

1 AMENDMENT TO SENATE BILL 827

2 AMENDMENT NO. _____. Amend Senate Bill 827 as follows:

3 on page 1, line 5, after "3-704", by inserting "and adding
4 Section 16-108"; and

5 on page 3, by replacing lines 1 and 2 with the following:

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) Each time a peace officer stops a driver of a motor
12 vehicle for a violation of any motor vehicle statute or
13 ordinance, that officer shall report the following
14 information to the law enforcement agency that employs the
15 officer:

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

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

20 (3) Whether a search was conducted as a result of
21 the stop;

22 (4) If a search was conducted, whether the

1 individual consented to the search, the probable cause
2 for the search, whether the person was searched, whether
3 the person's property was searched, and the duration of
4 the search;

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

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

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

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

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

15 (10) The location of the stop.

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

19 The provisions of this subsection (b), other than this
20 sentence, are inoperative after December 31, 2003.

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 Secretary of State, which shall be
24 submitted to the Secretary of State no later than March 1 in
25 2003 and 2004. The Secretary of State shall determine the
26 format that all law enforcement agencies shall use to submit
27 the report.

28 (d) The Secretary of State 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 in 2003 and 2004.

33 (e) The report of the Secretary of State shall include
34 at 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 The provisions of this subsection (e), other than this
15 sentence, are inoperative after December 31, 2003.

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

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

22 (2) Provides for periodic reviews by the law
23 enforcement agency of the annual report of the Secretary
24 of State required by subsection (d) of this Section that:

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

32 (B) If the review reveals a pattern, require
33 an investigation to determine whether any peace
34 officers of the law enforcement agency routinely

1 stop members of minority groups for violations of
2 vehicle laws as a pretext for investigating other
3 violations of criminal law;

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

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

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

21 Section 99. Effective date. This Act takes effect on
22 January 1, 2002."