



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0581

Introduced 2/18/2005, by Sen. Kwame Raoul

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 09542 DRH 39793 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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.)