



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 2369

2 AMENDMENT NO. _____. Amend Senate Bill 2369 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Uniform Peace Officers' Disciplinary Act is
5 amended by adding Section 7.2 as follows:

6 (50 ILCS 725/7.2 new)

7 Sec. 7.2. Possession of a Firearm Owner's Identification
8 Card. An employer of an officer shall not make possession of a
9 Firearm Owner's Identification Card a condition of continued
10 employment.

11 Section 10. The Illinois Municipal Code is amended by
12 changing Section 11-1-12 as follows:

13 (65 ILCS 5/11-1-12)

14 Sec. 11-1-12. Quotas prohibited. A municipality may not

1 require a police officer to issue a specific number of
2 citations within a designated period of time. This prohibition
3 shall not affect the conditions of any federal or State grants
4 or funds awarded to the municipality and used to fund traffic
5 enforcement programs.

6 A municipality may not, for purposes of evaluating a police
7 officer's job performance, compare the number of citations
8 issued by the police officer to the number of citations issued
9 by any other police officer who has similar job duties. Nothing
10 in this Section shall prohibit a municipality from evaluating a
11 police officer based on the police officer's points of contact.
12 For the purposes of this Section, "points of contact" means any
13 quantifiable contact made in the furtherance of the police
14 officer's duties, including, but not limited to, the number of
15 traffic stops completed, arrests, written warnings, and crime
16 prevention measures. Points of contact shall not include either
17 the issuance of citations or the number of citations issued by
18 a police officer.

19 ~~This Section shall not apply to a municipality subject to~~
20 ~~Section 10-1-18.1 of this Code with its own independent~~
21 ~~inspector general and law enforcement review authority.~~

22 A home rule municipality may not establish requirements for
23 or assess the performance of police officers in a manner
24 inconsistent with this Section. This Section is a denial and
25 limitation of home rule powers and functions under subsection
26 (g) of Section 6 of Article VII of the Illinois Constitution.

1 (Source: P.A. 98-650, eff. 1-1-15.)

2 Section 15. The Illinois Vehicle Code is amended by
3 changing Section 11-212 as follows:

4 (625 ILCS 5/11-212)

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

6 Sec. 11-212. Traffic and pedestrian stop statistical
7 study.

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

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

18 (2) the alleged traffic violation that led to the stop
19 of the motorist;

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

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

24 (5) the location of the traffic stop;

1 (5.5) whether or not a consent search contemporaneous
2 to the stop was requested of the vehicle, driver,
3 passenger, or passengers; and, if so, whether consent was
4 given or denied;

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

9 (6.2) whether or not a police dog performed a sniff of
10 the vehicle; and, if so, whether or not the dog alerted to
11 the presence of contraband; and, if so, whether or not an
12 officer searched the vehicle; and, if so, whether or not
13 contraband was discovered; and, if so, the type and amount
14 of contraband;

15 (6.5) whether or not contraband was found during a
16 search; and, if so, the type and amount of contraband
17 seized; and

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

19 (b) Whenever a State or local law enforcement officer stops
20 a motorist for an alleged violation of the Illinois Vehicle
21 Code and does not issue a uniform traffic citation or warning
22 citation for an alleged violation of the Illinois Vehicle Code,
23 he or she shall complete a uniform stop card, which includes
24 field contact cards, or any other existing form currently used
25 by law enforcement containing information required pursuant to
26 this Act, that records at least the following:

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

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

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

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

12 (5) the location of the traffic stop;

13 (5.5) whether or not a consent search contemporaneous
14 to the stop was requested of the vehicle, driver,
15 passenger, or passengers; and, if so, whether consent was
16 given or denied;

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

21 (6.2) whether or not a police dog performed a sniff of
22 the vehicle; and, if so, whether or not the dog alerted to
23 the presence of contraband; and, if so, whether or not an
24 officer searched the vehicle; and, if so, whether or not
25 contraband was discovered; and, if so, the type and amount
26 of contraband;

1 (6.5) whether or not contraband was found during a
2 search; and, if so, the type and amount of contraband
3 seized; and

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

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

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

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

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

21 (4) the location of the stop;

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

26 (6) whether or not contraband was found during the

1 protective pat down or frisk; and, if so, the type and
2 amount of contraband seized;

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

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

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

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

16 (11) the name and badge number of the officer who
17 conducted the detention.

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

23 (c) The Illinois Department of Transportation shall
24 provide a standardized law enforcement data compilation form on
25 its website.

26 (d) Every law enforcement agency shall, by March 1 with

1 regard to data collected during July through December of the
2 previous calendar year and by August 1 with regard to data
3 collected during January through June of the current calendar
4 year, compile the data described in subsections (a), (b), and
5 (b-5) on the standardized law enforcement data compilation form
6 provided by the Illinois Department of Transportation and
7 transmit the data to the Department.

8 (e) The Illinois Department of Transportation shall
9 analyze the data provided by law enforcement agencies required
10 by this Section and submit a report of the previous year's
11 findings to the Governor, the General Assembly, the Racial
12 Profiling Prevention and Data Oversight Board, and each law
13 enforcement agency no later than July 1 of each year. The
14 Illinois Department of Transportation may contract with an
15 outside entity for the analysis of the data provided. In
16 analyzing the data collected under this Section, the analyzing
17 entity shall scrutinize the data for evidence of statistically
18 significant aberrations. The following list, which is
19 illustrative, and not exclusive, contains examples of areas in
20 which statistically significant aberrations may be found:

21 (1) The percentage of minority drivers, passengers, or
22 pedestrians being stopped in a given area is substantially
23 higher than the proportion of the overall population in or
24 traveling through the area that the minority constitutes.

25 (2) A substantial number of false stops including stops
26 not resulting in the issuance of a traffic ticket or the

1 making of an arrest.

2 (3) A disparity between the proportion of citations
3 issued to minorities and proportion of minorities in the
4 population.

5 (4) A disparity among the officers of the same law
6 enforcement agency with regard to the number of minority
7 drivers, passengers, or pedestrians being stopped in a
8 given area.

9 (5) A disparity between the frequency of searches
10 performed on minority drivers or pedestrians and the
11 frequency of searches performed on non-minority drivers or
12 pedestrians.

13 (f) Any law enforcement officer identification information
14 and driver or pedestrian identification information that is
15 compiled by any law enforcement agency or the Illinois
16 Department of Transportation pursuant to this Act for the
17 purposes of fulfilling the requirements of this Section shall
18 be confidential and exempt from public inspection and copying,
19 as provided under Section 7 of the Freedom of Information Act,
20 and the information shall not be transmitted to anyone except
21 as needed to comply with this Section. This Section shall not
22 exempt those materials that, prior to the effective date of
23 this amendatory Act of the 93rd General Assembly, were
24 available under the Freedom of Information Act. This subsection
25 (f) shall not preclude law enforcement agencies from reviewing
26 data to perform internal reviews.

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

4 (h) The Illinois Department of Transportation, in
5 consultation with law enforcement agencies, officials, and
6 organizations, including Illinois chiefs of police, the
7 Department of State Police, the Illinois Sheriffs Association,
8 and the Chicago Police Department, and community groups and
9 other experts, shall undertake a study to determine the best
10 use of technology to collect, compile, and analyze the traffic
11 stop statistical study data required by this Section. The
12 Department shall report its findings and recommendations
13 electronically to the Governor and the General Assembly by
14 March 1, 2022 ~~2004~~.

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

16 (1) "American Indian or Alaska Native" means a person
17 having origins in any of the original peoples of North and
18 South America, including Central America, and who
19 maintains tribal affiliation or community attachment.

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

25 (2.5) "Badge" means an officer's department issued
26 identification number associated with his or her position

1 as a police officer with that department.

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

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

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

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

15 (i) (Blank). ~~This Section is repealed on July 1, 2019.~~

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

17 Section 99. Effective date. This Section and Section 5 take
18 effect upon becoming law."