

1 AMENDMENT TO HOUSE BILL 361

2 AMENDMENT NO. _____. Amend House Bill 361 by replacing
3 everything after the enacting clause with the following:

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 (a) From January 1, 2004 until December 31, 2007, each
8 time a peace officer stops a driver of a motor vehicle for an
9 alleged violation of any motor vehicle statute or ordinance,
10 that officer shall document and report the following
11 information to the law enforcement agency that employs the
12 officer:

- 13 (1) the age and gender of the person stopped;
- 14 (2) the officer's subjective determination of the
15 race of the person stopped from the following list:
16 Caucasian, African American, Hispanic, Native American or
17 Alaska Native, or Asian or Pacific Islander;
- 18 (3) whether or not a search was conducted, and, if
19 so, whether it was with consent or by other means;
- 20 (4) whether an arrest was made, and, if so, the
21 crime charged; and
- 22 (5) the location of the stop.

1 The officer shall not record his or her subjective
2 determination of the person's race on any citation, stop
3 card, or warning issued to the person stopped.

4 (b) Every law enforcement agency shall collect and
5 transmit to the Illinois Department of Transportation, in the
6 manner and at the times the Department may require, the data
7 described in subsection (a). The Illinois Department of
8 Transportation shall determine the format that all law
9 enforcement agencies shall use to submit the report.

10 (c) The Illinois Department of Transportation shall
11 analyze the reports of law enforcement agencies required by
12 this Section and submit a report of the findings to the
13 Governor, the General Assembly, and each law enforcement
14 agency no later than March 1, 2005, March 1, 2006, March 1,
15 2007, and March 1, 2008. The Illinois Department of
16 Transportation may contract with an outside entity for the
17 analyzing of the data provided. In analyzing the data
18 collected under this Section, the analyzing entity shall
19 scrutinize the data for evidence of statistically significant
20 aberrations. The .05 level of statistical significance shall
21 be presumed to be evidence of an aberration. The following
22 list, which is illustrative, and not exclusive, contains
23 examples of areas in which statistically significant
24 aberrations may be found:

25 (1) The percentage of minority drivers of
26 passengers being stopped in a given area is substantially
27 higher than the proportion of the overall population in
28 or traveling through the area that the minority
29 constitutes;

30 (2) A substantial number of false stops, including
31 stops not resulting in the issuance of a traffic ticket
32 or the making of an arrest;

33 (3) A disparity between the proportion of citations
34 issued to minorities and proportion of minorities in the

1 population;

2 (4) A disparity among the officers of the same law
3 enforcement agency with regard to the number of minority
4 drivers of passengers being stopped in a given area; and

5 (5) A disparity between the frequency of searches
6 performed on minority drivers and the frequency of
7 searches performed on non-minority drivers.

8 (d) Any officer identification information or driver
9 identification information that is compiled by any law
10 enforcement agency or the Illinois Department of Public
11 Safety pursuant to subsections (a), (b), and (c) of this
12 Section for the purposes of fulfilling the requirements of
13 this Section shall be confidential and exempt from public
14 inspection and copying, as provided under Section 7 of the
15 Freedom of Information Act, and the information shall not be
16 transmitted to anyone except as needed to comply with this
17 Section."