



Sen. Kwame Raoul

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09400SB0581sam002

LRB094 09542 DRH 44860 a

1 AMENDMENT TO SENATE BILL 581

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 581, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (625 ILCS 5/11-212)

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

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

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

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

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

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

24 (5) the location of the traffic stop;

1           (6) whether or not a search contemporaneous to the stop  
2           was conducted of the vehicle, driver, passenger, or  
3           passengers; and, if so, whether it was with consent or by  
4           other means; and

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

6           (b) From January 1, 2004 until December 31, 2007, whenever  
7           a State or local law enforcement officer stops a motorist for  
8           an alleged violation of the Illinois Vehicle Code and does not  
9           issue a uniform traffic citation or warning citation for an  
10          alleged violation of the Illinois Vehicle Code, he or she shall  
11          complete a uniform stop card, which includes field contact  
12          cards, or any other existing form currently used by law  
13          enforcement containing information required pursuant to this  
14          Act, that records at least the following:

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

20           (2) the reason that led to the stop 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           (c) The Illinois Department of Transportation shall  
30           provide a standardized law enforcement data compilation form on  
31           its website.

32           (d) Every law enforcement agency shall, by March 1 in each  
33           of the years 2004, 2005, 2006, ~~and~~ 2007, and 2008, compile the  
34           data described in subsections (a) and (b) on the standardized

1 law enforcement data compilation form provided by the Illinois  
2 Department of Transportation and transmit the data to the  
3 Department.

4 (d-1) By March 1 in each of the years 2006, 2007, and 2008,  
5 the Chicago Police Department shall compile on the standardized  
6 law enforcement data compilation form provided by the Illinois  
7 Department of Transportation and transmit to the Department the  
8 following data collected during the prior calendar year, to the  
9 extent that the Chicago Police Department collected that data:

10 The following data collected by Chicago Police officers on  
11 Contact Information Cards or any other forms in cases where an  
12 officer restricted a pedestrian's freedom of movement on the  
13 basis of articulable reasonable suspicion that the pedestrian  
14 was committing, was about to commit, or had committed a crime,  
15 and the officer did not arrest the pedestrian:

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

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

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

23 (4) the location of the stop;

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

27 and

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

29 (e) The Illinois Department of Transportation shall  
30 analyze the data provided by law enforcement agencies required  
31 by this Section and submit a report of the findings to the  
32 Governor, the General Assembly, and each law enforcement agency  
33 no later than July 1 in each of the years 2005, 2006, 2007, and  
34 2008. The Illinois Department of Transportation may contract

1 with an outside entity for the analysis of the data provided.  
2 In analyzing the data collected under this Section, the  
3 analyzing entity shall scrutinize the data for evidence of  
4 statistically significant aberrations. The following list,  
5 which is illustrative, and not exclusive, contains examples of  
6 areas in which statistically significant aberrations may be  
7 found:

8 (1) The percentage of minority drivers or passengers  
9 being stopped in a given area is substantially higher than  
10 the proportion of the overall population in or traveling  
11 through the area that the minority constitutes.

12 (2) A substantial number of false stops including stops  
13 not resulting in the issuance of a traffic ticket or the  
14 making of an arrest.

15 (3) A disparity between the proportion of citations  
16 issued to minorities and proportion of minorities in the  
17 population.

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

21 (5) A disparity between the frequency of searches  
22 performed on minority drivers and the frequency of searches  
23 performed on non-minority drivers.

24 (f) Any law enforcement officer identification information  
25 or driver identification information that is compiled by any  
26 law enforcement agency or the Illinois Department of  
27 Transportation pursuant to this Act for the purposes of  
28 fulfilling the requirements of this Section shall be  
29 confidential and exempt from public inspection and copying, as  
30 provided under Section 7 of the Freedom of Information Act, and  
31 the information shall not be transmitted to anyone except as  
32 needed to comply with this Section. This Section shall not  
33 exempt those materials that, prior to the effective date of  
34 this amendatory Act of the 93rd General Assembly, were

1 available under the Freedom of Information Act.

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

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

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