

Disclosure Without Duty

Illinois's Disability Designation and the Standard It Inverts

Illinois will now print a disability on your driving licence if you ask. It has told the officer reading it precisely nothing about what to do next.

WHAT WAS SIGNED

A mark on a licence, and nothing on the other side of the window

On 21 August 2026 the Governor of Illinois signed a bill letting anyone applying for a driving licence ask that an intellectual disability or an autism diagnosis be printed on it. The law starts working in July 2027. An earlier draft wanted a specialist's form; the House took that out before it passed.

It is being presented as help for disabled drivers. What it really does is move a job from one party to another.

WHAT IT LEAVES OUT

Four things the statute never says

It does not say what an officer must do on seeing the mark. It sets up no training. It writes no response procedure. And it does not require anyone to note that an encounter involved a marked licence at all.

Every one of those omissions matters later, and the last one matters most, because it means nobody will ever be able to tell whether the thing worked.

NOT THE FIRST ATTEMPT

The fourth device aimed at the same moment

1 Awareness number plates

Already authorised in the vehicle code, so a car can carry the message before anyone speaks.

2 Awareness stickers

Public health may issue decals designed with input from autism organisations.

3 The blue envelope

Signed in June 2026. The state supplies an envelope to hold your driving documents, and taking part is optional.

4 And now the licence itself

The diagnosis printed on the credential you are legally required to hand over on demand.

WHY THE PATTERN MATTERS

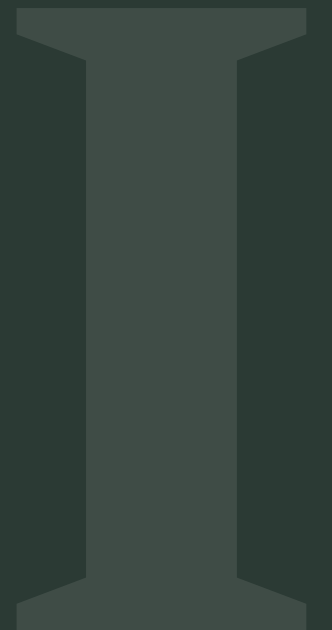
One tool is a policy. Four is a settled approach.

A single optional disclosure device is a choice a legislature is entitled to make. Four of them, with no matching obligation enacted beside any one, is something else. It is a fixed way of dealing with a whole class of encounters.

And the whole of the operative burden sits on one side of the car window.

The Duty Already Points The Other Way

what federal law had already settled before any of this



Nothing in the existing standard waits for a disabled person to produce a document.

WHOSE JOB IT IS

The obligation runs to the public body, and always did

Federal regulation puts it in the imperative and points it at the state: a public body must take proper steps so that talking with disabled members of the public works as well as talking with anyone else. It must supply the aids and services needed for an equal chance to take part.

Read the condition on that duty. It is not that the disabled person identifies herself, asks for something, or produces a card. The condition is that an encounter is happening.

AND HOW IT MUST BE DELIVERED

The rule already says privacy is part of doing it properly

The same regulation adds that for help to count as effective it has to arrive in a usable format, in good time, and in a way that protects the privacy and the independence of the disabled person.

Now hold that beside a permanent diagnosis printed on a state credential and surrendered whenever an officer asks. That is not a delivery method protecting anybody's privacy or independence. It is the opposite of what the rule has in mind, and this statute turns it into the fee for being accommodated.

THE STANDARD FOR WRONGFUL ARREST

Knew, or should have known

The usual test for a wrongful-arrest claim of this kind asks three things: that the person was disabled, that the officer knew or ought to have realised it, and that the arrest happened because of lawful conduct connected to the disability. Nothing in that requires the person to have announced anything.

The case that framed it involved a fourteen-year-old autistic boy whose self-stimulatory movements an officer trained to spot drug use read as inhalant abuse.

WHAT THE STATUTE DOES TO THAT

A test about what the officer should have noticed becomes a test about what you managed to produce

What the old test wants to know is what a sensible officer should have noticed. The new device has exactly one function: producing the formal notification the old test never called for, with the labour of producing it falling on whoever the test was written to protect.

Nothing is attached to the receiving end. So the state has manufactured a practice that can be pointed at whenever somebody asks why the officer did not realise.

Once producing the card becomes the normal way of establishing that an officer knew, failing to produce it starts doing work in the other direction.

A THIRD RULE

You cannot bill a disabled person for what you already owe them

Under federal rules a public body may not bill a disabled individual, or disabled people collectively, for whatever it spends on treating them without discrimination. That rule is normally argued about in money, and its text has aids and building access in mind.

The extension proposed here, and marked as novel, is that the forbidden charge need not be money. Communication that works is something the state already owes. It has trained nobody and written no procedure. In place of that it holds out a path to being dealt with safely, and the fee is a diagnosis printed on official paper.

The Voluntariness Defence

nobody has to take it, which describes the paperwork rather than the choice



The people being asked have already answered this question, and the answer was recorded a decade ago.

WHO SET THE CONDITIONS

You are buying safety from whoever put you in danger

The reason anybody proposes a device like this is that encounters between disabled people and police are dangerous. Where does that danger come from? From the way officers are prepared, overseen and held to account, all of which is the state running its own programme.

So the state creates the hazard, declines to tackle it head on, and then sells an escape from it with one string attached: a permanent diagnosis on your credential. A parent deciding under those terms is not picking between options.

THE CLASS ALREADY ANSWERED

Asked whether they tell police, autistic adults said this

39%

always tell

36%

never tell

25%

tell on some occasions

The study covered 394 officers across England and Wales, plus thirty-one autistic adults and forty-nine parents. Around six in ten of those adults will not consistently say anything, and what they gave as the reason was their own assessment of what an officer would do once told. Parents answered nothing like that: roughly three quarters said they tell police always or sometimes.

WHY THEY DECLINE

Concealment is a strategy, not a quirk

One review across the literature treats autism as a stigma that can be kept out of sight, and finds hiding it, masking, and picking one's moments are the chief methods autistic people use against judgement they expect to come. A theoretical model treats telling somebody your diagnosis as a move that changes outcomes rather than a neutral act.

There is a further wrinkle that bears directly on a printed credential. Deciding when disclosure is safe means reading the situation in front of you, and that is precisely the operation this population finds hardest.

A mark on a licence removes the judgement entirely. It tells every officer, in every encounter, whether or not telling this one is safe.

THE FINDING THAT CLOSES IT

Getting the information there was never the hard part

In that same survey, where a disclosure did happen, ninety percent of officers said the diagnosis reached them at or before first contact.

So arrival is not the bottleneck. What happens after arrival is the bottleneck, and that is exactly the variable this statute leaves alone.

The Wrong Encounter

a licence works when a driver hands one over



The encounters that produce serious injury are the ones where no licence is ever asked for.

WHERE THE CARD WORKS

One setting, and it is a real one

Drivers in Illinois must have the licence on them and produce it on request. That is the moment the mark can do something, and the need is genuine: an unmoving face, eyes that do not meet yours, and an answer that takes a while are all easy to mistake for intoxication or for dodging the question, and mistaking them costs the driver.

But Illinois does not oblige anyone to identify themselves in an ordinary street stop. Its law authorises the officer to ask; it commands no answer. The Nevada law the Supreme Court upheld flatly directed anyone detained to give their name. No such command exists in Illinois.

TWO CASES

In both, the licence was never in the picture

Buckeye, Arizona

A boy of fourteen was sitting in a local park with a piece of string in his hand. There was no licence to produce and nobody requested any identification from him. He told the officer the name of what he was doing, and it meant nothing to the officer.

Chicago

A young autistic man of eighteen was out walking close to his house at about five in the morning. A sergeant, off duty, stopped him and started asking questions. He moved. The sergeant shot him. Investigators later worked out that he had been reaching for his phone.

Hours earlier his foster mother had reported him missing, and that report noted both autism and schizophrenia. The information was already inside the department, put there by a family member, before anything began, and it changed nothing. Oversight found the shooting objectively unreasonable, the officer kept his job after admitting there was no legal justification, and the city paid a settlement.

THE SHAPE OF THE PROBLEM

A card handed through a car window does not reach any of this

It does not reach a child sitting on a park bench, or somebody walking at dawn, or a person in a cinema, or a home where a family member has already described to a dispatcher what officers will find when they arrive.

These are not examples picked for effect. They are what the encounters that cause serious harm actually look like.

HOW OFTEN, AND HOW BADLY

Police contact is routine, and the severity data are consistent

20%

of autistic young people had been stopped and questioned by police by twenty-one, and nearly five percent arrested

32.5%

of a cohort of forty autistic adults reported police contact within twelve to eighteen months

16x

more likely that somebody with untreated mental illness is killed during a police encounter

Looking at 812 killings by officers on duty across seventeen states, researchers saw signs in 21.7 percent of them that the person's mental or behavioural health bore directly on why contact happened or why force was used. Earlier estimates they cite run from a quarter of cases to over half.

SOURCES Rava, J., et al. (2017). 47 *J. Autism & Developmental Disorders* 340; Tint, A., et al. (2019). 23 *Autism* 792; DeGue, S., Fowler, K. A., & Calkins, C. (2016). 51 *Am. J. Preventive Med.* S173; Khazanchi, R., & Tolliver, D. G. (2024). 7 *JAMA Network Open* e2443645.

AND NOBODY WILL EVER KNOW

Illinois records the dog. It does not record the disability.

Every ticket, caution, stop and pedestrian detention has to be written up with the person's sex, the officer's own guess at their race chosen from six boxes, what offence is alleged, the car's make and year, when it began and ended, where it happened, whether consent to search was asked for and how that went, whether a search took place and by what method, whether a dog was used and whether it signalled, whether anything turned up, what was taken and how much of it, how the whole thing ended, and the officer's name and badge number.

Nowhere in that list is there a box for disability, for developmental disability, for autism, or for difficulty communicating. Nor is age asked for.

When the mark arrives in July 2027 there will be no baseline before it and no way to record whether an officer saw it, what he did next, or whether marked drivers fare any differently. The statute cannot be proved wrong, by construction.

Where The Disclosure Goes

the text as passed settles where the disclosure travels, and that settlement is damning

IV

Three months earlier the same legislature forbade putting this information in any database.

THERE IS A DOCUMENT

The mark is backed by a record the state holds

The vehicle code has a confidentiality provision covering what you submit with a licence application: proof of identity, social security number, signature, residency, citizenship or immigration status. This bill adds confirmation of an intellectual disability or autism to that list.

So the designation is not only a mark on a card. There is a file behind it, in the Secretary of State's hands.

WHO MAY SEE IT

Two entries on the permitted list deserve attention

Any investigation, civil or criminal

Law enforcement may receive it for a civil or criminal investigation. Any investigation at all opens the door. Nothing confines it to a dealing with whoever requested the mark.

Whoever the Secretary decides

Disclosure is also permitted to other bodies the Secretary may authorise by rule. There is no ceiling in the statute on who that can be. The class of recipients has been delegated.

Set that beside what the same legislature did three months earlier. That envelope statute says what is written on the outside exists purely to help conversation go safely with first responders, and forbids it being loaded into any database at any level of government.

The Missing Half

what a statute that created a duty would contain



A neighbouring state enacted both halves in one instrument six years ago.

IT HAS BEEN DONE

Louisiana enacted both halves at once, in 2020

That state authorised the same kind of designation on a driving licence. Within that same act it obliged the public safety department to build and operate a course teaching officers how to handle encounters with autistic people, taking in awareness and sensitivity so that people get treated fairly, how to talk and deal with them, and how to spot the signs.

Nobody should copy every part of it. It insists on a sworn professional statement and turns lying about it into an offence, two features Illinois chose to strip out. The narrower comparison is what counts: a legislature had a template in which the disclosure and the officer's obligation arrived together. Illinois passed one half of it.

WHY IT HAS TO BE A STATUTE

The courts cannot supply the missing half after the fact

In the Arizona case, the claim for negligent training collapsed because the expert called by the plaintiffs themselves accepted that no nationwide rule obliged any force anywhere to run autism training, and could name no professional benchmark at all. He described such training as good practice. The court held that evidence of that kind cannot establish a standard of care.

The consequence is exact. Absent a professional benchmark, ordinary judge-made law creates no obligation to train anybody, and no lawsuit brought after an injury will create one.

Only a legislature can close it, and only beforehand. Next door, they closed it in the very act that set up the designation.

WHAT THE MISSING HALF NEEDS

Four things, none of them exotic

1 A training standard

For peace officers, on encounters with people who have intellectual and developmental disabilities.

2 A response procedure

Stating what an officer does on seeing the mark. At a minimum a de-escalation posture, and a bar on treating absent eye contact, a slow reply or repetitive movement as evidence of impairment or resistance.

3 A recording requirement

So that the presence of the mark in an encounter becomes something the state can actually count and evaluate.

4 A limit on use

So that the disclosure does not travel beyond the encounter it was given for.

THE CLAIM, RESTATED

A request for disclosure, with nothing attached to the other end

This says nothing about whether the sponsors meant well, or about what families who want the mark should prefer. Nothing here turns on motive.

The argument is that a statute soliciting disclosure without attaching any obligation leaves the protected class worse placed than the federal baseline it already had, because it manufactures a habit of formal notification that can be held up in place of the test the law already applies.

The information was never the problem. Ninety percent of the time it already arrives before first contact. What happens next is the problem, and on that the statute is silent.

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