



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5285

Introduced 2/9/2024, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-5	from Ch. 38, par. 2-5
720 ILCS 550/10	from Ch. 56 1/2, par. 710
720 ILCS 570/410	from Ch. 56 1/2, par. 1410
720 ILCS 646/70	
730 ILCS 5/5-6-3.4	
730 ILCS 5/5-6-3.6	

Amends the Criminal Code of 2012. In the definition of "conviction" provides that "conviction" means a judgment of conviction and sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury (rather than a judgment of conviction or sentence). Provides that if judgment is withheld, the plea, verdict, or finding of guilty is not a conviction under Illinois law unless and until judgment is entered. Amends the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. Provides that for the first-time offender provisions of those Acts, a sentence under those provisions shall not be considered a conviction under Illinois law unless and until judgment is entered for a violation of the terms of the probation. Provides that a sentence (rather than discharge and dismissal) is not a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime unless and until judgment is entered. Amends the Unified Code of Corrections. Makes the same changes with respect to the Second Chance Probation Program and the First Time Weapon Offense Program.

LRB103 37363 RLC 67484 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 Criminal Code of 2012 is amended by
5 changing Section 2-5 as follows:

6 (720 ILCS 5/2-5) (from Ch. 38, par. 2-5)

7 Sec. 2-5. "Conviction". "Conviction" means a judgment of
8 conviction and ~~or~~ sentence entered upon a plea of guilty or
9 upon a verdict or finding of guilty of an offense, rendered by
10 a legally constituted jury or by a court of competent
11 jurisdiction authorized to try the case without a jury. If
12 judgment is withheld, the plea, verdict, or finding of guilty
13 is not a conviction under Illinois law unless and until
14 judgment is entered.

15 (Source: Laws 1961, p. 1983.)

16 Section 10. The Cannabis Control Act is amended by
17 changing Section 10 as follows:

18 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

19 Sec. 10. (a) Whenever any person who has not previously
20 been convicted of any felony offense under this Act or any law
21 of the United States or of any State relating to cannabis, or

1 controlled substances as defined in the Illinois Controlled
2 Substances Act, pleads guilty to or is found guilty of
3 violating Sections 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of
4 this Act, the court may, without entering a judgment and with
5 the consent of such person, sentence him to probation. A
6 sentence under this Section shall not be considered a
7 conviction under Illinois law unless and until judgment is
8 entered under subsection (e) of this Section.

9 (b) When a person is placed on probation, the court shall
10 enter an order specifying a period of probation of 24 months,
11 and shall defer further proceedings in the case until the
12 conclusion of the period or until the filing of a petition
13 alleging violation of a term or condition of probation.

14 (c) The conditions of probation shall be that the person:
15 (1) not violate any criminal statute of any jurisdiction; (2)
16 refrain from possession of a firearm or other dangerous
17 weapon; (3) submit to periodic drug testing at a time and in a
18 manner as ordered by the court, but no less than 3 times during
19 the period of the probation, with the cost of the testing to be
20 paid by the probationer; and (4) perform no less than 30 hours
21 of community service, provided community service is available
22 in the jurisdiction and is funded and approved by the county
23 board. The court may give credit toward the fulfillment of
24 community service hours for participation in activities and
25 treatment as determined by court services.

26 (d) The court may, in addition to other conditions,

1 require that the person:

2 (1) make a report to and appear in person before or
3 participate with the court or such courts, person, or
4 social service agency as directed by the court in the
5 order of probation;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical or psychiatric treatment; or
10 treatment for drug addiction or alcoholism;

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

13 (6) support his dependents;

14 (7) refrain from possessing a firearm or other
15 dangerous weapon;

16 (7-5) refrain from having in his or her body the
17 presence of any illicit drug prohibited by the Cannabis
18 Control Act, the Illinois Controlled Substances Act, or
19 the Methamphetamine Control and Community Protection Act,
20 unless prescribed by a physician, and submit samples of
21 his or her blood or urine or both for tests to determine
22 the presence of any illicit drug;

23 (8) and in addition, if a minor:

24 (i) reside with his parents or in a foster home;

25 (ii) attend school;

26 (iii) attend a non-residential program for youth;

1 (iv) provide nonfinancial contributions to his own
2 support at home or in a foster home.

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

6 (f) Upon fulfillment of the terms and conditions of
7 probation, the court shall discharge such person and dismiss
8 the proceedings against him.

9 (g) A disposition of probation is considered to be a
10 conviction for the purposes of imposing the conditions of
11 probation and for appeal, however, a sentence ~~discharge and~~
12 ~~dismissal~~ under this Section is not a conviction for purposes
13 of disqualification or disabilities imposed by law upon
14 conviction of a crime (including the additional penalty
15 imposed for subsequent offenses under Section 4(c), 4(d), 5(c)
16 or 5(d) of this Act) unless and until judgment is entered.

17 (h) A person may not have more than one discharge and
18 dismissal under this Section within a 4-year period.

19 (i) If a person is convicted of an offense under this Act,
20 the Illinois Controlled Substances Act, or the Methamphetamine
21 Control and Community Protection Act within 5 years subsequent
22 to a discharge and dismissal under this Section, the discharge
23 and dismissal under this Section shall be admissible in the
24 sentencing proceeding for that conviction as a factor in
25 aggravation.

26 (j) Notwithstanding subsection (a), before a person is

1 sentenced to probation under this Section, the court may refer
2 the person to the drug court established in that judicial
3 circuit pursuant to Section 15 of the Drug Court Treatment
4 Act. The drug court team shall evaluate the person's
5 likelihood of successfully completing a sentence of probation
6 under this Section and shall report the results of its
7 evaluation to the court. If the drug court team finds that the
8 person suffers from a substance abuse problem that makes him
9 or her substantially unlikely to successfully complete a
10 sentence of probation under this Section, then the drug court
11 shall set forth its findings in the form of a written order,
12 and the person shall not be sentenced to probation under this
13 Section, but shall be considered for the drug court program.

14 (k) Fines and assessments, such as fees or administrative
15 costs, authorized under this Section shall not be ordered or
16 imposed against a minor subject to Article III, IV, or V of the
17 Juvenile Court Act of 1987, or a minor under the age of 18
18 transferred to adult court or excluded from juvenile court
19 jurisdiction under Article V of the Juvenile Court Act of
20 1987, or the minor's parent, guardian, or legal custodian.

21 (Source: P.A. 103-379, eff. 7-28-23.)

22 Section 15. The Illinois Controlled Substances Act is
23 amended by changing Section 410 as follows:

24 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

1 Sec. 410. (a) Whenever any person who has not previously
2 been convicted of any felony offense under this Act or any law
3 of the United States or of any State relating to cannabis or
4 controlled substances, pleads guilty to or is found guilty of
5 possession of a controlled or counterfeit substance under
6 subsection (c) of Section 402 or of unauthorized possession of
7 prescription form under Section 406.2, the court, without
8 entering a judgment and with the consent of such person, may
9 sentence him or her to probation. A sentence under this
10 Section shall not be considered a conviction under Illinois
11 law unless and until judgment is entered under subsection (e)
12 of this Section.

13 (b) When a person is placed on probation, the court shall
14 enter an order specifying a period of probation of 24 months
15 and shall defer further proceedings in the case until the
16 conclusion of the period or until the filing of a petition
17 alleging violation of a term or condition of probation.

18 (c) The conditions of probation shall be that the person:
19 (1) not violate any criminal statute of any jurisdiction; (2)
20 refrain from possessing a firearm or other dangerous weapon;
21 (3) submit to periodic drug testing at a time and in a manner
22 as ordered by the court, but no less than 3 times during the
23 period of the probation, with the cost of the testing to be
24 paid by the probationer; and (4) perform no less than 30 hours
25 of community service, provided community service is available
26 in the jurisdiction and is funded and approved by the county

1 board. The court may give credit toward the fulfillment of
2 community service hours for participation in activities and
3 treatment as determined by court services.

4 (d) The court may, in addition to other conditions,
5 require that the person:

6 (1) make a report to and appear in person before or
7 participate with the court or such courts, person, or
8 social service agency as directed by the court in the
9 order of probation;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational
12 training;

13 (4) undergo medical or psychiatric treatment; or
14 treatment or rehabilitation approved by the Illinois
15 Department of Human Services;

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

18 (6) support his or her dependents;

19 (6-5) refrain from having in his or her body the
20 presence of any illicit drug prohibited by the Cannabis
21 Control Act, the Illinois Controlled Substances Act, or
22 the Methamphetamine Control and Community Protection Act,
23 unless prescribed by a physician, and submit samples of
24 his or her blood or urine or both for tests to determine
25 the presence of any illicit drug;

26 (7) and in addition, if a minor:

1 (i) reside with his or her parents or in a foster
2 home;

3 (ii) attend school;

4 (iii) attend a non-residential program for youth;

5 (iv) contribute to his or her own support at home
6 or in a foster home.

7 (e) Upon violation of a term or condition of probation,
8 the court may enter a judgment on its original finding of guilt
9 and proceed as otherwise provided.

10 (f) Upon fulfillment of the terms and conditions of
11 probation, the court shall discharge the person and dismiss
12 the proceedings against him or her.

13 (g) A disposition of probation is considered to be a
14 conviction for the purposes of imposing the conditions of
15 probation and for appeal, however, a sentence ~~discharge and~~
16 ~~dismissal~~ under this Section is not a conviction for purposes
17 of this Act or for purposes of disqualifications or
18 disabilities imposed by law upon conviction of a crime unless
19 and until judgment is entered.

20 (h) A person may not have more than one discharge and
21 dismissal under this Section within a 4-year period.

22 (i) If a person is convicted of an offense under this Act,
23 the Cannabis Control Act, or the Methamphetamine Control and
24 Community Protection Act within 5 years subsequent to a
25 discharge and dismissal under this Section, the discharge and
26 dismissal under this Section shall be admissible in the

1 sentencing proceeding for that conviction as evidence in
2 aggravation.

3 (j) Notwithstanding subsection (a), before a person is
4 sentenced to probation under this Section, the court may refer
5 the person to the drug court established in that judicial
6 circuit pursuant to Section 15 of the Drug Court Treatment
7 Act. The drug court team shall evaluate the person's
8 likelihood of successfully completing a sentence of probation
9 under this Section and shall report the results of its
10 evaluation to the court. If the drug court team finds that the
11 person suffers from a substance abuse problem that makes him
12 or her substantially unlikely to successfully complete a
13 sentence of probation under this Section, then the drug court
14 shall set forth its findings in the form of a written order,
15 and the person shall not be sentenced to probation under this
16 Section, but shall be considered for the drug court program.

17 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
18 100-575, eff. 1-8-18.)

19 Section 20. The Methamphetamine Control and Community
20 Protection Act is amended by changing Section 70 as follows:

21 (720 ILCS 646/70)

22 Sec. 70. Probation.

23 (a) Whenever any person who has not previously been
24 convicted of any felony offense under this Act, the Illinois

1 Controlled Substances Act, the Cannabis Control Act, or any
2 law of the United States or of any state relating to cannabis
3 or controlled substances, pleads guilty to or is found guilty
4 of possession of less than 15 grams of methamphetamine under
5 paragraph (1) or (2) of subsection (b) of Section 60 of this
6 Act, the court, without entering a judgment and with the
7 consent of the person, may sentence him or her to probation. A
8 sentence under this Section shall not be considered a
9 conviction under Illinois law unless and until judgment is
10 entered under subsection (e) of this Section.

11 (b) When a person is placed on probation, the court shall
12 enter an order specifying a period of probation of 24 months
13 and shall defer further proceedings in the case until the
14 conclusion of the period or until the filing of a petition
15 alleging violation of a term or condition of probation.

16 (c) The conditions of probation shall be that the person:

17 (1) not violate any criminal statute of any
18 jurisdiction;

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

21 (3) submit to periodic drug testing at a time and in a
22 manner as ordered by the court, but no less than 3 times
23 during the period of the probation, with the cost of the
24 testing to be paid by the probationer; and

25 (4) perform no less than 30 hours of community
26 service, if community service is available in the

1 jurisdiction and is funded and approved by the county
2 board. The court may give credit toward the fulfillment of
3 community service hours for participation in activities
4 and treatment as determined by court services.

5 (d) The court may, in addition to other conditions,
6 require that the person take one or more of the following
7 actions:

8 (1) make a report to and appear in person before or
9 participate with the court or such courts, person, or
10 social service agency as directed by the court in the
11 order of probation;

12 (2) pay a fine and costs;

13 (3) work or pursue a course of study or vocational
14 training;

15 (4) undergo medical or psychiatric treatment; or
16 treatment or rehabilitation approved by the Illinois
17 Department of Human Services;

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

20 (6) support his or her dependents;

21 (7) refrain from having in his or her body the
22 presence of any illicit drug prohibited by this Act, the
23 Cannabis Control Act, or the Illinois Controlled
24 Substances Act, unless prescribed by a physician, and
25 submit samples of his or her blood or urine or both for
26 tests to determine the presence of any illicit drug; or

1 (8) if a minor:

2 (i) reside with his or her parents or in a foster
3 home;

4 (ii) attend school;

5 (iii) attend a non-residential program for youth;

6 or

7 (iv) contribute to his or her own support at home
8 or in a foster home.

9 (e) Upon violation of a term or condition of probation,
10 the court may enter a judgment on its original finding of guilt
11 and proceed as otherwise provided.

12 (f) Upon fulfillment of the terms and conditions of
13 probation, the court shall discharge the person and dismiss
14 the proceedings against the person.

15 (g) A disposition of probation is considered to be a
16 conviction for the purposes of imposing the conditions of
17 probation and for appeal, however, a sentence ~~discharge and~~
18 ~~dismissal~~ under this Section is not a conviction for purposes
19 of this Act or for purposes of disqualifications or
20 disabilities imposed by law upon conviction of a crime unless
21 and until judgment is entered.

22 (h) A person may not have more than one discharge and
23 dismissal under this Section within a 4-year period.

24 (i) If a person is convicted of an offense under this Act,
25 the Cannabis Control Act, or the Illinois Controlled
26 Substances Act within 5 years subsequent to a discharge and

1 dismissal under this Section, the discharge and dismissal
2 under this Section are admissible in the sentencing proceeding
3 for that conviction as evidence in aggravation.

4 (j) Notwithstanding subsection (a), before a person is
5 sentenced to probation under this Section, the court may refer
6 the person to the drug court established in that judicial
7 circuit pursuant to Section 15 of the Drug Court Treatment
8 Act. The drug court team shall evaluate the person's
9 likelihood of successfully completing a sentence of probation
10 under this Section and shall report the results of its
11 evaluation to the court. If the drug court team finds that the
12 person suffers from a substance abuse problem that makes him
13 or her substantially unlikely to successfully complete a
14 sentence of probation under this Section, then the drug court
15 shall set forth its findings in the form of a written order,
16 and the person shall not be sentenced to probation under this
17 Section, but shall be considered for the drug court program.

18 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
19 100-575, eff. 1-8-18.)

20 Section 25. The Unified Code of Corrections is amended by
21 changing Sections 5-6-3.4 and 5-6-3.6 as follows:

22 (730 ILCS 5/5-6-3.4)

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

24 (a) Whenever any person who has not previously been

1 convicted of any felony offense under the laws of this State,
2 the laws of any other state, or the laws of the United States,
3 and pleads guilty to, or is found guilty of, possession of less
4 than 15 grams of a controlled substance; possession of less
5 than 15 grams of methamphetamine; or a probationable felony
6 offense of possession of cannabis, theft, retail theft,
7 forgery, deceptive practices, possession of a stolen motor
8 vehicle, burglary, possession of burglary tools, disorderly
9 conduct, criminal damage or trespass to property under Article
10 21 of the Criminal Code of 2012, criminal trespass to a
11 residence, an offense involving fraudulent identification, or
12 obstructing justice; or possession of cannabis, the court,
13 with the consent of the defendant and the State's Attorney,
14 may, without entering a judgment, sentence the defendant to
15 probation under this Section. A sentence under this Section
16 shall not be considered a conviction under Illinois law unless
17 and until judgment is entered under subsection (e) of this
18 Section.

19 (a-1) Exemptions. A defendant is not eligible for this
20 probation if the offense he or she pleads guilty to, or is
21 found guilty of, is a violent offense, or he or she has
22 previously been convicted of a violent offense. For purposes
23 of this probation, a "violent offense" is any offense where
24 bodily harm was inflicted or where force was used against any
25 person or threatened against any person, any offense involving
26 sexual conduct, sexual penetration, or sexual exploitation,

1 any offense of domestic violence, domestic battery, violation
2 of an order of protection, stalking, hate crime, and any
3 offense involving the possession of a firearm or dangerous
4 weapon. A defendant shall not be eligible for this probation
5 if he or she has previously been adjudicated a delinquent
6 minor for the commission of a violent offense as defined in
7 this subsection.

8 (b) When a defendant is placed on probation, the court
9 shall enter an order specifying a period of probation of not
10 less than 24 months and shall defer further proceedings in the
11 case until the conclusion of the period or until the filing of
12 a petition alleging violation of a term or condition of
13 probation.

14 (c) The conditions of probation shall be that the
15 defendant:

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

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

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

22 (4) obtain or attempt to obtain employment;

23 (5) pay fines and costs;

24 (6) attend educational courses designed to prepare the
25 defendant for obtaining a high school diploma or to work
26 toward passing high school equivalency testing or to work

1 toward completing a vocational training program;

2 (7) submit to periodic drug testing at a time and in a
3 manner as ordered by the court, but no less than 3 times
4 during the period of probation, with the cost of the
5 testing to be paid by the defendant; and

6 (8) perform a minimum of 30 hours of community
7 service. The court may give credit toward the fulfillment
8 of community service hours for participation in activities
9 and treatment as determined by court services.

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

12 (1) make a report to and appear in person before or
13 participate with the court or such courts, person, or
14 social service agency as directed by the court in the
15 order of probation;

16 (2) undergo medical or psychiatric treatment, or
17 treatment or rehabilitation approved by the Illinois
18 Department of Human Services;

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

21 (4) support his or her dependents; or

22 (5) refrain from having in his or her body the
23 presence of any illicit drug prohibited by the
24 Methamphetamine Control and Community Protection Act, the
25 Cannabis Control Act, or the Illinois Controlled
26 Substances Act, unless prescribed by a physician, and

1 submit samples of his or her blood or urine or both for
2 tests to determine the presence of any illicit drug.

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

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

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

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

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

23 (j) Notwithstanding subsection (a), if the court finds
24 that the defendant suffers from a substance abuse problem,
25 then before the person is placed on probation under this
26 Section, the court may refer the person to the drug court

1 established in that judicial circuit pursuant to Section 15 of
2 the Drug Court Treatment Act. The drug court team shall
3 evaluate the person's likelihood of successfully fulfilling
4 the terms and conditions of probation under this Section and
5 shall report the results of its evaluation to the court. If the
6 drug court team finds that the person suffers from a substance
7 abuse problem that makes him or her substantially unlikely to
8 successfully fulfill the terms and conditions of probation
9 under this Section, then the drug court shall set forth its
10 findings in the form of a written order, and the person shall
11 be ineligible to be placed on probation under this Section,
12 but shall be considered for the drug court program.

13 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
14 100-575, eff. 1-8-18.)

15 (730 ILCS 5/5-6-3.6)

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

17 (a) The General Assembly has sought to promote public
18 safety, reduce recidivism, and conserve valuable resources of
19 the criminal justice system through the creation of diversion
20 programs for non-violent offenders. This amendatory Act of the
21 103rd General Assembly establishes a program for first-time,
22 non-violent offenders charged with certain weapons possession
23 offenses. The General Assembly recognizes some persons,
24 particularly in areas of high crime or poverty, may have
25 experienced trauma that contributes to poor decision making

1 skills, and the creation of a diversionary program poses a
2 greater benefit to the community and the person than
3 incarceration. Under this program, a court, with the consent
4 of the defendant and the State's Attorney, may sentence a
5 defendant charged with an unlawful use of weapons offense
6 under Section 24-1 of the Criminal Code of 2012 or aggravated
7 unlawful use of a weapon offense under Section 24-1.6 of the
8 Criminal Code of 2012, if punishable as a Class 4 felony or
9 lower, to a First Time Weapon Offense Program.

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

11 (1) the offense was committed during the commission of
12 a violent offense as defined in subsection (h) of this
13 Section;

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

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

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

22 (5) (blank); or

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

25 (b-5) In considering whether a defendant shall be
26 sentenced to the First Time Weapon Offense Program, the court

1 shall consider the following:

2 (1) the age, immaturity, or limited mental capacity of
3 the defendant;

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

5 (3) whether participation in the Program is in the
6 interest of the defendant's rehabilitation, including any
7 employment or involvement in community, educational,
8 training, or vocational programs;

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

12 (5) the potential risk to public safety.

13 (c) For an offense committed on or after January 1, 2018
14 (the effective date of Public Act 100-3) whenever an eligible
15 person pleads guilty to an unlawful use of weapons offense
16 under Section 24-1 of the Criminal Code of 2012 or aggravated
17 unlawful use of a weapon offense under Section 24-1.6 of the
18 Criminal Code of 2012, which is punishable as a Class 4 felony
19 or lower, the court, with the consent of the defendant and the
20 State's Attorney, may, without entering a judgment, sentence
21 the defendant to complete the First Time Weapon Offense
22 Program. When a defendant is placed in the Program, the court
23 shall defer further proceedings in the case until the
24 conclusion of the period or until the filing of a petition
25 alleging violation of a term or condition of the Program. A
26 disposition of probation is considered to be a conviction for

1 the purposes of imposing the conditions of probation and for
2 appeal, however, a sentence under this Section is not a
3 conviction for purposes of this Act or for purposes of
4 disqualifications or disabilities imposed by law upon
5 conviction of a crime unless and until judgment is entered.

6 Upon violation of a term or condition of the Program, the court
7 may enter a judgment on its original finding of guilt and
8 proceed as otherwise provided by law. Upon fulfillment of the
9 terms and conditions of the Program, the court shall discharge
10 the person and dismiss the proceedings against the person.

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

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

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

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

22 (3) (blank);

23 (4) (blank);

24 (5) (blank);

25 (6) (blank);

26 (7) attend and participate in any Program activities

1 deemed required by the Program administrator, such as:
2 counseling sessions, in-person and over the phone
3 check-ins, and educational classes; and

4 (8) (blank).

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

7 (1) obtain or attempt to obtain employment;

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

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

19 (4) perform community service;

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

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

23 (g) There may be only one discharge and dismissal under
24 this Section. If a person is convicted of any offense which
25 occurred within 5 years subsequent to a discharge and
26 dismissal under this Section, the discharge and dismissal

1 under this Section shall be admissible in the sentencing
2 proceeding for that conviction as evidence in aggravation.

3 (h) For purposes of this Section, "violent offense" means
4 any offense in which bodily harm was inflicted or force was
5 used against any person or threatened against any person; any
6 offense involving the possession of a firearm or dangerous
7 weapon; any offense involving sexual conduct, sexual
8 penetration, or sexual exploitation; violation of an order of
9 protection, stalking, hate crime, domestic battery, or any
10 offense of domestic violence.

11 (i) (Blank).

12 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22;
13 103-370, eff. 7-28-23.)