



Sen. Jason Plummer

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10100SB1878sam002

LRB101 11423 SLF 57220 a

1 AMENDMENT TO SENATE BILL 1878

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1878 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 adding Section 5-6-3.3-5 as follows:

6 (730 ILCS 5/5-6-3.3-5 new)

7 Sec. 5-6-3.3-5. Misdemeanor Retail Theft and Theft  
8 Diversionsary Program.

9 (a) When any person who has not previously been convicted  
10 of a violation of subsection (h) or (i) of Section 17-10.6 of  
11 the Criminal Code of 2012 or convicted of any similar offense  
12 in another state is arrested for and charged with a misdemeanor  
13 offense of theft or retail theft, the court may with the  
14 consent of the defendant and the State's Attorney, continue the  
15 matter to allow the defendant to participate and complete the  
16 Misdemeanor Retail Theft and Theft Diversionsary Program.

1       (b) When the defendant is placed in the Program, the court  
2 shall enter an order specifying that the proceedings shall be  
3 suspended while the defendant is participating in the Program.  
4 The Program shall be for a duration of not less than 12 months.

5       (c) The conditions of the Program shall be that the  
6 defendant:

7           (1) not violate any criminal statute of this State or  
8 any other jurisdiction;

9           (2) refrain from possessing a firearm or other  
10 dangerous weapon; and

11           (3) make full restitution to the victim or property  
12 owner under Section 5-5-6 plus 10% of the cost of the  
13 stolen item.

14       (d) The court, in its discretion, may order the defendant  
15 to attend a theft, larceny, shoplifting, or theft awareness  
16 class either on-line or in person.

17       (e) When the State's Attorney makes a factually specific  
18 offer of proof that the defendant has failed to successfully  
19 complete the Program or has violated any of the conditions of  
20 the Program, the court shall enter an order specifying that the  
21 defendant has not successfully completed the Program and  
22 continue the case for arraignment under Section 113-1 of the  
23 Code of Criminal Procedure of 1963 for further proceedings as  
24 if the defendant had not participated in the Program.

25       (f) Upon fulfillment of the terms and conditions of the  
26 Program, the State's Attorney shall dismiss the case or the

1 court shall discharge the person and dismiss the proceedings  
2 against the person.

3 (g) A person may only have one discharge and dismissal  
4 under this Section within a 3-year period."