



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1019

Introduced 02/03/05, by Rep. Marlow H. Colvin - Karen A. Yarbrough - Robin Kelly

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212

Amends the Illinois Vehicle Code provision regarding a traffic stop statistical study currently in progress. Provides that from January 1, 2006 until December 31, 2007, whenever a State or local law enforcement officer stops a pedestrian on the basis of reasonable suspicion of criminal activity, the officer must record certain information, including the officer's subjective determination of the stopped person's race. Requires law enforcement agencies to collect and transmit the recorded data to the Department of Transportation. Requires the Department to analyze the data for evidence of statistically significant aberrations concerning the race of stopped pedestrians and to make annual reports.

LRB094 07733 DRH 37911 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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 changing  
5 Section 11-212 as follows:

6 (625 ILCS 5/11-212)

7 Sec. 11-212. Traffic stop and pedestrian stop statistical  
8 studies ~~study~~.

9 (a) From January 1, 2004 until December 31, 2007, whenever  
10 a State or local law enforcement officer issues a uniform  
11 traffic citation or warning citation for an alleged violation  
12 of the Illinois Vehicle Code, he or she shall record at least  
13 the following:

14 (1) the name, address, gender, and the officer's  
15 subjective determination of the race of the person stopped;  
16 the person's race shall be selected from the following  
17 list: Caucasian, African-American, Hispanic, Native  
18 American/Alaska Native, or Asian/Pacific Islander;

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

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

22 (4) the date and time of the stop;

23 (5) the location of the traffic stop;

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

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

29 (b) From January 1, 2004 until December 31, 2007, whenever  
30 a State or local law enforcement officer stops a motorist for  
31 an alleged violation of the Illinois Vehicle Code and does not  
32 issue a uniform traffic citation or warning citation for an

1 alleged violation of the Illinois Vehicle Code, he or she shall  
2 complete a uniform stop card, which includes field contact  
3 cards, or any other existing form currently used by law  
4 enforcement containing information required pursuant to this  
5 Act, that records at least the following:

6 (1) the name, address, gender, and the officer's  
7 subjective determination of the race of the person stopped;  
8 the person's race shall be selected from the following  
9 list: Caucasian, African-American, Hispanic, Native  
10 American/Alaska Native, or Asian/Pacific Islander;

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

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

13 (4) the date and time of the stop;

14 (5) the location of the traffic stop;

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

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

20 (b-1) From January 1, 2006 until December 31, 2007,  
21 whenever a State or local law enforcement officer restricts a  
22 pedestrian's freedom of movement on the basis of articulable  
23 reasonable suspicion that the pedestrian is committing, is  
24 about to commit, or has committed a crime, and the officer does  
25 not arrest the pedestrian, the officer shall complete a uniform  
26 stop card, which includes field contact cards, or any other  
27 existing form currently used by law enforcement containing  
28 information required pursuant to this Act, that records at  
29 least the following:

30 (1) the name, address, gender, and the officer's  
31 subjective determination of the race of the person stopped;  
32 the person's race shall be selected from the following  
33 list: Caucasian, African-American, Hispanic, Native  
34 American/Alaska Native, or Asian/Pacific Islander;

35 (2) the reason that led to the stop of the person;

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

1           (4) the location of the stop;

2           (5) whether or not a search, including a frisk,  
3           contemporaneous to the stop was conducted of the person;  
4           and, if so, whether it was with consent or by other means;  
5           and

6           (6) the name and badge number of the issuing officer.

7           (c) The Illinois Department of Transportation shall  
8 provide a standardized law enforcement data compilation form on  
9 its website.

10          (d) Every law enforcement agency shall, by March 1 in each  
11 of the years 2004, 2005, 2006, ~~and~~ 2007, and 2008, compile the  
12 data described in subsections (a) and (b) on the standardized  
13 law enforcement data compilation form provided by the Illinois  
14 Department of Transportation and transmit the data to the  
15 Department.

16          (d-1) Every law enforcement agency shall, by March 1 in  
17 each of the years 2006, 2007, and 2008, compile the data  
18 described in subsection (b-1) on the standardized law  
19 enforcement data compilation form provided by the Illinois  
20 Department of Transportation and transmit the data to the  
21 Department.

22          (e) The Illinois Department of Transportation shall  
23 analyze the data provided by law enforcement agencies required  
24 by this Section and submit a report of the findings to the  
25 Governor, the General Assembly, and each law enforcement agency  
26 no later than July 1 in each of the years 2005, 2006, 2007, and  
27 2008. The Illinois Department of Transportation may contract  
28 with an outside entity for the analysis of the data provided.  
29 In analyzing the data collected under this Section, the  
30 analyzing entity shall scrutinize the data for evidence of  
31 statistically significant aberrations. The following list,  
32 which is illustrative, and not exclusive, contains examples of  
33 areas in which statistically significant aberrations may be  
34 found:

35           (1) The percentage of minority drivers or passengers  
36 being stopped in a given area is substantially higher than

1 the proportion of the overall population in or traveling  
2 through the area that the minority constitutes.

3 (2) A substantial number of false stops including stops  
4 not resulting in the issuance of a traffic ticket or the  
5 making of an arrest.

6 (3) A disparity between the proportion of citations  
7 issued to minorities and proportion of minorities in the  
8 population.

9 (4) A disparity among the officers of the same law  
10 enforcement agency with regard to the number of minority  
11 drivers or passengers being stopped in a given area.

12 (5) A disparity between the frequency of searches  
13 performed on minority drivers and the frequency of searches  
14 performed on non-minority drivers.

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

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

30 (h) The Illinois Department of Transportation, in  
31 consultation with law enforcement agencies, officials, and  
32 organizations, including Illinois chiefs of police, the  
33 Department of State Police, the Illinois Sheriffs Association,  
34 and the Chicago Police Department, and community groups and  
35 other experts, shall undertake a study to determine the best  
36 use of technology to collect, compile, and analyze the traffic

1 stop statistical study data required by this Section. The  
2 Department shall report its findings and recommendations to the  
3 Governor and the General Assembly by March 1, 2004.

4 (Source: P.A. 93-209, eff. 7-18-03.)