

1 AN ACT in relation to vehicles.

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  
5 adding Section 16-108 as follows:

6 (626 ILCS 5/16-108 new)

7 Sec. 16-108. Racial profiling.

8 (a) As used in this Section, "minority group" means  
9 individuals of African, Hispanic, Native American, or Asian  
10 descent.

11 (b) Each time a peace officer stops a driver of a motor  
12 vehicle for a violation of any motor vehicle statute or  
13 ordinance, that officer shall report the following  
14 information to the law enforcement agency that employs the  
15 officer:

16 (1) The age, gender, and race or minority group of  
17 the individual stopped;

18 (2) The traffic violation or violations alleged to  
19 have been committed that led to the stop;

20 (3) Whether a search was conducted as a result of  
21 the stop;

22 (4) If a search was conducted, whether the  
23 individual consented to the search, the probable cause  
24 for the search, whether the person was searched, whether  
25 the person's property was searched, and the duration of  
26 the search;

27 (5) Whether any contraband was discovered in the  
28 course of the search and the type of any contraband  
29 discovered;

30 (6) Whether any warning or citation was issued as a  
31 result of the stop;

1           (7) If a warning or citation was issued, the  
2 violation charged or warning provided;

3           (8) Whether an arrest was made as a result of  
4 either the stop or the search;

5           (9) If an arrest was made, the crime charged; and

6           (10) The location of the stop.

7           This information may be reported using a format  
8 determined by the Department of State Police that uses  
9 existing citation and report forms.

10          (c) Each law enforcement agency shall compile the data  
11 described in subsection (b) of this Section for the calendar  
12 year into a report to the Attorney General, which shall be  
13 submitted to the Attorney General no later than March 1 of  
14 the following calendar year. The Attorney General shall  
15 determine the format that all law enforcement agencies shall  
16 use to submit the report.

17          (d) The Attorney General shall analyze the annual  
18 reports of law enforcement agencies required by this Section  
19 and submit a report of the findings to the Governor, the  
20 General Assembly, and each law enforcement agency no later  
21 than June 1 of each year.

22          (e) The report of the Attorney General shall include at  
23 least the following information for each law enforcement  
24 agency:

25           (1) The total number of vehicles stopped by peace  
26 officers during the previous calendar year;

27           (2) The number and percentage of stopped motor  
28 vehicles that were driven by members of each particular  
29 minority group;

30           (3) A comparison of the percentage of stopped motor  
31 vehicles driven by each minority group and the percentage  
32 of the State's population that each minority group  
33 comprises; and

34           (4) A compilation of the information reported by

1 law enforcement agencies under subsection (b) of this  
2 Section.

3 (f) Each law enforcement agency shall adopt a policy on  
4 race-based traffic stops that:

5 (1) Prohibits the practice of routinely stopping  
6 members of minority groups for violations of vehicle laws  
7 as a pretext for investigating other violations of  
8 criminal law;

9 (2) Provides for periodic reviews by the law  
10 enforcement agency of the annual report of the Attorney  
11 General required by subsection (d) of this Section that:

12 (A) Determine whether any peace officers of  
13 the law enforcement agency have a pattern of  
14 stopping members of minority groups for violations  
15 of vehicle laws in a number disproportionate to the  
16 population of minority groups residing or traveling  
17 within the jurisdiction of the law enforcement  
18 agency; and

19 (B) If the review reveals a pattern, require  
20 an investigation to determine whether any peace  
21 officers of the law enforcement agency routinely  
22 stop members of minority groups for violations of  
23 vehicle laws as a pretext for investigating other  
24 violations of criminal law;

25 (3) Provides for appropriate counseling and  
26 training of any peace officer found to have engaged in  
27 race-based traffic stops within 90 days of the review;  
28 and

29 (4) Provides for annual sensitivity training for  
30 any employees who may conduct stops of motor vehicles  
31 regarding the prohibition against racial profiling. The  
32 course or courses of instruction and the guidelines shall  
33 stress understanding and respect for racial and cultural  
34 differences and the development of effective,

1 noncombative methods of carrying out law enforcement  
2 duties in a racially and culturally diverse environment.

3 (g) If a law enforcement agency fails to comply with the  
4 provisions of this Section, the Governor may direct the  
5 Comptroller and the State Treasurer to withhold any State  
6 funds appropriated to the noncompliant law enforcement  
7 agency.

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