



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2980

Introduced 1/20/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212
725 ILCS 5/108-1.5 new

Amends the Illinois Vehicle Code. In a provision regarding a traffic stop statistical study, provides that, rather than expiring December 31, 2007, the study shall continue without a stated ending date. Provides that the provision applies only to the Department of State Police and county and municipal police departments (rather than all law enforcement agencies). Provides that stops of persons of Middle Eastern origin shall be included in the study. Provides that the data collected shall include whether or not a drug-sniffing dog was used in the search of a person or vehicle. Provides that the Department of Transportation shall adopt and enforce rules, including the imposition of fines and other penalties, to ensure compliance with the provision. Amends the Code of Criminal Procedure of 1963. Establishes procedures for canine sniffs at vehicle stops.

LRB094 18944 DRH 54398 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sec. 11-212. Traffic stop statistical study.

8 (a) ~~Whenever~~ ~~From January 1, 2004 until December 31, 2007,~~
 9 ~~whenever~~ a State Police Officer or an ~~or local law enforcement~~
 10 ~~officer~~ of a county or municipal police department issues a
 11 uniform traffic citation or warning citation for an alleged
 12 violation of the Illinois Vehicle Code, he or she shall record
 13 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: Caucasian, African-American, Hispanic, Native
 18 American/Alaska Native, Middle Eastern, or Asian/Pacific
 19 Islander;

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;

24 (5) the location of the traffic stop;

25 (6) whether or not a search contemporaneous to the stop
 26 was conducted of the vehicle, driver, passenger, or
 27 passengers; and, ~~if~~ there was a search: ~~so~~

28 (A) whether it was with consent or by other means;

29 and

30 (B) whether it led to the discovery of any
 31 contraband;

32 (6.1) whether or not a civilian refused to give consent

1 to a search; and

2 (7) the name and badge number of the issuing officer;

3 and-

4 (8) for traffic stops occurring on or after the
5 effective date of this amendatory Act of the 94th General
6 Assembly:

7 (A) whether an investigation or procedure
8 involving a drug detecting canine, or canine sniff, was
9 conducted;

10 (B) if such an investigation or procedure was
11 conducted, whether the canine alerted to the presence
12 of contraband;

13 (C) if the canine alerted, whether an ensuing
14 search by a law enforcement officer led to the
15 discovery of contraband; and

16 (D) if the canine alerted to the presence of
17 contraband, and the ensuing search did not lead to the
18 discovery of contraband, information (if any)
19 reflecting the cause of the alert.

20 (b) Whenever ~~From January 1, 2004 until December 31, 2007,~~
21 ~~whenever~~ a State or local law enforcement officer stops a
22 motorist for an alleged violation of the Illinois Vehicle Code
23 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
27 by law enforcement containing information required pursuant to
28 this Act, that records at least the following:

29 (1) the name, address, gender, and the officer's
30 subjective determination of the race of the person stopped;
31 the person's race shall be selected from the following
32 list: Caucasian, African-American, Hispanic, Native
33 American/Alaska Native, Middle Eastern or Asian/Pacific
34 Islander;

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

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

1 (4) the date and time of the stop;
2 (5) the location of the traffic stop;
3 (6) whether or not a search contemporaneous to the stop
4 was conducted of the vehicle, driver, passenger, or
5 passengers; and, ~~if there was a search: so,~~

6 (A) whether it was with consent or by other means;
7 and

8 (B) whether it led to the discovery of any
9 contraband;

10 (6.1) whether or not a civilian refused to give consent
11 to a search; and

12 (7) the name and badge number of the issuing officer;
13 and-

14 (8) for traffic stops occurring on or after the
15 effective date of this amendatory Act of the 94th General
16 Assembly:

17 (A) whether an investigation or procedure
18 involving a drug detecting canine, or canine sniff, was
19 conducted;

20 (B) if such an investigation or procedure was
21 conducted, whether the canine alerted to the presence
22 of contraband;

23 (C) if the canine alerted, whether an ensuing
24 search by a law enforcement officer led to the
25 discovery of contraband; and

26 (D) if the canine alerted to the presence of
27 contraband, and the ensuing search did not lead to the
28 discovery of contraband, information (if any)
29 reflecting the cause of the alert.

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

33 (d) The Department of State Police and each county and
34 municipal police department ~~Every law enforcement agency~~
35 shall, by March 1 of in each year ~~of the years 2004, 2005,~~
36 ~~2006, and 2007,~~ compile the data described in subsections (a)

1 and (b) on the standardized law enforcement data compilation
2 form provided by the Illinois Department of Transportation and
3 transmit the data to the Department. The Department shall adopt
4 and enforce appropriate rules, including the imposition of
5 appropriate fines and other penalties, to address situations
6 where the Department of State Police or a county or municipal
7 police department fails to transmit this data on time. The
8 Department may command the Department of State Police and
9 county and municipal police departments to collect, compile,
10 and transmit additional information not specifically
11 enumerated in subsections (a) and (b), if relevant to the issue
12 of bias-based law enforcement, including but not limited to
13 information about traffic accidents.

14 (e) The Illinois Department of Transportation shall
15 analyze the data provided by law enforcement agencies required
16 by this Section and submit a report of the findings regarding
17 the data collected the prior year to the Governor, the General
18 Assembly, and each law enforcement agency no later than July 1
19 of in each year of the years 2005, 2006, 2007, and 2008. The
20 Illinois Department of Transportation may contract with an
21 outside entity for the analysis of the data provided. In
22 analyzing the data collected under this Section, the analyzing
23 entity shall scrutinize the data for evidence of statistically
24 significant aberrations. The following list, which is
25 illustrative, and not exclusive, contains examples of areas in
26 which statistically significant aberrations may be found:

27 (1) The percentage of minority drivers or passengers
28 being stopped in a given area is substantially higher than
29 the proportion of the overall population in or traveling
30 through the area that the minority constitutes.

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

34 (3) A disparity between the proportion of citations
35 issued to minorities and proportion of minorities in the
36 population.

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

4 (5) A disparity between the frequency of searches
5 performed on minority drivers and the frequency of searches
6 performed on non-minority drivers.

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

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

22 (h) The Illinois Department of Transportation shall
23 consult no less than once per year ~~, in consultation~~ with law
24 enforcement agencies, officials, and organizations, including
25 Illinois chiefs of police, the Department of State Police, the
26 Illinois Sheriffs Association, and the Chicago Police
27 Department, and community groups and other experts regarding
28 the best means ~~, shall undertake a study to determine the best~~
29 ~~use of technology~~ to collect, compile, ~~and~~ analyze, and report
30 the traffic stop statistical study data required by this
31 Section. ~~The Department shall report its findings and~~
32 ~~recommendations to the Governor and the General Assembly by~~
33 ~~March 1, 2004.~~

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

35 Section 10. The Code of Criminal Procedure of 1963 is

1 amended by adding Section 108-1.5 as follows:

2 (725 ILCS 5/108-1.5 new)

3 Sec. 108-1.5. Canine sniffs at vehicle stops.

4 (a) In determining whether to conduct an investigation or
5 procedure involving a drug detecting canine, or canine sniff,
6 of a motor vehicle or the driver or passenger of a motor
7 vehicle stopped on the basis of a violation or suspected
8 violation of the Illinois Vehicle Code, the peace officer may
9 not consider the actual or perceived race, color, religion,
10 national origin, ancestry, or age of the motorist or passenger.

11 (b) When an investigation or procedure involving a drug
12 detecting canine, or canine sniff, is conducted on a motor
13 vehicle or the driver or passenger of a motor vehicle stopped
14 on the basis of a violation or suspected violation of the
15 Illinois Vehicle Code, the investigation or procedure shall not
16 unduly prolong the traffic stop beyond time reasonably required
17 to complete the stop.

18 (c) When a motor vehicle is stopped on the basis of a
19 violation or suspected violation of the Illinois Vehicle Code,
20 nothing in this Section makes unlawful an investigation or
21 procedure involving a drug detecting canine, or canine sniff,
22 when the investigation or procedure (i) is conducted on the
23 motor vehicle or the driver with the consent of the driver, or
24 (ii) is conducted on the passenger with the consent of the
25 passenger.