

**ILLINOIS STATE POLICE DIRECTIVE
OPS-058, HABITUAL OFFENDERS**

| | |
|--|---|
| RESCINDS: OPS-058, 2011-081, revised 12-05-2011. | REVISED: 07-24-2014 2014-057 |
| RELATED DOCUMENTS: OPS-014, OPS-037, Juvenile Officer Manual | RELATED CALEA STANDARDS: 42.1.5, 42.2.1 |

I. POLICY

The Illinois State Police (ISP) will comply with state statutes regarding habitual offenders.

II. AUTHORITY

II.A. 705 ILCS 405/5-815, "Habitual Juvenile Offender"

II.B. 730 ILCS 5/5-4.5-95(a), "General Sentencing Provisions; General Recidivism Provisions; Habitual Criminals"

III. DEFINITIONS

III.A. Habitual juvenile offender – as defined in 705 ILCS 405/5-815, a habitual juvenile offender is: "Any minor having been twice adjudicated a delinquent minor for offenses which, had he been prosecuted as an adult, would have been felonies under the laws of this State, and who is thereafter adjudicated a delinquent minor for a third time shall be adjudged an Habitual Juvenile where:

1. the third adjudication is for an offense occurring after adjudication on the second; and
2. the second adjudication was for an offense occurring after adjudication on the first; and
3. the third offense occurred after January 1, 1980; and
4. the third offense was based upon the commission of or attempted commission of the following offenses: first degree murder, second degree murder or involuntary manslaughter; criminal sexual assault or aggravated criminal sexual assault; aggravated or heinous battery involving permanent disability or disfigurement or great bodily harm to the victim; burglary of a home or other residence intended for use as a temporary or permanent dwelling place for human beings; home invasion; robbery or armed robbery; or aggravated arson."

III.B. Habitual criminal – as defined in 730 ILCS 5/5-4.5-05(a), a habitual criminal is "Every person who has been twice convicted in any state or federal court of an offense that contains the same elements as an offense now (the date of the offense committed after the 2 prior convictions) classified in Illinois as a Class X felony, criminal sexual assault, aggravated kidnapping or first degree murder, and who is thereafter convicted of a Class X felony, criminal sexual assault or first degree murder, committed after the 2 prior convictions"

IV. RESPONSIBILITIES

IV.A. The responsibility of any officer designated as the "case agent" is to identify whether persons subject to the investigation are, or may become, habitual offenders as defined in paragraphs III.A. and III.B.

IV.B. In instances where there is no designated "case agent," the arresting officer will assume the responsibility listed in paragraph IV.A.

V. PROCEDURES

V.A. The identification of habitual offenders should be accomplished by reviewing the person's criminal history to determine if the person meets the criteria. If a minor is considered for habitual juvenile offender status, a Juvenile Officer will review the habitual offender recommendation to ensure legal requirements regarding juvenile offenders are met.

- V.B. When a habitual offender is identified, the appropriate prosecuting authority will be notified. Assistance with case preparation may be requested at that time.

-End of Directive-