



Sen. James T. Meeks

**Filed: 3/17/2009**

09600SB0933sam001

LRB096 07042 AJT 23782 a

1 AMENDMENT TO SENATE BILL 933

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 933 by replacing  
3 after the enacting clause with the following:

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

6 (625 ILCS 5/11-212)

7 (Section scheduled to be repealed on July 1, 2010)

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

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

13 (1) the name, address, gender, and the officer's  
14 subjective determination of the race of the person stopped;  
15 the person's race shall be selected from the following  
16 list: Caucasian, African-American, Hispanic, Native

1 American/Alaska Native, or Asian/Pacific Islander;

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

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

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

8 (5) the location of the traffic stop;

9 (5.5) whether or not a consent search contemporaneous  
10 to the stop was requested of the vehicle, driver,  
11 passenger, or passengers; and, if so, whether consent was  
12 given or denied;

13 (6) whether or not a search contemporaneous to the stop  
14 was conducted of the vehicle, driver, passenger, or  
15 passengers; and, if so, whether it was with consent or by  
16 other means;

17 (6.5) whether or not contraband was found during a  
18 search; and, if so, the type and amount of contraband  
19 seized; and

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

21 (b) Whenever a State or local law enforcement officer stops  
22 a motorist for an alleged violation of the Illinois Vehicle  
23 Code 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

1 by law enforcement containing information required pursuant to  
2 this Act, that records at least the following:

3 (1) the name, address, gender, and the officer's  
4 subjective determination of the race of the person stopped;  
5 the person's race shall be selected from the following  
6 list: Caucasian, African-American, Hispanic, Native  
7 American/Alaska Native, or Asian/Pacific Islander;

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

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

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

13 (5) the location of the traffic stop;

14 (5.5) whether or not a consent search contemporaneous  
15 to the stop was requested of the vehicle, driver,  
16 passenger, or passengers; and, if so, whether consent was  
17 given or denied;

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

22 (6.5) whether or not contraband was found during a  
23 search; and, if so, the type and amount of contraband  
24 seized; and

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

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) and (b) on  
8 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 or passengers  
25 being stopped in a given area is substantially higher than  
26 the proportion of the overall population in or traveling

1 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 or passengers being stopped in a given area.

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

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

1 data to perform internal reviews.

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

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

15 (i) This Section is repealed on July 1, 2020 ~~2010~~.

16 (Source: P.A. 94-997, eff. 1-1-07; 95-290, eff. 8-20-07.)".