



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4422

Introduced 1/14/2026, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-6-3.4

730 ILCS 5/5-6-3.6

Amends the Unified Code of Corrections. Provides that the conditions of Second Chance Probation that the defendant: (1) make full restitution to the victim or property owner; (2) obtain or attempt to obtain employment; (3) pay fines and costs; (4) attend educational courses designed to prepare the defendant for obtaining a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program; and (5) perform community service are discretionary conditions of the probation (rather than mandatory conditions). Eliminates the provision that the defendant submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of probation, with the cost of the testing to be paid by the defendant. Provides that the determination of the length of the First Time Weapon Offense Program, as determined by the court, shall be at the recommendation of the Program administrator and with the input from the State's Attorney and defense counsel (rather than determined by the court at the recommendation of the Program administrator and State's Attorney). Deletes provisions that the State's Attorney must consent to the defendant's sentencing to Second Chance Probation or to the First Time Weapon Offense Program.

LRB104 17131 RLC 30957 b

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 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 5-6-3.4 and 5-6-3.6 as follows:

6 (730 ILCS 5/5-6-3.4)

7 Sec. 5-6-3.4. Second Chance Probation.

8 (a) Whenever any person who has not previously been
9 convicted of any felony offense under the laws of this State,
10 the laws of any other state, or the laws of the United States,
11 and pleads guilty to, or is found guilty of, possession of less
12 than 15 grams of a controlled substance; possession of less
13 than 15 grams of methamphetamine; or a probationable felony
14 offense of possession of cannabis, theft, retail theft,
15 forgery, deceptive practices, possession of a stolen motor
16 vehicle, burglary, possession of burglary tools, disorderly
17 conduct, criminal damage or trespass to property under Article
18 21 of the Criminal Code of 2012, criminal trespass to a
19 residence, an offense involving fraudulent identification, or
20 obstructing justice; or possession of cannabis, the court,
21 with the consent of the defendant ~~and the State's Attorney,~~
22 may, without entering a judgment, sentence the defendant to
23 probation under this Section. A sentence under this Section

1 shall not be considered a conviction under Illinois law unless
2 and until judgment is entered under subsection (e) of this
3 Section.

4 (a-1) Exemptions. A defendant is not eligible for this
5 probation if the offense he or she pleads guilty to, or is
6 found guilty of, is a violent offense, or he or she has
7 previously been convicted of a violent offense. For purposes
8 of this probation, a "violent offense" is any offense where
9 bodily harm was inflicted or where force was used against any
10 person or threatened against any person, any offense involving
11 sexual conduct, sexual penetration, or sexual exploitation,
12 any offense of domestic violence, domestic battery, violation
13 of an order of protection, stalking, hate crime, and any
14 offense involving the possession of a firearm or dangerous
15 weapon. A defendant shall not be eligible for this probation
16 if he or she has previously been adjudicated a delinquent
17 minor for the commission of a violent offense as defined in
18 this subsection.

19 (b) When a defendant is placed on probation, the court
20 shall enter an order specifying a period of probation of up to
21 ~~not less than~~ 24 months and shall defer further proceedings in
22 the case until the conclusion of the period or until the filing
23 of a petition alleging violation of a term or condition of
24 probation.

25 (c) The conditions of probation shall be that the
26 defendant:

1 (1) not violate any criminal statute of this State or
2 any other jurisdiction; and

3 (2) refrain from possessing a firearm or other
4 dangerous weapon.†

5 (3) Blank. ~~make full restitution to the victim or~~
6 ~~property owner under Section 5-5-6 of this Code;~~

7 (4) Blank. ~~obtain or attempt to obtain employment;~~

8 (5) Blank. ~~pay fines and costs;~~

9 (6) Blank. ~~attend educational courses designed to~~
10 ~~prepare the defendant for obtaining a high school diploma~~
11 ~~or to work toward passing high school equivalency testing~~
12 ~~or to work toward completing a vocational training~~
13 ~~program;~~

14 (7) Blank. ~~submit to periodic drug testing at a time~~
15 ~~and in a manner as ordered by the court, but no less than 3~~
16 ~~times during the period of probation, with the cost of the~~
17 ~~testing to be paid by the defendant; and~~

18 (8) Blank. ~~perform a minimum of 30 hours of community~~
19 ~~service. The court may give credit toward the fulfillment~~
20 ~~of community service hours for participation in activities~~
21 ~~and treatment as determined by court services.~~

22 (d) The court may, in addition to other conditions,
23 require that the defendant:

24 (1) make a report to and appear in person before or
25 participate with the court or such courts, person, or
26 social service agency as directed by the court in the

1 order of probation;

2 (2) undergo medical or psychiatric treatment, or
3 treatment or rehabilitation approved by the Illinois
4 Department of Human Services;

5 (3) attend or reside in a facility established for the
6 instruction or residence of defendants on probation;

7 (4) support his or her dependents; ~~or~~

8 (5) refrain from having in his or her body the
9 presence of any illicit drug prohibited by the
10 Methamphetamine Control and Community Protection Act, the
11 Cannabis Control Act, or the Illinois Controlled
12 Substances Act, unless prescribed by a physician, and
13 submit samples of his or her blood or urine or both for
14 tests to determine the presence of any illicit drug;

15 (6) make full restitution to the victim or property
16 owner under Section 5-5-6 of this Code;

17 (7) obtain or attempt to obtain employment;

18 (8) pay fines and costs;

19 (9) attend educational courses designed to prepare the
20 defendant for obtaining a high school diploma or to work
21 toward passing high school equivalency testing or to work
22 toward completing a vocational training program; or

23 (10) perform community service. The court may give
24 credit toward the fulfillment of community service hours
25 for participation in activities and treatment as
26 determined by court services.

1 (e) Upon violation of a term or condition of probation,
2 the court may enter a judgment on its original finding of guilt
3 and proceed as otherwise provided by law.

4 (f) Upon fulfillment of the terms and conditions of
5 probation, the court shall discharge the person and dismiss
6 the proceedings against the person.

7 (g) A disposition of probation is considered to be a
8 conviction for the purposes of imposing the conditions of
9 probation and for appeal; however, a sentence under this
10 Section is not a conviction for purposes of this Code or for
11 purposes of disqualifications or disabilities imposed by law
12 upon conviction of a crime unless and until judgment is
13 entered.

14 (h) A person may only have one discharge and dismissal
15 under this Section within a 4-year period.

16 (i) If a person is convicted of any offense which occurred
17 within 5 years subsequent to a discharge and dismissal under
18 this Section, the discharge and dismissal under this Section
19 shall be admissible in the sentencing proceeding for that
20 conviction as evidence in aggravation.

21 (j) Notwithstanding subsection (a), if the court finds
22 that the defendant suffers from a substance abuse problem,
23 then before the person is placed on probation under this
24 Section, the court may refer the person to the drug court
25 established in that judicial circuit pursuant to Section 15 of
26 the Drug Court Treatment Act. The drug court team shall

1 evaluate the person's likelihood of successfully fulfilling
2 the terms and conditions of probation under this Section and
3 shall report the results of its evaluation to the court. If the
4 drug court team finds that the person suffers from a substance
5 abuse problem that makes him or her substantially unlikely to
6 successfully fulfill the terms and conditions of probation
7 under this Section, then the drug court shall set forth its
8 findings in the form of a written order, and the person shall
9 be ineligible to be placed on probation under this Section,
10 but shall be considered for the drug court program.

11 (Source: P.A. 103-702, eff. 1-1-25.)

12 (730 ILCS 5/5-6-3.6)

13 Sec. 5-6-3.6. First Time Weapon Offense Program.

14 (a) The General Assembly has sought to promote public
15 safety, reduce recidivism, and conserve valuable resources of
16 the criminal justice system through the creation of diversion
17 programs for non-violent offenders. Public Act 103-370
18 establishes a program for first-time, non-violent offenders
19 charged with certain weapons possession offenses. The General
20 Assembly recognizes some persons, particularly in areas of
21 high crime or poverty, may have experienced trauma that
22 contributes to poor decision making skills, and the creation
23 of a diversionary program poses a greater benefit to the
24 community and the person than incarceration. Under this
25 program, a court, with the consent of the defendant ~~and the~~

1 ~~State's Attorney~~, may sentence a defendant charged with an
2 unlawful possession of weapons offense under Section 24-1 of
3 the Criminal Code of 2012 or aggravated unlawful possession of
4 a weapon offense under Section 24-1.6 of the Criminal Code of
5 2012, if punishable as a Class 4 felony or lower, to a First
6 Time Weapon Offense Program.

7 (b) A defendant is not eligible for this Program if:

8 (1) the offense was committed during the commission of
9 a violent offense as defined in subsection (h) of this
10 Section;

11 (2) he or she has previously been convicted or placed
12 on probation or conditional discharge for any violent
13 offense under the laws of this State, the laws of any other
14 state, or the laws of the United States;

15 (3) he or she had a prior successful completion of the
16 First Time Weapon Offense Program under this Section;

17 (4) he or she has previously been adjudicated a
18 delinquent minor for the commission of a violent offense;

19 (5) (blank); or

20 (6) he or she has an existing order of protection
21 issued against him or her.

22 (b-5) In considering whether a defendant shall be
23 sentenced to the First Time Weapon Offense Program, the court
24 shall consider the following:

25 (1) the age, immaturity, or limited mental capacity of
26 the defendant;

- 1 (2) the nature and circumstances of the offense;
- 2 (3) whether participation in the Program is in the
3 interest of the defendant's rehabilitation, including any
4 employment or involvement in community, educational,
5 training, or vocational programs;
- 6 (4) whether the defendant suffers from trauma, as
7 supported by documentation or evaluation by a licensed
8 professional; and
- 9 (5) the potential risk to public safety.

10 (c) For an offense committed on or after January 1, 2018
11 (the effective date of Public Act 100-3) whenever an eligible
12 person pleads guilty to an unlawful possession of weapons
13 offense under Section 24-1 of the Criminal Code of 2012 or
14 aggravated unlawful possession of a weapon offense under
15 Section 24-1.6 of the Criminal Code of 2012, which is
16 punishable as a Class 4 felony or lower, the court, with the
17 consent of the defendant ~~and the State's Attorney~~, may,
18 without entering a judgment, sentence the defendant to
19 complete the First Time Weapon Offense Program. When a
20 defendant is placed in the Program, the court shall defer
21 further proceedings in the case until the conclusion of the
22 period or until the filing of a petition alleging violation of
23 a term or condition of the Program. A disposition of probation
24 is considered to be a conviction for the purposes of imposing
25 the conditions of probation and for appeal; however, a
26 sentence under this Section is not a conviction for purposes

1 of this Act or for purposes of disqualifications or
2 disabilities imposed by law upon conviction of a crime unless
3 and until judgment is entered. Upon violation of a term or
4 condition of the Program, the court may enter a judgment on its
5 original finding of guilt and proceed as otherwise provided by
6 law. Upon fulfillment of the terms and conditions of the
7 Program, the court shall discharge the person and dismiss the
8 proceedings against the person.

9 (d) The Program shall be at least 6 months and not to
10 exceed 24 months, as determined by the court at the
11 recommendation of the Program administrator and with input
12 from the State's Attorney and defense counsel. The Program
13 administrator may be appointed by the Chief Judge of each
14 Judicial Circuit.

15 (e) The conditions of the Program shall be that the
16 defendant:

17 (1) not violate any criminal statute of this State or
18 any other jurisdiction;

19 (2) refrain from possessing a firearm or other
20 dangerous weapon;

21 (3) (blank);

22 (4) (blank);

23 (5) (blank);

24 (6) (blank);

25 (7) attend and participate in any Program activities
26 deemed required by the Program administrator, such as:

1 counseling sessions, in-person and over the phone
2 check-ins, and educational classes; and

3 (8) (blank).

4 (f) The Program may, in addition to other conditions,
5 require that the defendant:

6 (1) obtain or attempt to obtain employment;

7 (2) attend educational courses designed to prepare the
8 defendant for obtaining a high school diploma or to work
9 toward passing high school equivalency testing or to work
10 toward completing a vocational training program;

11 (3) refrain from having in his or her body the
12 presence of any illicit drug prohibited by the
13 Methamphetamine Control and Community Protection Act or
14 the Illinois Controlled Substances Act, unless prescribed
15 by a physician, and submit samples of his or her blood or
16 urine or both for tests to determine the presence of any
17 illicit drug;

18 (4) perform community service;

19 (5) pay all fines, assessments, fees, and costs; and

20 (6) comply with such other reasonable conditions as
21 the court may impose.

22 (f-1) Upon the successful completion of the Program, a
23 defendant may submit an application for a Firearm Owner's
24 Identification Card upon receiving a court order demonstrating
25 completion of the Program. The Illinois State Police shall
26 issue a Firearm Owner's Identification Card to such person

1 upon receiving a court order demonstrating completion of the
2 Program if the person is otherwise eligible to receive a
3 Firearm Owner's Identification Card. Nothing in this Section
4 shall prohibit the Illinois State Police from denying an
5 application for or revoking a Firearm Owner's Identification
6 Card as provided by law.

7 (g) There may be only one discharge and dismissal under
8 this Section. If a person is convicted of any offense which
9 occurred within 5 years subsequent to a discharge and
10 dismissal under this Section, the discharge and dismissal
11 under this Section shall be admissible in the sentencing
12 proceeding for that conviction as evidence in aggravation.

13 (h) For purposes of this Section, "violent offense" means
14 any offense in which bodily harm was inflicted or force was
15 used against any person or threatened against any person; any
16 offense involving the possession of a firearm or dangerous
17 weapon; any offense involving sexual conduct, sexual
18 penetration, or sexual exploitation; violation of an order of
19 protection, stalking, hate crime, domestic battery, or any
20 offense of domestic violence.

21 (i) (Blank).

22 (Source: P.A. 103-370, eff. 7-28-23; 103-702, eff. 1-1-25;
23 103-822, eff. 1-1-25; 104-398, eff. 1-1-26; 104-417, eff.
24 8-15-25.)