



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3483

by Rep. Daniel V. Beiser

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.

LRB100 05693 RLC 15714 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Act:

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

1 this State any of the following offenses:

2 (1) treason;

3 (2) first degree murder;

4 (3) second degree murder;

5 (4) vehicular hijacking;

6 (5) home invasion;

7 (6) robbery;

8 (7) arson;

9 (8) aggravated arson;

10 (9) residential arson;

11 (10) kidnapping;

12 (11) aggravated assault using a deadly weapon;

13 (12) aggravated battery;

14 (13) aggravated stalking;

15 (14) aircraft piracy;

16 (15) causing a catastrophe;

17 (16) any felony that involves the use or threat of
18 physical force or violence against an individual;

19 (17) burglary;

20 (18) residential burglary;

21 (19) any felony violation of Section 24-1 of the
22 Criminal Code of 2012;

23 (20) aggravated discharge of a firearm;

24 (21) aggravated discharge of a firearm or a machine gun
25 or a firearm equipped with a device designed or used for
26 silencing the report of a firearm; or

1 (22) a violation of Section 29D-35.1 of the Criminal
2 Code of 2012.

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

5 "Chief of police" means the chief law enforcement officer
6 of a municipality.

7 "Community" means any county where the career offender
8 lives or otherwise establishes or maintains a temporary or
9 permanent residence.

10 "Department" means the Department of State Police.

11 "Entering the county" includes being discharged from a
12 correctional facility, jail, or mental health facility within
13 the county or being under supervision of a probation or parole
14 officer.

15 "Permanent residence" means a place where the career
16 offender abides, lodges, or resides for 14 or more consecutive
17 days.

18 "Temporary residence" means:

19 (1) a place where the career offender abides, lodges,
20 or resides for a period of 14 or more days in the aggregate
21 during any calendar year and which is not the career
22 offender's permanent address;

23 (2) for a career offender whose permanent residence is
24 not in this State, a place where the career offender is
25 employed, practices a vocation, or is enrolled as a student
26 for any period of time in this State; or

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

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

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

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

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

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

19 (4) who is required to register under the Arsonist
20 Registration Act.

21 (b) A person convicted of an offense or combination of
22 offenses that would render the person a career offender, shall
23 upon sentencing, be declared by the court to be a career
24 offender. If a career offender is not sentenced to a term of
25 imprisonment, the clerk of the court shall ensure that the

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

5 Section 15. Registration.

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

14 (1) Name, social security number, age, race, gender,
15 date of birth, height, weight, hair and eye color,
16 photograph, address of legal residence and address of any
17 current temporary residence within the State or
18 out-of-state, including a rural route address or a post
19 office box, date and place of any employment, date and
20 place of each conviction, fingerprints, and a brief
21 description of the crime or crimes committed by the career
22 offender. A career offender may not provide a post office
23 box in lieu of a physical residential address. If the
24 career offender's place of residence is a motor vehicle,
25 trailer, mobile home, or manufactured home, the career

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

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

18 (b) If a career offender registers with the sheriff's
19 office, the sheriff shall take a photograph and a set of
20 fingerprints of the career offender and forward the photographs
21 and fingerprints to the Department, along with the information
22 that the career offender is required to provide under this
23 Section.

24 (c) Within 2 working days after the registration required
25 under subsection (a) of this Section, a career offender who is
26 not incarcerated and who resides in the community, including a

1 career offender under the supervision of the Department of
2 Corrections as a parolee or releasee, shall register in person
3 at a driver's license facility of the Secretary of State and
4 shall present proof of registration. At the driver's license
5 office, the career offender shall:

6 (1) If otherwise qualified, secure an Illinois
7 driver's license, renew an Illinois driver's license, or
8 secure an identification card. The career offender shall
9 identify himself or herself as a career offender who is
10 required to comply with this Section, provide his or her
11 place of permanent or temporary residence, including a
12 rural route address or a post office box, and submit to the
13 taking of a photograph for use in issuing a driver's
14 license, renewed license, or identification card, and for
15 use by the Department in maintaining current records of
16 career offenders. The career offender may not provide a
17 post office box in lieu of a physical residential address.
18 If the career offender's place of residence is a motor
19 vehicle, trailer, mobile home, or manufactured home, the
20 career offender shall also provide to the Secretary of
21 State the vehicle identification number; the license tag
22 number; the motor vehicle registration number; and a
23 description, including color scheme, of the motor vehicle,
24 trailer, mobile home, or manufactured home. If a career
25 offender's place of residence is a vessel, live-aboard
26 vessel, or houseboat, the career offender shall also

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

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

10 (3) Provide, upon request, any additional information
11 necessary to confirm the identity of the career offender,
12 including a set of fingerprints.

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

1 (e) If the career offender registers at an office of the
2 Department, the Department must notify the sheriff and, if
3 applicable, the police chief of the municipality where the
4 career offender maintains a residence within 48 hours after the
5 career offender registers with the Department.

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

26 (g) A career offender who indicates his or her intent to

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

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

24 (2) The Department's career offender registration list,
25 containing the information described in paragraph (1) of
26 subsection (a) of this Section, is a public record. The

1 Department may disseminate this public information by any means
2 deemed appropriate, including operating a toll-free telephone
3 number for this purpose. When the Department provides
4 information regarding a career offender to the public,
5 Department personnel must advise the person making the inquiry
6 that positive identification of a person believed to be a
7 career offender cannot be established unless a fingerprint
8 comparison is made and that it is illegal to use public
9 information regarding a career offender to facilitate the
10 commission of a crime.

11 (3) The Department shall adopt guidelines as necessary
12 regarding the registration of a career offender and the
13 dissemination of information regarding a career offender as
14 required by this Section.

15 (i) A career offender must maintain registration with the
16 Department for the duration of his or her life, unless the
17 career offender has received a full pardon or has had a
18 conviction set aside in a post-conviction proceeding for any
19 offense that meets the criteria for classifying the person as a
20 career offender for purposes of registration. However, a
21 registered career offender who has been lawfully released from
22 confinement or supervision, whichever is later, for at least 20
23 years and has not been arrested for any felony or misdemeanor
24 offense since release may petition the circuit court of the
25 circuit in which the registered career offender resides for the
26 purpose of removing the requirement for registration as a

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

20 Section 20. Community and public notification.

21 (a) Law enforcement agencies may inform the community and
22 the public of the presence of a career offender in the
23 community. Upon notification of the presence of a career
24 offender, the sheriff of the county or the chief of police of
25 the municipality where the career offender establishes or

1 maintains a permanent or temporary residence may notify the
2 community and the public of the presence of the career offender
3 in a manner deemed appropriate by the sheriff or the chief of
4 police.

5 (b) The sheriff or the police chief may coordinate the
6 community and public notification efforts with the Department.
7 Statewide notification to the public is authorized, as deemed
8 appropriate by local law enforcement personnel and the
9 Department.

10 Section 25. Verification. The Department and the
11 Department of Corrections shall implement a system for
12 verifying the addresses of career offenders. The sheriff of
13 each county shall annually verify the addresses of career
14 offenders who are not under the care, custody, control, or
15 supervision of the Department of Corrections. The sheriff shall
16 promptly provide the address verification information to the
17 Department in an electronic format. The address verification
18 information must include the verifying person's name, agency,
19 and phone number, the date of verification, and the method of
20 verification, and must specify whether the address information
21 was verified as correct, incorrect, or unconfirmed.

22 Section 30. Immunity. The Department, the Secretary of
23 State, the Department of Corrections, any law enforcement
24 agency in this State, and the personnel of those agencies; an

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

18 Section 35. Penalties.

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

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

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.