

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
5 Criminal Diversion Racial Impact Data Collection Act.

6 Section 5. Legislative intent. Racial and ethnic disparity
7 in the criminal justice system, or the over-representation of
8 certain minority groups compared to their representation in the
9 general population, has been well documented, along with the
10 harmful effects of such disproportionality. There is no single
11 cause of the racial and ethnic disparity evident at every stage
12 of the criminal justice system; suggested causes have included
13 differing patterns of criminal activity, law enforcement
14 activity, and discretionary decisions of criminal justice
15 practitioners, along with effects of legislative policies. In
16 order to make progress in reducing this harmful phenomenon,
17 information on the racial composition of offenders at each
18 stage of the criminal justice system must be systematically
19 gathered and analyzed to lay the foundation for determining the
20 impact of proposed remedies. Gaps of information at any stage
21 will hamper valid analysis at subsequent stages. At the
22 earliest stages of the criminal justice system, systematic
23 statewide information on arrested persons, including race and

1 ethnicity, is collected in the State Police Criminal History
2 Record Information System. However, under the Criminal
3 Identification Act, systematic statewide information on the
4 racial and ethnic composition of adults diverted from arrest by
5 law enforcement and diverted from prosecution by each county's
6 State's Attorney's office is not available. Therefore, it is
7 the intent of this legislation to provide a mechanism by which
8 statewide data on the race and ethnicity of offenders diverted
9 from the criminal justice system before the filing of a court
10 case can be provided by the criminal justice entity involved
11 for future racial disparity impact analyses of the criminal
12 justice system.

13 Section 10. Definitions. As used in this Act:

14 "Arrested but released without being charged" means the
15 taking into custody of a person by a law enforcement agency and
16 his or her subsequent release without a formal charge filed.

17 "Authority" means the Illinois Criminal Justice
18 Information Authority.

19 "Diversion from prosecution" means the placement of the
20 defendant into any specialized program by the State's
21 Attorney's office, after which formal charges are dismissed,
22 subject to successful completion of the program.

23 "Law enforcement agency" means any agency of this State or
24 a political subdivision of this State that is vested by law
25 with the duty to maintain public order and to enforce criminal

1 laws.

2 "Racial and ethnic information" means categories of
3 socially significant groupings by which individuals identify
4 themselves, based on physical characteristics and cultural
5 heritage, as categorized under subsection (b) of Section 4.5 of
6 the Criminal Identification Act.

7 Section 15. Reporting; publication.

8 (a) Under the reporting guidelines for law enforcement
9 agencies in Sections 2.1, 4.5, and 5 of the Criminal
10 Identification Act, the Authority shall determine and report
11 the number of persons arrested and released without being
12 charged, and report the racial and ethnic composition of those
13 persons.

14 (b) Under the reporting guidelines for State's Attorneys in
15 Sections 2.1, 4.5, and 5 of the Criminal Identification Act,
16 the Authority shall determine and report the number of persons
17 for which formal charges were dismissed, and the race and
18 ethnicity of those persons.

19 (c) Under the reporting guidelines for circuit court clerks
20 in Sections 2.1, 4.5, and 5 of the Criminal Identification Act,
21 the Authority shall determine and report the number of persons
22 admitted to a diversion from prosecution program, and the
23 racial and ethnic composition of those persons, separated by
24 each type of diversion program.

25 (d) The Authority shall publish the information received

1 and an assessment of the quality of the information received,
2 aggregated to the county level in the case of law enforcement
3 reports, on its publicly available website for the previous
4 calendar year, as affirmed by each reporting agency at the time
5 of its report submission.

6 (e) The Authority, Department of State Police,
7 Administrative Office of Illinois Courts, and Illinois State's
8 Attorneys Association may collaborate on any necessary
9 training concerning the provisions of this Act.

10 Section 20. Repeal. This Act is repealed on December 31,
11 2020.

12 Section 99. Effective date. This Act takes effect January
13 1, 2017.