Sentencing Policy Advisory Council to prepare this statement. Provides that the statement prepared by the Illinois Criminal Justice Information Authority for a bill designated by a Racial and Ethnic Impact Note shall be delivered to the sponsor within 10 calendar days after its submission, except that when, because of the complexity of the bill, additional time is required for the preparation of the note, the Illinois Criminal Justice Information Authority may notify the sponsor and request an extension of time not to exceed 5 additional days within which the note is to be completed. Provides that if the sponsor of any measure is of the opinion that a Racial and Ethnic Impact Note is not necessary, any member of either house may request that a note be obtained, and in that case the matter shall be decided by a majority vote of those present and voting in the house of which he or she is a member. Makes other changes.

LRB100 19100 SLF 34357 b

1 AN ACT concerning State 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 Racial  
5 and Ethnic Impact Note Act.

6 Section 5. Legislative findings.

7 The General Assembly finds that:

8 (1) Public policymakers are increasingly concerned  
9 with the disparity between the number of minorities in the  
10 population and the number incarcerated in prisons in this  
11 State.

12 (2) Racial and ethnic disparities in our nation's  
13 criminal justice system result in devastating consequences  
14 to society: offenders face daunting employment challenges,  
15 reduced lifetime employment earnings, and lack access to  
16 public benefits; offenders' families face the shame and  
17 stigma associated with incarceration, as well as the loss  
18 of financial and emotional support of a loved one; and high  
19 rates of recidivism and burgeoning prison system costs  
20 which affect all communities.

21 (3) Nationally, one of every 9 black males between 20  
22 and 34 years of age are incarcerated; 38% of prisoners  
23 under federal and state jurisdiction at the end of 2010

1           were black, 32% were white, and 22% were Hispanic;  
2           according to 2010 United States Census data, 12.6% of the  
3           United States is black.

4           (4) In this State in 2016, 56.7% of the prison  
5           population were black, 30.1% were white, and 12.6% were  
6           Hispanic; whereas blacks make up 14.7% of the general  
7           population.

8           (5) Criminal justice policies, while neutral on their  
9           face, often adversely affect minority communities. These  
10          unintended consequences could be more adequately addressed  
11          prior to adoption of a new initiative, particularly since  
12          these initiatives, once adopted, are often difficult to  
13          reverse.

14          (6) The racial and ethnic impact note is a tool to  
15          guide policymakers in proactively assessing how proposed  
16          sentencing initiatives affect racial and ethnic  
17          disparities within the criminal justice system. This  
18          system provides legislators and State agencies with a  
19          statistical analysis of the projected impact of proposed  
20          policy changes.

21          Section 10. Racial and ethnic impact note required. Every  
22          criminal justice bill which affects pre-trial detention,  
23          sentencing, probation, mandatory supervised release, or parole  
24          policies in this State shall have prepared for it prior to  
25          second reading in the house of introduction, a brief

1 explanatory statement or note, prepared by the Illinois  
2 Criminal Justice Information Authority which shall include,  
3 but not be limited to, a statistical analysis of how the  
4 proposed change in policy would affect racial and ethnic  
5 minorities and any additional information which indicates the  
6 impact of the proposed measure on racial and ethnic minorities.  
7 The Illinois Criminal Justice Information Authority shall work  
8 in conjunction with the Department of Corrections, Department  
9 of Juvenile Justice, pre-trial service agencies of counties of  
10 this State, and the Illinois Sentencing Policy Advisory Council  
11 to prepare this statement.

12 Section 15. Sponsor request.

13 (a) Upon the request of the sponsor of any bill described  
14 in Section 10 of this Act, the Illinois Criminal Justice  
15 Information Authority shall prepare a written statement  
16 setting forth the information specified in Section 10 of this  
17 Act.

18 (b) The statement prepared by the Illinois Criminal Justice  
19 Information Authority for a bill designated for a Racial and  
20 Ethnic Impact Note shall be delivered to the sponsor within 10  
21 calendar days after its submission, except that when, because  
22 of the complexity of the bill, additional time is required for  
23 the preparation of the note, the Illinois Criminal Justice  
24 Information Authority may notify the sponsor and request an  
25 extension of time not to exceed 5 additional days within which

1 the note is to be completed. The extension shall not extend  
2 beyond May 15 following the date of the request.

3 Section 20. Member request. If the sponsor of any measure  
4 is of the opinion that a Racial and Ethnic Impact Note is not  
5 necessary, any member of either house may request that a note  
6 be obtained, which shall be decided by a majority vote of those  
7 present and voting in the house of which he or she is a member.

8 Section 25. Note contents.

9 (a) The note shall be factual in nature, as brief and  
10 concise as possible, and shall provide as reliable an estimate,  
11 the racial and ethnic impact of the proposed measure, as is  
12 possible under the circumstances. The note shall include both  
13 the immediate effect, and if determinable or reasonably  
14 foreseeable, the long-range effect of the measure. If, after  
15 careful investigation, no racial and ethnic impact can be  
16 determined, the note shall contain a statement to that effect,  
17 setting forth the reasons why an estimate of the racial or  
18 ethnic impact cannot be given.

19 (b) No comment or opinion shall be included in the note  
20 with regard to the merits of the measure for which the note is  
21 prepared; however, technical or mechanical defects may be  
22 noted. A work sheet, prepared with the note, shall include,  
23 insofar as practicable, a breakdown of the statistics or other  
24 information upon which the note is based.

1           (c) Five copies of the note shall be prepared and the  
2 original of both the note and the work sheet shall be signed by  
3 the Executive Director of the Illinois Criminal Justice  
4 Information Authority, or his or her designee.

5           Section 30. Legislation deliberation and amendments.

6           (a) The fact that a Racial and Ethnic Impact Note is  
7 prepared for any bill shall not preclude or restrict the  
8 appearance before any committee of the General Assembly, of any  
9 official or authorized employee of any State board, commission,  
10 department, agency or other entity who desires to be heard in  
11 support of or in opposition to the measure.

12           (b) When any measure is amended on the floor of either  
13 house in a manner as to bring it within the description of  
14 bills set forth in Section 10 of this Act, a majority of the  
15 house may propose that no action shall be taken upon the  
16 amendment until the sponsor of the amendment presents to the  
17 members a statement of the racial and ethnic impact of his or  
18 her amendment, as required by this Act.

19           Section 35. Confidentiality. The subject matter of bills  
20 submitted to the Illinois Criminal Justice Information  
21 Authority shall be kept in strict confidence and no information  
22 relating to it or relating to the racial or ethnic impact of  
23 the proposed bill shall be divulged by an official or employee  
24 of the Illinois Criminal Justice Information Authority, except

1 to the bill's sponsor or his designee, prior to the bill's  
2 introduction in the General Assembly.