

**SB2368**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2368**

Introduced 1/18/2006, by Sen. Kwame Raoul

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/11-212

Amends the Illinois Vehicle Code. Provides that the ongoing traffic stop statistical study shall continue without an ending date (rather than terminating on December 31, 2007).

LRB094 17976 DRH 53279 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 statistical study.

8 (a) ~~Whenever~~ ~~From January 1, 2004 until December 31, 2007,~~  
9 ~~whenever~~ a State or local law enforcement officer issues a  
10 uniform traffic citation or warning citation for an alleged  
11 violation of the Illinois Vehicle Code, he or she shall record  
12 at least 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) ~~Whenever~~ ~~From January 1, 2004 until December 31, 2007,~~  
29 ~~whenever~~ a State or local law enforcement officer stops a  
30 motorist for an alleged violation of the Illinois Vehicle Code  
31 and does not issue a uniform traffic citation or warning  
32 citation for an alleged violation of the Illinois Vehicle Code,

1 he or she shall complete a uniform stop card, which includes  
2 field contact cards, or any other existing form currently used  
3 by law enforcement containing information required pursuant to  
4 this 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 of ~~in~~  
23 each year ~~of the years 2004, 2005, 2006, and 2007~~, compile the  
24 data described in subsections (a) and (b) on the standardized  
25 law enforcement data compilation form provided by the Illinois  
26 Department of Transportation and transmit the data to the  
27 Department.

28 (e) The Illinois Department of Transportation shall  
29 analyze the data provided by law enforcement agencies required  
30 by this Section and submit a report of the findings to the  
31 Governor, the General Assembly, and each law enforcement agency  
32 no later than July 1 of ~~in~~ each year ~~of the years 2005, 2006,~~  
33 ~~2007, and 2008~~. The Illinois Department of Transportation may  
34 contract with an outside entity for the analysis of the data  
35 provided. In analyzing the data collected under this Section,  
36 the analyzing entity shall scrutinize the data for evidence of

1 statistically significant aberrations. The following list,  
2 which is illustrative, and not exclusive, contains examples of  
3 areas in which statistically significant aberrations may be  
4 found:

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

9 (2) A substantial number of false stops including stops  
10 not resulting in the issuance of a traffic ticket or the  
11 making of an arrest.

12 (3) A disparity between the proportion of citations  
13 issued to minorities and proportion of minorities in the  
14 population.

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

18 (5) A disparity between the frequency of searches  
19 performed on minority drivers and the frequency of searches  
20 performed on non-minority drivers.

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

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

36 (h) The Illinois Department of Transportation, in

1 consultation with law enforcement agencies, officials, and  
2 organizations, including Illinois chiefs of police, the  
3 Department of State Police, the Illinois Sheriffs Association,  
4 and the Chicago Police Department, and community groups and  
5 other experts, shall undertake a study to determine the best  
6 use of technology to collect, compile, and analyze the traffic  
7 stop statistical study data required by this Section. The  
8 Department shall report its findings and recommendations to the  
9 Governor and the General Assembly by March 1, 2004.  
10 (Source: P.A. 93-209, eff. 7-18-03.)