

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7 (Section scheduled to be repealed on July 1, 2015)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.