



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0028

Introduced 12/14/2004, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

New Act

Creates the Career Offender Registration Act. Provides that a person convicted of certain felony offenses who is not required to be registered under the Sex Offender Registration Act must register with the Department of State Police by providing the following information to the Department, or to the sheriff's office in the county in which the career offender establishes or maintains a permanent or temporary residence, within 2 working days after establishing permanent or temporary residence in this State or within 2 working days after being released from the custody, control, or supervision of the Department of Corrections: name, social security number, age, race, gender, date of birth, height, weight, hair and eye color, photograph, address of legal residence and address of any current temporary residence within the State or out-of-state, including a rural route address or a post office box, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the career offender. Provides that the Department of State Police shall maintain on-line computer access to the current information regarding each registered career offender. Provides that the Department of State Police must maintain hotline access so that State, local, and federal law enforcement agencies may obtain instantaneous locator file and criminal characteristics information on release and registration of career offenders for purposes of monitoring, tracking, and prosecution. Provides that the Department of State Police's career offender registration list containing that information is a public record. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to career offenders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Career Offender Registration Act.

6 Section 5. Definitions. In this Section:

7 "Career offender" means any defendant who commits or
8 attempts to commit within 3 years after being released from a
9 State correctional facility operated by the Department of
10 Corrections or within 3 years after being released from a
11 correctional institution of another state, the District of
12 Columbia, the United States, any possession or territory of the
13 United States, or any foreign jurisdiction, following
14 incarceration for an offense for which the sentence is
15 punishable by more than one year in this State while the
16 defendant was serving a prison sentence or while the prisoner
17 was on escape status from a State correctional facility
18 operated by the Department of Corrections or while the
19 defendant was on escape status from a correctional institution
20 of another state, the District of Columbia, the United States,
21 any possession or territory of the United States, or any
22 foreign jurisdiction, following incarceration for an offense
23 for which the sentence is punishable by more than one year in
24 this State any of the following offenses:

- 25 (1) treason;
- 26 (2) first degree murder;
- 27 (3) second degree murder;
- 28 (4) vehicular hijacking;
- 29 (5) home invasion;
- 30 (6) robbery;
- 31 (7) arson;
- 32 (8) aggravated arson;

- 1 (9) residential arson;
- 2 (10) kidnapping;
- 3 (11) aggravated assault using a deadly weapon;
- 4 (12) aggravated battery;
- 5 (13) aggravated stalking;
- 6 (14) aircraft piracy;
- 7 (15) causing a catastrophe;
- 8 (16) any felony that involves the use or threat of
- 9 physical force or violence against an individual;
- 10 (17) burglary;
- 11 (18) residential burglary;
- 12 (19) any felony violation of Section 24-1 of the
- 13 Criminal Code of 1961;
- 14 (20) aggravated discharge of a firearm;
- 15 (21) aggravated discharge of a firearm or a machine gun
- 16 or a firearm equipped with a device designed or used for
- 17 silencing the report of a firearm; or
- 18 (22) a violation of the Boarding Aircraft With Weapon
- 19 Act.

20 "Career offender" also means a person who has been
21 convicted of 3 felonies within the past 5 years.

22 "Chief of police" means the chief law enforcement officer
23 of a municipality.

24 "Community" means any county where the career offender
25 lives or otherwise establishes or maintains a temporary or
26 permanent residence.

27 "Department" means the Department of State Police.

28 "Entering the county" includes being discharged from a
29 correctional facility, jail, or mental health facility within
30 the county or being under supervision of a probation or parole
31 officer.

32 "Permanent residence" means a place where the career
33 offender abides, lodges, or resides for 14 or more consecutive
34 days.

35 "Temporary residence" means:

- 36 (1) a place where the career offender abides, lodges,

1 or resides for a period of 14 or more days in the aggregate
2 during any calendar year and which is not the career
3 offender's permanent address;

4 (2) for a career offender whose permanent residence is
5 not in this State, a place where the career offender is
6 employed, practices a vocation, or is enrolled as a student
7 for any period of time in this State; or

8 (3) a place where the career offender routinely abides,
9 lodges, or resides for a period of 4 or more consecutive or
10 nonconsecutive days in any month and which is not the
11 career offender's permanent residence, including any
12 out-of-state address.

13 Section 10. Criteria for registration as a career offender.

14 (a) A career offender released on or after the effective
15 date of this Act must register as required under Section 15 and
16 is subject to community and public notification as provided
17 under Section 20. The requirements for registration under this
18 Act do not apply to a career offender:

19 (1) who has received a pardon for any felony that has
20 qualified the person as a career offender;

21 (2) whose conviction of a felony that has qualified the
22 person as a career offender has been set aside in any
23 post-conviction proceeding;

24 (3) who is required to register under the Sex Offender
25 Registration Act; or

26 (4) who is required to register under the Arsonist
27 Registration Act.

28 (b) A person convicted of an offense or combination of
29 offenses that would render the person a career offender, shall
30 upon sentencing, be declared by the court to be a career
31 offender. If a career offender is not sentenced to a term of
32 imprisonment, the clerk of the court shall ensure that the
33 career offender's fingerprints are taken and forwarded to the
34 Department within 48 hours after the court renders its finding
35 that an offender is a career offender. The fingerprint card

1 shall be clearly marked "Career Offender Registration Card".

2 Section 15. Registration.

3 (a) A career offender must register with the Department by
4 providing the following information to the Department, or to
5 the sheriff's office in the county in which the career offender
6 establishes or maintains a permanent or temporary residence,
7 within 2 working days after establishing permanent or temporary
8 residence in this State or within 2 working days after being
9 released from the custody, control, or supervision of the
10 Department of Corrections:

11 (1) Name, social security number, age, race, gender,
12 date of birth, height, weight, hair and eye color,
13 photograph, address of legal residence and address of any
14 current temporary residence within the State or
15 out-of-state, including a rural route address or a post
16 office box, date and place of any employment, date and
17 place of each conviction, fingerprints, and a brief
18 description of the crime or crimes committed by the career
19 offender. A career offender may not provide a post office
20 box in lieu of a physical residential address. If the
21 career offender's place of residence is a motor vehicle,
22 trailer, mobile home, or manufactured home, the career
23 offender shall also provide to the Department written
24 notice of the vehicle identification number; the license
25 tag number; the registration number; and a description,
26 including color scheme, of the motor vehicle, trailer,
27 mobile home, or manufactured home. If a career offender's
28 place of residence is a vessel, live-aboard vessel, or
29 houseboat, the career offender shall also provide to the
30 Department of Natural Resources written notice of the hull
31 identification number; the manufacturer's serial number;
32 the name of the vessel, live-aboard vessel, or houseboat;
33 the registration number; and a description, including
34 color scheme, of the vessel, live-aboard vessel, or
35 houseboat.

1 (2) Any other information determined necessary by the
2 Department, including criminal and corrections records;
3 non-privileged personnel and treatment records; and
4 evidentiary genetic markers when available.

5 (b) If a career offender registers with the sheriff's
6 office, the sheriff shall take a photograph and a set of
7 fingerprints of the career offender and forward the photographs
8 and fingerprints to the Department, along with the information
9 that the career offender is required to provide under this
10 Section.

11 (c) Within 2 working days after the registration required
12 under paragraph (a), a career offender who is not incarcerated
13 and who resides in the community, including a career offender
14 under the supervision of the Department of Corrections as a
15 parolee or releasee, shall register in person at a driver's
16 license facility of the Secretary of State and shall present
17 proof of registration. At the driver's license office, the
18 career offender shall:

19 (1) If otherwise qualified, secure an Illinois
20 driver's license, renew an Illinois driver's license, or
21 secure an identification card. The career offender shall
22 identify himself or herself as a career offender who is
23 required to comply with this Section, provide his or her
24 place of permanent or temporary residence, including a
25 rural route address or a post office box, and submit to the
26 taking of a photograph for use in issuing a driver's
27 license, renewed license, or identification card, and for
28 use by the Department in maintaining current records of
29 career offenders. The career offender may not provide a
30 post office box in lieu of a physical residential address.
31 If the career offender's place of residence is a motor
32 vehicle, trailer, mobile home, or manufactured home, the
33 career offender shall also provide to the Secretary of
34 State the vehicle identification number; the license tag
35 number; the motor vehicle registration number; and a
36 description, including color scheme, of the motor vehicle,

1 trailer, mobile home, or manufactured home. If a career
2 offender's place of residence is a vessel, live-aboard
3 vessel, or houseboat, the career offender shall also
4 provide to the Department of Natural Resources the hull
5 identification number; the manufacturer's serial number;
6 the name of the vessel, live-aboard vessel, or houseboat;
7 the registration number; and a description, including
8 color scheme, of the vessel, live-aboard vessel, or
9 houseboat.

10 (2) Pay the costs assessed by the Secretary of State
11 for issuing or renewing a driver's license or
12 identification card as required by this Section.

13 (3) Provide, upon request, any additional information
14 necessary to confirm the identity of the career offender,
15 including a set of fingerprints.

16 (d) Each time a career offender's driver's license or
17 identification card is subject to renewal, and within 2 working
18 days after any change of the career offender's residence or
19 change in the career offender's name by reason of marriage or
20 other legal process, the career offender must report in person
21 to a driver's license office, and shall be subject to the
22 requirements specified in paragraph (c). The Secretary of State
23 shall forward to the Department and to the Department of
24 Corrections all photographs and information provided by career
25 offenders. Notwithstanding the restrictions set forth in the
26 Illinois Vehicle Code, the Secretary of State may release a
27 reproduction of a color-photograph or digital-image license to
28 the Department for purposes of public notification of career
29 offenders as provided in this Section.

30 (e) If the career offender registers at an office of the
31 Department, the Department must notify the sheriff and, if
32 applicable, the police chief of the municipality where the
33 career offender maintains a residence within 48 hours after the
34 career offender registers with the Department.

35 (f) A career offender who intends to establish residence in
36 another state or jurisdiction other than the State of Illinois

1 shall report in person to the sheriff of the county of current
2 residence or the Department within 2 working days before the
3 date he or she intends to leave this State to establish
4 residence in another state or jurisdiction other than the State
5 of Illinois. If the career offender is under the supervision of
6 the Department of Corrections or a Probation Department, the
7 career offender shall notify the supervising parole or
8 probation officer of his or her intent to transfer supervision,
9 satisfy all transfer requirements pursuant to the Interstate
10 Compact for Adult Offender Supervision, as provided in that
11 Act, and abide by the decision of the receiving jurisdiction to
12 accept or deny transfer. The career offender must provide to
13 the sheriff or Department the address, municipality, county,
14 and state of intended residence. The sheriff shall promptly
15 provide to the Department the information received from the
16 career offender. The failure of a career offender to provide
17 his or her intended place of residence is punishable as
18 provided in Section 35.

19 (g) A career offender who indicates his or her intent to
20 reside in a state or jurisdiction other than the State of
21 Illinois and later decides to remain in this State shall,
22 within 2 working days after the date upon which the career
23 offender indicated he or she would leave this State, report in
24 person to the sheriff or the Department, whichever agency is
25 the agency to which the career offender reported the intended
26 change of residence, of his or her intent to remain in this
27 State. If the sheriff is notified by the career offender that
28 he or she intends to remain in this State, the sheriff shall
29 promptly report this information to the Department. A career
30 offender who reports his or her intent to reside in a state or
31 jurisdiction other than the State of Illinois, but who remains
32 in this State without reporting to the sheriff or the
33 Department in the manner required by this Section, commits a
34 Class 4 felony.

35 (h) (1) The Department shall maintain on-line computer
36 access to the current information regarding each registered

1 career offender. The Department must maintain hotline access so
2 that State, local, and federal law enforcement agencies may
3 obtain instantaneous locator file and criminal characteristics
4 information on release and registration of career offenders for
5 purposes of monitoring, tracking, and prosecution. The
6 photograph and fingerprints need not be stored in a
7 computerized format.

8 (2) The Department's career offender registration list,
9 containing the information described in subdivision (a)(1), is
10 a public record. The Department may disseminate this public
11 information by any means deemed appropriate, including
12 operating a toll-free telephone number for this purpose. When
13 the Department provides information regarding a career
14 offender to the public, Department personnel must advise the
15 person making the inquiry that positive identification of a
16 person believed to be a career offender cannot be established
17 unless a fingerprint comparison is made and that it is illegal
18 to use public information regarding a career offender to
19 facilitate the commission of a crime.

20 (3) The Department shall adopt guidelines as necessary
21 regarding the registration of a career offender and the
22 dissemination of information regarding a career offender as
23 required by this Section.

24 (i) A career offender must maintain registration with the
25 Department for the duration of his or her life, unless the
26 career offender has received a full pardon or has had a
27 conviction set aside in a post-conviction proceeding for any
28 offense that meets the criteria for classifying the person as a
29 career offender for purposes of registration. However, a
30 registered career offender who has been lawfully released from
31 confinement or supervision, whichever is later, for at least 20
32 years and has not been arrested for any felony or misdemeanor
33 offense since release may petition the circuit court of the
34 circuit in which the registered career offender resides for the
35 purpose of removing the requirement for registration as a
36 career offender. The court may grant or deny such relief if the

1 registered career offender demonstrates to the court that he or
2 she has not been arrested for any crime since release and the
3 court is otherwise satisfied that the registered career
4 offender is not a current or potential threat to public safety.
5 The State's Attorney in the circuit in which the petition is
6 filed must be given notice of the petition at least 3 weeks
7 before the hearing on the matter. The State's Attorney may
8 present evidence in opposition to the requested relief or may
9 otherwise demonstrate the reasons why the petition should be
10 denied. If the court denies the petition, the court may set a
11 future date at which the registered career offender may again
12 petition the court for relief, subject to the standards for
13 relief provided in this Section. The Department shall remove a
14 person from classification as a career offender for purposes of
15 registration if the person provides to the Department a
16 certified copy of the court's written findings or order that
17 indicates that the person is no longer required to comply with
18 the requirements for registration as a career offender.

19 Section 20. Community and public notification.

20 (a) Law enforcement agencies may inform the community and
21 the public of the presence of a career offender in the
22 community. Upon notification of the presence of a career
23 offender, the sheriff of the county or the chief of police of
24 the municipality where the career offender establishes or
25 maintains a permanent or temporary residence may notify the
26 community and the public of the presence of the career offender
27 in a manner deemed appropriate by the sheriff or the chief of
28 police.

29 (b) The sheriff or the police chief may coordinate the
30 community and public notification efforts with the Department.
31 Statewide notification to the public is authorized, as deemed
32 appropriate by local law enforcement personnel and the
33 Department.

34 Section 25. Verification. The Department and the

1 Department of Corrections shall implement a system for
2 verifying the addresses of career offenders. The sheriff of
3 each county shall annually verify the addresses of career
4 offenders who are not under the care, custody, control, or
5 supervision of the Department of Corrections. The sheriff shall
6 promptly provide the address verification information to the
7 Department in an electronic format. The address verification
8 information must include the verifying person's name, agency,
9 and phone number, the date of verification, and the method of
10 verification, and must specify whether the address information
11 was verified as correct, incorrect, or unconfirmed.

12 Section 30. Immunity. The Department, the Secretary of
13 State, the Department of Corrections, any law enforcement
14 agency in this State, and the personnel of those agencies; an
15 elected or appointed official, public employee, or school
16 administrator; or an employee, agency, or any individual or
17 entity acting at the request or upon the direction of any law
18 enforcement agency is immune from civil liability for damages
19 for good faith compliance with the requirements of this Section
20 or for the release of information under this Section and shall
21 be presumed to have acted in good faith in compiling,
22 recording, reporting, or releasing the information. The
23 presumption of good faith is not overcome if a technical or
24 clerical error is made by the Department, the Secretary of
25 State, the Department of Corrections, the personnel of those
26 agencies, or any individual or entity acting at the request or
27 upon the direction of any of those agencies in compiling or
28 providing information, or if information is incomplete or
29 incorrect because a career offender fails to report or falsely
30 reports his or her current place of permanent or temporary
31 residence.

32 Section 35. Penalties.

33 (a) Except as otherwise specifically provided in this Act,
34 a career offender who fails to register; who fails, after

1 registration, to maintain, acquire, or renew a driver's license
2 or identification card; who fails to provide required location
3 information or change-of-name information; or who otherwise
4 fails, by act or omission, to comply with the requirements of
5 this Section, commits a Class 3 felony.

6 (b) Any person who misuses public records information
7 concerning a career offender, as defined in this Act, to secure
8 a payment from the career offender; who knowingly distributes
9 or publishes false information concerning the career offender
10 that the person misrepresents as being public records
11 information; or who materially alters public records
12 information with the intent to misrepresent the information,
13 including documents, summaries of public records information
14 provided by law enforcement agencies, or public records
15 information displayed by law enforcement agencies on websites
16 or provided through other means of communication, commits a
17 Class A misdemeanor.

18 Section 40. Prosecutions for acts or omissions. A career
19 offender who commits any act or omission in violation of this
20 Act may be prosecuted for the act or omission in the county in
21 which the act or omission was committed, the county of the last
22 registered address of the career offender, the county in which
23 the conviction occurred for the offense or offenses that meet
24 the criteria for designating a person as a career offender, or
25 in the county in which he or she was designated a career
26 offender.

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.