

HB4442



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4442

by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212

Amends the Illinois Vehicle Code. Removes the July 1, 2015 repeal date for the Section requiring traffic stop statistical study. Effective immediately.

LRB098 17035 MLW 52119 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7 (Section scheduled to be repealed on July 1, 2015)

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: American Indian or Alaska Native, Asian, Black or
17 African American, Hispanic or Latino, Native Hawaiian or
18 Other Pacific Islander, or White;

19 (2) the alleged traffic violation that led to the stop
20 of the motorist;

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

22 (4) the date and time of the stop, beginning when the
23 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;

11 (6.2) whether or not a police dog performed a sniff of
12 the vehicle; and, if so, whether or not the dog alerted to
13 the presence of contraband; and, if so, whether or not an
14 officer searched the vehicle; and, if so, whether or not
15 contraband was discovered; and, if so, the type and amount
16 of contraband;

17 (6.5) whether or not contraband was found during a
18 search; and, if so, the type and amount of contraband
19 seized; and

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

21 (b) Whenever a State or local law enforcement officer stops
22 a motorist for an alleged violation of the Illinois Vehicle
23 Code and does not issue a uniform traffic citation or warning
24 citation for an alleged violation of the Illinois Vehicle Code,
25 he or she shall complete a uniform stop card, which includes
26 field contact cards, or any other existing form currently used

1 by law enforcement containing information required pursuant to
2 this Act, that records at least the following:

3 (1) the name, address, gender, and the officer's
4 subjective determination of the race of the person stopped;
5 the person's race shall be selected from the following
6 list: American Indian or Alaska Native, Asian, Black or
7 African American, Hispanic or Latino, Native Hawaiian or
8 Other Pacific Islander, or White;

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

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

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

14 (5) the location of the traffic stop;

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

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

23 (6.2) whether or not a police dog performed a sniff of
24 the vehicle; and, if so, whether or not the dog alerted to
25 the presence of contraband; and, if so, whether or not an
26 officer searched the vehicle; and, if so, whether or not

1 contraband was discovered; and, if so, the type and amount
2 of contraband;

3 (6.5) whether or not contraband was found during a
4 search; and, if so, the type and amount of contraband
5 seized; and

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

7 (c) The Illinois Department of Transportation shall
8 provide a standardized law enforcement data compilation form on
9 its website.

10 (d) Every law enforcement agency shall, by March 1 with
11 regard to data collected during July through December of the
12 previous calendar year and by August 1 with regard to data
13 collected during January through June of the current calendar
14 year, compile the data described in subsections (a) and (b) on
15 the standardized law enforcement data compilation form
16 provided by the Illinois Department of Transportation and
17 transmit the data to the Department.

18 (e) The Illinois Department of Transportation shall
19 analyze the data provided by law enforcement agencies required
20 by this Section and submit a report of the previous year's
21 findings to the Governor, the General Assembly, the Racial
22 Profiling Prevention and Data Oversight Board, and each law
23 enforcement agency no later than July 1 of each year. The
24 Illinois Department of Transportation may contract with an
25 outside entity for the analysis of the data provided. In
26 analyzing the data collected under this Section, the analyzing

1 entity shall scrutinize the data for evidence of statistically
2 significant aberrations. The following list, which is
3 illustrative, and not exclusive, contains examples of areas in
4 which statistically significant aberrations may be found:

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

9 (2) A substantial number of false stops including stops
10 not resulting in the issuance of a traffic ticket or the
11 making of an arrest.

12 (3) A disparity between the proportion of citations
13 issued to minorities and proportion of minorities in the
14 population.

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

18 (5) A disparity between the frequency of searches
19 performed on minority drivers and the frequency of searches
20 performed on non-minority drivers.

21 (f) Any law enforcement officer identification information
22 or driver identification information that is compiled by any
23 law enforcement agency or the Illinois Department of
24 Transportation pursuant to this Act for the purposes of
25 fulfilling the requirements of this Section shall be
26 confidential and exempt from public inspection and copying, as

1 provided under Section 7 of the Freedom of Information Act, and
2 the information shall not be transmitted to anyone except as
3 needed to comply with this Section. This Section shall not
4 exempt those materials that, prior to the effective date of
5 this amendatory Act of the 93rd General Assembly, were
6 available under the Freedom of Information Act. This subsection
7 (f) shall not preclude law enforcement agencies from reviewing
8 data to perform internal reviews.

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

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

22 (h-5) For purposes of this Section:

23 (1) "American Indian or Alaska Native" means a person
24 having origins in any of the original peoples of North and
25 South America, including Central America, and who
26 maintains tribal affiliation or community attachment.

1 (2) "Asian" means a person having origins in any of the
2 original peoples of the Far East, Southeast Asia, or the
3 Indian subcontinent, including, but not limited to,
4 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
5 the Philippine Islands, Thailand, and Vietnam.

6 (3) "Black or African American" means a person having
7 origins in any of the black racial groups of Africa. Terms
8 such as "Haitian" or "Negro" can be used in addition to
9 "Black or African American".

10 (4) "Hispanic or Latino" means a person of Cuban,
11 Mexican, Puerto Rican, South or Central American, or other
12 Spanish culture or origin, regardless of race.

13 (5) "Native Hawaiian or Other Pacific Islander" means a
14 person having origins in any of the original peoples of
15 Hawaii, Guam, Samoa, or other Pacific Islands.

16 (6) "White" means a person having origins in any of the
17 original peoples of Europe, the Middle East, or North
18 Africa.

19 (i) (Blank). ~~This Section is repealed on July 1, 2015.~~

20 (Source: P.A. 96-658, eff. 1-1-10; 97-396, eff. 1-1-12; 97-469,
21 eff. 7-1-12; 97-813, eff. 7-13-12.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.