

By Senator Laurent

17-1246A-01

1                                   A bill to be entitled  
2           An act relating to career criminals; defining  
3           the term "career criminal" for purposes of the  
4           act; requiring that an offender who is  
5           convicted as a habitual felony offender, a  
6           habitual violent felony offender, a violent  
7           career criminal, a three-time violent felony  
8           offender, or a prison releasee reoffender  
9           register with the sheriff of the county in  
10          which the offender resides; specifying the  
11          information to be provided to the sheriff;  
12          providing for the registration of a career  
13          criminal who is in the custody or control of,  
14          or under the supervision of, the Department of  
15          Corrections; providing for the registration of  
16          a career criminal who is in the custody of a  
17          local jail; requiring that a career criminal  
18          register within a specified period with the  
19          sheriff following the establishment of  
20          permanent or temporary residence in the state;  
21          requiring that the career criminal also  
22          register in person at a driver's license office  
23          of the Department of Highway Safety and Motor  
24          Vehicles; requiring the sheriff to notify the  
25          state attorney and police chief of the county  
26          where the career criminal maintains a  
27          residence; requiring that the career criminal  
28          notify the sheriff before he or she establishes  
29          residence in another state; requiring that the  
30          sheriff maintain information concerning career  
31          criminals; providing that information

1 concerning career criminals is a public record;  
2 authorizing the sheriff to disseminate such  
3 information; providing a penalty for failure to  
4 register as required and for failure to  
5 maintain such registration; providing an  
6 effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10 Section 1. Registration of career criminals;  
11 penalty.--

12 (1) As used in this section, the term "career  
13 criminal" means any offender who is convicted as a habitual  
14 felony offender, a habitual violent felony offender, a violent  
15 career criminal, a three-time violent felony offender under  
16 section 775.084, Florida Statutes, or a prison releasee  
17 reoffender under section 775.082(9), Florida Statutes.

18 (2) This section does not apply to any person who has  
19 been designated as a sexual predator under section 775.21,  
20 Florida Statutes, or who is required to register as a sexual  
21 offender under section 943.0435 or section 944.607, Florida  
22 Statutes.

23 (3) Each career criminal in this state must register  
24 with the sheriff of the county in which the career criminal  
25 resides by providing the following information to the sheriff:

26 (a) Name, social security number, age, race, sex, date  
27 of birth, height, weight, hair and eye color, photograph,  
28 address of legal residence and address of any current  
29 temporary residence, within the state or out of state,  
30 including a rural route address or a post office box, date and  
31 place of any employment, date and place of each conviction,

1 fingerprints, and a brief description of the crime or crimes  
2 committed by the offender. A post office box may not be  
3 provided in lieu of a physical residential address. If the  
4 place of residence of the career criminal is a motor vehicle,  
5 trailer, mobile home, or manufactured home, as defined in  
6 chapter 320, Florida Statutes, the career criminal must also  
7 provide to the sheriff written notice of the vehicle  
8 identification number; the license tag number; the  
9 registration number; and a description, including color  
10 scheme, of the motor vehicle, trailer, mobile home, or  
11 manufactured home. If a career criminal's place of residence  
12 is a vessel, live-aboard vessel, or houseboat, as defined in  
13 chapter 327, Florida Statutes, the career criminal shall also  
14 provide to the sheriff written notice of the hull  
15 identification number; the manufacturer's serial number; the  
16 name of the vessel, live-aboard vessel, or houseboat; the  
17 registration number; and a description, including color  
18 scheme, of the vessel, live-aboard vessel, or houseboat.

19 (b) Any other information determined necessary by the  
20 sheriff, including criminal and corrections records;  
21 nonprivileged personnel records; and evidentiary genetic  
22 markers when available.

23 (4) If the career criminal is in the custody or  
24 control of, or under the supervision of, the Department of  
25 Corrections, or is in the custody of a private correctional  
26 facility, the career criminal must register with the sheriff  
27 of the county where the facility is located. The Department of  
28 Corrections shall provide to the sheriff registration  
29 information and the location of, and local telephone number  
30 for, any office of the Department of Corrections which is  
31 responsible for supervising the career criminal. In addition,

1 the Department of Corrections shall notify the sheriff if the  
2 career criminal escapes or absconds from custody or  
3 supervision or if the career criminal dies.

4 (5) If the career criminal is in the custody of a  
5 local jail, the custodian of the local jail shall register the  
6 career criminal and forward the registration information to  
7 the sheriff. The custodian of the local jail shall also take a  
8 digitized photograph of the career criminal while the career  
9 criminal remains in custody and shall provide the digitized  
10 photograph to the sheriff. The custodian shall notify the  
11 sheriff if the career criminal escapes from custody or dies.

12 (6) If the career criminal is under federal  
13 supervision, the federal agency responsible for supervising  
14 the career criminal may forward to the sheriff any information  
15 regarding the career criminal which is consistent with the  
16 information provided by the Department of Corrections under  
17 this section, and may indicate whether use of the information  
18 is restricted to law enforcement purposes only or may be used  
19 by the sheriff for purposes of public notification.

20 (7) If the career criminal is not in the custody or  
21 control of, or under the supervision of, the Department of  
22 Corrections, or is not in the custody of a private  
23 correctional facility, and establishes or maintains a  
24 residence in the state, the career criminal must register in  
25 person at the sheriff's office in the county in which the  
26 career criminal establishes or maintains a residence, within  
27 48 hours after establishing permanent or temporary residence  
28 in this state. If a career criminal registers with the  
29 sheriff's office, the sheriff shall take a photograph and a  
30 set of fingerprints of the career criminal.

31

1           (8) Within 48 hours after the registration required  
2 under subsection (3) or subsection (7), a career criminal who  
3 is not incarcerated and who resides in the community,  
4 including a career criminal under the supervision of the  
5 Department of Corrections, must register in person at a  
6 driver's license office of the Department of Highway Safety  
7 and Motor Vehicles and must present proof of registration. At  
8 the driver's license office the career criminal shall:

9           (a) If otherwise qualified, secure a Florida driver's  
10 license, renew a Florida driver's license, or secure an  
11 identification card. The career criminal shall identify  
12 himself or herself as a career criminal who is required to  
13 comply with this section, provide his or her place of  
14 permanent or temporary residence, including a rural route  
15 address or a post office box, and submit to the taking of a  
16 photograph for use in issuing a driver's license, renewed  
17 license, or identification card, and for use by the sheriff in  
18 maintaining current records of the career criminal. A post  
19 office box may not be provided in lieu of a physical  
20 residential address. If the career criminal's place of  
21 residence is a motor vehicle, trailer, mobile home, or  
22 manufactured home, as defined in chapter 320, Florida  
23 Statutes, the career criminal shall also provide to the  
24 Department of Highway Safety and Motor Vehicles the vehicle  
25 identification number; the license tag number; the  
26 registration number; and a description, including color  
27 scheme, of the motor vehicle, trailer, mobile home, or  
28 manufactured home. If a career criminal's place of residence  
29 is a vessel, live-aboard vessel, or houseboat, as defined in  
30 chapter 327, Florida Statutes, the career criminal shall also  
31 provide to the Department of Highway Safety and Motor Vehicles

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

6 (b) Pay the costs assessed by the Department of  
7 Highway Safety and Motor Vehicles for issuing or renewing a  
8 driver's license or identification card as required by this  
9 section.

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

13 (9) Each time a career criminal's driver's license or  
14 identification card is subject to renewal, and within 48 hours  
15 after any change of the career criminal's residence or change  
16 in the career criminal's name by reason of marriage or other  
17 legal process, the career criminal must report in person to a  
18 driver's license office and is subject to the requirements  
19 specified in subsection (8). The Department of Highway Safety  
20 and Motor Vehicles shall forward to the sheriff and to the  
21 Department of Corrections all photographs and information  
22 provided by career criminals. Notwithstanding the restrictions  
23 set forth in section 322.142, Florida Statutes, the Department  
24 of Highway Safety and Motor Vehicles may release a  
25 reproduction of a color-photograph or digital-image license to  
26 the sheriff for purposes of public notification concerning  
27 career criminals.

28 (10) If a career criminal registers with the sheriff,  
29 the sheriff must, within 48 hours notify the state attorney of  
30 the county and, if applicable, the police chief of the  
31 municipality where the career criminal maintains a residence.

1           (11) A career criminal who intends to establish  
2 residence in another state or jurisdiction must report in  
3 person to the sheriff of the county of current residence  
4 within 48 hours before the date he or she intends to leave  
5 this state to establish residence in another state or  
6 jurisdiction. The career criminal must provide to the sheriff  
7 the address, municipality, county, and state of intended  
8 residence. The sheriff shall notify the statewide law  
9 enforcement agency, or a comparable agency, in the intended  
10 state or jurisdiction of residence of the career criminal's  
11 intended residence. The failure of a career criminal to  
12 provide his or her intended place of residence is punishable  
13 as provided in subsection (14).

14           (12) A career criminal who indicates his or her intent  
15 to reside in another state or jurisdiction and later decides  
16 to remain in this state shall, within 48 hours after the date  
17 upon which the career criminal indicated he or she would leave  
18 this state, report in person to the sheriff of his or her  
19 intent to remain in this state. A career criminal who reports  
20 his or her intent to reside in another state or jurisdiction,  
21 but who remains in this state without reporting to the sheriff  
22 in the manner required by this subsection, commits a felony of  
23 the second degree, punishable as provided in section 775.082,  
24 section 775.083, or section 775.084, Florida Statutes.

25           (13) The sheriff's registration list of career  
26 criminals is a public record. The sheriff may disseminate this  
27 public information by any means considered appropriate,  
28 including operating a toll-free telephone number for this  
29 purpose. When the sheriff provides information regarding a  
30 registered career criminal to the public, the sheriff must  
31 advise the person making the inquiry that positive

1 identification of a person believed to be a career criminal  
2 cannot be established unless a fingerprint comparison is made.  
3 (14) Except as otherwise specifically provided, a  
4 career criminal who fails to register; who fails, after  
5 registration, to maintain, acquire, or renew a driver's  
6 license or identification card; who fails to provide required  
7 location information or change-of-name information; or who  
8 otherwise fails, by act or omission, to comply with the  
9 requirements of this section commits a felony of the third  
10 degree, punishable as provided in section 775.082, section  
11 775.083, or section 775.084, Florida Statutes.

12 Section 2. This act shall take effect October 1, 2001.

13

14 \*\*\*\*\*

15 SENATE SUMMARY

16 Provides that an offender convicted as a habitual felony  
17 offender, a habitual violent felony offender, a violent  
18 career criminal, a three-time violent felony offender, or  
19 a prison releasee reoffender is a career criminal, and  
20 requires such offender to register with the sheriff of  
21 the county in which the offender resides. Requires each  
22 local sheriff to provide for the registration of career  
23 criminals who are in the custody or control of, or under  
24 the supervision of, the Department of Corrections.  
25 Requires that a career criminal also register in person  
26 at a driver's license office of the Department of Highway  
27 Safety and Motor Vehicles. Requires the sheriff to notify  
28 the state attorney and police chief of the county where  
29 the career criminal maintains a residence. Specifies that  
30 information concerning a career criminal is a public  
31 record and authorizes the sheriff to disseminate such  
information. Provides that it is a third-degree felony to  
fail to register as required by the act or to fail to  
maintain such registration. (See bill for details.)

26

27

28

29

30

31