



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0444

Introduced 2/8/2007, by Sen. Dan Cronin

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.675 new

Creates the Drug Dealer Registration Law. Requires persons who commit offenses relating to the illegal manufacture, delivery, or possession with intent to manufacture or deliver cannabis, a controlled substance, or methamphetamine to register for a 10 year period with the local law enforcement agency of the municipality or county in which they reside, or are employed, or attend school. Establishes procedures and requirements of registration and provides penalties for non compliance. Creates the Drug Dealer Community Notification Law. Provides that information about registered drug dealers shall be made available to the public through a statewide Drug Dealer Database accessible on the Internet by means of a hyperlink labeled "Drug Dealer Information" on the Department of State Police's web home page. Amends the State Finance Act. Creates the Drug Dealer Registration Fund in the State treasury. Provides that the provisions of the Act are severable.

LRB095 06888 RLC 27007 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

4 ARTICLE 1.DRUG DEALER REGISTRATION

5 Section 1-1. Short title. This Article 1 may be cited as
6 the Drug Dealer Registration Law.

7 Section 1-5. Definitions.

8 (A) As used in this Article, "drug dealer" means any person
9 who is:

10 (1) charged pursuant to Illinois law, or any
11 substantially similar federal, Uniform Code of Military
12 Justice, sister state, or foreign country law, with a drug
13 offense set forth in subsection (B) of this Section or the
14 attempt to commit an included drug offense, and:

15 (a) is convicted of such offense or an attempt to
16 commit such offense; or

17 (b) is found not guilty by reason of insanity of
18 such offense or an attempt to commit such offense; or

19 (c) is found not guilty by reason of insanity
20 pursuant to Section 104-25(c) of the Code of Criminal
21 Procedure of 1963 of such offense or an attempt to
22 commit such offense; or

1 (d) is the subject of a finding not resulting in an
2 acquittal at a hearing conducted pursuant to Section
3 104-25(a) of the Code of Criminal Procedure of 1963 for
4 the alleged commission or attempted commission of such
5 offense; or

6 (e) is found not guilty by reason of insanity
7 following a hearing conducted pursuant to a federal,
8 Uniform Code of Military Justice, sister state, or
9 foreign country law substantially similar to Section
10 104-25(c) of the Code of Criminal Procedure of 1963 of
11 such offense or of the attempted commission of such
12 offense; or

13 (f) is the subject of a finding not resulting in an
14 acquittal at a hearing conducted pursuant to a federal,
15 Uniform Code of Military Justice, sister state, or
16 foreign country law substantially similar to Section
17 104-25(a) of the Code of Criminal Procedure of 1963 for
18 the alleged violation or attempted commission of such
19 offense; or

20 (2) adjudicated a juvenile delinquent as the result of
21 committing or attempting to commit an act which, if
22 committed by an adult, would constitute any of the offenses
23 specified in item (B) or (C) of this Section or a violation
24 of any substantially similar federal, Uniform Code of
25 Military Justice, sister state, or foreign country law, or
26 found guilty under Article V of the Juvenile Court Act of

1 1987 of committing or attempting to commit an act which, if
2 committed by an adult, would constitute any of the offenses
3 specified in item (B) or (C) of this Section or a violation
4 of any substantially similar federal, Uniform Code of
5 Military Justice, sister state, or foreign country law.

6 Convictions that result from or are connected with the same
7 act, or result from offenses committed at the same time, shall
8 be counted for the purpose of this Article as one conviction.
9 Any conviction set aside pursuant to law is not a conviction
10 for purposes of this Article.

11 For purposes of this Section, "convicted" shall have the
12 same meaning as "adjudicated". For the purposes of this
13 Article, a person who is defined as a drug dealer as a result
14 of being adjudicated a juvenile delinquent under paragraph (2)
15 of this subsection (A) upon attaining 17 years of age shall be
16 considered as having committed the drug offense on or after the
17 drug dealer's 17th birthday. Registration of juveniles upon
18 attaining 17 years of age shall not extend the original
19 registration of 10 years from the date of conviction.

20 (B) As used in this Article, "drug offense" means:

21 (1) A violation of any of the following Sections of the
22 Cannabis Control Act:

23 5 (manufacture or delivery of cannabis),

24 5.1 (cannabis trafficking),

25 5.2 (delivering cannabis on school grounds),

26 7 (delivering cannabis to a person under 18 years

1 of age),

2 8 (unauthorized production of cannabis sativa
3 plant),

4 9 (calculated criminal cannabis conspiracy).

5 (2) A violation of any of the following Sections of the
6 Illinois Controlled Substances Act:

7 401 (Manufacture or delivery of a controlled
8 substance),

9 401.1 (controlled substance trafficking),

10 401.5 (chemical breakdown of illicit controlled
11 substance),

12 404(b) (manufacture, distribution, advertising, or
13 possessing with intent to manufacture or distribute a
14 look-alike substance),

15 405 (calculated criminal drug conspiracy),

16 405.1 (criminal drug conspiracy),

17 405.2 (streetgang criminal drug conspiracy),

18 406.1 (permitting unlawful use of a building),

19 407 (delivery of controlled, counterfeit, or
20 look-alike substances on certain properties),

21 407.1 (using persons under 18 to deliver
22 controlled, counterfeit, or look-alike substances),

23 407.2 (delivery of a controlled substance to a
24 pregnant woman).

25 (3) A violation of any of the following Sections of the
26 Methamphetamine Control and Community Protection Act:

1 15 (participation in methamphetamine
2 manufacturing),

3 20 (possessing, procuring, transporting, storing,
4 or delivering a methamphetamine precursor),

5 25 (possessing, procuring, transporting, storing,
6 or delivering anhydrous ammonia),

7 30 (possessing, procuring, transporting, storing,
8 or delivery of methamphetamine manufacturing
9 material),

10 40 (protection of methamphetamine manufacturing),

11 55 (methamphetamine delivery),

12 65 (methamphetamine conspiracy).

13 (C) A conviction for an offense of federal law, Uniform
14 Code of Military Justice, or the law of another state or a
15 foreign country that is substantially equivalent to any offense
16 listed in subsections (B) or (C) of this Section shall
17 constitute a conviction for the purpose of this Article.

18 (D) As used in this Article, "law enforcement agency having
19 jurisdiction" means the Chief of Police in each of the
20 municipalities in which the drug dealer expects to reside,
21 work, or attend school (1) upon his or her discharge, parole or
22 release or (2) during the service of his or her sentence of
23 probation or conditional discharge, or the Sheriff of the
24 county, in the event no Police Chief exists or if the offender
25 intends to reside, work, or attend school in an unincorporated
26 area. "Law enforcement agency having jurisdiction" includes

1 the location where out-of-state students attend school and
2 where out-of-state employees are employed or are otherwise
3 required to register.

4 (D-1) As used in this Article, "supervising officer" means
5 the assigned Illinois Department of Corrections parole agent or
6 county probation officer.

7 (E) As used in this Article, "out-of-state student" means
8 any drug dealer, as defined in this Section, who is enrolled in
9 Illinois, on a full-time or part-time basis, in any public or
10 private educational institution, including, but not limited
11 to, any secondary school, trade or professional institution, or
12 institution of higher learning.

13 (F) As used in this Article, "out-of-state employee" means
14 any drug dealer, as defined in this Section who works in
15 Illinois, regardless of whether the individual receives
16 payment for services performed, for a period of time of 10 or
17 more days or for an aggregate period of time of 30 or more days
18 during any calendar year. Persons who operate motor vehicles in
19 the State accrue one day of employment time for any portion of
20 a day spent in Illinois.

21 (G) As used in this Article, "school" means any public or
22 private educational institution, including, but not limited
23 to, any elementary or secondary school, trade or professional
24 institution, or institution of higher education.

25 (H) As used in this Article, "fixed residence" means any
26 and all places that a drug dealer resides for an aggregate

1 period of time of 5 or more days in a calendar year.

2 Section 1-10. Duty to register.

3 (a) A drug dealer, as defined in Section 1-5 of this
4 Article shall, within the time period prescribed in subsections
5 (b) and (c), register in person and provide accurate
6 information as required by the Department of State Police. Such
7 information shall include a current photograph, current
8 address, current place of employment, the employer's telephone
9 number, school attended, extensions of the time period for
10 registering as provided in this Article and, if an extension
11 was granted, the reason why the extension was granted and the
12 date the drug dealer was notified of the extension. The
13 information shall also include the county of conviction,
14 license plate numbers for every vehicle registered in the name
15 of the drug dealer, the age of the drug dealer at the time of
16 the commission of the offense, the age of the victim at the
17 time of the commission of the offense, and any distinguishing
18 marks located on the body of the drug dealer. A person who has
19 been adjudicated a juvenile delinquent for an act which, if
20 committed by an adult, would be a drug offense shall register
21 as an adult drug dealer within 10 days after attaining 17 years
22 of age. The drug dealer shall register:

23 (1) with the chief of police in the municipality in
24 which he or she resides or is temporarily domiciled for a
25 period of time of 5 or more days, unless the municipality

1 is the City of Chicago, in which case he or she shall
2 register at the Chicago Police Department Headquarters; or

3 (2) with the sheriff in the county in which he or she
4 resides or is temporarily domiciled for a period of time of
5 5 or more days in an unincorporated area or, if
6 incorporated, no police chief exists.

7 If the drug dealer is employed at or attends an institution
8 of higher education, he or she shall register:

9 (i) with the chief of police in the municipality in
10 which he or she is employed at or attends an institution of
11 higher education, unless the municipality is the City of
12 Chicago, in which case he or she shall register at the
13 Chicago Police Department Headquarters; or

14 (ii) with the sheriff in the county in which he or she
15 is employed or attends an institution of higher education
16 located in an unincorporated area, or if incorporated, no
17 police chief exists.

18 For purposes of this Article, the place of residence or
19 temporary domicile is defined as any and all places where the
20 drug dealer resides for an aggregate period of time of 5 or
21 more days during any calendar year. Any person required to
22 register under this Article who lacks a fixed address or
23 temporary domicile must notify, in person, the agency of
24 jurisdiction of his or her last known address within 5 days
25 after ceasing to have a fixed residence.

26 Any person who lacks a fixed residence must report weekly,

1 in person, with the sheriff's office of the county in which he
2 or she is located in an unincorporated area, or with the chief
3 of police in the municipality in which he or she is located.
4 The agency of jurisdiction will document each weekly
5 registration to include all the locations where the person has
6 stayed during the past 7 days.

7 The drug dealer shall provide accurate information as
8 required by the Department of State Police. That information
9 shall include drug dealer's current place of employment.

10 (a-5) An out-of-state student or out-of-state employee
11 shall, within 5 days after beginning school or employment in
12 this State, register in person and provide accurate information
13 as required by the Department of State Police. Such information
14 will include current place of employment, school attended, and
15 address in state of residence. The out-of-state student or
16 out-of-state employee shall register:

17 (1) with the chief of police in the municipality in
18 which he or she attends school or is employed for a period
19 of time of 5 or more days or for an aggregate period of
20 time of more than 30 days during any calendar year, unless
21 the municipality is the City of Chicago, in which case he
22 or she shall register at the Chicago Police Department
23 Headquarters; or

24 (2) with the sheriff in the county in which he or she
25 attends school or is employed for a period of time of 5 or
26 more days or for an aggregate period of time of more than

1 30 days during any calendar year in an unincorporated area
2 or, if incorporated, no police chief exists.

3 The out-of-state student or out-of-state employee shall
4 provide accurate information as required by the Department of
5 State Police. That information shall include the out-of-state
6 student's current place of school attendance or the
7 out-of-state employee's current place of employment.

8 (b) Any drug dealer, as defined in Section 1-5 of this Act
9 regardless of any initial, prior, or other registration, shall,
10 within 5 days of beginning school, or establishing a residence,
11 place of employment, or temporary domicile in any county,
12 register in person as set forth in subsection (a) or (a-5).

13 (c) The registration for any person required to register
14 under this Article shall be as follows:

15 (1) Except as provided in subsection (c) (4), any person
16 who has not been notified of his or her responsibility to
17 register shall be notified by a criminal justice entity of
18 his or her responsibility to register. Upon notification
19 the person must then register within 5 days of notification
20 of his or her requirement to register. If notification is
21 not made within the drug dealer's 10 year registration
22 requirement, and the Department of State Police determines
23 no evidence exists or indicates the drug dealer attempted
24 to avoid registration, the drug dealer will no longer be
25 required to register under this Article.

26 (2) Except as provided in subsection (c) (4), any person

1 convicted on or after the effective date of this Act, shall
2 register in person within 5 days after the entry of the
3 sentencing order based upon his or her conviction.

4 (3) Any person unable to comply with the registration
5 requirements of this Article because he or she is confined,
6 institutionalized, or imprisoned in Illinois on or after
7 the effective date of this Act, shall register in person
8 within 5 days of discharge, parole, or release.

9 (4) The person shall provide positive identification
10 and documentation that substantiates proof of residence at
11 the registering address.

12 (5) The person shall pay a \$20 initial registration fee
13 and a \$10 annual renewal fee. The fees shall be used by the
14 registering agency for official purposes. The agency shall
15 establish procedures to document receipt and use of the
16 funds. The law enforcement agency having jurisdiction may
17 waive the registration fee if it determines that the person
18 is indigent and unable to pay the registration fee. Ten
19 dollars for the initial registration fee and \$5 of the
20 annual renewal fee shall be used by the registering agency
21 for official purposes. Ten dollars of the initial
22 registration fee and \$5 of the annual fee shall be
23 deposited into the Drug Treatment Fund under Section 50-35
24 of the Alcoholism and Other Drug Abuse and Dependency Act.
25 Money deposited into the Drug Treatment Fund shall be
26 administered by the Department of Human Services and shall

1 be used to fund practices endorsed or required by the
2 Alcoholism and Other Drug Abuse and Dependency Act
3 including but not limited to drug offender evaluation,
4 treatment, or monitoring programs that are or may be
5 developed, as well as for administrative costs, including
6 staff, incurred by the Board.

7 (d) Within 5 days after obtaining or changing employment
8 and, if employed on the effective date of this Act, within 5
9 days after that date, a person required to register under this
10 Section must report, in person to the law enforcement agency
11 having jurisdiction, the business name and address where he or
12 she is employed. If the person has multiple businesses or work
13 locations, every business and work location must be reported to
14 the law enforcement agency having jurisdiction.

15 Section 1-15. Discharge of drug dealer from Department of
16 Corrections facility or other penal institution; duties of
17 official in charge. Any drug dealer who is discharged, paroled
18 or released from a Department of Corrections facility, a
19 facility where such person was placed by the Department of
20 Corrections or another penal institution, and whose liability
21 for registration has not terminated under Section 1-45 shall,
22 prior to discharge, parole or release from the facility or
23 institution, be informed of his or her duty to register in
24 person within 5 days of release by the facility or institution
25 in which he or she was confined. The facility or institution

1 shall also inform any person who must register that if he or
2 she establishes a residence outside of the State of Illinois,
3 is employed outside of the State of Illinois, or attends school
4 outside of the State of Illinois, he or she must register in
5 the new state within 5 days after establishing the residence,
6 beginning employment, or beginning school.

7 The facility shall require the person to read and sign such
8 form as may be required by the Department of State Police
9 stating that the duty to register and the procedure for
10 registration has been explained to him or her and that he or
11 she understands the duty to register and the procedure for
12 registration. The facility shall further advise the person in
13 writing that the failure to register or other violation of this
14 Article shall result in revocation of parole, mandatory
15 supervised release, or conditional release. The facility shall
16 obtain information about where the person expects to reside,
17 work, and attend school upon his or her discharge, parole or
18 release and shall report the information to the Department of
19 State Police. The facility shall give one copy of the form to
20 the person and shall send one copy to each of the law
21 enforcement agencies having jurisdiction where the person
22 expects to reside, work, and attend school upon his or her
23 discharge, parole, or release and retain one copy for the
24 files. Electronic data files which includes all notification
25 form information and photographs of drug dealers being released
26 from an Illinois Department of Corrections facility will be

1 shared on a regular basis as determined between the Department
2 of State Police and the Department of Corrections.

3 Section 1-20. Release of drug dealer, duties of the Court.
4 Any drug dealer, as defined in Section 1-5 of this Article who
5 is released on probation or discharged upon payment of a fine
6 because of the commission of one of the offenses defined in
7 subsection (B) of Section 1-5 of this Article, shall, prior to
8 such release be informed of his or her duty to register under
9 this Article by the Court in which he or she was convicted. The
10 Court shall also inform any person who must register that if he
11 or she establishes a residence outside of the State of
12 Illinois, is employed outside of the State of Illinois, or
13 attends school outside of the State of Illinois, he or she must
14 register in the new state within 5 days after establishing the
15 residence, beginning employment, or beginning school. The
16 Court shall require the person to read and sign such form as
17 may be required by the Department of State Police stating that
18 the duty to register and the procedure for registration has
19 been explained to him or her and that he or she understands the
20 duty to register and the procedure for registration. The Court
21 shall further advise the person in writing that the failure to
22 register or other violation of this Article shall result in
23 probation revocation. The Court shall obtain information about
24 where the person expects to reside, work, and attend school
25 upon his or her release, and shall report the information to

1 the Department of State Police. The Court shall give one copy
2 of the form to the person and retain the original in the court
3 records. The Department of State Police shall notify the law
4 enforcement agencies having jurisdiction where the person
5 expects to reside, work and attend school upon his or her
6 release.

7 Section 1-25. Discharge of drug dealer from a hospital or
8 other treatment facility; duties of the official in charge. Any
9 drug dealer, as defined in Section 1-5 of this Article, who is
10 discharged or released from a hospital or other treatment
11 facility where he or she was confined shall be informed by the
12 hospital or treatment facility in which he or she was confined,
13 prior to discharge or release from the hospital or treatment
14 facility, of his or her duty to register under this Article.

15 The facility shall require the person to read and sign such
16 form as may be required by the Department of State Police
17 stating that the duty to register and the procedure for
18 registration has been explained to him or her and that he or
19 she understands the duty to register and the procedure for
20 registration. The facility shall give one copy of the form to
21 the person, retain one copy for their records, and forward the
22 original to the Department of State Police. The facility shall
23 obtain information about where the person expects to reside,
24 work, and attend school upon his or her discharge, parole, or
25 release and shall report the information to the Department of

1 State Police within 3 days. The facility or institution shall
2 also inform any person who must register that if he or she
3 establishes a residence outside of the State of Illinois, is
4 employed outside of the State of Illinois, or attends school
5 outside of the State of Illinois, he or she must register in
6 the new state within 5 days after establishing the residence,
7 beginning school, or beginning employment. The Department of
8 State Police shall notify the law enforcement agencies having
9 jurisdiction where the person expects to reside, work, and
10 attend school upon his or her release.

11 Section 1-30. Nonforwardable verification letters. The
12 Department of State Police shall mail an annual nonforwardable
13 verification letter, beginning one year from the date of his or
14 her last registration. A person required to register under this
15 Article who is mailed a verification letter shall complete,
16 sign, and return the enclosed verification form to the
17 Department of State Police postmarked within 10 days after the
18 mailing date of the letter. A person's failure to return the
19 verification form to the Department of State Police within 10
20 days after the mailing date of the letter shall be considered a
21 violation of this Article.

22 Section 1-35. Duty to report; change of address, school, or
23 employment; duty to inform. Any person who lacks a fixed
24 residence must report weekly, in person, to the appropriate law

1 enforcement agency where the drug dealer is located. Any other
2 person who is required to register under this Article shall
3 report in person to the appropriate law enforcement agency with
4 whom he or she last registered within one year from the date of
5 last registration and every year thereafter and at such other
6 times at the request of the law enforcement agency not to
7 exceed 4 times a year. If any person required to register under
8 this Article lacks a fixed residence or temporary domicile, he
9 or she must notify, in person, the agency of jurisdiction of
10 his or her last known address within 5 days after ceasing to
11 have a fixed residence and if the drug dealer leaves the last
12 jurisdiction of residence, he or she, must within 48 hours
13 after leaving register in person with the new agency of
14 jurisdiction. If any other person required to register under
15 this Article changes his or her residence address, place of
16 employment, or school, he or she shall report in person to the
17 law enforcement agency with whom he or she last registered of
18 his or her new address, change in employment, or school and
19 register, in person, with the appropriate law enforcement
20 agency within the time period specified in Section 1-10. The
21 law enforcement agency shall, within 3 days of the reporting in
22 person by the person required to register under this Article,
23 notify the Department of State Police of the new place of
24 residence, change in employment, or school.

25 If any person required to register under this Article
26 intends to establish a residence or employment outside of the

1 State of Illinois, at least 10 days before establishing that
2 residence or employment, he or she shall report in person to
3 the law enforcement agency with which he or she last registered
4 of his or her out-of-state intended residence or employment.
5 The law enforcement agency with which such person last
6 registered shall, within 3 days after the reporting in person
7 of the person required to register under this Article of an
8 address or employment change, notify the Department of State
9 Police. The Department of State Police shall forward such
10 information to the out-of-state law enforcement agency having
11 jurisdiction in the form and manner prescribed by the
12 Department of State Police.

13 Section 1-40. Out-of-State employee or student; duty to
14 report change. Every out-of-state student or out-of-state
15 employee must notify the agency having jurisdiction of any
16 change of employment or change of educational status, in
17 writing, within 5 days of the change. The law enforcement
18 agency shall, within 3 days after receiving the notice, enter
19 the appropriate changes into LEADS.

20 Section 1-45. Duration of registration. Any person who is
21 required to register under this Article shall be required to
22 register for a period of 10 years after conviction or
23 adjudication if not confined to a penal institution, hospital
24 or any other institution or facility, and if confined, for a

1 period of 10 years after parole, discharge or release from any
2 such facility. A drug dealer who is allowed to leave a county,
3 State, or federal facility for the purposes of work release,
4 education, or overnight visitations shall be required to
5 register within 5 days of beginning such a program. Liability
6 for registration terminates at the expiration of 10 years from
7 the date of conviction or adjudication if not confined to a
8 penal institution, hospital, or any other institution or
9 facility and if confined, at the expiration of 10 years from
10 the date of parole, discharge, or release from any such
11 facility, providing such person does not, during that period,
12 again become liable to register under the provisions of this
13 Article. Reconfinement due to a violation of parole or other
14 circumstances that relates to the original conviction or
15 adjudication shall extend the period of registration to 10
16 years after final parole, discharge, or release. The Director
17 of State Police, consistent with administrative rules, shall
18 extend for 10 years the registration period of any drug dealer,
19 as defined in Section 1-5 of this Article, who fails to comply
20 with the provisions of this Article. The registration period
21 for any drug dealer who fails to comply with any provision of
22 this Article shall extend the period of registration by 10
23 years beginning from the first date of registration after the
24 violation. If the registration period is extended, the
25 Department of State Police shall send a registered letter to
26 the law enforcement agency where the drug dealer resides within

1 3 days after the extension of the registration period. The drug
2 dealer shall report to that law enforcement agency and sign for
3 that letter. One copy of that letter shall be kept on file with
4 the law enforcement agency of the jurisdiction where the drug
5 dealer resides and one copy shall be returned to the Department
6 of State Police.

7 Section 1-50. Registration requirements. Registration as
8 required by this Article shall consist of a statement in
9 writing signed by the person giving the information that is
10 required by the Department of State Police, which may include
11 the fingerprints and must include a current photograph of the
12 person, to be updated annually. The registration information
13 must include whether the person is a drug dealer as defined in
14 the Drug Dealer Community Notification Law. Within 3 days, the
15 registering law enforcement agency shall forward any required
16 information to the Department of State Police. The registering
17 law enforcement agency shall enter the information into the Law
18 Enforcement Agencies Data System (LEADS) as provided in
19 Sections 6 and 7 of the Intergovernmental Missing Child
20 Recovery Act of 1984.

21 Section 1-55. Verification requirements.

22 (a) Address verification. The agency having jurisdiction
23 shall verify the address of drug dealers, as defined in Section
24 1-5 of this Article, required to register with their agency at

1 least once per year. The verification must be documented in
2 LEADS in the form and manner required by the Department of
3 State Police.

4 (b) Registration verification. The supervising officer
5 shall, within 15 days of sentencing to probation or release
6 from an Illinois Department of Corrections facility, contact
7 the law enforcement agency in the jurisdiction in which the
8 drug dealer designated as his or her intended residence and
9 verify compliance with the requirements of this Article 1.
10 Revocation proceedings shall be immediately commenced against
11 a drug dealer on probation, parole, or mandatory supervised
12 release who fails to comply with the requirements of this
13 Article.

14 (c) In an effort to ensure that drug dealers who fail to
15 respond to address-verification attempts or who otherwise
16 abscond from registration are located in a timely manner, the
17 Department of State Police shall share information with local
18 law enforcement agencies. The Department shall use analytical
19 resources to assist local law enforcement agencies to determine
20 the potential whereabouts of any drug dealer who fails to
21 respond to address-verification attempts or who otherwise
22 absconds from registration. The Department shall review and
23 analyze all available information concerning any such drug
24 dealer who fails to respond to address-verification attempts or
25 who otherwise absconds from registration and provide the
26 information to local law enforcement agencies in order to

1 assist the agencies in locating and apprehending the drug
2 dealer.

3 Section 1-60. Public inspection of registration data.
4 Except as provided in the Drug Dealer Community Notification
5 Law, the statements or any other information required by this
6 Article shall not be open to inspection by the public, or by
7 any person other than by a law enforcement officer or other
8 individual as may be authorized by law and shall include law
9 enforcement agencies of this State, any other state, or of the
10 federal government. Similar information may be requested from
11 any law enforcement agency of another state or of the federal
12 government for purposes of this Act. It is a Class B
13 misdemeanor to permit the unauthorized release of any
14 information required by this Article.

15 Section 1-65. Penalty.

16 (a) Any person who is required to register under this
17 Article who violates any of the provisions of this Article and
18 any person who is required to register under this Article who
19 seeks to change his or her name under Article 21 of the Code of
20 Civil Procedure is guilty of a Class 3 felony. Any person who
21 is convicted for a violation of this Article for a second or
22 subsequent time is guilty of a Class 2 felony. Any person who
23 is required to register under this Article who knowingly or
24 wilfully gives material information required by this Article

1 that is false is guilty of a Class 3 felony. Any person
2 convicted of a violation of any provision of this Article
3 shall, in addition to any other penalty required by law, be
4 required to serve a minimum period of 7 days confinement in the
5 local county jail. The court shall impose a mandatory minimum
6 fine of \$500 for failure to comply with any provision of this
7 Article. These fines shall be deposited in the Drug Dealer
8 Registration Fund. Any drug dealer, as defined in Section 1-5
9 of this Article, who violates any provision of this Article may
10 be arrested and tried in any Illinois county where the drug
11 dealer can be located. The local police department or sheriff's
12 office is not required to determine whether the person is
13 living within its jurisdiction.

14 (b) Any person, not covered by privilege under Part 8 of
15 Article VIII of the Code of Civil Procedure or the Illinois
16 Supreme Court's Rules of Professional Conduct, who has reason
17 to believe that a drug dealer is not complying, or has not
18 complied, with the requirements of this Article and who, with
19 the intent to assist the drug dealer in eluding a law
20 enforcement agency that is seeking to find the drug dealer to
21 question the drug dealer about, or to arrest the drug dealer
22 for, his or her noncompliance with the requirements of this
23 Article is guilty of a Class 3 felony if he or she:

24 (1) provides false information to the law enforcement
25 agency having jurisdiction about the drug dealer's
26 noncompliance with the requirements of this Article, and,

1 if known, the whereabouts of the drug dealer;

2 (2) harbors, or attempts to harbor, or assists another
3 person in harboring or attempting to harbor, the drug
4 dealer; or

5 (3) conceals or attempts to conceal, or assists another
6 person in concealing or attempting to conceal, the drug
7 dealer.

8 (c) Subsection (b) does not apply if the drug dealer is
9 incarcerated in or is in the custody of a State correctional
10 facility, a private correctional facility, a county or
11 municipal jail, a State mental health facility or a State
12 treatment and detention facility, or a federal correctional
13 facility.

14 Section 1-70. Severability. If a provision or application
15 of this Article is held to be invalid with respect to any
16 person or class of persons, that invalidity does not affect
17 other persons or classes of persons whose registration
18 obligations can be given effect without the invalid provision
19 or application. To this end an invalid provision or application
20 of this Article is declared to be severable.

21 Section 1-75. Drug Dealer Registration Fund. There is
22 created the Drug Dealer Registration Fund. Moneys in the Fund
23 shall be used to cover costs incurred by the criminal justice
24 system to administer this Article. The Department of State

1 Police shall establish and promulgate rules and procedures
2 regarding the administration of this Fund. Fifty percent of the
3 moneys in the Fund shall be allocated by the Department for
4 sheriffs' offices and police departments. The remaining moneys
5 in the Fund shall be allocated to the Illinois State Police for
6 education and administration of this Article.

7 Section 1-80. Access to State of Illinois databases. The
8 Department of State Police shall have access to State of
9 Illinois databases containing information that may help in the
10 identification or location of persons required to register
11 under this Article, including, but not limited to, information
12 obtained in the course of administering the Unemployment
13 Insurance Act. Interagency agreements shall be implemented,
14 consistent with security and procedures established by the
15 State agency and consistent with the laws governing the
16 confidentiality of the information in the databases.
17 Information shall be used only for administration of this
18 Article.

19 ARTICLE 5. DRUG DEALER COMMUNITY NOTIFICATION

20 Section 5-1. Short title. This Article 5 may be cited as
21 the Drug Dealer Community Notification Law.

22 Section 5-5. Definitions. As used in this Article, the

1 following definitions apply:

2 "Child care facilities" has the meaning set forth in the
3 Child Care Act of 1969, but does not include licensed foster
4 homes.

5 "Law enforcement agency having jurisdiction" means the
6 Chief of Police in the municipality in which the drug dealer
7 expects to reside (1) upon his or her discharge, parole, or
8 release or (2) during the service of his or her sentence of
9 probation or conditional discharge, or the Sheriff of the
10 county, in the event no Police Chief exists or if the drug
11 dealer intends to reside in an unincorporated area. "Law
12 enforcement agency having jurisdiction" includes the location
13 where out-of-state students attend school and where
14 out-of-state employees are employed or are otherwise required
15 to register.

16 "Drug dealer" means any drug dealer as defined in the Drug
17 Dealer Registration Law whose offense or adjudication as a drug
18 dealer occurred on or after the effective date of this Act.

19 "Juvenile drug dealer" means any person who is adjudicated
20 a juvenile delinquent as the result of the commission of or
21 attempt to commit a violation set forth in item (B) or (C) of
22 Section 1-5 of the Drug Dealer Registration Law, or a violation
23 of any substantially similar federal, Uniform Code of Military
24 Justice, sister state, or foreign country law, and whose
25 adjudication occurred on or after the effective date of this
26 Act.

1 Section 5-10. Registration. At the time a drug dealer
2 registers under Section 1-10 of the Drug Dealer Registration
3 Law or reports a change of address or employment under Section
4 1-35 of that Law, the drug dealer shall notify the law
5 enforcement agency having jurisdiction with whom the drug
6 dealer registers or reports a change of address or employment
7 that the offender is a drug dealer.

8 Section 5-15. Drug dealer database.

9 (a) The Department of State Police shall establish and
10 maintain a Statewide Drug Dealer Database for the purpose of
11 identifying drug dealers and making that information available
12 to the persons specified in Sections 120 and 125 of this Law.
13 The Database shall be created from the Law Enforcement Agencies
14 Data System (LEADS) established under Section 6 of the
15 Intergovernmental Missing Child Recovery Act of 1984. The
16 Department of State Police shall examine its LEADS database for
17 persons registered as drug dealers under the Drug Dealer
18 Registration Law and shall identify those who are drug dealers
19 and shall add all the information, including photographs if
20 available, on those drug dealers to the Statewide Drug Dealer
21 Database.

22 (b) The Department of State Police must make the
23 information contained in the Statewide Drug Dealer Database
24 accessible on the Internet by means of a hyperlink labeled

1 "Drug Dealer Information" on the Department's World Wide Web
2 home page. The Department must make the information contained
3 in the Statewide Drug Dealer Database searchable via a mapping
4 system which identifies registered drug dealers living within 5
5 miles of an identified address. The Department of State Police
6 must update that information as it deems necessary.

7 The Department of State Police may require that a person
8 who seeks access to the drug dealer information submit
9 biographical information about himself or herself before
10 permitting access to the drug dealer information. The
11 Department of State Police must promulgate rules in accordance
12 with the Illinois Administrative Procedure Act to implement
13 this subsection (b) and those rules must include procedures to
14 ensure that the information in the database is accurate.

15 (c) The Department of State Police must develop and conduct
16 training to educate all those entities involved in the Drug
17 Dealer Registration Program.

18 Section 5-20. List of drug dealers. The Department of State
19 Police shall promulgate rules to develop a list of drug dealers
20 covered by this Article and a list of child care facilities,
21 schools, and institutions of higher education eligible to
22 receive notice under this Article, so that the list can be
23 disseminated in a timely manner to law enforcement agencies
24 having jurisdiction.

1 Section 5-25. Community notification of drug dealers.

2 (a) The sheriff of the county, except Cook County, shall
3 disclose to the following the name, address, date of birth,
4 place of employment, school attended, and offense or
5 adjudication of all drug dealers required to register under
6 Section 1-10 of the Drug Dealer Registration Law:

7 (1) The boards of institutions of higher education or
8 other appropriate administrative offices of each
9 non-public institution of higher education located in the
10 county where the drug dealer is required to register,
11 resides, is employed, or is attending an institution of
12 higher education; and

13 (2) School boards of public school districts and the
14 principal or other appropriate administrative officer of
15 each nonpublic school located in the county where the drug
16 dealer is required to register or is employed; and

17 (3) Child care facilities located in the county where
18 the drug dealer is required to register or is employed.

19 (a-2) The sheriff of Cook County shall disclose to the
20 following the name, address, date of birth, place of
21 employment, school attended, and offense or adjudication of all
22 drug dealers required to register under Section 1-10 of the
23 Drug Dealer Registration Law:

24 (1) School boards of public school districts and the
25 principal or other appropriate administrative officer of
26 each nonpublic school located within the region of Cook

1 County, as those public school districts and nonpublic
2 schools are identified in LEADS, other than the City of
3 Chicago, where the drug dealer is required to register or
4 is employed; and

5 (2) Child care facilities located within the region of
6 Cook County, as those child care facilities are identified
7 in LEADS, other than the City of Chicago, where the drug
8 dealer is required to register or is employed; and

9 (3) The boards of institutions of higher education or
10 other appropriate administrative offices of each
11 non-public institution of higher education located in the
12 county, other than the City of Chicago, where the drug
13 dealer is required to register, resides, is employed, or
14 attending an institution of higher education.

15 (a-3) The Chicago Police Department shall disclose to the
16 following the name, address, date of birth, place of
17 employment, school attended, and offense or adjudication of all
18 drug dealers required to register under Section 1-10 of the
19 Drug Dealer Registration Law:

20 (1) School boards of public school districts and the
21 principal or other appropriate administrative officer of
22 each nonpublic school located in the police district where
23 the drug dealer is required to register or is employed if
24 the dealer is required to register or is employed in the
25 City of Chicago; and

26 (2) Child care facilities located in the police

1 district where the drug dealer is required to register or
2 is employed if the drug dealer is required to register or
3 is employed in the City of Chicago; and

4 (3) The boards of institutions of higher education or
5 other appropriate administrative offices of each
6 non-public institution of higher education located in the
7 police district where the drug dealer is required to
8 register, resides, is employed, or attending an
9 institution of higher education in the City of Chicago.

10 (a-4) The Department of State Police shall provide a list
11 of drug dealers required to register to the Illinois Department
12 of Children and Family Services.

13 (b) The Department of State Police and any law enforcement
14 agency may disclose, in the Department's or agency's
15 discretion, the following information to any person likely to
16 encounter a drug dealer:

17 (1) The drug dealer's name, address, and date of birth.

18 (2) The offense for which the drug dealer was
19 convicted.

20 (3) The drug dealer's photograph or other such
21 information that will help identify the drug dealer.

22 (4) Drug dealer employment information, to protect
23 public safety.

24 (c) The name, address, date of birth, offense or
25 adjudication, the county of conviction, license plate numbers
26 for every vehicle registered in the name of the drug dealer,

1 the age of the drug dealer at the time of the commission of the
2 offense, the age of the victim at the time of the commission of
3 the offense, and any distinguishing marks located on the body
4 of the drug dealer for drug offenders required to register
5 under Section 1-10 of the Drug Dealer Registration Law shall be
6 open to inspection by the public as provided in this Section.
7 Every municipal police department shall make available at its
8 headquarters the information on all drug dealers who are
9 required to register in the municipality under the Drug Dealer
10 Registration Law. The sheriff shall also make available at his
11 or her headquarters the information on all drug dealers who are
12 required to register under that Law and who live in
13 unincorporated areas of the county. Drug Dealer information
14 must be made available for public inspection to any person, no
15 later than 72 hours or 3 business days from the date of the
16 request. The request must be made in person, in writing, or by
17 telephone. Availability must include giving the inquirer
18 access to a facility where the information may be copied. A
19 department or sheriff may charge a fee, but the fee may not
20 exceed the actual costs of copying the information. An inquirer
21 must be allowed to copy this information in his or her own
22 handwriting. A department or sheriff must allow access to the
23 information during normal public working hours. The sheriff or
24 a municipal police department may publish the photographs of
25 drug dealers where any victim was 13 years of age or younger
26 and who are required to register in the municipality or county

1 under the Drug Dealer Registration Law in a newspaper or
2 magazine of general circulation in the municipality or county
3 or may disseminate the photographs of those drug dealers on the
4 Internet or on television. The law enforcement agency may make
5 available the information on all drug dealers residing within
6 any county.

7 (d) The Department of State Police and any law enforcement
8 agency having jurisdiction may, in the Department's or agency's
9 discretion, place the information specified in subsection (b)
10 on the Internet or in other media.

11 (e) A principal or teacher of a public or private
12 elementary or secondary school shall notify the parents of
13 children attending the school during school registration or
14 during parent-teacher conferences that information about drug
15 dealers is available to the public as provided in this Article.

16 Section 5-30. Notification regarding juvenile offenders.

17 (a) The Department of State Police and any law enforcement
18 agency having jurisdiction may, in the Department's or agency's
19 discretion, only provide the information specified in
20 subsection (b) of Section 5-25 of this Article, with respect to
21 an adjudicated juvenile delinquent, to any person when that
22 person's safety may be compromised for some reason related to
23 the juvenile drug dealer.

24 (b) The local law enforcement agency having jurisdiction to
25 register the juvenile drug dealer shall ascertain from the

1 juvenile drug dealer whether the juvenile drug dealer is
2 enrolled in school; and if so, shall provide a copy of the drug
3 dealer registration form only to the principal or chief
4 administrative officer of the school and any guidance counselor
5 designated by him or her. The registration form shall be kept
6 separately from any and all school records maintained on behalf
7 of the juvenile drug dealer.

8 Section 5-35. Special alerts. A law enforcement agency
9 having jurisdiction may provide to the public a special alert
10 list warning parents to be aware that drug dealer may attempt
11 to contact children during holidays involving children, such as
12 Halloween, Christmas, and Easter and to inform parents that
13 information containing the names and addresses of registered
14 drug dealers are accessible on the Internet by means of a
15 hyperlink labeled "Drug Dealer Information" on the Department
16 of State Police's World Wide Web home page and are available
17 for public inspection at the agency's headquarters.

18 Section 5-40. Immunity. Notwithstanding any other
19 provision of law to the contrary, any person who provides or
20 fails to provide information relevant to the procedures set
21 forth in this Law shall not be liable in any civil or criminal
22 action. This immunity extends to the secondary release of any
23 of this information legally obtained in conjunction with
24 procedures set forth in this Law.

1 ARTICLE 10. AMENDATORY PROVISIONS

2 Section 10-5. The State Finance Act is amended by adding
3 Section 5.675 as follows:

4 (30 ILCS 105/5.675 new)

5 Sec. 5.675. The Drug Dealer Registration Fund.

6 ARTICLE 97. SEVERABILITY

7 Section 97-1. Severability. The provisions of this Act are
8 severable under Section 1.31 of the Statute on Statutes.