

1 AN ACT concerning safety.

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 Section 5-6-3.6 and by adding Section 5-6-3.7 as
6 follows:

7 (730 ILCS 5/5-6-3.6)

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

9 (a) The General Assembly has sought to promote public
10 safety, reduce recidivism, and conserve valuable resources of
11 the criminal justice system through the creation of diversion
12 programs for non-violent offenders. Public Act 103-370 ~~This~~
13 ~~amendatory Act of the 103rd General Assembly~~ establishes a
14 program for first-time, non-violent offenders charged with
15 certain weapons possession offenses. The General Assembly
16 recognizes some persons, particularly in areas of high crime
17 or poverty, may have experienced trauma that contributes to
18 poor decision making skills, and the creation of a
19 diversionary program poses a greater benefit to the community
20 and the person than incarceration. Under this program, a
21 court, with the consent of the defendant and the State's
22 Attorney, may sentence a defendant charged with an unlawful
23 possession of weapons offense under Section 24-1 of the

1 Criminal Code of 2012 or aggravated unlawful possession of a
2 weapon offense under Section 24-1.6 of the Criminal Code of
3 2012, if punishable as a Class 4 felony or lower, to a First
4 Time Weapon Offense Program.

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

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

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

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

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

17 (5) (blank); or

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

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

23 (1) the age, immaturity, or limited mental capacity of
24 the defendant;

25 (2) the nature and circumstances of the offense;

26 (3) whether participation in the Program is in the

1 interest of the defendant's rehabilitation, including any
2 employment or involvement in community, educational,
3 training, or vocational programs;

4 (4) whether the defendant suffers from trauma, as
5 supported by documentation or evaluation by a licensed
6 professional; and

7 (5) the potential risk to public safety.

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

1 and until judgment is entered. Upon violation of a term or
2 condition of the Program, the court may enter a judgment on its
3 original finding of guilt and proceed as otherwise provided by
4 law. Upon fulfillment of the terms and conditions of the
5 Program, the court shall discharge the person and dismiss the
6 proceedings against the person.

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

12 (e) The conditions of the Program shall be that the
13 defendant:

14 (1) not violate any criminal statute of this State or
15 any other jurisdiction;

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) (blank);

19 (4) (blank);

20 (5) (blank);

21 (6) (blank);

22 (7) attend and participate in any Program activities
23 deemed required by the Program administrator, such as:
24 counseling sessions, in-person and over the phone
25 check-ins, and educational classes; and

26 (8) (blank).

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

3 (1) obtain or attempt to obtain employment;

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

8 (3) 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 or
11 the Illinois Controlled Substances Act, unless prescribed
12 by a physician, and submit samples of his or her blood or
13 urine or both for tests to determine the presence of any
14 illicit drug;

15 (4) perform community service;

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

17 (6) comply with such other reasonable conditions as
18 the court may impose.

19 (f-1) Upon the successful completion of the Program, a
20 defendant may submit an application for a Firearm Owner's
21 Identification Card upon receiving a court order demonstrating
22 completion of the Program. The Illinois State Police shall
23 issue a Firearm Owner's Identification Card to such person
24 upon receiving a court order demonstrating completion of the
25 Program if the person is otherwise eligible to receive a
26 Firearm Owner's Identification Card. Nothing in this Section

1 shall prohibit the Illinois State Police from denying an
2 application for or revoking a Firearm Owner's Identification
3 Card as provided by law.

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

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

18 (i) (Blank).

19 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22;
20 103-370, eff. 7-28-23; 103-702, eff. 1-1-25; 103-822, eff.
21 1-1-25; revised 11-26-24.)

22 (730 ILCS 5/5-6-3.7 new)

23 Sec. 5-6-3.7. Unlawful possession of weapons offense
24 diversion programs; Firearm Owner's Identification Card
25 eligibility.

1 (a) A State's Attorney, at his or her discretion, may
2 request that a defendant charged with an unlawful possession
3 of weapons offense under Section 24-1 of the Criminal Code of
4 2012 or aggravated unlawful possession of a weapon offense
5 under Section 24-1.6 of the Criminal Code of 2012, if
6 punishable as a Class 4 felony or lower, be sentenced to an
7 appropriate diversion program.

8 (b) Upon the successful completion of the diversion
9 program, a defendant may submit an application for a Firearm
10 Owner's Identification Card upon receiving a court order
11 demonstrating completion of the program. The Illinois State
12 Police shall issue a Firearm Owner's Identification Card to
13 such person upon receiving a court order demonstrating
14 completion of the program if the person is otherwise eligible
15 to receive a Firearm Owner's Identification Card. Nothing in
16 this Section shall prohibit the Illinois State Police from
17 denying an application for or revoking a Firearm Owner's
18 Identification Card as provided by law.