



Rep. Jack D. Franks

Filed: 2/26/2016

09900HB1437ham002

LRB099 04138 RJF 45641 a

1 AMENDMENT TO HOUSE BILL 1437

2 AMENDMENT NO. _____. Amend House Bill 1437 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Criminal Diversion Racial Impact Data Collection Act.

6 Section 5. Legislative intent. Racial and ethnic disparity
7 in the criminal justice system, or the over-representation of
8 certain minority groups compared to their representation in the
9 general population, has been well documented, along with the
10 harmful effects of such disproportionality. There is no single
11 cause of the racial and ethnic disparity evident at every stage
12 of the criminal justice system; suggested causes have included
13 differing patterns of criminal activity, law enforcement
14 activity, and discretionary decisions of criminal justice
15 practitioners, along with effects of legislative policies. In
16 order to make progress in reducing this harmful phenomenon,

1 information on the racial composition of offenders at each
2 stage of the criminal justice system must be systematically
3 gathered and analyzed to lay the foundation for determining the
4 impact of proposed remedies. Gaps of information at any stage
5 will hamper valid analysis at subsequent stages. At the
6 earliest stages of the criminal justice system, systematic
7 statewide information on arrested persons, including race and
8 ethnicity, is collected in the State Police Criminal History
9 Record Information System. However, under the Criminal
10 Identification Act, systematic statewide information on the
11 racial and ethnic composition of adults diverted from arrest by
12 law enforcement and diverted from prosecution by each county's
13 State's Attorney's office is not available. Therefore, it is
14 the intent of this legislation to provide a mechanism by which
15 statewide data on the race and ethnicity of offenders diverted
16 from the criminal justice system before the filing of a court
17 case can be provided by the criminal justice entity involved
18 for future racial disparity impact analyses of the criminal
19 justice system.

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

21 "Arrested but released without being charged" means the
22 taking into custody of a person by a law enforcement agency and
23 his or her subsequent release without a formal charge filed.

24 "Authority" means the Illinois Criminal Justice
25 Information Authority.

1 "Diversion from prosecution" means the placement of the
2 defendant into any specialized program by the State's
3 Attorney's office, after which formal charges are dismissed,
4 subject to successful completion of the program.

5 "Law enforcement agency" means any agency of this State or
6 a political subdivision of this State that is vested by law
7 with the duty to maintain public order and to enforce criminal
8 laws.

9 "Racial and ethnic information" means categories of
10 socially significant groupings by which individuals identify
11 themselves, based on physical characteristics and cultural
12 heritage, as categorized under subsection (b) of Section 4.5 of
13 the Criminal Identification Act.

14 Section 15. Reporting; publication.

15 (a) Under the reporting guidelines for law enforcement
16 agencies in Sections 2.1, 4.5, and 5 of the Criminal
17 Identification Act, the Authority shall determine and report
18 the number of persons arrested and released without being
19 charged, and report the racial and ethnic composition of those
20 persons.

21 (b) Under the reporting guidelines for State's Attorneys in
22 Sections 2.1, 4.5, and 5 of the Criminal Identification Act,
23 the Authority shall determine and report the number of persons
24 for which formal charges were dismissed, and the race and
25 ethnicity of those persons.

1 (c) Under the reporting guidelines for circuit court clerks
2 in Sections 2.1, 4.5, and 5 of the Criminal Identification Act,
3 the Authority shall determine and report the number of persons
4 admitted to a diversion from prosecution program, and the
5 racial and ethnic composition of those persons, separated by
6 each type of diversion program.

7 (d) The Authority shall publish the information received
8 and an assessment of the quality of the information received,
9 aggregated to the county level in the case of law enforcement
10 reports, on its publicly available website for the previous
11 calendar year, as affirmed by each reporting agency at the time
12 of its report submission.

13 (e) The Authority, Department of State Police,
14 Administrative Office of Illinois Courts, and Illinois State's
15 Attorneys Association may collaborate on any necessary
16 training concerning the provisions of this Act.

17 Section 20. Repeal. This Act is repealed on December 31,
18 2020.

19 Section 99. Effective date. This Act takes effect January
20 1, 2017."