

SB3248



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3248

Introduced 2/1/2012, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning traffic stop statistical studies.

LRB097 19779 HEP 65045 b

A BILL FOR

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 (Text of Section before amendment by P.A. 97-469)

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 ~~the~~ Illinois Vehicle Code, he or she
12 shall 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: American Indian or Alaska Native, Asian, Black or
17 African American, Hispanic or Latino, Native Hawaiian or
18 Other Pacific Islander, or White;

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, beginning when the
23 vehicle was stopped and ending when the driver is free to

1 leave or taken into physical custody;

2 (5) the location of the traffic stop;

3 (5.5) whether or not a consent search contemporaneous
4 to the stop was requested of the vehicle, driver,
5 passenger, or passengers; and, if so, whether consent was
6 given or denied;

7 (6) whether or not a search contemporaneous to the stop
8 was conducted of the vehicle, driver, passenger, or
9 passengers; and, if so, whether it was with consent or by
10 other means;

11 (6.5) whether or not contraband was found during a
12 search; and, if so, the type and amount of contraband
13 seized; and

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

15 (b) Whenever a State or local law enforcement officer stops
16 a motorist for an alleged violation of the Illinois Vehicle
17 Code and does not issue a uniform traffic citation or warning
18 citation for an alleged violation of the Illinois Vehicle Code,
19 he or she shall complete a uniform stop card, which includes
20 field contact cards, or any other existing form currently used
21 by law enforcement containing information required pursuant to
22 this Act, that records at least the following:

23 (1) the name, address, gender, and the officer's
24 subjective determination of the race of the person stopped;
25 the person's race shall be selected from the following
26 list: American Indian or Alaska Native, Asian, Black or

1 African American, Hispanic or Latino, Native Hawaiian or
2 Other Pacific Islander, or White;

3 (2) the reason that led to the stop 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 (c) The Illinois Department of Transportation shall
22 provide a standardized law enforcement data compilation form on
23 its website.

24 (d) Every law enforcement agency shall, by March 1 with
25 regard to data collected during July through December of the
26 previous calendar year and by August 1 with regard to data

1 collected during January through June of the current calendar
2 year, compile the data described in subsections (a) and (b) on
3 the standardized law enforcement data compilation form
4 provided by the Illinois Department of Transportation and
5 transmit the data to the Department.

6 (e) The Illinois Department of Transportation shall
7 analyze the data provided by law enforcement agencies required
8 by this Section and submit a report of the previous year's
9 findings to the Governor, the General Assembly, the Racial
10 Profiling Prevention and Data Oversight Board, and each law
11 enforcement agency no later than July 1 of each year. The
12 Illinois Department of Transportation may contract with an
13 outside entity for the analysis of the data provided. In
14 analyzing the data collected under this Section, the analyzing
15 entity shall scrutinize the data for evidence of statistically
16 significant aberrations. The following list, which is
17 illustrative, and not exclusive, contains examples of areas in
18 which statistically significant aberrations may be found:

19 (1) The percentage of minority drivers or passengers
20 being stopped in a given area is substantially higher than
21 the proportion of the overall population in or traveling
22 through the area that the minority constitutes.

23 (2) A substantial number of false stops including stops
24 not resulting in the issuance of a traffic ticket or the
25 making of an arrest.

26 (3) A disparity between the proportion of citations

1 issued to minorities and proportion of minorities in the
2 population.

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

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

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

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

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

10 (h-5) For purposes of this Section:

11 (1) "American Indian or Alaska Native" means a person
12 having origins in any of the original peoples of North and
13 South America, including Central America, and who
14 maintains tribal affiliation or community attachment.

15 (2) "Asian" means a person having origins in any of the
16 original peoples of the Far East, Southeast Asia, or the
17 Indian subcontinent, including, but not limited to,
18 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
19 the Philippine Islands, Thailand, and Vietnam.

20 (3) "Black or African American" means a person having
21 origins in any of the black racial groups of Africa. Terms
22 such as "Haitian" or "Negro" can be used in addition to
23 "Black or African American".

24 (4) "Hispanic or Latino" means a person of Cuban,
25 Mexican, Puerto Rican, South or Central American, or other
26 Spanish culture or origin, regardless of race.

1 (5) "Native Hawaiian or Other Pacific Islander" means a
2 person having origins in any of the original peoples of
3 Hawaii, Guam, Samoa, or other Pacific Islands.

4 (6) "White" means a person having origins in any of the
5 original peoples of Europe, the Middle East, or North
6 Africa.

7 (i) This Section is repealed on July 1, 2015.

8 (Source: P.A. 96-658, eff. 1-1-10; 97-396, eff. 1-1-12.)

9 (Text of Section after amendment by P.A. 97-469)

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

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

15 (1) the name, address, gender, and the officer's
16 subjective determination of the race of the person stopped;
17 the person's race shall be selected from the following
18 list: American Indian or Alaska Native, Asian, Black or
19 African American, Hispanic or Latino, Native Hawaiian or
20 Other Pacific Islander, or White;

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

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

24 (4) the date and time of the stop, beginning when the
25 vehicle was stopped and ending when the driver is free to

1 leave or taken into physical custody;

2 (5) the location of the traffic stop;

3 (5.5) whether or not a consent search contemporaneous
4 to the stop was requested of the vehicle, driver,
5 passenger, or passengers; and, if so, whether consent was
6 given or denied;

7 (6) whether or not a search contemporaneous to the stop
8 was conducted of the vehicle, driver, passenger, or
9 passengers; and, if so, whether it was with consent or by
10 other means;

11 (6.2) whether or not a police dog performed a sniff of
12 the vehicle; and, if so, whether or not the dog alerted to
13 the presence of contraband; and, if so, whether or not an
14 officer searched the vehicle; and, if so, whether or not
15 contraband was discovered; and, if so, the type and amount
16 of contraband;

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
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17 original peoples of Europe, the Middle East, or North
18 Africa.

19 (i) This Section is repealed on July 1, 2015.

20 (Source: P.A. 96-658, eff. 1-1-10; 97-396, eff. 1-1-12; 97-469,
21 eff. 7-1-12; revised 10-4-11.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.