

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 1. Short title. This Act may be cited as the Racial
5 Profiling Prevention and Data Oversight Act.

6 Section 5. Legislative purpose. The purpose of this Act is
7 to identify and address bias-based policing through the
8 monitoring, review, and improvement of the collection of racial
9 profiling information collected under the Illinois Traffic
10 Stop Statistical Study. Through this data collection and
11 review, a more accurate understanding of this problem can be
12 obtained, thus allowing the concerns of the motoring public to
13 be better addressed, resources such as specialized training to
14 be provided, the honest efforts of Illinois' law enforcement
15 professionals to be demonstrated, and the civil rights of all
16 Illinois citizens to be protected.

17 Section 10. Definitions. As used in this Act:

18 (a) "Oversight Board" means the Racial Profiling
19 Prevention and Data Oversight Board established under this Act.

20 (b) "Department" means the Illinois Department of
21 Transportation.

22 (c) "Traffic Stop Statistical Study Act" means Section
23 11-212 of the Illinois Vehicle Code.

24 Section 15. Oversight Board.

25 (a) There is created within the Department a Racial
26 Profiling Prevention and Data Oversight Board, consisting of 28
27 members, which shall independently exercise its powers,
28 duties, and responsibilities. The Board shall have the
29 authority to allow additional participation from various
30 groups that the Board deems necessary for additional input.

- 1 (b) The membership of the Oversight Board shall consist of:
- 2 (1) 4 legislators appointed by the General Assembly
- 3 leadership equally apportioned between the 2 houses and
- 4 political parties;
- 5 (2) the Attorney General or his or her designee;
- 6 (3) the Secretary of the Illinois Department of
- 7 Transportation or his or her designee;
- 8 (4) the Director of the Illinois State Police or his or
- 9 her designee;
- 10 (5) the Superintendent of the Chicago Police
- 11 Department or his or her designee;
- 12 (6) 2 police chiefs representing jurisdictions of
- 13 varied size and geography appointed by the Illinois
- 14 Association of Chiefs of Police;
- 15 (7) 2 sheriffs representing jurisdictions of varied
- 16 size and geography appointed by the Illinois Sheriffs'
- 17 Association;
- 18 (8) a representative appointed by Illinois Law
- 19 Enforcement Training and Standards Board;
- 20 (9) a representative appointed by the Illinois
- 21 Fraternal Order of Police;
- 22 (10) a representative appointed by the Cook County
- 23 State's Attorney's Office;
- 24 (11) a representative appointed by the Cook County
- 25 Public Defender;
- 26 (12) a representative appointed by the State's
- 27 Attorneys Appellate Prosecutor;
- 28 (13) a representative appointed by the State Appellate
- 29 Defender;
- 30 (14) a representative appointed by the American Civil
- 31 Liberties Union of Illinois;
- 32 (15) a representative of the Mexican American Legal
- 33 Defense and Education Fund;
- 34 (16) a representative of Operation P.U.S.H.;
- 35 (17) a representative of the Illinois Conference of
- 36 NAACP Chapters;

1 (18) a representative of the Council on
2 American-Islamic Relations;

3 (19) a representative of the League of United Latin
4 American Citizens; and

5 (20) the following members appointed by the Governor:

6 (A) 2 members of the general public; and

7 (B) 2 members of the Illinois academic community
8 with specific expertise in both statistical analysis
9 and law enforcement.

10 Section 20. Governing Board. From the membership of the
11 Board, the Governor shall designate the chair and vice chair of
12 the Governing Board, who shall serve at the discretion of the
13 Governor. Members appointed by the Governor shall serve at the
14 discretion of the Governor for a term not to exceed 2 years.
15 All members may be reappointed for an unlimited number of
16 terms. The Governing Board shall meet at least quarterly.

17 Section 25. Funding. Funding to implement this Act shall be
18 appropriated by the General Assembly to the Department.

19 Section 30. Compensation. Members of the Governing Board
20 shall serve without compensation. Members may be reimbursed by
21 the Department for reasonable expenses incurred in connection
22 with their duties.

23 Section 35. Staffing. The Secretary of the Department shall
24 employ or assign, in accordance with the provisions of the
25 Illinois Personnel Code, the administrative, professional,
26 clerical, and other personnel required and may organize his or
27 her staff as may be appropriate to effectuate the purposes,
28 powers, duties, and responsibilities contained in this Act.

29 Section 40. Powers and duties of the Governing Board. The
30 Governing Board shall have the following powers, duties, and
31 responsibilities:

1 (a) To comply with the requirements of applicable federal
2 or State laws or regulations and adopt rules consistent with
3 this Act as allowed by the Illinois Administrative Procedure
4 Act (IAPA) through the Joint Committee on Administrative Rules
5 (JCAR).

6 (b) To coordinate the development, adoption, and
7 implementation of plans and strategies to eliminate racial
8 profiling in Illinois.

9 (c) To study, recommend, and promulgate data collection
10 requirements regarding additional race/ethnicity categories to
11 be added to the traffic stop statistical study in order to
12 improve data collection among unreported/under-reported
13 minority populations. The board shall study and recommend if
14 required, at a minimum, data collection strategies,
15 categories, and benchmarks for persons of Middle-Eastern
16 origin.

17 (d) To study stops lasting over 30 minutes and define
18 categorical reasons for the extended stops.

19 (e) To study, recommend, and report to the Governor,
20 Illinois Secretary of State, and the General Assembly, no later
21 than December 1, 2006, strategies to improve the benchmark data
22 available to identify the race, ethnicity, and geographical
23 residence of the Illinois driving population beginning on
24 January 1, 2007, with the collection of race/ethnicity data on
25 driver's license new-applicant/renewals. This data shall be
26 available for statistical benchmark comparison purposes only.

27 (f) To coordinate the development, adoption, and
28 implementation of public awareness programs in the minority
29 communities designed to educate individuals regarding racial
30 profiling and their civil rights.

31 (g) To promulgate model policies for police agencies that
32 are designed to protect individuals' civil rights related to
33 police traffic enforcement.

34 (h) To adopt rules as may be necessary to effectuate
35 training regarding data collection and mechanisms to engage
36 those agencies who willfully fail to comply with the

1 requirements of the Traffic Stop Statistical Study Act.

2 (i) To study, recommend, and report no later than July 1,
3 2007 on technological solutions to aid in the identification,
4 elimination, and prevention of racial profiling and to
5 recommend funding sources for statewide implementation of the
6 technological solutions.

7 (j) To report annually, on or before April 1 of each year,
8 to the Governor and the General Assembly on the Governing
9 Board's activities in the preceding fiscal year.

10 (k) To study whether Illinois should continue the mandatory
11 data collection required under this Act as well as the best
12 practices of data collection as related to the identification,
13 elimination, and prevention of bias-based policing and report
14 its findings and recommendations to the Governor and the
15 General Assembly by July 1, 2008.

16 Section 90. The Illinois Vehicle Code is amended by
17 changing Section 11-212 as follows:

18 (625 ILCS 5/11-212)

19 Sec. 11-212. Traffic stop statistical study.

20 (a) ~~Whenever~~ ~~From January 1, 2004 until December 31, 2007,~~
21 ~~whenever~~ a State or local law enforcement officer issues a
22 uniform traffic citation or warning citation for an alleged
23 violation of the Illinois Vehicle Code, he or she shall record
24 at least the following:

25 (1) the name, address, gender, and the officer's
26 subjective determination of the race of the person stopped;
27 the person's race shall be selected from the following
28 list: Caucasian, African-American, Hispanic, Native
29 American/Alaska Native, or Asian/Pacific Islander;

30 (2) the alleged traffic violation that led to the stop
31 of the motorist;

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

33 (4) the date and time of the stop, beginning when the
34 vehicle was stopped and ending when the driver is free to

1 leave or taken into physical custody;

2 (5) the location of the traffic stop;

3 (5.5) whether or not a consent search contemporaneous
4 to the stop was requested of the vehicle, driver,
5 passenger, or passengers; and, if so, whether consent was
6 given or denied;

7 (6) whether or not a search contemporaneous to the stop
8 was conducted of the vehicle, driver, passenger, or
9 passengers; and, if so, whether it was with consent or by
10 other means; ~~and~~

11 (6.5) whether or not contraband was found during a
12 search; and, if so, the type and amount of contraband
13 seized; and

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

15 (b) ~~Whenever From January 1, 2004 until December 31, 2007,~~
16 ~~whenever~~ a State or local law enforcement officer stops a
17 motorist for an alleged violation of the Illinois Vehicle Code
18 and does not issue a uniform traffic citation or warning
19 citation for an alleged violation of the Illinois Vehicle Code,
20 he or she shall complete a uniform stop card, which includes
21 field contact cards, or any other existing form currently used
22 by law enforcement containing information required pursuant to
23 this Act, that records at least the following:

24 (1) the name, address, gender, and the officer's
25 subjective determination of the race of the person stopped;
26 the person's race shall be selected from the following
27 list: Caucasian, African-American, Hispanic, Native
28 American/Alaska Native, or Asian/Pacific Islander;

29 (2) the reason that led to the stop of the motorist;

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

31 (4) the date and time of the stop, beginning when the
32 vehicle was stopped and ending when the driver is free to
33 leave or taken into physical custody;

34 (5) the location of the traffic stop;

35 (5.5) whether or not a consent search contemporaneous
36 to the stop was requested of the vehicle, driver,

1 passenger, or passengers; and, if so, whether consent was
2 given or denied;

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

7 (6.5) whether or not contraband was found during a
8 search; and, if so, the type and amount of contraband
9 seized; and

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

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

14 (d) Every law enforcement agency shall, by March 1 with
15 regard to data collected during July through December of the
16 previous calendar year and by August 1 with regard to data
17 collected during January through June of the current calendar
18 year ~~in each of the years 2004, 2005, 2006, and 2007~~, compile
19 the data described in subsections (a) and (b) on the
20 standardized law enforcement data compilation form provided by
21 the Illinois Department of Transportation and transmit the data
22 to the Department.

23 (e) The Illinois Department of Transportation shall
24 analyze the data provided by law enforcement agencies required
25 by this Section and submit a report of the previous year's
26 findings to the Governor, the General Assembly, the Racial
27 Profiling Prevention and Data Oversight Board, and each law
28 enforcement agency no later than July 1 of each year ~~in each of~~
29 ~~the years 2005, 2006, 2007, and 2008~~. The Illinois Department
30 of Transportation may contract with an outside entity for the
31 analysis of the data provided. In analyzing the data collected
32 under this Section, the analyzing entity shall scrutinize the
33 data for evidence of statistically significant aberrations.
34 The following list, which is illustrative, and not exclusive,
35 contains examples of areas in which statistically significant
36 aberrations may be found:

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

5 (2) A substantial number of false stops including stops
6 not resulting in the issuance of a traffic ticket or the
7 making of an arrest.

8 (3) A disparity between the proportion of citations
9 issued to minorities and proportion of minorities in the
10 population.

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

14 (5) A disparity between the frequency of searches
15 performed on minority drivers and the frequency of searches
16 performed on non-minority drivers.

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

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

32 (h) The Illinois Department of Transportation, in
33 consultation with law enforcement agencies, officials, and
34 organizations, including Illinois chiefs of police, the
35 Department of State Police, the Illinois Sheriffs Association,
36 and the Chicago Police Department, and community groups and

1 other experts, shall undertake a study to determine the best
2 use of technology to collect, compile, and analyze the traffic
3 stop statistical study data required by this Section. The
4 Department shall report its findings and recommendations to the
5 Governor and the General Assembly by March 1, 2004.

6 (i) The Racial Profiling Prevention and Data Oversight
7 Board shall undertake a study to determine the best use of
8 technology to collect, compile, and analyze the traffic stop
9 statistical study data required by this Section as well as
10 strategies to fund implementation of recommended technologies.
11 The Board shall report its findings and recommendations to the
12 Governor and the General Assembly by July 1, 2007.

13 (j) The Racial Profiling Prevention and Data Oversight
14 Board shall undertake a comprehensive study to determine
15 whether Illinois should continue the mandatory data collection
16 required under this Section as well as the best practices of
17 data collection as related to the identification, elimination,
18 and prevention of bias-based policing. The Board shall report
19 its findings and recommendations to the Governor and the
20 General Assembly by July 1, 2008.

21 (k) This Section is repealed on July 1, 2010.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law, except that the changes to Section 11-212 of the
25 Illinois Vehicle Code take effect January 1, 2007.