

1 AMENDMENT TO SENATE BILL 113

2 AMENDMENT NO. _____. Amend Senate Bill 113 as follows:

3 on page 1, by replacing lines 1 and 2 with "AN ACT in
4 relation to vehicles."; and

5 on page 1, line 6, after "Section 6-106.1", by inserting "and
6 adding Section 16-108"; and

7 on page 9, by replacing lines 1 and 2 with the following:

8 "(625 ILCS 5/16-108 new)

9 Sec. 16-108. Racial profiling.

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

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

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

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

1 (3) Whether a search was conducted as a result of
2 the stop;

3 (4) If a search was conducted, whether the
4 individual consented to the search, the probable cause
5 for the search, whether the person was searched, whether
6 the person's property was searched, and the duration of
7 the search;

8 (5) Whether any contraband was discovered in the
9 course of the search and the type of any contraband
10 discovered;

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

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

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

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

18 (10) The location of the stop.

19 This information may be reported using a format
20 determined by the Department of State Police that uses
21 existing citation and report forms.

22 The provisions of this subsection (b), other than this
23 sentence, are inoperative after December 31, 2003.

24 (c) Each law enforcement agency shall compile the data
25 described in subsection (b) of this Section for the calendar
26 year into a report to the Secretary of State, which shall be
27 submitted to the Secretary of State no later than March 1 in
28 2003 and 2004. The Secretary of State shall determine the
29 format that all law enforcement agencies shall use to submit
30 the report.

31 (d) The Secretary of State shall analyze the annual
32 reports of law enforcement agencies required by this Section
33 and submit a report of the findings to the Governor, the
34 General Assembly, and each law enforcement agency no later

1 than June 1 in 2003 and 2004.

2 (e) The report of the Secretary of State shall include
3 at least the following information for each law enforcement
4 agency:

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

7 (2) The number and percentage of stopped motor
8 vehicles that were driven by members of each particular
9 minority group;

10 (3) A comparison of the percentage of stopped motor
11 vehicles driven by each minority group and the percentage
12 of the State's population that each minority group
13 comprises; and

14 (4) A compilation of the information reported by
15 law enforcement agencies under subsection (b) of this
16 Section.

17 The provisions of this subsection (e), other than this
18 sentence, are inoperative after December 31, 2003.

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

21 (1) Prohibits the practice of routinely stopping
22 members of minority groups for violations of vehicle laws
23 as a pretext for investigating other violations of
24 criminal law;

25 (2) Provides for periodic reviews by the law
26 enforcement agency of the annual report of the Secretary
27 of State required by subsection (d) of this Section that:

28 (A) Determine whether any peace officers of
29 the law enforcement agency have a pattern of
30 stopping members of minority groups for violations
31 of vehicle laws in a number disproportionate to the
32 population of minority groups residing or traveling
33 within the jurisdiction of the law enforcement
34 agency; and

1 (B) If the review reveals a pattern, require
2 an investigation to determine whether any peace
3 officers of the law enforcement agency routinely
4 stop members of minority groups for violations of
5 vehicle laws as a pretext for investigating other
6 violations of criminal law;

7 (3) Provides for appropriate counseling and
8 training of any peace officer found to have engaged in
9 race-based traffic stops within 90 days of the review;
10 and

11 (4) Provides for annual sensitivity training for
12 any employees who may conduct stops of motor vehicles
13 regarding the prohibition against racial profiling. The
14 course or courses of instruction and the guidelines shall
15 stress understanding and respect for racial and cultural
16 differences and the development of effective,
17 noncombative methods of carrying out law enforcement
18 duties in a racially and culturally diverse environment.

19 (g) If a law enforcement agency fails to comply with the
20 provisions of this Section, the Governor may direct the
21 Comptroller and the State Treasurer to withhold any State
22 funds appropriated to the noncompliant law enforcement
23 agency.

24 Section 99. Effective date. This Act takes effect on
25 January 1, 2002."