



Sen. Kwame Raoul

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LRB094 17976 DRH 56660 a

1 AMENDMENT TO SENATE BILL 2368

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2368 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Racial Profiling Prevention and Data Oversight Act.

6 Section 5. Legislative purpose. The purpose of this Act is  
7 to identify and address bias-based policing through the  
8 monitoring, review, and improvement of the collection of racial  
9 profiling information collected under the Illinois Traffic  
10 Stop Statistical Study. Through this data collection and  
11 review, a more accurate understanding of this problem can be  
12 obtained, thus allowing the concerns of the motoring public to  
13 be better addressed, resources such as specialized training to  
14 be provided, the honest efforts of Illinois' law enforcement  
15 professionals to be demonstrated, and the civil rights of all  
16 Illinois citizens to be protected.

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

18 (a) "Oversight Board" means the Racial Profiling  
19 Prevention and Data Oversight Board established under this Act.

20 (b) "Department" means the Illinois Department of  
21 Transportation.

22 (c) "Traffic Stop Statistical Study Act" means Section  
23 11-212 of the Illinois Vehicle Code.

1 Section 15. Oversight Board.

2 (a) There is created within the Department a Racial  
3 Profiling Prevention and Data Oversight Board, consisting of 28  
4 members, which shall independently exercise its powers,  
5 duties, and responsibilities. The Board shall have the  
6 authority to allow additional participation from various  
7 groups that the Board deems necessary for additional input.

8 (b) The membership of the Oversight Board shall consist of:

9 (1) 4 legislators appointed by the General Assembly  
10 leadership equally apportioned between the 2 houses and  
11 political parties;

12 (2) the Attorney General or his or her designee;

13 (3) the Secretary of the Illinois Department of  
14 Transportation or his or her designee;

15 (4) the Director of the Illinois State Police or his or  
16 her designee;

17 (5) the Superintendent of the Chicago Police  
18 Department or his or her designee;

19 (6) 2 police chiefs representing jurisdictions of  
20 varied size and geography appointed by the Illinois  
21 Association of Chiefs of Police;

22 (7) 2 sheriffs representing jurisdictions of varied  
23 size and geography appointed by the Illinois Sheriffs'  
24 Association;

25 (8) a representative appointed by Illinois Law  
26 Enforcement Training and Standards Board;

27 (9) a representative appointed by the Illinois  
28 Fraternal Order of Police;

29 (10) a representative appointed by the Cook County  
30 State's Attorney Office;

31 (11) a representative appointed by the Cook County  
32 Public Defender;

33 (12) a representative appointed by the State's

1 Attorneys Appellate Prosecutor;

2 (13) a representative appointed by the State Appellate  
3 Defender;

4 (14) a representative appointed by the American Civil  
5 Liberties Union of Illinois;

6 (15) a representative of the Mexican American Legal  
7 Defense and Education Fund;

8 (16) a representative of Operation P.U.S.H.;

9 (17) a representative of the Illinois Conference of  
10 NAACP Chapters;

11 (18) a representative of the Council on  
12 American-Islamic Relations;

13 (19) a representative of the League of United Latin  
14 American Citizens; and

15 (20) the following members appointed by the Governor:

16 (A) 2 members of the general public; and

17 (B) 2 members of the Illinois academic community  
18 with specific expertise in both statistical analysis  
19 and law enforcement.

20 Section 20. Governing Board. From the membership of the  
21 Board, the Governor shall designate the chair and vice chair of  
22 the Governing Board, who shall serve at the discretion of the  
23 Governor. Members appointed by the Governor shall serve at the  
24 discretion of the Governor for a term not to exceed 2 years.  
25 All members may be reappointed for an unlimited number of  
26 terms. The Governing Board shall meet at least quarterly.

27 Section 25. Funding. Funding to implement this Act shall be  
28 appropriated by the General Assembly to the Department.

29 Section 30. Compensation. Members of the Governing Board  
30 shall serve without compensation. Members may be reimbursed by  
31 the Department for reasonable expenses incurred in connection

1 with their duties.

2 Section 35. Staffing. The Secretary of the Department shall  
3 employ or assign, in accordance with the provisions of the  
4 Illinois Personnel Code, the administrative, professional,  
5 clerical, and other personnel required and may organize his or  
6 her staff as may be appropriate to effectuate the purposes,  
7 powers, duties, and responsibilities contained in this Act.

8 Section 40. Powers and duties of the Governing Board. The  
9 Governing Board shall have the following powers, duties, and  
10 responsibilities:

11 (a) To comply with the requirements of applicable federal  
12 or State laws or regulations and adopt rules consistent with  
13 this Act as allowed by the Illinois Administrative Procedure  
14 Act (IAPA) through the Joint Committee on Administrative Rules  
15 (JCAR).

16 (b) To coordinate the development, adoption, and  
17 implementation of plans and strategies to eliminate racial  
18 profiling in Illinois.

19 (c) To study, recommend, and promulgate data collection  
20 requirements regarding additional race/ethnicity categories to  
21 be added to the traffic stop statistical study in order to  
22 improve data collection among unreported/under-reported  
23 minority populations. The board shall study and recommend if  
24 required, at a minimum, data collection strategies,  
25 categories, and benchmarks for persons of Middle-Eastern  
26 origin.

27 (d) To study stops lasting over 30 minutes and define  
28 categorical reasons for the extended stops.

29 (e) To study, recommend, and report to the Governor,  
30 Illinois Secretary of State, and the General Assembly, no later  
31 than December 1, 2006, strategies to improve the benchmark data  
32 available to identify the race, ethnicity, and geographical

1 residence of the Illinois' driving population beginning on  
2 January 1, 2007, with the collection of race/ethnicity data on  
3 driver's license new-applicant/renewals. This data shall be  
4 available for statistical benchmark comparison purposes only.

5 (f) To coordinate the development, adoption, and  
6 implementation of public awareness programs in the minority  
7 communities designed to educate individuals regarding racial  
8 profiling and their civil rights.

9 (g) To promulgate model policies for police agencies that  
10 are designed to protect individuals' civil rights related to  
11 police traffic enforcement.

12 (h) To adopt rules as may be necessary to effectuate  
13 training regarding data collection and mechanisms to engage  
14 those agencies who willfully fail to comply with the  
15 requirements of the Traffic Stop Statistical Study Act.

16 (i) To study, recommend, and report no later than July 1,  
17 2007 on technological solutions to aid in the identification,  
18 elimination, and prevention of racial profiling and to  
19 recommend funding sources for statewide implementation of the  
20 technological solutions.

21 (j) To report annually, on or before April 1 of each year,  
22 to the Governor and the General Assembly on the Governing  
23 Board's activities in the preceding fiscal year.

24 (k) To study whether Illinois should continue the mandatory  
25 data collection required under this Act as well as the best  
26 practices of data collection as related to the identification,  
27 elimination, and prevention of bias-based policing and report  
28 its findings and recommendations to the Governor and the  
29 General Assembly by July 1, 2008.

30 Section 90. The Illinois Vehicle Code is amended by  
31 changing Section 11-212 as follows:

32 (625 ILCS 5/11-212)

1           Sec. 11-212. Traffic stop statistical study.

2           (a) Whenever ~~From January 1, 2004 until December 31, 2007,~~  
3 ~~whenever~~ a State or local law enforcement officer issues a  
4 uniform traffic citation or warning citation for an alleged  
5 violation of the Illinois Vehicle Code, he or she shall record  
6 at least the following:

7           (1) the name, address, gender, and the officer's  
8 subjective determination of the race of the person stopped;  
9 the person's race shall be selected from the following  
10 list: Caucasian, African-American, Hispanic, Native  
11 American/Alaska Native, or Asian/Pacific Islander;

12           (2) the alleged traffic violation that led to the stop  
13 of the motorist;

14           (3) the make and year of the vehicle stopped;

15           (4) the date and time of the stop, beginning when the  
16 vehicle was stopped and ending when the driver is free to  
17 leave or taken into physical custody;

18           (5) the location of the traffic stop;

19           (5.5) whether or not a consent search contemporaneous  
20 to the stop was requested of the vehicle, driver,  
21 passenger, or passengers; and, if so, whether consent was  
22 given or denied;

23           (6) whether or not a search contemporaneous to the stop  
24 was conducted of the vehicle, driver, passenger, or  
25 passengers; and, if so, whether it was with consent or by  
26 other means; ~~and~~

27           (6.5) whether or not contraband was found during a  
28 search; and, if so, the type and amount of contraband  
29 seized; and

30           (7) the name and badge number of the issuing officer.

31           (b) Whenever ~~From January 1, 2004 until December 31, 2007,~~  
32 ~~whenever~~ a State or local law enforcement officer stops a  
33 motorist for an alleged violation of the Illinois Vehicle Code  
34 and does not issue a uniform traffic citation or warning

1 citation for an alleged violation of the Illinois Vehicle Code,  
2 he or she shall complete a uniform stop card, which includes  
3 field contact cards, or any other existing form currently used  
4 by law enforcement containing information required pursuant to  
5 this Act, that records at least the following:

6 (1) the name, address, gender, and the officer's  
7 subjective determination of the race of the person stopped;  
8 the person's race shall be selected from the following  
9 list: Caucasian, African-American, Hispanic, Native  
10 American/Alaska Native, or Asian/Pacific Islander;

11 (2) the reason that led to the stop of the motorist;

12 (3) the make and year of the vehicle stopped;

13 (4) the date and time of the stop, beginning when the  
14 vehicle was stopped and ending when the driver is free to  
15 leave or taken into physical custody;

16 (5) the location of the traffic stop;

17 (5.5) whether or not a consent search contemporaneous  
18 to the stop was requested of the vehicle, driver,  
19 passenger, or passengers; and, if so, whether consent was  
20 given or denied;

21 (6) whether or not a search contemporaneous to the stop  
22 was conducted of the vehicle, driver, passenger, or  
23 passengers; and, if so, whether it was with consent or by  
24 other means; ~~and~~

25 (6.5) whether or not contraband was found during a  
26 search; and, if so, the type and amount of contraband  
27 seized; and

28 (7) the name and badge number of the issuing officer.

29 (c) The Illinois Department of Transportation shall  
30 provide a standardized law enforcement data compilation form on  
31 its website.

32 (d) Every law enforcement agency shall, by March 1 with  
33 regard to data collected during July through December of the  
34 previous calendar year and by August 1 with regard to data

1 collected during January through June of the current calendar  
2 year ~~in each of the years 2004, 2005, 2006, and 2007,~~ compile  
3 the data described in subsections (a) and (b) on the  
4 standardized law enforcement data compilation form provided by  
5 the Illinois Department of Transportation and transmit the data  
6 to the Department.

7 (e) The Illinois Department of Transportation shall  
8 analyze the data provided by law enforcement agencies required  
9 by this Section and submit a report of the previous year's  
10 findings to the Governor, the General Assembly, the Racial  
11 Profiling Prevention and Data Oversight Board, and each law  
12 enforcement agency no later than July 1 of each year ~~in each of~~  
13 ~~the years 2005, 2006, 2007, and 2008.~~ The Illinois Department  
14 of Transportation 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 drivers or passengers  
22 being stopped in a given area is substantially higher than  
23 the proportion of the overall population in or traveling  
24 through the area that the minority constitutes.

25 (2) A substantial number of false stops including stops  
26 not resulting in the issuance of a traffic ticket or the  
27 making of an arrest.

28 (3) A disparity between the proportion of citations  
29 issued to minorities and proportion of minorities in the  
30 population.

31 (4) A disparity among the officers of the same law  
32 enforcement agency with regard to the number of minority  
33 drivers or passengers being stopped in a given area.

34 (5) A disparity between the frequency of searches

1 performed on minority drivers and the frequency of searches  
2 performed on non-minority drivers.

3 (f) Any law enforcement officer identification information  
4 or driver identification information that is compiled by any  
5 law enforcement agency or the Illinois Department of  
6 Transportation pursuant to this Act for the purposes of  
7 fulfilling the requirements of this Section shall be  
8 confidential and exempt from public inspection and copying, as  
9 provided under Section 7 of the Freedom of Information Act, and  
10 the information shall not be transmitted to anyone except as  
11 needed to comply with this Section. This Section shall not  
12 exempt those materials that, prior to the effective date of  
13 this amendatory Act of the 93rd General Assembly, were  
14 available under the Freedom of Information Act.

15 (g) Funding to implement this Section shall come from  
16 federal highway safety funds available to Illinois, as directed  
17 by the Governor.

18 (h) The Illinois Department of Transportation, in  
19 consultation with law enforcement agencies, officials, and  
20 organizations, including Illinois chiefs of police, the  
21 Department of State Police, the Illinois Sheriffs Association,  
22 and the Chicago Police Department, and community groups and  
23 other experts, shall undertake a study to determine the best  
24 use of technology to collect, compile, and analyze the traffic  
25 stop statistical study data required by this Section. The  
26 Department shall report its findings and recommendations to the  
27 Governor and the General Assembly by March 1, 2004.

28 (i) The Racial Profiling Prevention and Data Oversight  
29 Board shall undertake a study to determine the best use of  
30 technology to collect, compile, and analyze the traffic stop  
31 statistical study data required by this Section as well as  
32 strategies to fund implementation of recommended technologies.  
33 The Board shall report its findings and recommendations to the  
34 Governor and the General Assembly by July 1, 2007.

1       (j) The Racial Profiling Prevention and Data Oversight  
2 Board shall undertake a comprehensive study to determine  
3 whether Illinois should continue the mandatory data collection  
4 required under this Section as well as the best practices of  
5 data collection as related to the identification, elimination,  
6 and prevention of bias-based policing. The Board shall report  
7 its findings and recommendations to the Governor and the  
8 General Assembly by July 1, 2008.

9       (k) This Section is repealed on July 1, 2010.

10       (Source: P.A. 93-209, eff. 7-18-03.)

11       Section 99. Effective date. This Act takes effect upon  
12 becoming law, except that the changes to Section 11-212 of the  
13 Illinois Vehicle Code take effect January 1, 2007.".