

1 AMENDMENT TO HOUSE BILL 805

2 AMENDMENT NO. _____. Amend House Bill 805 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 adding Section 16-108 as follows:

6 (625 ILCS 5/16-108 new)

7 Sec. 16-108. Racial profiling.

8 (a) As used in this Section, "minority group" means
9 individuals of African, Hispanic, Native American, or Asian
10 descent.

11 (b) Beginning on the effective date of this amendatory
12 Act of the 92 General Assembly and for a 2-year period
13 thereafter, each time a peace officer stops a driver of a
14 motor vehicle for a violation of any motor vehicle statute or
15 ordinance, that officer shall report the following
16 information to the law enforcement agency that employs the
17 officer:

18 (1) The age, gender, and race or minority group of
19 the individual stopped;

20 (2) The traffic violation or violations alleged to
21 have been committed that led to the stop;

22 (3) Whether a search was conducted as a result of

1 the stop;

2 (4) If a search was conducted, whether the
3 individual consented to the search, the probable cause
4 for the search, whether the person was searched, whether
5 the person's property was searched, and the duration of
6 the search;

7 (5) Whether any contraband was discovered in the
8 course of the search and the type of any contraband
9 discovered;

10 (6) Whether any warning or citation was issued as a
11 result of the stop;

12 (7) If a warning or citation was issued, the
13 violation charged or warning provided;

14 (8) Whether an arrest was made as a result of
15 either the stop or the search;

16 (9) If an arrest was made, the crime charged; and

17 (10) The location of the stop.

18 This information may be reported using a format
19 determined by the Department of State Police that uses
20 existing citation and report forms.

21 (c) Each law enforcement agency shall compile the data
22 described in subsection (b) of this Section for the calendar
23 year into a report to the Attorney General, which shall be
24 submitted to the Attorney General no later than March 1 of
25 the following calendar year. The Attorney General shall
26 determine the format that all law enforcement agencies shall
27 use to submit the report.

28 (d) The Attorney General shall analyze the annual
29 reports of law enforcement agencies required by this Section
30 and submit a report of the findings to the Governor, the
31 General Assembly, and each law enforcement agency no later
32 than June 1 of each year.

33 (e) The report of the Attorney General shall include at
34 least the following information for each law enforcement

1 agency:

2 (1) The total number of vehicles stopped by peace
3 officers during the previous calendar year;

4 (2) The number and percentage of stopped motor
5 vehicles that were driven by members of each particular
6 minority group;

7 (3) A comparison of the percentage of stopped motor
8 vehicles driven by each minority group and the percentage
9 of the State's population that each minority group
10 comprises; and

11 (4) A compilation of the information reported by
12 law enforcement agencies under subsection (b) of this
13 Section.

14 (f) Each law enforcement agency shall adopt a policy on
15 race-based traffic stops that:

16 (1) Prohibits the practice of routinely stopping
17 members of minority groups for violations of vehicle laws
18 as a pretext for investigating other violations of
19 criminal law;

20 (2) Provides for periodic reviews by the law
21 enforcement agency of the annual report of the Attorney
22 General required by subsection (d) of this Section that:

23 (A) Determine whether any peace officers of
24 the law enforcement agency have a pattern of
25 stopping members of minority groups for violations
26 of vehicle laws in a number disproportionate to the
27 population of minority groups residing or traveling
28 within the jurisdiction of the law enforcement
29 agency; and

30 (B) If the review reveals a pattern, require
31 an investigation to determine whether any peace
32 officers of the law enforcement agency routinely
33 stop members of minority groups for violations of
34 vehicle laws as a pretext for investigating other

1 violations of criminal law;

2 (3) Provides for appropriate counseling and
3 training of any peace officer found to have engaged in
4 race-based traffic stops within 90 days of the review;
5 and

6 (4) Provides for annual sensitivity training for
7 any employees who may conduct stops of motor vehicles
8 regarding the prohibition against racial profiling. The
9 course or courses of instruction and the guidelines shall
10 stress understanding and respect for racial and cultural
11 differences and the development of effective,
12 noncombative methods of carrying out law enforcement
13 duties in a racially and culturally diverse environment.

14 (g) If a law enforcement agency fails to comply with the
15 provisions of this Section, the Governor may direct the
16 Comptroller and the State Treasurer to withhold any State
17 funds appropriated to the noncompliant law enforcement
18 agency.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."