

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1540 Session of  
2007

INTRODUCED BY JAMES, BLACKWELL, YOUNGBLOOD, BUXTON, COHEN,  
DALEY, DERMODY, HENNESSEY, KIRKLAND, MAHONEY, MYERS, PARKER,  
STABACK, STURLA AND WALKO, JUNE 18, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 18, 2007

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.

18 "Law enforcement agency." An agency of the Commonwealth or  
19 political subdivision thereof, including, but not limited to,

1 the Pennsylvania State Police, a municipal police department and  
2 sheriff's department, that is empowered by law to conduct  
3 investigations of or make arrests for offenses under 18 Pa.C.S.  
4 (relating to crimes and offenses) or 75 Pa.C.S. (relating to  
5 vehicles).

6 "Law enforcement officer." An officer of a law enforcement  
7 agency.

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

12 Section 3. Reporting requirements.

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

19 (b) Contents of report.--The report shall include the  
20 following information:

21 (1) The reason for the traffic stop.

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

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

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

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

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

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

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

6 Section 4. Prohibited activity.

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

9 Section 5. Investigation of racial profiling.

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

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

16           (1) To investigate any complaint received under  
17 subsection (a).

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

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

26           (4) To bring an action in civil contempt to enforce any  
27 court order obtained in paragraph (3) and to obtain a civil  
28 penalty of not less than \$1,000 nor more than \$5,000 per  
29 violation of the court order.

30           (5) To use any power as provided in section 205 of the

1       act of October 15, 1980 (P.L.950, No.164), known as the  
2       Commonwealth Attorneys Act, necessary and appropriate to  
3       carry out the provisions of this act.

4   Section 6.   Report to General Assembly.

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

7   Section 7.   Effective date.

8       This act shall take effect in 60 days.