



Sen. Jason Plummer

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10100SB1878sam001

LRB101 11423 SLF 57042 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:

10 (1) been convicted of a violation of subsection (h) or  
11 (i) of Section 17-10.6 of the Criminal Code of 2012 or  
12 convicted of any similar offense in another state; or

13 (2) completed or failed to complete the Misdemeanor  
14 Retail Theft and Theft Diversionsary Program under this  
15 Section;

16 is arrested for and charged with a misdemeanor offense of

1 theft or retail theft, the court may, with the consent of the  
2 defendant and the State's Attorney, continue the matter to  
3 allow the defendant to participate and complete the Misdemeanor  
4 Retail Theft and Theft Diversionary Program.

5 (b) When the defendant is placed in the Program, the court  
6 shall enter an order specifying that the proceedings shall be  
7 suspended while the defendant is participating in the Program  
8 for not less than 12 months.

9 (c) The conditions of the Program shall be that the  
10 defendant:

11 (1) not violate any criminal statute of this State or  
12 any other jurisdiction;

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

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

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

21 (e) When the State's Attorney makes a factually specific  
22 offer of proof that the defendant has failed to successfully  
23 complete the Program or has violated any of the conditions of  
24 the Program, the court shall enter an order specifying that the  
25 defendant has not successfully completed the Program and  
26 continue the case for arraignment under Section 113-1 of the

1 Code of Criminal Procedure of 1963 for further proceedings as  
2 if the defendant had not participated in the Program.

3 (f) Upon fulfillment of the terms and conditions of the  
4 Program, the State's Attorney shall dismiss the case or the  
5 court shall discharge the person and dismiss the proceedings  
6 against the person."