
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 663 Session of
2005

INTRODUCED BY JAMES, WASHINGTON, D. EVANS, KIRKLAND, VEON,
DeWEESE, THOMAS, BUXTON, YOUNGBLOOD, SURRA, STURLA, WATERS,
PALLONE, PRESTON, WHEATLEY, BEBKO-JONES, BLAUM, JOSEPHS,
CURRY, DeLUCA, CRUZ, BELARDI, BLACKWELL, DERMODY,
CALTAGIRONE, HENNESSEY, GOODMAN, STABACK, FRANKEL, LESCOVITZ,
MUNDY, WALKO, MANDERINO, LEACH, BROWNE, FABRIZIO, WANSACZ AND
WILLIAMS, MARCH 1, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 1, 2005

AN ACT

1 Providing for detailed records of all traffic stops; prohibiting
2 traffic stops solely on the basis of racial profiling;
3 authorizing the Attorney General to investigate complaints of
4 racial profiling; and providing for the powers and duties of
5 the Attorney General and for reporting to the General
6 Assembly.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Prevention of
11 Traffic Stops Based on Racial Profiling Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Attorney General." The Attorney General of the
17 Commonwealth.

1 "Law enforcement agency." An agency of the Commonwealth or
2 political subdivision thereof, including, but not limited to,
3 the Pennsylvania State Police, a municipal police department and
4 sheriff's department, that is empowered by law to conduct
5 investigations of or make arrests for offenses under 18 Pa.C.S.
6 (relating to crimes and offenses) or 75 Pa.C.S. (relating to
7 vehicles).

8 "Law enforcement officer." An officer of a law enforcement
9 agency.

10 "Racial profiling." The act of conducting a traffic stop
11 based upon the vehicle operator's race or ethnicity or a profile
12 or an unreasonable belief that includes race or ethnicity as a
13 relevant factor in establishing suspicion of criminal conduct.
14 Section 3. Reporting requirements.

15 (a) General rule.--A law enforcement agency shall develop
16 and maintain reports of all traffic stops initiated by the law
17 enforcement agency. The report may be incorporated at the
18 discretion of the law enforcement agency within existing or
19 forthcoming uniform crime reporting functions, including a
20 national incident-based reporting system.

21 (b) Contents of report.--The report shall include the
22 following information:

23 (1) The reason for the traffic stop.

24 (2) The race or ethnicity, approximate age and gender of
25 the operator of the motor vehicle stopped and of all other
26 occupants of the motor vehicle.

27 (3) The violation alleged to have been committed that
28 was the basis for the traffic stop.

29 (4) Whether the traffic stop resulted in a search of the
30 motor vehicle or its occupants.

1 (5) The rationale for any search that occurred and how
2 it was instituted.

3 (6) Whether any contraband was discovered in the course
4 of a search and, if so, the nature of the contraband.

5 (7) Whether an arrest was made as the result of either
6 the traffic stop or the ensuing search.

7 (8) Whether any property was seized for forfeiture.

8 Section 4. Prohibited activity.

9 It shall be unlawful for a law enforcement agency or law
10 enforcement officer to engage in racial profiling.

11 Section 5. Investigation of racial profiling.

12 (a) Complaint.--A person who believes that he has been
13 subjected to a traffic stop solely on the basis of racial
14 profiling may file a written complaint with the Attorney
15 General.

16 (b) Powers and duties.--The Attorney General shall have the
17 following powers and duties:

18 (1) To investigate any complaint received under
19 subsection (a).

20 (2) To require the production for examination of any
21 books and papers relating to any matter under investigation
22 where a complaint has been filed with the Attorney General.

23 (3) If necessary, to bring an action in the court of
24 common pleas of the county in which the law enforcement
25 agency or law enforcement officer is located to enforce
26 compliance with section 4 (relating to prohibited activity),
27 through a permanent injunction or any other equitable relief
28 deemed appropriate by the court.

29 (4) To bring an action in civil contempt to enforce any
30 court order obtained in paragraph (3) and to obtain a civil

1 penalty of not less than \$1,000 nor more than \$5,000 per
2 violation of the court order.

3 (5) To use any power as provided in section 205 of the
4 act of October 15, 1980 (P.L.950, No.164), known as the
5 Commonwealth Attorneys Act, necessary and appropriate to
6 carry out the provisions of this act.

7 Section 6. Report to General Assembly.

8 The Attorney General shall submit an annual report to the
9 General Assembly evaluating the enforcement of this act.

10 Section 7. Effective date.

11 This act shall take effect as follows:

12 (1) Section 3 shall take effect January 1, 2006.

13 (2) The remainder of this act shall take effect in 60
14 days.