



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3245

by Rep. Kenneth Dunkin

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Racial Impact Note Act. Provides that every bill which amends criminal offenses, criminal procedure, or sentencing provisions under the Criminal Code of 2012, the Code of Criminal Procedure of 1963, the Unified Code of Corrections, the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or the Methamphetamine Precursor Tracking Act shall have prepared for it, by the Illinois Criminal Justice Information Authority, prior to second reading in the house of introduction a brief explanatory statement or note which shall include a reliable estimate of the proportional racial makeup of the population likely to be impacted by the bill.

LRB098 09737 RLC 39886 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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 the  
5 Racial Impact Note Act.

6 Section 5. Purpose. The purpose of this Act is to reduce  
7 the harm caused to minority communities through the application  
8 of criminal offense and sentencing laws, and in particular  
9 controlled substance laws, that disproportionately impact  
10 those communities. The General Assembly recognizes that (1)  
11 minorities are disproportionately represented at all phases of  
12 justice involvement, (2) certain laws, while neutral on their  
13 face, may result in disproportionate impact on minority  
14 communities, (3) the federal government has taken steps to  
15 reverse this impact by amending federal sentencing guidelines,  
16 (4) criminal justice involvement results in broken families,  
17 lost employment opportunities, and reduced access to public and  
18 private benefits, undermining the stability of communities  
19 when disproportionate numbers of community residents have  
20 criminal histories or are under supervision, and (5)  
21 disproportionate negative impact on minority communities is  
22 contrary to the notions of a just society.

1           Section 10. Racial Impact Note required. Every bill which  
2 amends criminal offenses, criminal procedure, or sentencing  
3 provisions under the Criminal Code of 2012, the Code of  
4 Criminal Procedure of 1963, the Unified Code of Corrections,  
5 the Cannabis Control Act, the Illinois Controlled Substances  
6 Act, the Methamphetamine Control and Community Protection Act,  
7 the Methamphetamine Precursor Control Act, or the  
8 Methamphetamine Precursor Tracking Act, shall have prepared  
9 for it prior to second reading in the house of introduction a  
10 brief explanatory statement or note which shall include a  
11 reliable estimate of the proportional racial makeup of the  
12 population likely to be impacted by the bill.

13           Section 15. Preparation of Racial Impact Note. Upon the  
14 request of the sponsor of any bill described in Section 10, the  
15 Illinois Criminal Justice Information Authority shall prepare  
16 a written statement setting forth the information specified in  
17 Section 10. The statement prepared by the Illinois Criminal  
18 Justice Information Authority shall be designated a Racial  
19 Impact Note and shall be furnished to the sponsor within 10  
20 calendar days thereafter, except that whenever, because of the  
21 complexity of the bill, additional time is required for the  
22 preparation of the note, the Illinois Criminal Justice  
23 Information Authority may notify the sponsor and request an  
24 extension of time not to exceed 5 additional days within which  
25 the note is to be furnished. This extension shall not extend

1 beyond May 15 following the date of the request.

2 Section 20. Member of the General Assembly may request  
3 Racial Impact Note. Whenever the sponsor of any measure is of  
4 the opinion that no Racial Impact Note is necessary, any member  
5 of either house may thereafter request that a note be obtained,  
6 and in that case the matter shall be decided by a majority vote  
7 of those present and voting in the house of which he or she is a  
8 member.

9 Section 25. Description of Racial Impact Note. The note  
10 shall be factual in nature, as brief and concise as may be, and  
11 shall provide as reliable an estimate, in terms of population  
12 impact, as is possible under the circumstances. The note shall  
13 include both the immediate effect, and if determinable or  
14 reasonably foreseeable, the long-range effect of the measure.

15 Section 30. No comment or opinion in Racial Impact Note. No  
16 comment or opinion shall be included in the note with regard to  
17 the merits of the measure for which the note is prepared;  
18 however, technical or mechanical defects may be noted.

19 Section 35. Appearance before committee of the General  
20 Assembly. The fact that a Racial Impact Note is prepared for  
21 any bill shall not preclude or restrict the appearance before  
22 any committee of the General Assembly, of any official or

1 authorized employee of any State board, commission,  
2 department, agency, or other entity who desires to be heard in  
3 support of or in opposition to the measure.

4 Section 40. Action on amendments. Whenever any measure is  
5 amended on the floor of either house in a manner as to bring it  
6 within the description of bills set forth in Section 10 of this  
7 Act, a majority of that house may propose that no action shall  
8 be taken upon the amendment until the sponsor of the amendment  
9 presents to the members a statement of the racial impact of his  
10 or her amendment, as required by this Act.