



Rep. Eddie Washington

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LRB094 18292 HLH 56888 a

1 AMENDMENT TO HOUSE BILL 4948

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4948, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (625 ILCS 5/11-212)

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

9 (a) From January 1, 2004 until December 31, 2007, whenever  
10 a State or local law enforcement officer issues a uniform  
11 traffic citation or warning citation for an alleged violation  
12 of the Illinois Vehicle Code, he or she shall record at least  
13 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, or Asian/Pacific Islander;

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;

23 (5) the location of the traffic stop;

24 (6) whether or not a search contemporaneous to the stop

1 was conducted of the vehicle, driver, passenger, or  
2 passengers; and, if so, whether it was with consent or by  
3 other means; and

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

5 (b) From January 1, 2004 until December 31, 2007, whenever  
6 a State or local law enforcement officer stops a motorist for  
7 an alleged violation of the Illinois Vehicle Code and does not  
8 issue a uniform traffic citation or warning citation for an  
9 alleged violation of the Illinois Vehicle Code, he or she shall  
10 complete a uniform stop card, which includes field contact  
11 cards, or any other existing form currently used by law  
12 enforcement containing information required pursuant to this  
13 Act, that records 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, or Asian/Pacific Islander;

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

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

21 (4) the date and time of the stop;

22 (5) the location of the traffic stop;

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

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

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

31 (d) Every law enforcement agency shall, by March 1 in each  
32 of the years 2004, 2005, 2006, and 2007, compile the data  
33 described in subsections (a) and (b) on the standardized law  
34 enforcement data compilation form provided by the Illinois

1 Department of Transportation and transmit the data to the  
2 Department. If a local law enforcement agency neglects or fails  
3 to transmit its data in a timely manner or neglects or fails to  
4 accurately compile and submit data, then the Department of  
5 Transportation shall withhold 1% of the motor fuel tax revenue  
6 otherwise distributed monthly under 35 ILCS 505/8(e) to the  
7 municipality or county of which the local law enforcement  
8 agency is a part, but only if the local law enforcement agency  
9 is under the jurisdiction and control of the municipality or  
10 county, until such time as the Department of Transportation is  
11 satisfied that the report has been accurately compiled and  
12 submitted. The Department of Transportation shall adopt any  
13 rules as may be necessary to implement the withholding and  
14 subsequent release of motor fuel tax distributions as  
15 authorized under this Section.

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

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

33 (2) A substantial number of false stops including stops  
34 not resulting in the issuance of a traffic ticket or the

1 making of an arrest.

2 (3) A disparity between the proportion of citations  
3 issued to minorities and proportion of minorities in the  
4 population.

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

8 (5) A disparity between the frequency of searches  
9 performed on minority drivers and the frequency of searches  
10 performed on non-minority drivers.

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

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

26 (h) The Illinois Department of Transportation, in  
27 consultation with law enforcement agencies, officials, and  
28 organizations, including Illinois chiefs of police, the  
29 Department of State Police, the Illinois Sheriffs Association,  
30 and the Chicago Police Department, and community groups and  
31 other experts, shall undertake a study to determine the best  
32 use of technology to collect, compile, and analyze the traffic  
33 stop statistical study data required by this Section. The  
34 Department shall report its findings and recommendations to the

1 Governor and the General Assembly by March 1, 2004.

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

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".