



Rep. Kevin John Olickal

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10300HB2543ham001

LRB103 26123 RLC 58865 a

1 AMENDMENT TO HOUSE BILL 2543

2 AMENDMENT NO. _____. Amend House Bill 2543 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7 (Section scheduled to be repealed on January 1, 2024)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 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,

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

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

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

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

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

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

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

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

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

4 (1) the age, immaturity, or limited mental capacity of
5 the defendant;

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

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

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

14 (5) the potential risk to public safety.

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

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

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

13 (e) The conditions of the Program shall be that the
14 defendant:

15 (1) not violate any criminal statute of this State or
16 any other jurisdiction;

17 (2) refrain from possessing a firearm or other
18 dangerous weapon;

19 (3) obtain or attempt to obtain employment;

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

24 (5) refrain from having in his or her body the
25 presence of any illicit drug prohibited by the
26 Methamphetamine Control and Community Protection Act, the

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

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

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

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

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

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

15 (2) undergo medical or psychiatric treatment, or
16 treatment or rehabilitation approved by the Department of
17 Human Services; and

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

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

26 (h) For purposes of this Section, "violent offense" means

1 any offense in which bodily harm was inflicted or force was
2 used against any person or threatened against any person; any
3 offense involving the possession of a firearm or dangerous
4 weapon; any offense involving sexual conduct, sexual
5 penetration, or sexual exploitation; violation of an order of
6 protection, stalking, hate crime, domestic battery, or any
7 offense of domestic violence.

8 (i) (Blank). ~~This Section is repealed on January 1, 2024.~~
9 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."