NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted January 4, 2024*
Decided January 9, 2024

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 23-1401

PAUL CHATMAN, *Plaintiff-Appellant*,	Appeal from the United States District Court for the Central District of Illinois.
v.	No. 1:22-1314-MMM
ROB JEFFREYS, et al., *Defendants-Appellees*.	Michael M. Mihm, *Judge*.

O R D E R

Paul Chatman, who was convicted in Illinois state court of murder, sued three Illinois officials, challenging the constitutionality of Illinois's Murderer and Violent Offender Against Youth Registration Act ("the Act"), 730 ILCS 154, as applied to him.

* The appellees were not served with process and are not participating in this appeal. After examining the appellant's brief and the record, we have concluded that the case is appropriate for summary disposition. *See* FED. R. APP. P. 34(a)(2).

The district court screened and dismissed his complaint for failure to state a claim. We affirm.

Chatman was convicted in 1984 of first-degree murder of an adult. *See People v. Chatman*, 495 N.E.2d 1067, 1074 (Ill. App. Ct. 1986). In 2006, while he was incarcerated, the Illinois legislature passed the Act, which at the time required those convicted of violent crimes against juveniles to register with the state. *See* 730 ILCS 154/10. Six years later, the Act was amended to extend to those—like Chatman—who had been convicted of first-degree murder of an adult. *Id.* 154/5(c-6).

While still in prison (the time is not specified in the record), Chatman filed a lawsuit in Illinois state court seeking an order exempting him from the Act's registration requirements. He argued that the Act, which came into being only after his conviction, violated the Ex Post Facto Clauses of the United States and Illinois Constitutions as well as the Illinois Constitution's single-subject requirement (which provides that each Illinois statute must concern only one topic). The state courts rejected Chatman's contentions on the merits. *Chatman v. People*, No. 1-21-0925, 2022 WL 612607, at *4–6 (Ill. App. Ct. Mar. 2, 2022).

In 2022, after his release from prison, Chatman filed a complaint in federal court arguing that the Act violates (1) the Ex Post Facto Clause of the U.S. Constitution; (2) the Eighth Amendment's prohibition of cruel and unusual punishment; (3) the Due Process Clauses of the Fifth and Fourteenth Amendments; and (4) the single-subject rule of the Illinois Constitution.

The district court screened his complaint, *see* 28 U.S.C. § 1915(a), (e)(2), and rejected all four claims on the merits. The court concluded, first, that Chatman's ex post facto claim lacked merit because the Act is a civil regulatory scheme and not punitive in nature. Next, the court determined that the Act did not violate the Eighth Amendment because the registration requirements cannot fairly be characterized as punishment, let alone punishment that is cruel and unusual. Third, the court—construing Chatman's due process claim to suggest that he should have been afforded a hearing—found that no hearing was necessary because the obligation to register did not deprive him of any liberty interest. Finally, as to the claim that the Act violated Illinois's single-subject rule, the court deferred to the state appellate court's ruling that there was no violation

because the registration requirements for both types of offenders have a natural and logical connection.[1]

On appeal, Chatman first challenges the district court's conclusion that the Act's registration requirements do not violate the Ex Post Facto Clause of the U.S. Constitution. The Ex Post Facto Clause prohibits retroactive punishment—in other words, "the imposition of punishment more severe than the punishment assigned by law when the act to be punished occurred." *Weaver v. Graham*, 450 U.S. 24, 30 (1981). A statute, then, is not an impermissible ex post facto law unless it is both retroactive and punitive. *See Koch v. Village of Hartland*, 43 F.4th 747, 756–57 (7th Cir. 2022). Our focus is on the latter: To determine whether the Act is punitive, we ask, first, whether the legislature intended to impose punishment, and if not, whether the scheme's punitive effect outweighs its stated, nonpunitive intention. *Smith v. Doe*, 538 U.S. 84, 92 (2003). The district court, citing cases that characterized sex-offender-registration obligations as nonpunitive civil regulations, concluded that the Act's registration requirements lacked punitive intent or effect.

Chatman contends that the Act is punitive in both intent and effect. As to intent, he alludes to a reference by the trial judge in his state court proceeding, in which the judge acknowledges "confusion" about the intended nature of the Act, be it punitive or not. But the legislature that enacted the Act has been understood to have had a nonpunitive intent. According to the Illinois Supreme Court, the Act was passed not to punish violent offenders but rather to create a separate registry—distinct from the existing sex-offender registry—exclusively for violent offenders. *See In re M.A.*, 43 N.E.3d 86, 102 (Ill. 2015); *Chatman*, 2022 WL 612607, at *3, *5.

Chatman relatedly argues that the Act is punitive in effect. He maintains, for instance, that registering under the Act causes public humiliation, thus outweighing any stated nonpunitive intent behind the Act. But the district court rightly determined that the Act's purpose is to ensure public safety, not to humiliate or punish people with criminal histories. *See Miranda v. Madigan*, 888 N.E.2d 158, 162 (Ill. App. Ct. 2008). And contrary to Chatman's claim that registration invites public humiliation, "the

[1] The district court did not address whether the prior state court litigation precluded Chatman from raising identical claims in these proceedings. But preclusion—a waivable defense, *see Simstad v. Scheub*, 816 F.3d 893, 898 (7th Cir. 2016)—was not raised by the defendants, understandably so, given that they were not served in the district court.

dissemination of accurate information about a criminal record, most of which is already public" is not punishment for purposes of the Ex Post Facto Clause. *Smith*, 538 U.S. at 98–99.[2]

Chatman additionally argues that the district court was wrong to analogize his circumstances to cases that addressed the distinctly different matter of sex-offender registries. But the Act here is comparable in legally relevant ways. For example, the sex-offender registration laws impose nearly identical registration requirements as the Act. *Compare, e.g.*, 730 ILCS 154/10(a) (requiring that violent-offender registration include photograph, address, place of employment, and phone number), *with* 34 U.S.C. § 20914 (requiring that sex-offender registration include photograph, name, Social Security number, address, and place of employment). The district court thus properly relied on our analysis in *Vasquez v. Foxx*, 895 F.3d 515, 521–22 (7th Cir. 2018), *overruled on other grounds by Koch*, 43 F.4th at 755, that evaluated sex-offender-registration laws and determined that such laws were nonpunitive.

Next, Chatman maintains that he was denied due process because he was not informed by a court that he was obligated to register upon release. But Chatman's due process claim is premature because he has not alleged that he suffered a deprivation of a liberty or property interest resulting from insufficient notice. *See Tucker v. City of Chicago*, 907 F.3d 487, 492 (7th Cir. 2018).

Finally, Chatman insists that the Act runs afoul of the Illinois Constitution's single-subject rule because the Act concerns registration by two groups—those who commit violent offenses against minors and those who murder adults. But a state's alleged failure to follow its own laws does not involve the federal Constitution, *see Linear v. Village of University Park*, 887 F.3d 842, 844 (7th Cir. 2018) (citing cases), so we say nothing further on the subject.

AFFIRMED

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[2] Because the Act imposes no punishment, it necessarily cannot violate the Eighth Amendment's ban on cruel and unusual punishment.