

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 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.

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 the Program.
20 The Program shall be for a duration of not less than 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 online 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.

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