



Rep. Jim Durkin

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10000SB1722ham001

LRB100 11347 SLF 27003 a

1 AMENDMENT TO SENATE BILL 1722

2 AMENDMENT NO. _____. Amend Senate Bill 1722 on page 1, by
3 inserting immediately below line 5 the following:

4 "Section 3. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2605-605 as follows:

7 (20 ILCS 2605/2605-605 new)

8 Sec. 2605-605. Violent Crime Intelligence Task Force.

9 The Director of State Police may establish a statewide
10 multi-jurisdictional Violent Crime Intelligence Task Force led
11 by the Department of State Police dedicated to combating gun
12 violence, gun-trafficking, and other violent crime with the
13 primary mission of preservation of life and reducing the
14 occurrence and the fear of crime. The objective of the Task
15 Force shall include, but not be limited to, reducing and
16 preventing illegal possession and use of firearms,

1 firearm-related homicides, and other violent crimes.

2 (1) The Task Force may develop and acquire information,
3 training, tools, and resources necessary to implement a
4 data-driven approach to policing, with an emphasis on
5 intelligence development.

6 (2) The Task Force may utilize information sharing,
7 partnerships, crime analysis, and evidence-based practices to
8 assist in the reduction of firearm-related shootings,
9 homicides, and gun-trafficking.

10 (3) The Task Force may recognize and utilize best practices
11 of community policing and may develop potential partnerships
12 with faith-based and community organizations to achieve its
13 goals.

14 (4) The Task Force may identify and utilize best practices
15 in drug-diversion programs and other community-based services
16 to redirect low-level offenders.

17 (5) The Task Force may assist in violence suppression
18 strategies including, but not limited to, details in identified
19 locations that have shown to be the most prone to gun violence
20 and violent crime, focused deterrence against violent gangs and
21 groups considered responsible for the violence in communities,
22 and other intelligence driven methods deemed necessary to
23 interrupt cycles of violence or prevent retaliation.

24 (6) In consultation with the Chief Procurement Officer, the
25 Department of State Police may obtain contracts for software,
26 commodities, resources, and equipment to assist the Task Force

1 with achieving this Act. Any contracts necessary to support the
2 delivery of necessary software, commodities, resources, and
3 equipment are not subject to the Illinois Procurement Code,
4 except for Sections 20-60, 20-65, 20-70, and 20-160 and Article
5 50 of that Code, provided that the Chief Procurement Officer
6 may, in writing with justification, waive any certification
7 required under Article 50 of the Illinois Procurement Code.";
8 and

9 on page 52, line 25, by replacing "Section 5-4.5-110" with
10 "Sections 5-4.5-110 and 5-6-3.6"; and

11 on page 100, by replacing lines 25 and 26 with the following:

12 "(b) APPLICABILITY. For an offense committed on or after
13 the effective date of this amendatory Act of the 100th General
14 Assembly and before January 1, 2023, when a person is"; and

15 on page 101, by inserting immediately below line 24 the
16 following:

17 "(3) The sentencing guidelines in paragraphs (1) and
18 (2) of this subsection (c) apply only to offenses committed
19 on and after the effective date of this amendatory Act of
20 the 100th General Assembly and before January 1, 2023.";
21 and

22 on page 103, by inserting immediately below line 25 the

1 following:

2 "(e) This Section is repealed on January 1, 2023."; and

3 on page 113, by inserting immediately below line 22 the
4 following:

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

6 Sec. 5-6-3.6. First Time Weapon Offender Program.

7 (a) The General Assembly has sought to promote public
8 safety, reduce recidivism, and conserve valuable resources of
9 the criminal justice system through the creation of diversion
10 programs for non-violent offenders. This Amendatory Act of the
11 100th General Assembly establishes a pilot program for
12 first-time, non-violent offenders charged with certain weapons
13 offenses. The General Assembly recognizes some persons,
14 particularly young adults in areas of high crime or poverty,
15 may have experienced trauma that contributes to poor decision
16 making skills, and the creation of a diversionary program poses
17 a greater benefit to the community and the person than
18 incarceration. Under this program, a court, with the consent of
19 the defendant and the State's Attorney, may sentence a
20 defendant charged with an unlawful use of weapons offense under
21 Section 24-1 of the Criminal Code of 2012 or aggravated
22 unlawful use of a weapon offense under Section 24-1.6 of the
23 Criminal Code of 2012, if punishable as a Class 4 felony or
24 lower, to a First Time Weapon Offender Program.

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

2 (1) the offense was committed during the commission of
3 a violent offense as defined in subsection (h) of this
4 Section;

5 (2) he or she has previously been convicted or placed
6 on probation or conditional discharge for any violent
7 offense under the laws of this State, the laws of any other
8 state, or the laws of the United States;

9 (3) he or she had a prior successful completion of the
10 First Time Weapon Offender Program under this Section;

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

13 (5) he or she is 21 years of age or older; or

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

16 (b-5) In considering whether a defendant shall be sentenced
17 to the First Time Weapon Offender Program, the court shall
18 consider the following:

19 (1) the age, immaturity, or limited mental capacity of
20 the defendant;

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

22 (3) whether participation in the Program is in the
23 interest of the defendant's rehabilitation, including any
24 employment or involvement in community, educational,
25 training, or vocational programs;

26 (4) whether the defendant suffers from trauma, as

1 supported by documentation or evaluation by a licensed
2 professional; and

3 (5) the potential risk to public safety.

4 (c) For an offense committed on or after the effective date
5 of this amendatory Act of the 100th General Assembly and before
6 January 1, 2023, whenever an eligible person pleads guilty to
7 an unlawful use of weapons offense under Section 24-1 of the
8 Criminal Code of 2012 or aggravated unlawful use of a weapon
9 offense under Section 24-1.6 of the Criminal Code of 2012,
10 which is punishable as a Class 4 felony or lower, the court,
11 with the consent of the defendant and the State's Attorney,
12 may, without entering a judgment, sentence the defendant to
13 complete the First Time Weapon Offender Program. When a
14 defendant is placed in the Program, the court shall defer
15 further proceedings in the case until the conclusion of the
16 period or until the filing of a petition alleging violation of
17 a term or condition of the Program. Upon violation of a term or
18 condition of the Program the court may enter a judgment on its
19 original finding of guilt and proceed as otherwise provided by
20 law. Upon fulfillment of the terms and conditions the Program,
21 the court shall discharge the person and dismiss the
22 proceedings against the person.

23 (d) The Program shall be at least 18 months and not to
24 exceed 24 months, as determined by court at the recommendation
25 of program administrator and the State's Attorney.

26 (e) The conditions of the Program shall be that the

1 defendant:

2 (1) not violate any criminal statute of this State or
3 any other jurisdiction;

4 (2) refrain from possessing a firearm or other
5 dangerous weapon;

6 (3) obtain or attempt to obtain employment;

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

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

18 (6) perform a minimum of 50 hours of community service;

19 (7) attend and participate in any Program activities
20 deemed required by the Program administrator, including
21 but not limited: counseling sessions, in-person and over
22 the phone check-ins, and educational classes; and

23 (8) pay all fines, assessments, fees, and costs.

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

26 (1) wear an ankle bracelet with GPS tracking;

1 (2) undergo medical or psychiatric treatment, or
2 treatment or rehabilitation approved by the Department of
3 Human Services; and

4 (3) attend or reside in a facility established for the
5 instruction or residence of defendants on probation.

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

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

20 (i) This Section is repealed on January 1, 2023."