



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2938

by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

725 ILCS 5/107-17 new

Amends the Code of Criminal Procedure of 1963. Requires a State or local law enforcement officer who stops a person for temporary questioning, other than for an alleged violation of the Illinois Vehicle Code, and does not arrest the person or issue a warning for an alleged violation, to complete a uniform stop card. The stop card includes field contact cards or any other existing form currently used by law enforcement containing information on the person's identity, gender, and race, and other information regarding the circumstances of the stop. Requires every law enforcement agency to compile the stop data and transmit it to the Department of State Police. Requires the Department of State Police to analyze the data and submit a report of the previous year's findings to the Governor, the General Assembly, the Racial Profiling Prevention and Data Oversight Board, and each law enforcement agency no later than July 1 of each year. In analyzing the data, the Department shall scrutinize the data for evidence of statistically significant aberrations, such as disparity between the proportion of persons stopped without an arrest to minorities and proportion of minorities in the population among others. Makes the stop data collected confidential and exempt from public inspection and copying, as provided under the Freedom of Information Act, and prohibits the information from being transmitted to anyone except as needed to comply with this law. Effective immediately.

LRB099 05632 MRW 25671 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Section 107-17 as follows:

6 (725 ILCS 5/107-17 new)

7 Sec. 107-17. Stop card; no arrest

8 (a) Whenever a State or local law enforcement officer stops
9 a person for temporary questioning, other than for an alleged
10 violation of the Illinois Vehicle Code, and does not arrest the
11 person or issue a warning for an alleged violation, he or she
12 shall complete a uniform stop card, which includes field
13 contact cards, or any other existing form currently used by law
14 enforcement containing information required under this
15 Section, that records at least the following:

16 (1) the name, address, gender, and the officer's
17 subjective determination of the race of the person stopped;
18 the person's race shall be selected from the following
19 list: American Indian or Alaska Native, Asian, Black or
20 African American, Hispanic or Latino, Native Hawaiian or
21 Other Pacific Islander, or White;

22 (2) the reason that led to the stop of the person;

23 (3) the date and time of the stop, beginning when the

1 person was stopped and ending when the person is free to
2 leave;

3 (4) the location of the stop;

4 (5) whether or not a consent search contemporaneous to
5 the stop was requested of the person or any vehicle or
6 other person associated with the person stopped; and, if
7 so, whether consent was given or denied;

8 (6) whether or not a search contemporaneous to the stop
9 was conducted of the person or any vehicle or other person
10 associated with the person stopped; and, if so, whether it
11 was with consent or by other means;

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

19 (8) whether or not contraband was found during a
20 search; and, if so, the type and amount of contraband
21 seized; and

22 (9) the name and badge number of the issuing officer.

23 (b) The Department of State Police shall provide a
24 standardized law enforcement data compilation form on its
25 website.

26 (c) Every law enforcement agency shall, by March 1 with

1 regard to data collected during July through December of the
2 previous calendar year and by August 1 with regard to data
3 collected during January through June of the current calendar
4 year, compile the data described in subsection (a) on the
5 standardized law enforcement data compilation form provided by
6 the Department of State Police and transmit the data to the
7 Department.

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

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

25 (2) A disparity between the proportion of persons
26 stopped without an arrest to minorities and proportion of

1 minorities in the population.

2 (3) A disparity among the officers of the same law
3 enforcement agency with regard to the number of minority
4 persons being stopped in a given area.

5 (4) A disparity between the frequency of searches
6 performed on minority persons and the frequency of searches
7 performed on non-minority persons.

8 (e) Any law enforcement officer identification information
9 or person identification information that is compiled by any
10 law enforcement agency or the Department of State Police under
11 this Section for the purposes of fulfilling the requirements of
12 this Section shall be confidential and exempt from public
13 inspection and copying, as provided under Section 7 of the
14 Freedom of Information Act, and the information shall not be
15 transmitted to anyone except as needed to comply with this
16 Section. This Section shall not exempt those materials that,
17 prior to the effective date of this amendatory Act of the 99th
18 General Assembly, were available under the Freedom of
19 Information Act. This subsection (e) shall not preclude law
20 enforcement agencies from reviewing data to perform internal
21 reviews.

22 (f) 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 Section 99. Effective date. This Act takes effect upon
20 becoming law.