



Sen. Ram Villivalam

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10300SB0424sam001

LRB103 02876 RJT 62418 a

1 AMENDMENT TO SENATE BILL 424

2 AMENDMENT NO. _____. Amend Senate Bill 424 by replacing
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on January 1, 2024)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

1 particularly ~~young adults~~ in areas of high crime or poverty,
2 may have experienced trauma that contributes to poor decision
3 making skills, and the creation of a diversionary program
4 poses a greater benefit to the community and the person than
5 incarceration. Under this program, a court, with the consent
6 of the defendant and the State's Attorney, may sentence a
7 defendant charged with an unlawful use of weapons offense
8 under Section 24-1 of the Criminal Code of 2012 or aggravated
9 unlawful use of a weapon offense under Section 24-1.6 of the
10 Criminal Code of 2012, if punishable as a Class 4 felony or
11 lower, to a First Time Weapon Offense ~~Offender~~ Program.

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

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

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

20 (3) he or she had a prior successful completion of the
21 First Time Weapon Offense ~~Offender~~ Program under this
22 Section;

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

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

26 ~~or~~

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

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

6 (1) the age, immaturity, or limited mental capacity of
7 the defendant;

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

9 (3) whether participation in the Program is in the
10 interest of the defendant's rehabilitation, including any
11 employment or involvement in community, educational,
12 training, or vocational programs;

13 (4) whether the defendant suffers from trauma, as
14 supported by documentation or evaluation by a licensed
15 professional; and

16 (5) the potential risk to public safety.

17 (c) For an offense committed on or after January 1, 2018
18 (the effective date of Public Act 100-3) ~~and before January 1,~~
19 ~~2024,~~ whenever an eligible person pleads guilty to an unlawful
20 use of weapons offense under Section 24-1 of the Criminal Code
21 of 2012 or aggravated unlawful use of a weapon offense under
22 Section 24-1.6 of the Criminal Code of 2012, which is
23 punishable as a Class 4 felony or lower, the court, with the
24 consent of the defendant and the State's Attorney, may,
25 without entering a judgment, sentence the defendant to
26 complete the First Time Weapon Offense ~~Offender~~ Program. When

1 a defendant is placed in the Program, the court shall defer
2 further proceedings in the case until the conclusion of the
3 period or until the filing of a petition alleging violation of
4 a term or condition of the Program. Upon violation of a term or
5 condition of the Program, the court may enter a judgment on its
6 original finding of guilt and proceed as otherwise provided by
7 law. Upon fulfillment of the terms and conditions of the
8 Program, the court shall discharge the person and dismiss the
9 proceedings against the person.

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

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

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

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

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

22 (4) (blank); ~~attend educational courses designed to~~
23 ~~prepare the defendant for obtaining a high school diploma~~
24 ~~or to work toward passing high school equivalency testing~~
25 ~~or to work toward completing a vocational training~~
26 ~~program;~~

1 (5) (blank); ~~refrain from having in his or her body~~
2 ~~the presence of any illicit drug prohibited by the~~
3 ~~Methamphetamine Control and Community Protection Act, the~~
4 ~~Cannabis Control Act, or the Illinois Controlled~~
5 ~~Substances Act, unless prescribed by a physician, and~~
6 ~~submit samples of his or her blood or urine or both for~~
7 ~~tests to determine the presence of any illicit drug;~~

8 (6) (blank); ~~perform a minimum of 50 hours of~~
9 ~~community service;~~

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

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

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

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

21 (2) attend educational courses designed to prepare the
22 defendant for obtaining a high school diploma or to work
23 toward passing high school equivalency testing or to work
24 toward completing a vocational training program ~~undergo~~
25 ~~medical or psychiatric treatment, or treatment or~~
26 ~~rehabilitation approved by the Department of Human~~

1 ~~Services; and~~

2 (3) refrain from having in his or her body the
3 presence of any illicit drug prohibited by the
4 Methamphetamine Control and Community Protection Act or
5 the Illinois Controlled Substances Act, unless prescribed
6 by a physician, and submit samples of his or her blood or
7 urine or both for tests to determine the presence of any
8 illicit drug;

9 (4) perform community service; attend or reside in a
10 facility established for the instruction or residence of
11 defendants on probation.

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

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

15 (g) There may be only one discharge and dismissal under
16 this Section. If a person is convicted of any offense which
17 occurred within 5 years subsequent to a discharge and
18 dismissal under this Section, the discharge and dismissal
19 under this Section shall be admissible in the sentencing
20 proceeding for that conviction as evidence in aggravation.

21 (h) For purposes of this Section, "violent offense" means
22 any offense in which bodily harm was inflicted or force was
23 used against any person or threatened against any person; any
24 offense involving the possession of a firearm or dangerous
25 weapon; any offense involving sexual conduct, sexual
26 penetration, or sexual exploitation; violation of an order of

1 protection, stalking, hate crime, domestic battery, or any
2 offense of domestic violence.

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

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

5 Section 99. Effective date. This Act takes effect July 1,
6 2023.".