



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5560

Introduced 2/9/2024, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-131 new

Amends the Illinois Vehicle Code. Provides that no law enforcement officer or law enforcement agency shall engage in profiling. Creates a cause of action against the State for individuals injured by profiling. Allows a court to award of attorney's fees to a prevailing plaintiff. Requires law enforcement agencies in the State to adopt policies designed to eliminate profiling by: (i) prohibiting profiling; (ii) including profiling issues as part of law enforcement training; (iii) establishing procedures for receiving, investigating, and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies; (iv) adopting the model policies promoted by the Racial Profiling Prevention and Data Oversight Board; (v) collecting data in accordance with the Racial Profiling Prevention and Data Oversight Act; and (vi) ceasing practices that permit profiling. Defines terms.

LRB103 39494 MXP 69691 b

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 1. The Illinois Vehicle Code is amended by adding
5 Section 2-131 as follows:

6 (625 ILCS 5/2-131 new)

7 Sec. 2-131. Profiling prohibited; policies; enforcement;
8 remedy.

9 (a) As used in this Section:

10 "Citizenship or immigration status" means all matters
11 regarding citizenship of the United States or any other
12 country or the authority to reside in or otherwise be present
13 in the United States.

14 "Law enforcement agency" means an agency of the State or
15 of a unit of local government charged with the enforcement of
16 State, county, or municipal laws or with managing custody of
17 detained persons in the State.

18 "Law enforcement officer" means any individual with the
19 power to arrest or detain individuals, including law
20 enforcement officers, corrections officers, and others
21 employed or designated by a law enforcement agency.

22 "Profiling" means the practice of a law enforcement
23 officer or law enforcement agency relying, to any degree, on

1 actual or perceived race, ethnicity, national origin,
2 religion, gender, gender identity, sexual orientation, or
3 citizenship status or immigration status in selecting which
4 individual to subject to routine or spontaneous investigatory
5 activities or in deciding upon the scope and substance of law
6 enforcement activity following the initial investigatory
7 procedure, except when there is trustworthy information,
8 relevant to the locality and time frame, that links a person
9 with a particular characteristic described in this paragraph
10 to an identified criminal incident or scheme. "Profiling" does
11 not include policing when race, ethnicity, national origin,
12 religion, gender, gender identity, sexual orientation, or
13 citizenship status or immigrations status is used in
14 combination with other identifying factors as part of a
15 specific individual description to initiate an enforcement
16 action.

17 "Routine or spontaneous investigatory activities"
18 includes, but is not limited to the following activities by a
19 law enforcement officer or law enforcement agency: interviews,
20 traffic stops, pedestrian stops, frisks and other types of
21 body searches, and consensual or nonconsensual searches of the
22 person, property, or possessions, including vehicles, of
23 individuals using any form of public or private
24 transportation, including motorists and pedestrians.

25 (b) No law enforcement officer or law enforcement agency
26 shall engage in profiling.

1 The State or an individual injured by profiling may
2 enforce this Section in a civil action for declaratory or
3 injunctive relief, filed in a circuit court of this State.

4 In any action brought under this Section, relief may be
5 obtained against:

6 (1) any governmental body that employed any law
7 enforcement officer who engaged in profiling;

8 (2) any officer of such body who engaged in profiling;

9 and

10 Proof that routine or spontaneous investigatory activities
11 of law enforcement officers or law enforcement agencies in a
12 jurisdiction have had a disparate impact on an individual
13 shall constitute prima facie evidence of a violation of this
14 Section.

15 (c) In any action or proceeding to enforce this Section
16 against any State agency, a court may allow a prevailing
17 plaintiff reasonable attorney's fee as part of the costs, and
18 may include expert fees as part of the attorney's fee.

19 (d) Law enforcement agencies in this State shall adopt
20 policies to eliminate profiling by:

21 (1) prohibiting profiling;

22 (2) including profiling issues as part of law
23 enforcement training;

24 (3) establishing procedures for receiving,
25 investigating, and responding to complaints alleging
26 profiling by law enforcement officers or law enforcement

1 agencies;

2 (4) adopting the model policies promoted by the Racial
3 Profiling Prevention and Data Oversight Board;

4 (5) collecting data in accordance with the Racial
5 Profiling Prevention and Data Oversight Act; and

6 (6) ceasing practices that permit profiling.