

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7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 5-6-3.6. First Time Weapon 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 100th General Assembly establishes a pilot program for
14 first-time, non-violent offenders charged with certain weapons
15 offenses. The General Assembly recognizes some persons,
16 particularly young adults in areas of high crime or poverty,
17 may have experienced trauma that contributes to poor decision
18 making skills, and the creation of a diversionary program
19 poses a greater benefit to the community and the person than
20 incarceration. Under this program, a court, with the consent
21 of the defendant and the State's Attorney, may sentence a
22 defendant charged with an unlawful use of weapons offense
23 under Section 24-1 of the Criminal Code of 2012 or aggravated

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

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

5 (1) the offense was committed during the commission of
6 a violent offense as defined in subsection (h) of this
7 Section;

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

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

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

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

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

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

22 (1) the age, immaturity, or limited mental capacity of
23 the defendant;

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

25 (3) whether participation in the Program is in the
26 interest of the defendant's rehabilitation, including any

1 employment or involvement in community, educational,
2 training, or vocational programs;

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

6 (5) the potential risk to public safety.

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

26 (d) The Program shall be at least 18 months and not to

1 exceed 24 months, as determined by the court at the
2 recommendation of the Program ~~program~~ administrator and the
3 State's Attorney. The Program administrator may be appointed
4 by the Chief Judge of each Judicial Circuit.

5 (e) The conditions of the Program shall be that the
6 defendant:

7 (1) not violate any criminal statute of this State or
8 any other jurisdiction;

9 (2) refrain from possessing a firearm or other
10 dangerous weapon;

11 (3) obtain or attempt to obtain employment;

12 (4) attend educational courses designed to prepare the
13 defendant for obtaining a high school diploma or to work
14 toward passing high school equivalency testing or to work
15 toward completing a vocational training program;

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

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

25 (7) attend and participate in any Program activities
26 deemed required by the Program administrator, including

1 but not limited to: counseling sessions, in-person and
2 over the phone check-ins, and educational classes; and

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

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

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

7 (2) undergo medical or psychiatric treatment, or
8 treatment or rehabilitation approved by the Department of
9 Human Services; and

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

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

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

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

1 (Source: P.A. 100-3, eff. 1-1-18.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.