

1 AN ACT in relation to vehicles.

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
5 adding Section 16-108 as follows:

6 (626 ILCS 5/16-108 new)

7 Sec. 16-108. Racial profiling.

8 (a) As used in this Section, "minority group" means
9 individuals of African, Hispanic, Native American, or Asian
10 descent.

11 (b) Each time a peace officer stops a driver of a motor
12 vehicle for a violation of any motor vehicle statute or
13 ordinance, that officer shall report the following
14 information to the law enforcement agency that employs the
15 officer:

16 (1) The age, gender, and race or minority group of
17 the individual stopped;

18 (2) The traffic violation or violations alleged to
19 have been committed that led to the stop;

20 (3) Whether a search was conducted as a result of
21 the stop;

22 (4) If a search was conducted, whether the
23 individual consented to the search, the probable cause
24 for the search, whether the person was searched, whether
25 the person's property was searched, and the duration of
26 the search;

27 (5) Whether any contraband was discovered in the
28 course of the search and the type of any contraband
29 discovered;

30 (6) Whether any warning or citation was issued as a
31 result of the stop;

1 (7) If a warning or citation was issued, the
2 violation charged or warning provided;

3 (8) Whether an arrest was made as a result of
4 either the stop or the search;

5 (9) If an arrest was made, the crime charged; and

6 (10) The location of the stop.

7 This information may be reported using a format
8 determined by the Department of State Police that uses
9 existing citation and report forms.

10 (c) Each law enforcement agency shall compile the data
11 described in subsection (b) of this Section for the calendar
12 year into a report to the Attorney General, which shall be
13 submitted to the Attorney General no later than March 1 of
14 the following calendar year. The Attorney General shall
15 determine the format that all law enforcement agencies shall
16 use to submit the report.

17 (d) The Attorney General shall analyze the annual
18 reports of law enforcement agencies required by this Section
19 and submit a report of the findings to the Governor, the
20 General Assembly, and each law enforcement agency no later
21 than June 1 of each year.

22 (e) The report of the Attorney General shall include at
23 least the following information for each law enforcement
24 agency:

25 (1) The total number of vehicles stopped by peace
26 officers during the previous calendar year;

27 (2) The number and percentage of stopped motor
28 vehicles that were driven by members of each particular
29 minority group;

30 (3) A comparison of the percentage of stopped motor
31 vehicles driven by each minority group and the percentage
32 of the State's population that each minority group
33 comprises; and

34 (4) A compilation of the information reported by

1 law enforcement agencies under subsection (b) of this
2 Section.

3 (f) Each law enforcement agency shall adopt a policy on
4 race-based traffic stops that:

5 (1) Prohibits the practice of routinely stopping
6 members of minority groups for violations of vehicle laws
7 as a pretext for investigating other violations of
8 criminal law;

9 (2) Provides for periodic reviews by the law
10 enforcement agency of the annual report of the Attorney
11 General required by subsection (d) of this Section that:

12 (A) Determine whether any peace officers of
13 the law enforcement agency have a pattern of
14 stopping members of minority groups for violations
15 of vehicle laws in a number disproportionate to the
16 population of minority groups residing or traveling
17 within the jurisdiction of the law enforcement
18 agency; and

19 (B) If the review reveals a pattern, require
20 an investigation to determine whether any peace
21 officers of the law enforcement agency routinely
22 stop members of minority groups for violations of
23 vehicle laws as a pretext for investigating other
24 violations of criminal law;

25 (3) Provides for appropriate counseling and
26 training of any peace officer found to have engaged in
27 race-based traffic stops within 90 days of the review;
28 and

29 (4) Provides for annual sensitivity training for
30 any employees who may conduct stops of motor vehicles
31 regarding the prohibition against racial profiling. The
32 course or courses of instruction and the guidelines shall
33 stress understanding and respect for racial and cultural
34 differences and the development of effective,

1 noncombative methods of carrying out law enforcement
2 duties in a racially and culturally diverse environment.

3 (g) If a law enforcement agency fails to comply with the
4 provisions of this Section, the Governor may direct the
5 Comptroller and the State Treasurer to withhold any State
6 funds appropriated to the noncompliant law enforcement
7 agency.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.