

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 15  
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) 3 members of county or city law enforcement
- 11 agencies, representing jurisdictions of varied size and
- 12 geography, appointed by the Governor;
- 13 (6) 4 members of community organizations representing
- 14 minority interests, appointed by the Governor; and
- 15 (7) one member of the Illinois academic community with
- 16 specific expertise in both statistical analysis and law
- 17 enforcement, appointed by the Governor.
- 18 (c) All members shall serve 2 years and until their
- 19 successors are appointed. Members may be reappointed for an
- 20 unlimited number of terms. The Oversight Board shall meet at
- 21 least quarterly.

22 Section 20. Chairpersons. From the membership of the

23 Board, the Governor shall designate the chair and vice chair,

24 who shall serve at the discretion of the Governor. Chairpersons

25 shall serve in that capacity for a term not to exceed 2 years.

26 Section 25. Funding. Funding to implement this Act shall be

27 appropriated by the General Assembly to the Department.

28 Section 30. Compensation. Members of the Oversight Board

29 shall serve without compensation. Members may be reimbursed by

30 the Department for reasonable expenses incurred in connection

31 with their duties.

32 Section 35. Staffing. The Secretary of the Department shall

1 employ or assign, in accordance with the provisions of the  
2 Illinois Personnel Code, the administrative, professional,  
3 clerical, and other personnel required and may organize his or  
4 her staff as may be appropriate to effectuate the purposes,  
5 powers, duties, and responsibilities contained in this Act.

6 Section 40. Powers and Duties of the Oversight Board. The  
7 Oversight Board shall have the following powers, duties, and  
8 responsibilities:

9 (a) To operate purely as an advisory body. Any changes to  
10 rules and policy promoted by the Oversight Board are only  
11 recommendations, which may be reported to the Governor, the  
12 Secretary of State, and the General Assembly or to appropriate  
13 law enforcement agencies.

14 (b) To coordinate the development, adoption, and  
15 implementation of plans and strategies to eliminate racial  
16 profiling in Illinois and to coordinate the development,  
17 adoption, and implementation of plans and strategies to create  
18 public awareness programs in minority communities, designed to  
19 educate individuals regarding racial profiling and their civil  
20 rights.

21 (c) To promulgate model policies for police agencies that  
22 are designed to protect individuals' civil rights related to  
23 police traffic enforcement and to recommend to law enforcement  
24 agencies model rules as may be necessary to effectuate training  
25 regarding data collection and mechanisms to engage those  
26 agencies who willfully fail to comply with the requirements of  
27 the Traffic Stop Statistical Study Act.

28 (d) To study and to issue reports and recommendations to  
29 the Governor, the Secretary of State, and the General Assembly  
30 regarding the following subjects by the following dates:

31 (1) no later than July 1, 2008, regarding strategies to  
32 improve the benchmark data available to identify the race,  
33 ethnicity, and geographical residence of the Illinois  
34 driving population, beginning on August 1, 2008, with the  
35 collection of race and ethnicity data on new and renewal

1 applicants for driver's licenses. This data shall be  
2 available for statistical benchmark comparison purposes  
3 only;

4 (2) no later than January 1, 2009, regarding data  
5 collection requirements with respect to additional race  
6 and ethnicity categories to be added to the traffic stop  
7 statistical study in order to improve data collection among  
8 unreported and under-reported minority populations. The  
9 Board shall study, and recommend if required, at a minimum,  
10 data collection strategies, categories, and benchmarks for  
11 persons of Middle-Eastern origin. The Board shall also  
12 study stops lasting over 30 minutes and define categorical  
13 reasons for the extended stops;

14 (3) no later than July 1, 2009, regarding technological  
15 solutions to aid in the identification, elimination, and  
16 prevention of racial profiling and to recommend funding  
17 sources for statewide implementation of the technological  
18 solutions;

19 (4) no later than January 1, 2010, regarding whether  
20 Illinois should continue the mandatory data collection  
21 required under this Act, as well as the best practices of  
22 data collection as related to the identification,  
23 elimination, and prevention of bias-based policing; and

24 (5) on or before April 1 of each year, regarding the  
25 Oversight Board's activities during the previous fiscal  
26 year.

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

29 (625 ILCS 5/11-212)

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

31 (a) ~~Whenever~~ ~~From January 1, 2004 until December 31, 2007,~~  
32 ~~whenever~~ a State or local law enforcement officer issues a  
33 uniform traffic citation or warning citation for an alleged  
34 violation of the Illinois Vehicle Code, he or she shall record

1 at least the following:

2 (1) the name, address, gender, and the officer's  
3 subjective determination of the race of the person stopped;  
4 the person's race shall be selected from the following  
5 list: Caucasian, African-American, Hispanic, Native  
6 American/Alaska Native, or Asian/Pacific Islander;

7 (2) the alleged traffic violation that led to the stop  
8 of the motorist;

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

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

13 (5) the location of the traffic stop;

14 (5.5) whether or not a consent search contemporaneous  
15 to the stop was requested of the vehicle, driver,  
16 passenger, or passengers; and, if so, whether consent was  
17 given or denied;

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

22 (6.5) whether or not contraband was found during a  
23 search; and, if so, the type and amount of contraband  
24 seized; and

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

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

35 (1) the name, address, gender, and the officer's  
36 subjective determination of the race of the person stopped;

1 the person's race shall be selected from the following  
2 list: Caucasian, African-American, Hispanic, Native  
3 American/Alaska Native, or Asian/Pacific Islander;

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

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

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

9 (5) the location of the traffic stop;

10 (5.5) whether or not a consent search contemporaneous  
11 to the stop was requested of the vehicle, driver,  
12 passenger, or passengers; and, if so, whether consent was  
13 given or denied;

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

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

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

25 (d) Every law enforcement agency shall, by March 1 with  
26 regard to data collected during July through December of the  
27 previous calendar year and by August 1 with regard to data  
28 collected during January through June of the current calendar  
29 year ~~in each of the years 2004, 2005, 2006, and 2007,~~ compile  
30 the data described in subsections (a) and (b) on the  
31 standardized law enforcement data compilation form provided by  
32 the Illinois Department of Transportation and transmit the data  
33 to the Department.

34 (e) The Illinois Department of Transportation shall  
35 analyze the data provided by law enforcement agencies required  
36 by this Section and submit a report of the previous year's

1 findings to the Governor, the General Assembly, the Racial  
2 Profiling Prevention and Data Oversight Board, and each law  
3 enforcement agency no later than July 1 of each year ~~in each of~~  
4 ~~the years 2005, 2006, 2007, and 2008~~. The Illinois Department  
5 of Transportation may contract with an outside entity for the  
6 analysis of the data provided. In analyzing the data collected  
7 under this Section, the analyzing entity shall scrutinize the  
8 data for evidence of statistically significant aberrations.  
9 The following list, which is illustrative, and not exclusive,  
10 contains examples of areas in which statistically significant  
11 aberrations may be found:

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

16 (2) A substantial number of false stops including stops  
17 not resulting in the issuance of a traffic ticket or the  
18 making of an arrest.

19 (3) A disparity between the proportion of citations  
20 issued to minorities and proportion of minorities in the  
21 population.

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

25 (5) A disparity between the frequency of searches  
26 performed on minority drivers and the frequency of searches  
27 performed on non-minority drivers.

28 (f) Any law enforcement officer identification information  
29 or driver identification information that is compiled by any  
30 law enforcement agency or the Illinois Department of  
31 Transportation pursuant to this Act for the purposes of  
32 fulfilling the requirements of this Section shall be  
33 confidential and exempt from public inspection and copying, as  
34 provided under Section 7 of the Freedom of Information Act, and  
35 the information shall not be transmitted to anyone except as  
36 needed to comply with this Section. This Section shall not

1 exempt those materials that, prior to the effective date of  
2 this amendatory Act of the 93rd General Assembly, were  
3 available under the Freedom of Information Act.

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

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

17 (i) This Section is repealed on July 1, 2010.

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

19 Section 99. Effective date. This Act takes effect January  
20 1, 2007, except that the Racial Profiling Prevention and Data  
21 Oversight Act takes effect January 1, 2008.