



Rep. Eddie Washington

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09400HB4948ham002

LRB094 18292 HLH 56184 a

1 AMENDMENT TO HOUSE BILL 4948

2 AMENDMENT NO. _____. Amend House Bill 4948, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 Section 5. The Illinois Vehicle Code is amended by changing
6 Section 11-212 as follows:

7 "(625 ILCS 5/11-212)

8 Sec. 11-212. Traffic stop statistical 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

1 was conducted of the vehicle, driver, passenger, or
2 passengers; and, if so, whether it was with consent or by
3 other means; and

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

5 (b) From January 1, 2004 until December 31, 2007, whenever
6 a State or local law enforcement officer stops a motorist for
7 an alleged violation of the Illinois Vehicle Code and does not
8 issue a uniform traffic citation or warning citation for an
9 alleged violation of the Illinois Vehicle Code, he or she shall
10 complete a uniform stop card, which includes field contact
11 cards, or any other existing form currently used by law
12 enforcement containing information required pursuant to this
13 Act, that records at least 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 reason that led to the stop 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 (c) The Illinois Department of Transportation shall
29 provide a standardized law enforcement data compilation form on
30 its website.

31 (d) Every law enforcement agency shall, by March 1 in each
32 of the years 2004, 2005, 2006, and 2007, compile the data
33 described in subsections (a) and (b) on the standardized law
34 enforcement data compilation form provided by the Illinois

1 Department of Transportation and transmit the data to the
2 Department. If a local law enforcement agency neglects or fails
3 to transmit its data in a timely manner or neglects or fails to
4 accurately compile and submit data, then the Department of
5 Transportation shall withhold 1% of the motor fuel tax revenue
6 otherwise distributed monthly under 35 ILCS 505/8(e) to the
7 municipality or county of which the local law enforcement
8 agency is a part until such time as the Department of
9 Transportation is satisfied that the report has been accurately
10 complied and submitted. The Department of Transportation shall
11 adopt any rules as may be necessary to implement the
12 withholding and subsequent release of motor fuel tax
13 distributions as authorized under this Section.

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

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

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

34 (3) A disparity between the proportion of citations

1 issued to minorities and proportion of minorities in the
2 population.

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

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

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

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

24 (h) The Illinois Department of Transportation, in
25 consultation with law enforcement agencies, officials, and
26 organizations, including Illinois chiefs of police, the
27 Department of State Police, the Illinois Sheriffs Association,
28 and the Chicago Police Department, and community groups and
29 other experts, shall undertake a study to determine the best
30 use of technology to collect, compile, and analyze the traffic
31 stop statistical study data required by this Section. The
32 Department shall report its findings and recommendations to the
33 Governor and the General Assembly by March 1, 2004.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".