

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 changing Section 5-6-3.6 as follows:

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

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 5-6-3.6. First Time Weapon Offense ~~Offender~~ 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. This amendatory Act of the
13 103rd General Assembly ~~amendatory Act of the 100th General~~
14 ~~Assembly~~ establishes a ~~pilot~~ program for first-time,
15 non-violent offenders charged with certain weapons possession
16 offenses. The General Assembly recognizes some persons,
17 particularly ~~young adults~~ in areas of high crime or poverty,
18 may have experienced trauma that contributes to poor decision
19 making skills, and the creation of a diversionary program
20 poses a greater benefit to the community and the person than
21 incarceration. Under this program, a court, with the consent
22 of the defendant and the State's Attorney, may sentence a
23 defendant charged with an unlawful use of weapons offense

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

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

18 (5) (blank); or ~~he or she is 21 years of age or older;~~
19 ~~or~~

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

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

25 (1) the age, immaturity, or limited mental capacity of
26 the defendant;

- 1 (2) the nature and circumstances of the offense;
- 2 (3) whether participation in the Program is in the
3 interest of the defendant's rehabilitation, including any
4 employment or involvement in community, educational,
5 training, or vocational programs;
- 6 (4) whether the defendant suffers from trauma, as
7 supported by documentation or evaluation by a licensed
8 professional; and
- 9 (5) the potential risk to public safety.

10 (c) For an offense committed on or after January 1, 2018
11 (the effective date of Public Act 100-3) ~~and before January 1,~~
12 ~~2024,~~ whenever an eligible person pleads guilty to an unlawful
13 use of weapons offense under Section 24-1 of the Criminal Code
14 of 2012 or aggravated unlawful use of a weapon offense under
15 Section 24-1.6 of the Criminal Code of 2012, which is
16 punishable as a Class 4 felony or lower, the court, with the
17 consent of the defendant and the State's Attorney, may,
18 without entering a judgment, sentence the defendant to
19 complete the First Time Weapon Offense ~~Offender~~ Program. When
20 a defendant is placed in the Program, the court shall defer
21 further proceedings in the case until the conclusion of the
22 period or until the filing of a petition alleging violation of
23 a term or condition of the Program. Upon violation of a term or
24 condition of the Program, the court may enter a judgment on its
25 original finding of guilt and proceed as otherwise provided by
26 law. Upon fulfillment of the terms and conditions of the

1 Program, the court shall discharge the person and dismiss the
2 proceedings against the person.

3 (d) The Program shall be at least 6 ~~18~~ months and not to
4 exceed 24 months, as determined by the court at the
5 recommendation of the Program administrator and the State's
6 Attorney. The Program administrator may be appointed by the
7 Chief Judge of each Judicial Circuit.

8 (e) The conditions of the Program shall be that the
9 defendant:

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

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

14 (3) (blank); ~~obtain or attempt to obtain employment;~~

15 (4) (blank); ~~attend educational courses designed to~~
16 ~~prepare the defendant for obtaining a high school diploma~~
17 ~~or to work toward passing high school equivalency testing~~
18 ~~or to work toward completing a vocational training~~
19 ~~program;~~

20 (5) (blank); ~~refrain from having in his or her body~~
21 ~~the presence of any illicit drug prohibited by the~~
22 ~~Methamphetamine Control and Community Protection 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;~~

1 (6) (blank); ~~perform a minimum of 50 hours of~~
2 ~~community service;~~

3 (7) attend and participate in any Program activities
4 deemed required by the Program administrator, such as
5 ~~including but not limited to:~~ counseling sessions,
6 in-person and over the phone check-ins, and educational
7 classes; and

8 (8) (blank). ~~pay all fines, assessments, fees, and~~
9 ~~costs.~~

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

12 (1) obtain or attempt to obtain employment ~~wear an~~
13 ~~ankle bracelet with GPS tracking;~~

14 (2) attend educational courses designed to prepare the
15 defendant for obtaining a high school diploma or to work
16 toward passing high school equivalency testing or to work
17 toward completing a vocational training program ~~undergo~~
18 ~~medical or psychiatric treatment, or treatment or~~
19 ~~rehabilitation approved by the Department of Human~~
20 ~~Services; and~~

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

1 illicit drug;

2 (4) perform community service; ~~attend or reside in a~~
3 ~~facility established for the instruction or residence of~~
4 ~~defendants on probation.~~

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

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

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

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

22 (i) (Blank). ~~This Section is repealed on January 1, 2024.~~

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

24 Section 99. Effective date. This Act takes effect July 1,
25 2023.