



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0947

Introduced 2/10/2009, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212

Amends provisions of the Illinois Vehicle Code requiring the recording of specified information when a uniform traffic citation or warning citation is issued and providing for analysis of the information and a traffic stop statistical study. Provides that all law enforcement agencies must perform an internal review of the data collected and immediately act to remedy or resolve any pattern of behavior by any officer under the command of the law enforcement agency that is determined to be evidence of racial profiling. Deletes the July 1, 2010 repeal date of those provisions.

LRB096 09844 AJT 20007 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7 (Section scheduled to be repealed on July 1, 2010)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 (d-5) Every law enforcement agency shall perform an
5 internal review of the data collected under this Section and
6 immediately act to remedy or resolve any pattern of behavior by
7 any officer under the command of the law enforcement agency
8 that is determined to be evidence of racial profiling.

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

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

26 (2) A substantial number of false stops including stops

1 not resulting in the issuance of a traffic ticket or the
2 making of an arrest.

3 (3) A disparity between the proportion of citations
4 issued to minorities and proportion of minorities in the
5 population.

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

9 (5) A disparity between the frequency of searches
10 performed on minority drivers and the frequency of searches
11 performed on non-minority drivers.

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

26 (g) Funding to implement this Section shall come from

1 federal highway safety funds available to Illinois, as directed
2 by the Governor.

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

13 (i) (Blank). ~~This Section is repealed on July 1, 2010.~~

14 (Source: P.A. 94-997, eff. 1-1-07; 95-290, eff. 8-20-07.)