



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4885

Introduced 1/19/2006, by Rep. Lovana Jones - Esther Golar -
Constance A. Howard - Annazette Collins

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-14.2 new	
720 ILCS 550/4	from Ch. 56 1/2, par. 704
720 ILCS 550/10.4 new	
720 ILCS 570/402	from Ch. 56 1/2, par. 1402
720 ILCS 570/410.5 new	

Amends the Criminal Code of 1961, the Cannabis Control Act, and the Illinois Controlled Substances Act. Provides that whenever any person who has not previously been convicted of or placed on probation for a Class 4 felony charge of prostitution, possession of cannabis, or possession of a controlled substance or any law of the United States or of any other state relating to such offenses pleads guilty to or is found guilty of such offenses, the court, without entering a judgment and with the consent of such person, may sentence the person to deferred adjudication or probation. Provides that when a person is placed on deferred adjudication for such offenses, the court shall enter an order specifying a period of deferred adjudication of 12 to 18 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of the deferred adjudication. Provides that the conditions of deferred adjudication shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possessing a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the person on deferred adjudication; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board. Provides that the court may impose other conditions of deferred adjudication. Provides that upon fulfillment of the terms and conditions of deferred adjudication, the court shall discharge the person and dismiss the proceedings against him or her. Provides that there may be only one discharge and dismissal under these provisions unless the court deems that the person may benefit from this disposition for a second or subsequent violation. Provides that if a person is convicted of such offenses within 5 years subsequent to a discharge and dismissal under these provisions, the discharge and dismissal shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation. Provides that the arrest and court records of a person sentenced to probation under these provisions who successfully completes his or her terms of probation shall be expunged and sealed in accordance with the Criminal Identification Act.

LRB094 18448 RLC 53760 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 1961 is amended by adding
5 Section 11-14.2 as follows:

6 (720 ILCS 5/11-14.2 new)

7 Sec. 11-14.2. First offender; felony prostitution.

8 (a) Whenever any person who has not previously been
9 convicted of or placed on probation for felony prostitution or
10 any law of the United States or of any other state relating to
11 felony prostitution pleads guilty to or is found guilty of
12 felony prostitution, the court, without entering a judgment and
13 with the consent of such person, shall sentence the person to
14 deferred adjudication.

15 (b) When a person is placed on deferred adjudication, the
16 court shall enter an order specifying a period of deferred
17 adjudication of at least 12 months and not exceeding 18 months
18 and shall defer further proceedings in the case until the
19 conclusion of the period or until the filing of a petition
20 alleging violation of a term or condition of deferred
21 adjudication.

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

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

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

7 (2) pay a fine and costs;

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

10 (4) undergo medical or psychiatric treatment; or
11 treatment or rehabilitation by a provider approved by the
12 Illinois Department of Human Services;

13 (5) attend or reside in a facility established for the
14 instruction or residence of defendants on deferred
15 adjudication;

16 (6) support his or her dependents;

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

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

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

26 (ii) attend school;

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

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

30 (e) Upon violation of a term or condition of deferred
31 adjudication, the court may enter a judgment on its original
32 finding of guilt and proceed as otherwise provided.

33 (f) Upon fulfillment of the terms and conditions of
34 deferred adjudication, the court shall discharge the person and
35 dismiss the proceedings against him or her.

36 (g) A disposition of deferred adjudication is considered to

1 be a conviction for the purposes of imposing the conditions of
2 deferred adjudication and for appeal, however, discharge and
3 dismissal under this Section is not a conviction for purposes
4 of this Act or for purposes of disqualifications or
5 disabilities imposed by law upon conviction of a crime.

6 (h) There may be only one discharge and dismissal under
7 this Section unless the court determines that the person may
8 benefit from this disposition for a second or subsequent
9 violation.

10 (i) If a person is convicted of prostitution within 5 years
11 subsequent to a discharge and dismissal under this Section, the
12 discharge and dismissal under this Section shall be admissible
13 in the sentencing proceeding for that conviction as evidence in
14 aggravation.

15 (j) A person who committed any offense that is a violent
16 crime under the Rights of Crime Victims and Witnesses Act
17 during the course of the commission of prostitution is not
18 eligible for deferred adjudication.

19 (k) If a person eligible for deferred adjudication under
20 subsection (a) does not agree to the disposition, the court
21 shall sentence the person to probation. The arrest and court
22 records of a person sentenced to probation under this
23 subsection (k) who successfully completes his or her terms of
24 probation shall be expunged and sealed in accordance with
25 Section 5 of the Criminal Identification Act.

26 Section 10. The Cannabis Control Act is amended by changing
27 Section 4 and by adding Section 10.4 as follows:

28 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

29 Sec. 4. It is unlawful for any person knowingly to possess
30 cannabis.

31 (1) Any person who violates this section with respect to:

32 (a) not more than 2.5 grams of any substance containing
33 cannabis is guilty of a Class C misdemeanor;

34 (b) more than 2.5 grams but not more than 10 grams of

1 any substance containing cannabis is guilty of a Class B
2 misdemeanor;

3 (c) more than 10 grams but not more than 30 grams of
4 any substance containing cannabis is guilty of a Class A
5 misdemeanor; provided, that if any offense under this
6 subsection (c) is a subsequent offense, the offender shall
7 be guilty of a Class 4 felony;

8 (d) more than 30 grams but not more than 500 grams of
9 any substance containing cannabis is guilty of a Class 4
10 felony; provided that if any offense under this subsection
11 (d) is a subsequent offense, the offender shall be guilty
12 of a Class 3 felony;

13 (e) more than 500 grams but not more than 2,000 grams
14 of any substance containing cannabis is guilty of a Class 3
15 felony;

16 (f) more than 2,000 grams but not more than 5,000 grams
17 of any substance containing cannabis is guilty of a Class 2
18 felony;

19 (g) more than 5,000 grams of any substance containing
20 cannabis is guilty of a Class 1 felony.

21 (2) Any person convicted of a violation of this Section
22 that is a Class 4 felony and who is eligible for deferred
23 adjudication under Section 10.4 may be sentenced to deferred
24 adjudication or may be sentenced to probation and a fine.

25 (Source: P.A. 90-397, eff. 8-15-97.)

26 (720 ILCS 550/10.4 new)

27 Sec. 10.4. Deferred adjudication.

28 (a) Whenever any person who has not previously been
29 convicted of, or placed on probation or court supervision for,
30 any offense under this Act or any law of the United States or
31 of any State relating to cannabis, or controlled substances as
32 defined in the Illinois Controlled Substances Act, pleads
33 guilty to or is found guilty of violating clause (1)(c) or
34 (1)(d) of Section 4 of this Act that is a Class 4 felony, the
35 court shall, without entering a judgment and with the consent

1 of such person, sentence him or her to deferred adjudication.

2 (b) When a person is placed on deferred adjudication, the
3 court shall enter an order specifying a period of deferred
4 adjudication of at least 12 months and a maximum period of 18
5 months, and shall defer further proceedings in the case until
6 the conclusion of the period or until the filing of a petition
7 alleging violation of a term or condition of deferred
8 adjudication.

9 (c) The conditions of deferred adjudication shall be that
10 the person:

11 (1) not violate any criminal statute of any
12 jurisdiction;

13 (2) refrain from possession of a firearm or other
14 dangerous weapon;

15 (3) submit to periodic drug testing at a time and in a
16 manner as ordered by the court, but no less than 3 times
17 during the period of the deferred adjudication, with the
18 cost of the testing to be paid by the person on deferred
19 adjudication; and

20 (4) perform no less than 30 hours of community service,
21 provided community service is available in the
22 jurisdiction and is funded and approved by the county
23 board.

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

26 (1) make a report to and appear in person before or
27 participate with the court or such courts, person, or
28 social service agency as directed by the court in the order
29 of deferred adjudication;

30 (2) pay a fine and costs;

31 (3) work or pursue a course of study or vocational
32 training;

33 (4) undergo medical or psychiatric treatment; or
34 treatment for drug addiction or alcoholism;

35 (5) attend or reside in a facility established for the
36 instruction or residence of defendants on deferred

1 adjudication;

2 (6) support his or her dependents;

3 (7) refrain from possessing a firearm or other
4 dangerous weapon;

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

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

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

14 (ii) attend school;

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

16 (iv) contribute to his own support at home or in a
17 foster home.

18 (e) Upon violation of a term or condition of deferred
19 adjudication, the court may enter a judgment on its original
20 finding of guilt and proceed as otherwise provided.

21 (f) Upon fulfillment of the terms and conditions of
22 deferred adjudication, the court shall discharge such person
23 and dismiss the proceedings against him or her.

24 (g) A disposition of deferred adjudication is considered to
25 be a conviction for the purposes of imposing the conditions of
26 deferred adjudication and for appeal, however, discharge and
27 dismissal under this Section is not a conviction for purposes
28 of disqualification or disabilities imposed by law upon
29 conviction of a crime (including the additional penalty imposed
30 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
31 of this Act).

32 (h) Discharge and dismissal under this Section may occur
33 only once with respect to any person unless the court
34 determines that the person may benefit from this disposition
35 for a second or subsequent violation.

36 (i) If a person eligible for deferred adjudication under

1 subsection (a) does not agree to the disposition, the court
2 shall sentence the person to probation. The arrest and court
3 records of a person sentenced to probation under this
4 subsection (i) who successfully completes his or her terms of
5 probation shall be expunged and sealed in accordance with
6 Section 5 of the Criminal Identification Act.

7 (j) If a person is convicted of an offense under this Act,
8 the Illinois Controlled Substances Act, or the Methamphetamine
9 Control and Community Protection Act within 5 years subsequent
10 to a discharge and dismissal under this Section, the discharge
11 and dismissal under this Section shall be admissible in the
12 sentencing proceeding for that conviction as a factor in
13 aggravation.

14 (k) A person is not eligible for a disposition of deferred
15 adjudication if he or she has during the course of the act
16 giving rise to the offense under clause (1)(c) or (1)(d) of
17 Section 4 of this Act committed any violation of Section 5,
18 5.1, 5.2, 7, or 8 of this Act, any violation of Section 401,
19 405, 405.1, or 405.2, 405.3, 406, 406.1, 407, 407.1, 407.2, or
20 408 of the Illinois Controlled Substances Act, any violation of
21 the Methamphetamine Control and Community Protection Act
22 involving the manufacture, delivery, or possession with intent
23 to deliver of methamphetamine or a methamphetamine precursor,
24 or any offense that is a violent crime under the Rights of
25 Crime Victims and Witnesses Act.

26 Section 15. The Illinois Controlled Substances Act is
27 amended by changing Section 402 and by adding Section 410.5 as
28 follows:

29 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

30 Sec. 402. Except as otherwise authorized by this Act, it is
31 unlawful for any person knowingly to possess a controlled or
32 counterfeit substance or controlled substance analog. A
33 violation of this Act with respect to each of the controlled
34 substances listed herein constitutes a single and separate

1 violation of this Act. For purposes of this Section,
2 "controlled substance analog" or "analog" means a substance
3 which is intended for human consumption, other than a
4 controlled substance, that has a chemical structure
5 substantially similar to that of a controlled substance in
6 Schedule I or II, or that was specifically designed to produce
7 an effect substantially similar to that of a controlled
8 substance in Schedule I or II. Examples of chemical classes in
9 which controlled substance analogs are found include, but are
10 not limited to, the following: phenethylamines, N-substituted
11 piperidines, morphinans, ecgonines, quinazolinones,
12 substituted indoles, and arylcycloalkylamines. For purposes of
13 this Act, a controlled substance analog shall be treated in the
14 same manner as the controlled substance to which it is
15 substantially similar.

16 (a) Any person who violates this Section with respect to
17 the following controlled or counterfeit substances and
18 amounts, notwithstanding any of the provisions of subsections
19 (c) and (d) to the contrary, is guilty of a Class 1 felony and
20 shall, if sentenced to a term of imprisonment, be sentenced as
21 provided in this subsection (a) and fined as provided in
22 subsection (b):

23 (1) (A) not less than 4 years and not more than 15
24 years with respect to 15 grams or more but less than
25 100 grams of a substance containing heroin;

26 (B) not less than 6 years and not more than 30
27 years with respect to 100 grams or more but less than
28 400 grams of a substance containing heroin;

29 (C) not less than 8 years and not more than 40
30 years with respect to 400 grams or more but less than
31 900 grams of any substance containing heroin;

32 (D) not less than 10 years and not more than 50
33 years with respect to 900 grams or more of any
34 substance containing heroin;

35 (2) (A) not less than 4 years and not more than 15
36 years with respect to 15 grams or more but less than

1 100 grams of any substance containing cocaine;

2 (B) not less than 6 years and not more than 30
3 years with respect to 100 grams or more but less than
4 400 grams of any substance containing cocaine;

5 (C) not less than 8 years and not more than 40
6 years with respect to 400 grams or more but less than
7 900 grams of any substance containing cocaine;

8 (D) not less than 10 years and not more than 50
9 years with respect to 900 grams or more of any
10 substance containing cocaine;

11 (3) (A) not less than 4 years and not more than 15
12 years with respect to 15 grams or more but less than
13 100 grams of any substance containing morphine;

14 (B) not less than 6 years and not more than 30
15 years with respect to 100 grams or more but less than
16 400 grams of any substance containing morphine;

17 (C) not less than 6 years and not more than 40
18 years with respect to 400 grams or more but less than
19 900 grams of any substance containing morphine;

20 (D) not less than 10 years and not more than 50
21 years with respect to 900 grams or more of any
22 substance containing morphine;

23 (4) 200 grams or more of any substance containing
24 peyote;

25 (5) 200 grams or more of any substance containing a
26 derivative of barbituric acid or any of the salts of a
27 derivative of barbituric acid;

28 (6) 200 grams or more of any substance containing
29 amphetamine or any salt of an optical isomer of
30 amphetamine;

31 (6.5) (blank);

32 (7) (A) not less than 4 years and not more than 15
33 years with respect to: (i) 15 grams or more but less
34 than 100 grams of any substance containing lysergic
35 acid diethylamide (LSD), or an analog thereof, or (ii)
36 15 or more objects or 15 or more segregated parts of an

1 object or objects but less than 200 objects or 200
2 segregated parts of an object or objects containing in
3 them or having upon them any amount of any substance
4 containing lysergic acid diethylamide (LSD), or an
5 analog thereof;

6 (B) not less than 6 years and not more than 30
7 years with respect to: (i) 100 grams or more but less
8 than 400 grams of any substance containing lysergic
9 acid diethylamide (LSD), or an analog thereof, or (ii)
10 200 or more objects or 200 or more segregated parts of
11 an object or objects but less than 600 objects or less
12 than 600 segregated parts of an object or objects
13 containing in them or having upon them any amount of
14 any substance containing lysergic acid diethylamide
15 (LSD), or an analog thereof;

16 (C) not less than 8 years and not more than 40
17 years with respect to: (i) 400 grams or more but less
18 than 900 grams of any substance containing lysergic
19 acid diethylamide (LSD), or an analog thereof, or (ii)
20 600 or more objects or 600 or more segregated parts of
21 an object or objects but less than 1500 objects or 1500
22 segregated parts of an object or objects containing in
23 them or having upon them any amount of any substance
24 containing lysergic acid diethylamide (LSD), or an
25 analog thereof;

26 (D) not less than 10 years and not more than 50
27 years with respect to: (i) 900 grams or more of any
28 substance containing lysergic acid diethylamide (LSD),
29 or an analog thereof, or (ii) 1500 or more objects or
30 1500 or more segregated parts of an object or objects
31 containing in them or having upon them any amount of a
32 substance containing lysergic acid diethylamide (LSD),
33 or an analog thereof;

34 (7.5) (A) not less than 4 years and not more than 15
35 years with respect to: (i) 15 grams or more but less
36 than 100 grams of any substance listed in paragraph

1 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
2 (25), or (26) of subsection (d) of Section 204, or an
3 analog or derivative thereof, or (ii) 15 or more pills,
4 tablets, caplets, capsules, or objects but less than
5 200 pills, tablets, caplets, capsules, or objects
6 containing in them or having upon them any amount of
7 any substance listed in paragraph (1), (2), (2.1), (3),
8 (14.1), (19), (20), (20.1), (21), (25), or (26) of
9 subsection (d) of Section 204, or an analog or
10 derivative thereof;

11 (B) not less than 6 years and not more than 30
12 years with respect to: (i) 100 grams or more but less
13 than 400 grams of any substance listed in paragraph
14 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
15 (25), or (26) of subsection (d) of Section 204, or an
16 analog or derivative thereof, or (ii) 200 or more
17 pills, tablets, caplets, capsules, or objects but less
18 than 600 pills, tablets, caplets, capsules, or objects
19 containing in them or having upon them any amount of
20 any substance listed in paragraph (1), (2), (2.1), (3),
21 (14.1), (19), (20), (20.1), (21), (25), or (26) of
22 subsection (d) of Section 204, or an analog or
23 derivative thereof;

24 (C) not less than 8 years and not more than 40
25 years with respect to: (i) 400 grams or more but less
26 than 900 grams of any substance listed in paragraph
27 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
28 (25), or (26) of subsection (d) of Section 204, or an
29 analog or derivative thereof, or (ii) 600 or more
30 pills, tablets, caplets, capsules, or objects but less
31 than 1,500 pills, tablets, caplets, capsules, or
32 objects containing in them or having upon them any
33 amount of any substance listed in paragraph (1), (2),
34 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or
35 (26) of subsection (d) of Section 204, or an analog or
36 derivative thereof;

1 (D) not less than 10 years and not more than 50
2 years with respect to: (i) 900 grams or more of any
3 substance listed in paragraph (1), (2), (2.1), (3),
4 (14.1), (19), (20), (20.1), (21), (25), or (26) of
5 subsection (d) of Section 204, or an analog or
6 derivative thereof, or (ii) 1,500 or more pills,
7 tablets, caplets, capsules, or objects containing in
8 them or having upon them any amount of a substance
9 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),
10 (20), (20.1), (21), (25), or (26) of subsection (d) of
11 Section 204, or an analog or derivative thereof;

12 (8) 30 grams or more of any substance containing
13 pentazocine or any of the salts, isomers and salts of
14 isomers of pentazocine, or an analog thereof;

15 (9) 30 grams or more of any substance containing
16 methaqualone or any of the salts, isomers and salts of
17 isomers of methaqualone;

18 (10) 30 grams or more of any substance containing
19 phencyclidine or any of the salts, isomers and salts of
20 isomers of phencyclidine (PCP);

21 (10.5) 30 grams or more of any substance containing
22 ketamine or any of the salts, isomers and salts of isomers
23 of ketamine;

24 (11) 200 grams or more of any substance containing any
25 substance classified as a narcotic drug in Schedules I or
26 II, or an analog thereof, which is not otherwise included
27 in this subsection.

28 (b) Any person sentenced with respect to violations of
29 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
30 involving 100 grams or more of the controlled substance named
31 therein, may in addition to the penalties provided therein, be
32 fined an amount not to exceed \$200,000 or the full street value
33 of the controlled or counterfeit substances, whichever is
34 greater. The term "street value" shall have the meaning
35 ascribed in Section 110-5 of the Code of Criminal Procedure of
36 1963. Any person sentenced with respect to any other provision

1 of subsection (a), may in addition to the penalties provided
2 therein, be fined an amount not to exceed \$200,000.

3 (c) Any person who violates this Section with regard to an
4 amount of a controlled substance other than methamphetamine or
5 counterfeit substance not set forth in subsection (a) or (d) is
6 guilty of a Class 4 felony. The fine for a violation punishable
7 under this subsection (c) shall not be more than \$25,000.

8 (d) Any person who violates this Section with regard to any
9 amount of anabolic steroid is guilty of a Class C misdemeanor
10 for the first offense and a Class B misdemeanor for a
11 subsequent offense committed within 2 years of a prior
12 conviction.

13 (e) Any person convicted of a violation of this Section
14 that is a Class 4 felony and who is eligible for deferred
15 adjudication under Section 410.5 may be sentenced to deferred
16 adjudication or may be sentenced to probation and a fine.

17 (Source: P.A. 94-324, eff. 7-26-05; 94-556, eff. 9-11-05;
18 revised 8-19-05.)

19 (720 ILCS 570/410.5 new)

20 Sec. 410.5. Deferred adjudication.

21 (a) Whenever any person who has not previously been
22 convicted of, or placed on probation or court supervision for,
23 any offense under the Cannabis Control Act or any law of the
24 United States or of any State relating to cannabis, or
25 controlled substances as defined in this Act, pleads guilty to
26 or is found guilty of violating Section 402 of this Act that is
27 a Class 4 felony, the court shall, without entering a judgment
28 and with the consent of such person, sentence him or her to
29 deferred adjudication.

30 (b) When a person is placed on deferred adjudication, the
31 court shall enter an order specifying a period of deferred
32 adjudication of at least 12 months and a maximum period of 18
33 months, and shall defer further proceedings in the case until
34 the conclusion of the period or until the filing of a petition
35 alleging violation of a term or condition of deferred

1 adjudication.

2 (c) The conditions of deferred adjudication shall be that
3 the person:

4 (1) not violate any criminal statute of any
5 jurisdiction;

6 (2) refrain from possession of a firearm or other
7 dangerous weapon;

8 (3) submit to periodic drug testing at a time and in a
9 manner as ordered by the court, but no less than 3 times
10 during the period of the deferred adjudication, with the
11 cost of the testing to be paid by the person on deferred
12 adjudication; and

13 (4) perform no less than 30 hours of community service,
14 provided community service is available in the
15 jurisdiction and is funded and approved by the county
16 board.

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

19 (1) make a report to and appear in person before or
20 participate with the court or such courts, person, or
21 social service agency as directed by the court in the order
22 of deferred adjudication;

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical or psychiatric treatment; or
27 treatment for drug addiction or alcoholism;

28 (5) attend or reside in a facility established for the
29 instruction or residence of defendants on deferred
30 adjudication;

31 (6) support his or her dependents;

32 (7) refrain from possessing a firearm or other
33 dangerous weapon;

34 (7-5) refrain from having in his or her body the
35 presence of any illicit drug prohibited by the Cannabis
36 Control Act, the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act,
2 unless prescribed by a physician, and submit samples of his
3 or her blood or urine or both for tests to determine the
4 presence of any illicit drug;

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

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

7 (ii) attend school;

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

9 (iv) contribute to his own support at home or in a
10 foster home.

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

14 (f) Upon fulfillment of the terms and conditions of
15 deferred adjudication, the court shall discharge such person
16 and dismiss the proceedings against him or her.

17 (g) A disposition of deferred adjudication is considered to
18 be a conviction for the purposes of imposing the conditions of
19 deferred adjudication and for appeal, however, discharge and
20 dismissal under this Section is not a conviction for purposes
21 of disqualification or disabilities imposed by law upon
22 conviction of a crime.

23 (h) Discharge and dismissal under this Section may occur
24 only once with respect to any person unless the court
25 determines that the person may benefit from this disposition
26 for a second or subsequent violation.

27 (i) If a person eligible for deferred adjudication under
28 subsection (a) does not agree to the disposition, the court
29 shall sentence the person to probation. The arrest and court
30 records of a person sentenced to probation under this
31 subsection (i) who successfully completes his or her terms of
32 probation shall be expunged and sealed in accordance with
33 Section 5 of the Criminal Identification Act.

34 (j) If a person is convicted of an offense under this Act,
35 the Illinois Controlled Substances Act, or the Methamphetamine
36 Control and Community Protection Act within 5 years subsequent

1 to a discharge and dismissal under this Section, the discharge
2 and dismissal under this Section shall be admissible in the
3 sentencing proceeding for that conviction as a factor in
4 aggravation.

5 (k) A person is not eligible for a disposition of deferred
6 adjudication if he or she has during the course of the act
7 giving rise to the offense under Section 402 of this Act
8 committed any violation of Section 5, 5.1, 5.2, 7, or 8 of the
9 Cannabis Control Act, any violation of Section 401, 405, 405.1,
10 or 405.2, 405.3, 406, 406.1, 407, 407.1, 407.2, or 408 of this
11 Act, any violation of the Methamphetamine Control and Community
12 Protection Act involving the manufacture, delivery, or
13 possession with intent to deliver of methamphetamine or a
14 methamphetamine precursor, or any offense that is a violent
15 crime under the Rights of Crime Victims and Witnesses Act.