

1 AN ACT in relation to vehicles.

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
5 adding Section 16-108 as follows:

6 (626 ILCS 5/16-108 new)

7 Sec. 16-108. Racial profiling.

8 (a) As used in this Section, "minority group" means
9 individuals of African, Hispanic, Native American, or Asian
10 descent.

11 (b) Each time a peace officer stops a driver of a motor
12 vehicle for a violation of any motor vehicle statute or
13 ordinance, that officer shall report the following
14 information to the law enforcement agency that employs the
15 officer:

16 (1) The age, gender, and race or minority group of
17 the individual stopped;

18 (2) The traffic violation or violations alleged to
19 have been committed that led to the stop;

20 (3) Whether a search was conducted as a result of
21 the stop;

22 (4) If a search was conducted, whether the
23 individual consented to the search, the probable cause
24 for the search, whether the person was searched, whether
25 the person's property was searched, and the duration of
26 the search;

27 (5) Whether any contraband was discovered in the
28 course of the search and the type of any contraband
29 discovered;

30 (6) Whether any warning or citation was issued as a
31 result of the stop;

1 (7) If a warning or citation was issued, the
2 violation charged or warning provided;

3 (8) Whether an arrest was made as a result of
4 either the stop or the search;

5 (9) If an arrest was made, the crime charged; and

6 (10) The location of the stop.

7 This information may be reported using a format
8 determined by the Department of State Police that uses
9 existing citation and report forms.

10 The provisions of this subsection (b), other than this
11 sentence, are inoperative after December 31, 2005.

12 (c) Each law enforcement agency shall compile the data
13 described in subsection (b) of this Section for the calendar
14 year into a report to the Secretary of State, which shall be
15 submitted to the Secretary of State no later than March 1 in
16 2005 and 2006. The Secretary of State shall determine the
17 format that all law enforcement agencies shall use to submit
18 the report.

19 (d) The Secretary of State shall analyze the annual
20 reports of law enforcement agencies required by this Section
21 and submit a report of the findings to the Governor, the
22 General Assembly, and each law enforcement agency no later
23 than June 1 in 2005 and 2006.

24 (e) The report of the Secretary of State shall include
25 at least the following information for each law enforcement
26 agency:

27 (1) the total number of vehicles stopped by peace
28 officers during the previous calendar year;

29 (2) the number and percentage of stopped motor
30 vehicles that were driven by members of each particular
31 minority group;

32 (3) a comparison of the percentage of stopped motor
33 vehicles driven by each minority group and the percentage
34 of the State's population that each minority group

1 comprises; and

2 (4) a compilation of the information reported by
3 law enforcement agencies under subsection (b) of this
4 Section.

5 The provisions of this subsection (e), other than this
6 sentence, are inoperative after December 31, 2005.

7 (f) Each law enforcement agency shall adopt a policy on
8 race-based traffic stops that:

9 (1) Prohibits the practice of routinely stopping
10 members of minority groups for violations of vehicle laws
11 as a pretext for investigating other violations of
12 criminal law;

13 (2) Provides for periodic reviews by the law
14 enforcement agency of the annual report of the Secretary
15 of State required by subsection (d) of this Section that:

16 (A) Determine whether any peace officers of
17 the law enforcement agency have a pattern of
18 stopping members of minority groups for violations
19 of vehicle laws in a number disproportionate to the
20 population of minority groups residing or traveling
21 within the jurisdiction of the law enforcement
22 agency; and

23 (B) If the review reveals a pattern, require
24 an investigation to determine whether any peace
25 officers of the law enforcement agency routinely
26 stop members of minority groups for violations of
27 vehicle laws as a pretext for investigating other
28 violations of criminal law;

29 (3) Provides for appropriate counseling and
30 training of any peace officer found to have engaged in
31 race-based traffic stops within 90 days of the review;
32 and

33 (4) Provides for annual sensitivity training for
34 any employees who may conduct stops of motor vehicles

1 regarding the prohibition against racial profiling. The
2 course or courses of instruction and the guidelines shall
3 stress understanding and respect for racial and cultural
4 differences and the development of effective,
5 noncombative methods of carrying out law enforcement
6 duties in a racially and culturally diverse environment.
7 (g) If a law enforcement agency fails to comply with the
8 provisions of this Section, the Governor may direct the
9 Comptroller and the State Treasurer to withhold any State
10 funds appropriated to the noncompliant law enforcement
11 agency.

12 Section 99. Effective date. This Act takes effect on
13 January 1, 2004.