

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 (a) "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
13 the 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
20 institution of another state, the District of Columbia, the
21 United States, any possession or territory of the United
22 States, or any foreign jurisdiction, following incarceration
23 for an offense for which the sentence is punishable by more
24 than one year in 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;

- 1 (8) aggravated arson;
- 2 (9) residential arson;
- 3 (10) kidnapping;
- 4 (11) aggravated assault using a deadly weapon;
- 5 (12) aggravated battery;
- 6 (13) aggravated stalking;
- 7 (14) Aircraft piracy;
- 8 (15) causing a catastrophe;
- 9 (16) Any felony that involves the use or threat of
- 10 physical force or violence against an individual;
- 11 (17) burglary;
- 12 (18) residential burglary;
- 13 (19) any felony violation of Section 24-1 of the
- 14 Criminal Code of 1961;
- 15 (20) aggravated discharge of a firearm;
- 16 (21) aggravated discharge of a firearm or a machine
- 17 gun or a firearm equipped with a device designed or used
- 18 for silencing the report of a firearm; or
- 19 (22) a violation of the Boarding Aircraft With
- 20 Weapon Act.
- 21 "Career offender" also means a person who has been
- 22 convicted of 3 felonies within the past 5 years.
- 23 "Chief of police" means the chief law enforcement officer
- 24 of a municipality.
- 25 "Community" means any county where the career offender
- 26 lives or otherwise establishes or maintains a temporary or
- 27 permanent residence.
- 28 "Department" means the Department of State Police.
- 29 "Entering the county" includes being discharged from a
- 30 correctional facility, jail, or mental health facility within
- 31 the county or being under supervision of a probation or
- 32 parole officer.
- 33 "Permanent residence" means a place where the career
- 34 offender abides, lodges, or resides for 14 or more

1 consecutive days.

2 "Temporary residence" means:

3 (1) A place where the career offender abides,
4 lodges, or resides for a period of 14 or more days in the
5 aggregate during any calendar year and which is not the
6 career offender's permanent address;

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

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

16 Section 10. Criteria for registration as a career
17 offender.

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

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

25 (2) whose conviction of a felony that has qualified
26 the person as a career offender has been set aside in any
27 post-conviction proceeding; or

28 (3) who is required to register under the Sex
29 Offender Registration Act.

30 (b) A person convicted of an offense or combination of
31 offenses that would render the person a career offender,
32 shall upon sentencing, be declared by the court to be a
33 career offender. If a career offender is not sentenced to a

1 term of imprisonment, the clerk of the court shall ensure
2 that the career offender's fingerprints are taken and
3 forwarded to the Department within 48 hours after the court
4 renders its finding that an offender is a career offender.
5 The fingerprint card shall be clearly marked, "Career
6 Offender Registration Card."

7 Section 15. Registration.

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

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

1 live-aboard vessel, or houseboat, the career offender
2 shall also provide to the Department of Natural Resources
3 written notice of the hull identification number; the
4 manufacturer's serial number; the name of the vessel,
5 live-aboard vessel, or houseboat; the registration
6 number; and a description, including color scheme, of the
7 vessel, live-aboard vessel, or houseboat.

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

12 (b) If a career offender registers with the sheriff's
13 office, the sheriff shall take a photograph and a set of
14 fingerprints of the career offender and forward the
15 photographs and fingerprints to the Department, along with
16 the information that the career offender is required to
17 provide under this Section.

18 (c) Within 2 working days after the registration
19 required under paragraph (a), a career offender who is not
20 incarcerated and who resides in the community, including a
21 career offender under the supervision of the Department of
22 Corrections as a parolee or releasee, shall register in
23 person at a driver's license facility of the Secretary of
24 State and shall present proof of registration. At the
25 driver's license office, the career offender shall:

26 (1) If otherwise qualified, secure an Illinois
27 driver's license, renew an Illinois driver's license, or
28 secure an identification card. The career offender shall
29 identify himself or herself as a career offender who is
30 required to comply with this Section, provide his or her
31 place of permanent or temporary residence, including a
32 rural route address or a post office box, and submit to
33 the taking of a photograph for use in issuing a driver's
34 license, renewed license, or identification card, and for

1 use by the Department in maintaining current records of
2 career offenders. The career offender may not provide a
3 post office box in lieu of a physical residential
4 address. If the career offender's place of residence is a
5 motor vehicle, trailer, mobile home, or manufactured
6 home, the career offender shall also provide to the
7 Secretary of State the vehicle identification number; the
8 license tag number; the motor vehicle registration
9 number; and a description, including color scheme, of the
10 motor vehicle, trailer, mobile home, or manufactured
11 home. If a career offender's place of residence is a
12 vessel, live-aboard vessel, or houseboat, the career
13 offender shall also provide to the Department of Natural
14 Resources the hull identification number; the
15 manufacturer's serial number; the name of the vessel,
16 live-aboard vessel, or houseboat; the registration
17 number; and a description, including color scheme, of the
18 vessel, live-aboard vessel, or houseboat.

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

22 (3) Provide, upon request, any additional
23 information necessary to confirm the identity of the
24 career offender, including a set of fingerprints.

25 (d) Each time a career offender's driver's license or
26 identification card is subject to renewal, and within 2
27 working days after any change of the career offender's
28 residence or change in the career offender's name by reason
29 of marriage or other legal process, the career offender must
30 report in person to a driver's license office, and shall be
31 subject to the requirements specified in paragraph (c). The
32 Secretary of State shall forward to the Department and to the
33 Department of Corrections all photographs and information
34 provided by career offenders. Notwithstanding the

1 restrictions set forth in the Illinois Vehicle Code, the
2 Secretary of State may release a reproduction of a
3 color-photograph or digital-image license to the Department
4 for purposes of public notification of career offenders as
5 provided in this Section.

6 (e) If the career offender registers at an office of the
7 Department, the Department must notify the sheriff and, if
8 applicable, the police chief of the municipality where the
9 career offender maintains a residence within 48 hours after
10 the career offender registers with the Department.

11 (f) A career offender who intends to establish residence
12 in another state or jurisdiction other than the State of
13 Illinois shall report in person to the sheriff of the county
14 of current residence or the Department within 2 working days
15 before the date he or she intends to leave this State to
16 establish residence in another state or jurisdiction other
17 than the State of Illinois. If the career offender is under
18 the supervision of the Department of Corrections or a
19 Probation Department, the career offender shall notify the
20 supervising parole or probation officer of his or her intent
21 to transfer supervision, satisfy all transfer requirements
22 pursuant to the Interstate Compact for Adult Offender
23 Supervision, as provided in that Act, and abide by the
24 decision of the receiving jurisdiction to accept or deny
25 transfer. The career offender must provide to the sheriff or
26 Department the address, municipality, county, and state of
27 intended residence. The sheriff shall promptly provide to the
28 Department the information received from the career offender.
29 The failure of a career offender to provide his or her
30 intended place of residence is punishable as provided in
31 Section 35.

32 (g) A career offender who indicates his or her intent to
33 reside in a state or jurisdiction other than the State of
34 Illinois and later decides to remain in this State shall,

1 within 2 working days after the date upon which the career
2 offender indicated he or she would leave this State, report
3 in person to the sheriff or the Department, whichever agency
4 is the agency to which the career offender reported the
5 intended change of residence, of his or her intent to remain
6 in this State. If the sheriff is notified by the career
7 offender that he or she intends to remain in this State, the
8 sheriff shall promptly report this information to the
9 Department. A career offender who reports his or her intent
10 to reside in a state or jurisdiction other than the State of
11 Illinois, but who remains in this State without reporting to
12 the sheriff or the Department in the manner required by this
13 Section, commits a Class 4 felony.

14 (h)(1) The Department shall maintain on-line
15 computer access to the current information regarding each
16 registered career offender. The Department must maintain
17 hotline access so that State, local, and federal law
18 enforcement agencies may obtain instantaneous locator
19 file and criminal characteristics information on release
20 and registration of career offenders for purposes of
21 monitoring, tracking, and prosecution. The photograph and
22 fingerprints need not be stored in a computerized format.

23 (2) The Department's career offender registration
24 list, containing the information described in subdivision
25 (a)(1), is a public record. The Department may
26 disseminate this public information by any means deemed
27 appropriate, including operating a toll-free telephone
28 number for this purpose. When the Department provides
29 information regarding a career offender to the public,
30 Department personnel must advise the person making the
31 inquiry that positive identification of a person believed
32 to be a career offender cannot be established unless a
33 fingerprint comparison is made and that it is illegal to
34 use public information regarding a career offender to

1 facilitate the commission of a crime.

2 (3) The Department shall adopt guidelines as
3 necessary regarding the registration of a career offender
4 and the dissemination of information regarding a career
5 offender as required by this Section.

6 (i) A career offender must maintain registration with
7 the Department for the duration of his or her life, unless
8 the career offender has received a full pardon or has had a
9 conviction set aside in a post-conviction proceeding for any
10 offense that meets the criteria for classifying the person as
11 a career offender for purposes of registration. However, a
12 registered career offender who has been lawfully released
13 from confinement or supervision, whichever is later, for at
14 least 20 years and has not been arrested for any felony or
15 misdemeanor offense since release may petition the circuit
16 court of the circuit in which the registered career offender
17 resides for the purpose of removing the requirement for
18 registration as a career offender. The court may grant or
19 deny such relief if the registered career offender
20 demonstrates to the court that he or she has not been
21 arrested for any crime since release and the court is
22 otherwise satisfied that the registered career offender is
23 not a current or potential threat to public safety. The
24 State's Attorney in the circuit in which the petition is
25 filed must be given notice of the petition at least 3 weeks
26 before the hearing on the matter. The State's Attorney may
27 present evidence in opposition to the requested relief or may
28 otherwise demonstrate the reasons why the petition should be
29 denied. If the court denies the petition, the court may set a
30 future date at which the registered career offender may again
31 petition the court for relief, subject to the standards for
32 relief provided in this Section. The Department shall remove
33 a person from classification as a career offender for
34 purposes of registration if the person provides to the

1 Department a certified copy of the court's written findings
2 or order that indicates that the person is no longer required
3 to comply with the requirements for registration as a career
4 offender.

5 Section 20. Community and public notification.

6 (a) Law enforcement agencies may inform the community
7 and the public of the presence of a career offender in the
8 community. Upon notification of the presence of a career
9 offender, the sheriff of the county or the chief of police of
10 the municipality where the career offender establishes or
11 maintains a permanent or temporary residence may notify the
12 community and the public of the presence of the career
13 offender in a manner deemed appropriate by the sheriff or the
14 chief of police.

15 (b) The sheriff or the police chief may coordinate the
16 community and public notification efforts with the
17 Department. Statewide notification to the public is
18 authorized, as deemed appropriate by local law enforcement
19 personnel and the Department.

20 Section 25. Verification. The Department and the
21 Department of Corrections shall implement a system for
22 verifying the addresses of career offenders. The sheriff of
23 each county shall annually verify the addresses of career
24 offenders who are not under the care, custody, control, or
25 supervision of the Department of Corrections. The sheriff
26 shall promptly provide the address verification information
27 to the Department in an electronic format. The address
28 verification information must include the verifying person's
29 name, agency, and phone number, the date of verification, and
30 the method of verification, and must specify whether the
31 address information was verified as correct, incorrect, or
32 unconfirmed.

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

21 Section 35. Penalties.

22 (a) Except as otherwise specifically provided in this
23 Act, a career offender who fails to register; who fails,
24 after registration, to maintain, acquire, or renew a driver's
25 license or identification card; who fails to provide required
26 location information or change-of-name information; or who
27 otherwise fails, by act or omission, to comply with the
28 requirements of this Section, commits a Class 3 felony.

29 (b) Any person who misuses public records information
30 concerning a career offender, as defined in this Act, to
31 secure a payment from the career offender; who knowingly
32 distributes or publishes false information concerning the
33 career offender that the person misrepresents as being public

1 records information; or who materially alters public records
2 information with the intent to misrepresent the information,
3 including documents, summaries of public records information
4 provided by law enforcement agencies, or public records
5 information displayed by law enforcement agencies on websites
6 or provided through other means of communication, commits a
7 Class A misdemeanor.

8 Section 40. Prosecutions for acts or omissions. A career
9 offender who commits any act or omission in violation of this
10 Act may be prosecuted for the act or omission in the county
11 in which the act or omission was committed, the county of the
12 last registered address of the career offender, the county in
13 which the conviction occurred for the offense or offenses
14 that meet the criteria for designating a person as a career
15 offender, or in the county in which he or she was designated
16 a career offender.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.