
SUBSTITUTE SENATE BILL 5853

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Franklin and Kline)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to traffic-stop racial profiling; adding a new
2 section to chapter 43.101 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that
5 according to a 1999 Gallup Poll, a majority of Americans, black and
6 white, believed that police actively engage in the practice of racial
7 profiling. Eighty-one percent of those questioned said they disapprove
8 of the practice.

9 (2) In *A Resource Guide on Racial Profiling Data Collection Systems*
10 published by the United States department of justice in November 2000,
11 "racial profiling" means any police-initiated action that relies on the
12 race, ethnicity, or national origin rather than the behavior of an
13 individual or information that leads the police to a particular
14 individual who has been identified as being, or having been, engaged in
15 criminal activity. It is the intent of the legislature to make
16 information on this practice available, in a usable format, to
17 policymakers and law enforcement agencies.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW
2 to read as follows:

3 (1) Beginning July 1, 2002, every law enforcement agency in this
4 state shall provide an annual report to the criminal justice training
5 commission, on forms provided by the commission, including the
6 following information:

7 (a) The number of individuals stopped for routine traffic
8 enforcement, whether or not a citation or warning was issued;

9 (b) Identifying characteristics of the individual stopped,
10 including the race or ethnicity, approximate age, and gender;

11 (c) The nature of the alleged traffic infraction or violation that
12 led to the stop;

13 (d) Whether a search was instituted as a result of the stop;

14 (e) The legal basis for the search, including whether consent was
15 obtained, whether a canine unit was alerted, and whether there was
16 probable cause or reasonable suspicion to suspect a crime or violation
17 of law; and

18 (f) Whether an arrest was made, or a written citation issued, as a
19 result of either the stop or the search.

20 (2) The criminal justice training commission, in cooperation with
21 affected law enforcement agencies, shall compile the information
22 required under subsection (1) of this section in a manner that is of
23 value in guiding legislative policies, assisting the sheriffs, police
24 chiefs, prosecuting attorneys, and municipal attorneys, as well as
25 benefiting crime and delinquency prevention efforts.

26 (3) Data acquired under this section shall not contain any
27 information that may reveal the identity of any individual who is
28 stopped.

29 (4) The information required under subsection (1) of this section
30 shall be reported to the commission with codes used to identify areas
31 of patrol within the jurisdiction of the law enforcement agency. The
32 coding system shall be known only by the reporting law enforcement
33 agency.

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