



Sen. Emil Jones, III

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10200SB0924sam001

LRB102 04772 RJF 24774 a

1 AMENDMENT TO SENATE BILL 924

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 924 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Racial and Ethnic Impact Note Act.

6 Section 3. Findings. The General Assembly finds and  
7 declares the following:

8 (1) Racial and ethnic disparities in the criminal justice  
9 system can result in devastating consequences, (including  
10 employment challenges, lack of access to education, high rates  
11 of recidivism, and burgeoning prison costs) to society even  
12 when such consequences are not intentional.

13 (2) Racial impact statements set forth a goal toward which  
14 this State can strive to proactively avoid racial and ethnic  
15 disparities created by certain public safety laws and policies  
16 that are more easily prevented than corrected.

1           (3) It is altogether fitting and proper, and in the public  
2 interest, to require this State to monitor and address laws  
3 and policies that may disproportionately impact one or more  
4 minority communities.

5           (4) Illinois needs laws and policies that work effectively  
6 to promote public safety, and this State must also find ways to  
7 reduce disproportionate rates of contact between law  
8 enforcement and minority communities which have historically  
9 led to greater societal tensions.

10           (5) Many issues traditionally dealt with through law  
11 enforcement would be more effectively addressed through public  
12 health, housing, and educational initiatives.

13           (6) Historically imbalanced outcomes result from a complex  
14 set of socio-economic factors, and seemingly impartial  
15 policies often have unintended consequences that would be best  
16 addressed prior to adoption of new laws.

17           (7) Discriminatory outcomes, whether purposeful or not,  
18 could further undermine public safety by creating fear and  
19 mistrust of law enforcement among community members who are  
20 vital to effective community policing.

21           (8) Communities with low levels of trust in law  
22 enforcement tend to have lower rates of crime reporting and  
23 fewer witnesses willing to work with law enforcement, which  
24 can lead to higher rates of unreported and unsolved crime.

25           Section 5. Racial and ethnic impact note; public notice.

1           (a) Every bill which has or could have an impact on racial  
2 and ethnic minorities, upon the request of any member, shall  
3 have prepared for it, before second reading in the house of  
4 introduction, a brief explanatory statement, including any  
5 appropriate statistical analysis, setting forth the nature and  
6 extent of the impact of the proposed measure on those racial  
7 and ethnic minorities likely to be impacted by the bill.

8           (b) The public shall be provided with notice of any bill  
9 containing such racial and ethnic impact note at least 30 days  
10 prior to any vote on the bill in question. No proposed measure  
11 may be voted upon prior to the expiration of the 30-day period.

12           (c) During the period after the racial and ethnic impact  
13 note has been issued publicly and before any vote on the bill,  
14 the public shall have an opportunity to review and comment on  
15 the proposed measure in question. During such period,  
16 interested persons shall be afforded a reasonable opportunity  
17 to submit additional data, views, comments, or arguments,  
18 orally or in writing, and all written and oral submissions  
19 respecting the proposed measure, including those received  
20 electronically, shall be considered fully.

21           (d) Notwithstanding any provision of law to the contrary,  
22 any member of the public impacted by a law that has been passed  
23 without being in substantial compliance with this Section  
24 shall have standing to seek equitable recourse in district  
25 court in this State until such substantial compliance with  
26 this Section has been achieved.

1           Section 10. Preparation. The sponsor of each bill for  
2 which a request under Section 5 has been made shall present a  
3 copy of the bill with the request for a racial impact note to  
4 the appropriate responding agency or agencies under subsection  
5 (b). The responding agency or agencies shall prepare and  
6 submit the note to the sponsor of the bill within 5 calendar  
7 days, except that whenever, because of the complexity of the  
8 measure, additional time is required for the preparation of  
9 the racial impact note, the responding agency or agencies may  
10 inform the sponsor of the bill, and the sponsor may approve an  
11 extension of the time within which the note is to be submitted,  
12 not to extend, however, beyond June 15, following the date of  
13 the request. If, in the opinion of the responding agency or  
14 agencies, there is insufficient information to prepare a  
15 reliable estimate of the anticipated impact, a statement to  
16 that effect can be filed and shall meet the requirements of  
17 this Act.

18           Section 15. Requisites and contents. The note shall be  
19 factual in nature, as brief and concise as may be, and, in  
20 addition, it shall include both the immediate effect and, if  
21 determinable or reasonably foreseeable, the long range effect  
22 of the measure on racial and ethnic minorities. If, after  
23 careful investigation, it is determined that such an effect is  
24 not ascertainable, the note shall contain a statement to that

1 effect, setting forth the reasons why no ascertainable effect  
2 can be given.

3 Section 20. Comment or opinion; technical or mechanical  
4 defects. No comment or opinion shall be included in the racial  
5 impact note with regard to the merits of the measure for which  
6 the racial impact note is prepared; however, technical or  
7 mechanical defects may be noted.

8 Section 25. Appearance of State officials and employees in  
9 support or opposition of measure. The fact that a racial  
10 impact note is prepared for any bill shall not preclude or  
11 restrict the appearance before any committee of the General  
12 Assembly of any official or authorized employee of the  
13 responding agency or agencies, or any other impacted State  
14 agency, who desires to be heard in support of or in opposition  
15 to the measure.

16 Section 30. Local regulation. As soon as practicable after  
17 the effective date of this Act, each unit of local government  
18 shall adopt an ordinance or resolution providing for racial  
19 and ethnic impact statements for any ordinance or resolution  
20 adopted by that unit of local government having an impact on  
21 racial and ethnic minorities. Any racial and ethnic impact  
22 statement requirement established under this Section shall be  
23 no less restrictive than as provided under Section 5 of this

1 Act.

2 Section 100. The Illinois Administrative Procedure Act is  
3 amended by adding Section 5-32 as follows:

4 (5 ILCS 100/5-32 new)

5 Sec. 5-32. Racial and ethnic impact statement.

6 (a) When an agency proposes a new rule or an amendment to  
7 an existing rule that may have an adverse impact on racial and  
8 ethnic minorities, the agency shall, before or during the  
9 notice period required under subsection (b) of Section 5-40,  
10 prepare a racial and ethnic impact statement which shall be  
11 filed with the proposed rule and publicized in the Illinois  
12 Register together with the proposed rule.

13 (b) Subject to the requirements of Section 5-40, the  
14 public shall be provided with notice of any proposed  
15 rulemaking for which a racial and ethnic statement is  
16 prepared, and the public shall have an opportunity to review  
17 and comment on the proposed rulemaking in question. During  
18 such period, interested persons shall be afforded a reasonable  
19 opportunity to submit additional data, views, comments, or  
20 arguments, orally or in writing, and the agency shall consider  
21 fully all written and oral submissions respecting the proposed  
22 rulemaking, including those received electronically.

23 (c) No proposed rulemaking may be adopted before and  
24 unless the requirements of this Section have been

1 substantially fulfilled.

2 (d) Notwithstanding any provision of law to the contrary,  
3 any member of the public impacted by a rule that has been  
4 adopted without being in substantial compliance with this  
5 Section shall have standing to seek equitable recourse in  
6 district court in this State until such substantial compliance  
7 with this Section has been achieved."