



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1798

Introduced 2/20/2015, by Sen. Donne E. Trotter

SYNOPSIS AS INTRODUCED:

New Act

Creates the Racial Impact Note Act. Provides that every bill, the purpose or effect of 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 Control Act, the Methamphetamine Precursor Control Act, or the Methamphetamine Precursor Tracking Act, shall have prepared for it, before second reading in the house of introduction, a brief explanatory statement or note that shall include a reliable estimate of the anticipated impact on: (i) the number of criminal cases per year the bill will affect; (ii) the members of racial minority groups; (iii) the operations of correctional institutions; and (iv) any other matter the Illinois Department of Corrections considers appropriate. Requires the Illinois Department of Corrections to prepare the note. Contains other related provisions regarding the vote on the necessity of the note, comment or opinion regarding the merits of the legislation included in the note, and appearance of State officials and employees in support or opposition of measure.

LRB099 09147 JLK 29344 b

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 Racial
5 Impact Note Act.

6 Section 5. Racial Impact Note. Every bill, the purpose or
7 effect of which amends criminal offenses, criminal procedure,
8 or sentencing provisions under the Criminal Code of 2012, the
9 Code of Criminal Procedure of 1963, the Unified Code of
10 Corrections, the Cannabis Control Act, the Illinois Controlled
11 Substances Act, the Methamphetamine Control and Community
12 Control Act, the Methamphetamine Precursor Control Act, or the
13 Methamphetamine Precursor Tracking Act, shall have prepared
14 for it, before second reading in the house of introduction, a
15 brief explanatory statement or note that shall include a
16 reliable estimate of the anticipated impact on: (i) the number
17 of criminal cases per year the bill will affect; (ii) the
18 members of racial minority groups; (iii) the operations of
19 correctional institutions; and (iv) any other matter the
20 Illinois Department of Corrections considers appropriate.

21 Section 10. Preparation; amendments.

22 (a) The sponsor of each bill to which Section 5 applies

1 shall present a copy of the bill with the request for a racial
2 impact note to the Illinois Department of Corrections. The
3 Department of Corrections may obtain the assistance of the
4 Illinois Criminal Justice Information Authority in preparing
5 the Racial Impact Note, and the Illinois Criminal Justice
6 Authority shall promptly provide all necessary information to
7 the Department of Corrections upon request. The racial impact
8 note shall be prepared by the Illinois Department of
9 Corrections and submitted to the sponsor of the bill within 5
10 calendar days, except that whenever, because of the complexity
11 of the measure, additional time is required for the preparation
12 of the Racial Impact Note, the Illinois Department of
13 Corrections may inform the sponsor of the bill, and the sponsor
14 may approve an extension of the time within which the note is
15 to be submitted, not to extend, however, beyond June 15,
16 following the date of the request. If, in the opinion of the
17 Illinois Department of Corrections, there is insufficient
18 information to prepare a reliable estimate of the anticipated
19 impact, a statement to that effect can be filed and shall meet
20 the requirements of this Act.

21 (b) If the Illinois Department of Corrections finds that a
22 bill will have a disparate effect on members of racial minority
23 groups, the sponsor of the bill shall do either of the
24 following:

25 (1) Offer an amendment to the bill to reduce the
26 disparate impact of the bill on members of racial minority

1 groups. If the sponsor offers such an amendment, the author
2 shall identify in writing how the proposed amendment would
3 reduce the disparate impact of the bill on members of
4 racial minority groups.

5 (2) Provide in writing his or her reasons for advancing
6 the bill without an amendment despite the disparate impact
7 of the bill on members of racial minority groups. This
8 document shall be attached to the bill as an appendix.

9 (c) Neither house may pass a bill that amends criminal
10 offenses, criminal procedure, or sentencing provisions under
11 the Criminal Code of 2012, the Code of Criminal Procedure of
12 1963, the Unified Code of Corrections, the Cannabis Control
13 Act, the Illinois Controlled Substances Act, the
14 Methamphetamine Control and Community Control Act, the
15 Methamphetamine Precursor Control Act, or the Methamphetamine
16 Precursor Tracking Act without a Racial Impact Note prepared
17 under subsection (a) of this Section and, if applicable,
18 without action by the sponsor of the bill under subsection (b)
19 of this Section.

20 Section 15. Vote on necessity of Racial Impact Notes.
21 Whenever the sponsor of any bill is of the opinion that no
22 Racial Impact Note is required, any member of either house may
23 request that a note be obtained, and in that case the
24 applicability of this Act shall be decided by the majority of
25 those present and voting in the house of which the sponsor is a

1 member.

2 Section 20. Requisites and contents. The note shall be
3 factual in nature, as brief and concise as may be, and, in
4 addition, it shall include both the immediate effect and, if
5 determinable or reasonably foreseeable, the long range effect
6 of the measure on members of racial minority groups. If, after
7 careful investigation, it is determined that such an effect is
8 not ascertainable, the note shall contain a statement to that
9 effect, setting forth the reasons why no ascertainable effect
10 can be given.

11 Section 25. Comment or opinion; technical or mechanical
12 defects. No comment or opinion shall be included in the racial
13 impact note with regard to the merits of the measure for which
14 the Racial Impact Note is prepared; however, technical or
15 mechanical defects may be noted.

16 Section 30. Appearance of State officials and employees in
17 support or opposition of measure. The fact that a racial impact
18 note is prepared for any bill or proposed rule shall not
19 preclude or restrict the appearance before any committee of the
20 General Assembly of any official or authorized employee of the
21 Illinois Department of Corrections who desires to be heard in
22 support of or in opposition to the measure.