

1 AN ACT concerning law enforcement.

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 statistical study.

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

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

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;

22 (5) the location of the traffic stop;

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

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

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

1 complete a uniform stop card, which includes field contact
2 cards, or any other existing form currently used by law
3 enforcement containing information required pursuant to this
4 Act, that records at least the following:

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

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

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

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

13 (5) the location of the traffic stop;

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

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

19 (c) The Illinois Department of Transportation shall
20 provide a standardized law enforcement data compilation form on
21 its website.

22 (d) Every law enforcement agency shall, by March 1 in each
23 of the years 2004, 2005, 2006, and 2007, compile the data
24 described in subsections (a) and (b) on the standardized law
25 enforcement data compilation form provided by the Illinois
26 Department of Transportation and transmit the data to the
27 Department. If a local law enforcement agency neglects or fails
28 to transmit its data in a timely manner or neglects or fails to
29 accurately compile and submit data, then the Department of
30 Transportation shall withhold 1% of the motor fuel tax revenue
31 otherwise distributed monthly under 35 ILCS 505/8(e) to the
32 municipality or county of which the local law enforcement
33 agency is a part, but only if the local law enforcement agency
34 is under the jurisdiction and control of the municipality or
35 county, until such time as the Department of Transportation is
36 satisfied that the report has been accurately compiled and

1 submitted. The Department of Transportation shall adopt any
2 rules as may be necessary to implement the withholding and
3 subsequent release of motor fuel tax distributions as
4 authorized under this Section.

5 (e) The Illinois Department of Transportation shall
6 analyze the data provided by law enforcement agencies required
7 by this Section and submit a report of the findings to the
8 Governor, the General Assembly, and each law enforcement agency
9 no later than July 1 in each of the years 2005, 2006, 2007, and
10 2008. The Illinois Department of Transportation may contract
11 with an outside entity for the analysis of the data provided.
12 In analyzing the data collected under this Section, the
13 analyzing entity shall scrutinize the data for evidence of
14 statistically significant aberrations. The following list,
15 which is illustrative, and not exclusive, contains examples of
16 areas in which statistically significant aberrations may be
17 found:

18 (1) The percentage of minority drivers or passengers
19 being stopped in a given area is substantially higher than
20 the proportion of the overall population in or traveling
21 through the area that the minority constitutes.

22 (2) A substantial number of false stops including stops
23 not resulting in the issuance of a traffic ticket or the
24 making of an arrest.

25 (3) A disparity between the proportion of citations
26 issued to minorities and proportion of minorities in the
27 population.

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

31 (5) A disparity between the frequency of searches
32 performed on minority drivers and the frequency of searches
33 performed on non-minority drivers.

34 (f) Any law enforcement officer identification information
35 or driver identification information that is compiled by any
36 law enforcement agency or the Illinois Department of

1 Transportation pursuant to this Act for the purposes of
2 fulfilling the requirements of this Section shall be
3 confidential and exempt from public inspection and copying, as
4 provided under Section 7 of the Freedom of Information Act, and
5 the information shall not be transmitted to anyone except as
6 needed to comply with this Section. This Section shall not
7 exempt those materials that, prior to the effective date of
8 this amendatory Act of the 93rd General Assembly, were
9 available under the Freedom of Information Act.

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

13 (h) The Illinois Department of Transportation, in
14 consultation with law enforcement agencies, officials, and
15 organizations, including Illinois chiefs of police, the
16 Department of State Police, the Illinois Sheriffs Association,
17 and the Chicago Police Department, and community groups and
18 other experts, shall undertake a study to determine the best
19 use of technology to collect, compile, and analyze the traffic
20 stop statistical study data required by this Section. The
21 Department shall report its findings and recommendations to the
22 Governor and the General Assembly by March 1, 2004.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.