

SB3415



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3415

Introduced 2/16/2018, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212

Amends the Illinois Vehicle Code. Deletes language providing that the Section concerning the traffic and pedestrian stop statistical study is repealed on July 1, 2019. Provides that the Department of Transportation shall report specified findings and recommendations to the Governor and the General Assembly on March 1, 2022 (rather than March 1, 2004).

LRB100 17867 LNS 33051 b

A BILL FOR

1 AN ACT concerning transportation.

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7 (Section scheduled to be repealed on July 1, 2019)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 and pedestrian stop statistical
9 study.

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

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

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

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

23 (4) the date and time of the stop, beginning when the

1 vehicle was stopped and ending when the driver is free to
2 leave or taken into physical custody;

3 (5) the location of the traffic stop;

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

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

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

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

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

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

1 field contact cards, or any other existing form currently used
2 by law enforcement containing information required pursuant to
3 this Act, that records at least the following:

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

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

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

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

15 (5) the location of the traffic stop;

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

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

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

1 officer searched the vehicle; and, if so, whether or not
2 contraband was discovered; and, if so, the type and amount
3 of contraband;

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

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

8 (b-5) For purposes of this subsection (b-5), "detention"
9 means all frisks, searches, summons, and arrests. Whenever a
10 law enforcement officer subjects a pedestrian to detention in a
11 public place, he or she shall complete a uniform pedestrian
12 stop card, which includes any existing form currently used by
13 law enforcement containing all the information required under
14 this Section, that records at least the following:

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

21 (2) all the alleged reasons that led to the stop of the
22 person;

23 (3) the date and time of the stop;

24 (4) the location of the stop;

25 (5) whether or not a protective pat down or frisk was
26 conducted of the person; and, if so, all the alleged

1 reasons that led to the protective pat down or frisk, and
2 whether it was with consent or by other means;

3 (6) whether or not contraband was found during the
4 protective pat down or frisk; and, if so, the type and
5 amount of contraband seized;

6 (7) whether or not a search beyond a protective pat
7 down or frisk was conducted of the person or his or her
8 effects; and, if so, all the alleged reasons that led to
9 the search, and whether it was with consent or by other
10 means;

11 (8) whether or not contraband was found during the
12 search beyond a protective pat down or frisk; and, if so,
13 the type and amount of contraband seized;

14 (9) the disposition of the stop, such as a warning, a
15 ticket, a summons, or an arrest;

16 (10) if a summons or ticket was issued, or an arrest
17 made, a record of the violations, offenses, or crimes
18 alleged or charged; and

19 (11) the name and badge number of the officer who
20 conducted the detention.

21 This subsection (b-5) does not apply to searches or
22 inspections for compliance authorized under the Fish and
23 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,
24 or searches or inspections during routine security screenings
25 at facilities or events.

26 (c) The Illinois Department of Transportation shall

1 provide a standardized law enforcement data compilation form on
2 its website.

3 (d) Every law enforcement agency shall, by March 1 with
4 regard to data collected during July through December of the
5 previous calendar year and by August 1 with regard to data
6 collected during January through June of the current calendar
7 year, compile the data described in subsections (a), (b), and
8 (b-5) on the standardized law enforcement data compilation form
9 provided by the Illinois Department of Transportation and
10 transmit the data to the Department.

11 (e) The Illinois Department of Transportation shall
12 analyze the data provided by law enforcement agencies required
13 by this Section and submit a report of the previous year's
14 findings to the Governor, the General Assembly, the Racial
15 Profiling Prevention and Data Oversight Board, and each law
16 enforcement agency no later than July 1 of each year. The
17 Illinois Department of Transportation may contract with an
18 outside entity for the analysis of the data provided. In
19 analyzing the data collected under this Section, the analyzing
20 entity shall scrutinize the data for evidence of statistically
21 significant aberrations. The following list, which is
22 illustrative, and not exclusive, contains examples of areas in
23 which statistically significant aberrations may be found:

24 (1) The percentage of minority drivers, passengers, or
25 pedestrians being stopped in a given area is substantially
26 higher than the proportion of the overall population in or

1 traveling through the area that the minority constitutes.

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

5 (3) A disparity between the proportion of citations
6 issued to minorities and proportion of minorities in the
7 population.

8 (4) A disparity among the officers of the same law
9 enforcement agency with regard to the number of minority
10 drivers, passengers, or pedestrians being stopped in a
11 given area.

12 (5) A disparity between the frequency of searches
13 performed on minority drivers or pedestrians and the
14 frequency of searches performed on non-minority drivers or
15 pedestrians.

16 (f) Any law enforcement officer identification information
17 and driver or pedestrian identification information that is
18 compiled by any law enforcement agency or the Illinois
19 Department of Transportation pursuant to this Act for the
20 purposes of fulfilling the requirements of this Section shall
21 be confidential and exempt from public inspection and copying,
22 as provided under Section 7 of the Freedom of Information Act,
23 and the information shall not be transmitted to anyone except
24 as needed to comply with this Section. This Section shall not
25 exempt those materials that, prior to the effective date of
26 this amendatory Act of the 93rd General Assembly, were

1 available under the Freedom of Information Act. This subsection
2 (f) shall not preclude law enforcement agencies from reviewing
3 data to perform internal reviews.

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

7 (h) The Illinois Department of Transportation, in
8 consultation with law enforcement agencies, officials, and
9 organizations, including Illinois chiefs of police, the
10 Department of State Police, the Illinois Sheriffs Association,
11 and the Chicago Police Department, and community groups and
12 other experts, shall undertake a study to determine the best
13 use of technology to collect, compile, and analyze the traffic
14 stop statistical study data required by this Section. The
15 Department shall report its findings and recommendations to the
16 Governor and the General Assembly by March 1, 2022 ~~2004~~.

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

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

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

1 (2.5) "Badge" means an officer's department issued
2 identification number associated with his or her position
3 as a police officer with that department.

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

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

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

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

17 (i) (Blank). ~~This Section is repealed on July 1, 2019.~~

18 (Source: P.A. 98-686, eff. 6-30-14; 99-352, eff. 1-1-16.)