

# SB1878



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1878

Introduced 2/15/2019, by Sen. Jason Plummer

#### SYNOPSIS AS INTRODUCED:

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

Amends the Unified Code of Corrections. Creates a Misdemeanor Retail Theft and Theft Diversionary Program. Provides that when any person who has not previously been convicted of any felony offense under the laws of this State or the laws of another state or federal law which would be classified as a felony offense in this State is arrested for and charged with a misdemeanor offense of theft or retail theft, with the consent of the defendant and the State's Attorney, may continue the matter to allow the defendant to participate and complete the Misdemeanor Retail Theft and Theft Diversionary Program. Provides that the conditions of the Program shall be that the defendant: (1) not violate any criminal statute of this State or any other jurisdiction; (2) refrain from possessing a firearm or other dangerous weapon; and (3) make full restitution to the victim or property owner plus 10% of the cost of the stolen item. Provides that upon fulfillment of the terms and conditions of the Program, the State's Attorney shall dismiss the case or the court shall discharge the person and dismiss the proceedings against the person. Makes other changes.

SRS101 00015 JEJ 45015 b

A BILL FOR

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 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 any felony offense under the laws of this State or the laws  
11 of another state or federal law which would be classified as a  
12 felony offense in this State is arrested for and charged with a  
13 misdemeanor offense of theft or retail theft, with the consent  
14 of the defendant and the State's Attorney, may continue the  
15 matter to allow the defendant to participate and complete the  
16 Misdemeanor Retail Theft and Theft Diversionsary Program.

17 (b) When the defendant is placed in the Program, the court  
18 shall enter an order specifying that the proceedings shall be  
19 suspended while the defendant is participating in a Program of  
20 not less 12 months.

21 (c) The conditions of the Program shall be that the  
22 defendant:

23 (1) not violate any criminal statute of this State or

1 any other jurisdiction;

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

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

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

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

18 (f) Upon fulfillment of the terms and conditions of the  
19 Program, the State's Attorney shall dismiss the case or the  
20 court shall discharge the person and dismiss the proceedings  
21 against the person.