

# HB0335



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0335

Introduced 1/22/2007, by Rep. Paul D. Froehlich

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212

Amends the Illinois Vehicle Code. Provides that the confidentiality requirements regarding the identification of law enforcement officers involved in a traffic stop statistical study shall not preclude law enforcement agencies from reviewing the data gathered in the study to perform internal reviews. Effective immediately.

LRB095 06529 DRH 26631 b

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7 (Section scheduled to be repealed on July 1, 2010)

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

9 (a) Whenever a State or local law enforcement officer  
10 issues a uniform traffic citation or warning citation for an  
11 alleged violation of the Illinois Vehicle Code, he or she shall  
12 record 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, beginning when the  
22 vehicle was stopped and ending when the driver is free to  
23 leave or taken into physical custody;

1 (5) the location of the traffic stop;

2 (5.5) whether or not a consent search contemporaneous  
3 to the stop was requested of the vehicle, driver,  
4 passenger, or passengers; and, if so, whether consent was  
5 given or denied;

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

10 (6.5) whether or not contraband was found during a  
11 search; and, if so, the type and amount of contraband  
12 seized; and

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

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

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

- 1           (2) the reason that led to the stop of the motorist;
- 2           (3) the make and year of the vehicle stopped;
- 3           (4) the date and time of the stop, beginning when the  
4 vehicle was stopped and ending when the driver is free to  
5 leave or taken into physical custody;
- 6           (5) the location of the traffic stop;
- 7           (5.5) whether or not a consent search contemporaneous  
8 to the stop was requested of the vehicle, driver,  
9 passenger, or passengers; and, if so, whether consent was  
10 given or denied;
- 11          (6) whether or not a search contemporaneous to the stop  
12 was conducted of the vehicle, driver, passenger, or  
13 passengers; and, if so, whether it was with consent or by  
14 other means;
- 15          (6.5) whether or not contraband was found during a  
16 search; and, if so, the type and amount of contraband  
17 seized; 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 with  
23 regard to data collected during July through December of the  
24 previous calendar year and by August 1 with regard to data  
25 collected during January through June of the current calendar  
26 year, compile the data described in subsections (a) and (b) on

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

4 (e) The Illinois Department of Transportation shall  
5 analyze the data provided by law enforcement agencies required  
6 by this Section and submit a report of the previous year's  
7 findings to the Governor, the General Assembly, the Racial  
8 Profiling Prevention and Data Oversight Board, and each law  
9 enforcement agency no later than July 1 of each year. The  
10 Illinois Department of Transportation may contract with an  
11 outside entity for the analysis of the data provided. In  
12 analyzing the data collected under this Section, the analyzing  
13 entity shall scrutinize the data for evidence of statistically  
14 significant aberrations. The following list, which is  
15 illustrative, and not exclusive, contains examples of areas in  
16 which statistically significant aberrations may be found:

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

21 (2) A substantial number of false stops including stops  
22 not resulting in the issuance of a traffic ticket or the  
23 making of an arrest.

24 (3) A disparity between the proportion of citations  
25 issued to minorities and proportion of minorities in the  
26 population.

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

4           (5) A disparity between the frequency of searches  
5 performed on minority drivers and the frequency of searches  
6 performed on non-minority drivers.

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

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

24           (h) The Illinois Department of Transportation, in  
25 consultation with law enforcement agencies, officials, and  
26 organizations, including Illinois chiefs of police, the

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

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

9 (Source: P.A. 93-209, eff. 7-18-03; 94-997, eff. 1-1-07.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.