

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

23 (d) Every law enforcement agency shall, by March 1 in each
24 of the years 2004, 2005, 2006, ~~and~~ 2007, and 2008, compile the
25 data described in subsections (a) and (b) on the standardized
26 law enforcement data compilation form provided by the Illinois
27 Department of Transportation and transmit the data to the
28 Department.

29 (d-1) By March 1 in each of the years 2006, 2007, and 2008,
30 the Chicago Police Department shall compile on the standardized
31 law enforcement data compilation form provided by the Illinois
32 Department of Transportation and transmit to the Department the
33 following data collected during the prior calendar year, to the
34 extent that the Chicago Police Department collected that data:

35 The following data collected by Chicago Police officers on
36 Contact Information Cards or any other forms in cases where an

1 officer restricted a pedestrian's freedom of movement on the
2 basis of articulable reasonable suspicion that the pedestrian
3 was committing, was about to commit, or had committed a crime,
4 and the officer did not arrest the pedestrian:

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 person;

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

12 (4) the location of the stop;

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

16 and

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

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

31 (1) The percentage of minority drivers or passengers
32 being stopped in a given area is substantially higher than
33 the proportion of the overall population in or traveling
34 through the area that the minority constitutes.

35 (2) A substantial number of false stops including stops
36 not resulting in the issuance of a traffic ticket or the

1 making of an arrest.

2 (3) A disparity between the proportion of citations
3 issued to minorities and proportion of minorities in the
4 population.

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

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

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

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

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

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