



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3181

by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212
725 ILCS 5/107-14

from Ch. 38, par. 107-14

Amends Illinois Vehicle Code and the Code of Criminal Procedure of 1963. Upon completion of a traffic stop or other stop of a person for temporary questioning, without making an arrest or issuing a warning citation, the officer shall provide the person stopped with a stop receipt which briefly describes the stop, including the purpose of the stop, and contains the officer's name and badge number. The officer shall file a copy of the stop receipt with his or her department or agency, which shall maintain the copy in its records.

LRB099 06872 MRW 26951 b

1 AN ACT concerning police officers.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-212 as follows:

6 (625 ILCS 5/11-212)

7 (Section scheduled to be repealed on July 1, 2019)

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

9 (a) Whenever a State or local law enforcement officer
10 issues a uniform traffic citation or warning citation for an
11 alleged violation of the Illinois Vehicle Code, he or she shall
12 record at least the following:

13 (1) the name, address, gender, and the officer's
14 subjective determination of the race of the person stopped;
15 the person's race shall be selected from the following
16 list: American Indian or Alaska Native, Asian, Black or
17 African American, Hispanic or Latino, Native Hawaiian or
18 Other Pacific Islander, or White;

19 (2) the alleged traffic violation that led to the stop
20 of the motorist;

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

22 (4) the date and time of the stop, beginning when the
23 vehicle was stopped and ending when the driver is free to

1 leave or taken into physical custody;

2 (5) the location of the traffic stop;

3 (5.5) whether or not a consent search contemporaneous
4 to the stop was requested of the vehicle, driver,
5 passenger, or passengers; and, if so, whether consent was
6 given or denied;

7 (6) whether or not a search contemporaneous to the stop
8 was conducted of the vehicle, driver, passenger, or
9 passengers; and, if so, whether it was with consent or by
10 other means;

11 (6.2) whether or not a police dog performed a sniff of
12 the vehicle; and, if so, whether or not the dog alerted to
13 the presence of contraband; and, if so, whether or not an
14 officer searched the vehicle; and, if so, whether or not
15 contraband was discovered; and, if so, the type and amount
16 of contraband;

17 (6.5) whether or not contraband was found during a
18 search; and, if so, the type and amount of contraband
19 seized; and

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

21 (b) Whenever a State or local law enforcement officer stops
22 a motorist for an alleged violation of the Illinois Vehicle
23 Code and does not issue a uniform traffic citation or warning
24 citation for an alleged violation of the Illinois Vehicle Code,
25 he or she shall complete a uniform stop card, which includes
26 field contact cards, or any other existing form currently used

1 by law enforcement containing information required pursuant to
2 this Act, that records at least the following:

3 (1) the name, address, gender, and the officer's
4 subjective determination of the race of the person stopped;
5 the person's race shall be selected from the following
6 list: American Indian or Alaska Native, Asian, Black or
7 African American, Hispanic or Latino, Native Hawaiian or
8 Other Pacific Islander, or White;

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

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

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

14 (5) the location of the traffic stop;

15 (5.5) whether or not a consent search contemporaneous
16 to the stop was requested of the vehicle, driver,
17 passenger, or passengers; and, if so, whether consent was
18 given or denied;

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

23 (6.2) whether or not a police dog performed a sniff of
24 the vehicle; and, if so, whether or not the dog alerted to
25 the presence of contraband; and, if so, whether or not an
26 officer searched the vehicle; and, if so, whether or not

1 contraband was discovered; and, if so, the type and amount
2 of contraband;

3 (6.5) whether or not contraband was found during a
4 search; and, if so, the type and amount of contraband
5 seized; and

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

7 Upon completion of the stop without issuing a uniform
8 traffic citation or warning citation, the officer shall provide
9 the motorist with a stop receipt which briefly describes the
10 stop, including the purpose of the stop, and contains the
11 officer's name and badge number. The officer shall file a copy
12 of the stop receipt with his or her department or agency, which
13 shall maintain the copy in its records.

14 (c) The Illinois Department of Transportation shall
15 provide a standardized law enforcement data compilation form on
16 its website.

17 (d) Every law enforcement agency shall, by March 1 with
18 regard to data collected during July through December of the
19 previous calendar year and by August 1 with regard to data
20 collected during January through June of the current calendar
21 year, compile the data described in subsections (a) and (b) on
22 the standardized law enforcement data compilation form
23 provided by the Illinois Department of Transportation and
24 transmit the data to the Department.

25 (e) The Illinois Department of Transportation shall
26 analyze the data provided by law enforcement agencies required

1 by this Section and submit a report of the previous year's
2 findings to the Governor, the General Assembly, the Racial
3 Profiling Prevention and Data Oversight Board, and each law
4 enforcement agency no later than July 1 of each year. The
5 Illinois Department of Transportation may contract with an
6 outside entity for the analysis of the data provided. In
7 analyzing the data collected under this Section, the analyzing
8 entity shall scrutinize the data for evidence of statistically
9 significant aberrations. The following list, which is
10 illustrative, and not exclusive, contains examples of areas in
11 which statistically significant aberrations may be found:

12 (1) The percentage of minority drivers or passengers
13 being stopped in a given area is substantially higher than
14 the proportion of the overall population in or traveling
15 through the area that the minority constitutes.

16 (2) A substantial number of false stops including stops
17 not resulting in the issuance of a traffic ticket or the
18 making of an arrest.

19 (3) A disparity between the proportion of citations
20 issued to minorities and proportion of minorities in the
21 population.

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

25 (5) A disparity between the frequency of searches
26 performed on minority drivers and the frequency of searches

1 performed on non-minority drivers.

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

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

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

1 Department shall report its findings and recommendations to the
2 Governor and the General Assembly by March 1, 2004.

3 (h-5) For purposes of this Section:

4 (1) "American Indian or Alaska Native" means a person
5 having origins in any of the original peoples of North and
6 South America, including Central America, and who
7 maintains tribal affiliation or community attachment.

8 (2) "Asian" means a person having origins in any of the
9 original peoples of the Far East, Southeast Asia, or the
10 Indian subcontinent, including, but not limited to,
11 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
12 the Philippine Islands, Thailand, and Vietnam.

13 (3) "Black or African American" means a person having
14 origins in any of the black racial groups of Africa. Terms
15 such as "Haitian" or "Negro" can be used in addition to
16 "Black or African American".

17 (4) "Hispanic or Latino" means a person of Cuban,
18 Mexican, Puerto Rican, South or Central American, or other
19 Spanish culture or origin, regardless of race.

20 (5) "Native Hawaiian or Other Pacific Islander" means a
21 person having origins in any of the original peoples of
22 Hawaii, Guam, Samoa, or other Pacific Islands.

23 (6) "White" means a person having origins in any of the
24 original peoples of Europe, the Middle East, or North
25 Africa.

26 (i) This Section is repealed on July 1, 2019.

1 (Source: P.A. 97-396, eff. 1-1-12; 97-469, eff. 7-1-12; 97-813,
2 eff. 7-13-12; 98-686, eff. 6-30-14.)

3 Section 10. The Code of Criminal Procedure of 1963 is
4 amended by changing Section 107-14 as follows:

5 (725 ILCS 5/107-14) (from Ch. 38, par. 107-14)

6 Sec. 107-14. Temporary questioning without arrest.

7 (a) A peace officer, after having identified himself as a
8 peace officer, may stop any person in a public place for a
9 reasonable period of time when the officer reasonably infers
10 from the circumstances that the person is committing, is about
11 to commit or has committed an offense as defined in Section
12 102-15 of this Code, and may demand the name and address of the
13 person and an explanation of his actions. Such detention and
14 temporary questioning will be conducted in the vicinity of
15 where the person was stopped.

16 (b) Upon completion of the stop, the officer shall provide
17 the person with a stop receipt which briefly describes the
18 stop, including the purpose of the stop, and contains the
19 officer's name and badge number. The officer shall file a copy
20 of the stop receipt with his or her department or agency, which
21 shall maintain the copy in its records.

22 (Source: Laws 1968, p. 218.)