



Rep. Jack D. Franks

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09900HB1437ham001

LRB099 04138 JLK 32973 a

1 AMENDMENT TO HOUSE BILL 1437

2 AMENDMENT NO. _____. Amend House Bill 1437 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Criminal Diversion Racial Impact Data Collection Act.

6 Section 5. Legislative intent. Racial and ethnic disparity
7 in the criminal justice system, or the over-representation of
8 certain minority groups compared to their representation in the
9 general population, has been well documented, along with the
10 harmful effects of such disproportionality. There is no single
11 cause of the racial and ethnic disparity evident at every stage
12 of the criminal justice system; suggested causes have included
13 differing patterns of criminal activity, law enforcement
14 activity, and discretionary decisions of criminal justice
15 practitioners, along with effects of legislative policies. In
16 order to make progress in reducing this harmful phenomenon,

1 information on the racial composition of offenders at each
2 stage of the criminal justice system must be systematically
3 gathered and analyzed to lay the foundation for determining the
4 impact of proposed remedies. Gaps of information at any stage
5 will hamper valid analysis at subsequent stages. At the
6 earliest stages of the criminal justice system, systematic
7 statewide information on arrested persons, including race and
8 ethnicity, is collected in the State Police Criminal History
9 Record Information System. However, systematic statewide
10 information on the racial and ethnic composition of adults
11 diverted from arrest by law enforcement and diverted from
12 prosecution by each county's State's Attorney's office is not
13 available. Therefore, it is the intent of this legislation to
14 provide a mechanism by which statewide data on the race and
15 ethnicity of offenders diverted from the criminal justice
16 system before the filing of a court case can be provided by the
17 criminal justice entity involved for future racial disparity
18 impact analyses of the criminal justice system.

19 Section 10. Definitions. As used in this Act:

20 "Arrested but released without charging" means the taking
21 into custody of a person by a law enforcement agency and his or
22 her subsequent release without a formal charge filed.

23 "Authority" means the Illinois Criminal Justice
24 Information Authority.

25 "Diversion from prosecution" means the declination to file

1 charges by the State's Attorney due to lack of probable cause
2 or the placement of the defendant into any specialized program
3 by the State's Attorney's office, after which no formal charges
4 are filed, subject to successful completion of the program.

5 "Law enforcement agency" means any agency of this State or
6 a political subdivision of this State that is vested by law
7 with the duty to maintain public order and to enforce criminal
8 laws.

9 "Racial and ethnic information" means categories of
10 socially significant groupings by which individuals identify
11 themselves, based on physical characteristics and cultural
12 heritage, as defined by the United States Office of Management
13 and Budget.

14 Section 15. Reporting; publication.

15 (a) Every law enforcement agency shall submit monthly
16 written reports to the Authority identifying the number of
17 persons arrested but released without charging and the racial
18 and ethnic composition of those persons.

19 (b) Every State's Attorney's office shall submit monthly
20 written reports to the Authority identifying (i) the number of
21 persons for which formal charges were declined to be filed and
22 the racial and ethnic composition of those persons, and (ii)
23 the number of persons admitted to a diversion from prosecution
24 program and the racial and ethnic composition of those persons,
25 separated by each type of diversion program.

1 (c) The Authority shall publish the information received,
2 aggregated to the county level in the case of law enforcement
3 reports, on its publicly available website for the previous
4 calendar year, as affirmed by each reporting agency at the time
5 of its monthly report submission.

6 Section 20. Repeal. This Act is repealed on December 31,
7 2020.

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