



Rep. Kevin John Olickal

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LRB103 37363 RLC 72000 a

1 AMENDMENT TO HOUSE BILL 5285

2 AMENDMENT NO. _____. Amend House Bill 5285 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 2-5 as follows:

6 (720 ILCS 5/2-5) (from Ch. 38, par. 2-5)

7 Sec. 2-5. "Conviction". "Conviction" means a judgment of
8 conviction or sentence entered upon a plea of guilty or upon a
9 verdict or finding of guilty of an offense, rendered by a
10 legally constituted jury or by a court of competent
11 jurisdiction authorized to try the case without a jury. If
12 judgment is withheld, the plea, verdict, or finding of guilty
13 is not a conviction under Illinois law unless and until
14 judgment is entered.

15 (Source: Laws 1961, p. 1983.)

1 Section 10. The Cannabis Control Act is amended by
2 changing Section 10 as follows:

3 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

4 Sec. 10. (a) Whenever any person who has not previously
5 been convicted of any felony offense under this Act or any law
6 of the United States or of any State relating to cannabis, or
7 controlled substances as defined in the Illinois Controlled
8 Substances Act, pleads guilty to or is found guilty of
9 violating Sections 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of
10 this Act, the court may, without entering a judgment and with
11 the consent of such person, sentence him to probation. A
12 sentence under this Section shall not be considered a
13 conviction under Illinois law unless and until judgment is
14 entered under subsection (e) of this Section.

15 (b) When a person is placed on probation, the court shall
16 enter an order specifying a period of probation of 24 months,
17 and shall defer further proceedings in the case until the
18 conclusion of the period or until the filing of a petition
19 alleging violation of a term or condition of probation.

20 (c) The conditions of probation shall be that the person:
21 (1) not violate any criminal statute of any jurisdiction; (2)
22 refrain from possession of a firearm or other dangerous
23 weapon; (3) submit to periodic drug testing at a time and in a
24 manner as ordered by the court, but no less than 3 times during
25 the period of the probation, with the cost of the testing to be

1 paid by the probationer; and (4) perform no less than 30 hours
2 of community service, provided community service is available
3 in the jurisdiction and is funded and approved by the county
4 board. The court may give credit toward the fulfillment of
5 community service hours for participation in activities and
6 treatment as determined by court services.

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

9 (1) make a report to and appear in person before or
10 participate with the court or such courts, person, or
11 social service agency as directed by the court in the
12 order of probation;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical or psychiatric treatment; or
17 treatment for drug addiction or alcoholism;

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

20 (6) support his dependents;

21 (7) refrain from possessing a firearm or other
22 dangerous weapon;

23 (7-5) refrain from having in his or her body the
24 presence of any illicit drug prohibited by the Cannabis
25 Control Act, the Illinois Controlled Substances Act, or
26 the Methamphetamine Control and Community Protection Act,

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

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

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

6 (ii) attend school;

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

8 (iv) provide nonfinancial contributions to his own
9 support at home or in a foster home.

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

13 (f) Upon fulfillment of the terms and conditions of
14 probation, the court shall discharge such person and dismiss
15 the proceedings against him.

16 (g) A disposition of probation is considered to be a
17 conviction for the purposes of imposing the conditions of
18 probation and for appeal, however, a sentence discharge and
19 dismissal under this Section is not a conviction for purposes
20 of disqualification or disabilities imposed by law upon
21 conviction of a crime (including the additional penalty
22 imposed for subsequent offenses under Section 4(c), 4(d), 5(c)
23 or 5(d) of this Act) unless and until judgment is entered.

24 (h) A person may not have more than one discharge and
25 dismissal under this Section within a 4-year period.

26 (i) If a person is convicted of an offense under this Act,

1 the Illinois Controlled Substances Act, or the Methamphetamine
2 Control and Community Protection Act within 5 years subsequent
3 to a discharge and dismissal under this Section, the discharge
4 and dismissal under this Section shall be admissible in the
5 sentencing proceeding for that conviction as a factor in
6 aggravation.

7 (j) Notwithstanding subsection (a), before a person is
8 sentenced to probation under this Section, the court may refer
9 the person to the drug court established in that judicial
10 circuit pursuant to Section 15 of the Drug Court Treatment
11 Act. The drug court team shall evaluate the person's
12 likelihood of successfully completing a sentence of probation
13 under this Section and shall report the results of its
14 evaluation to the court. If the drug court team finds that the
15 person suffers from a substance abuse problem that makes him
16 or her substantially unlikely to successfully complete a
17 sentence of probation under this Section, then the drug court
18 shall set forth its findings in the form of a written order,
19 and the person shall not be sentenced to probation under this
20 Section, but shall be considered for the drug court program.

21 (k) Fines and assessments, such as fees or administrative
22 costs, authorized under this Section shall not be ordered or
23 imposed against a minor subject to Article III, IV, or V of the
24 Juvenile Court Act of 1987, or a minor under the age of 18
25 transferred to adult court or excluded from juvenile court
26 jurisdiction under Article V of the Juvenile Court Act of

1 1987, or the minor's parent, guardian, or legal custodian.

2 (Source: P.A. 103-379, eff. 7-28-23.)

3 Section 15. The Illinois Controlled Substances Act is
4 amended by changing Section 410 as follows:

5 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

6 Sec. 410. (a) Whenever any person who has not previously
7 been convicted of any felony offense under this Act or any law
8 of the United States or of any State relating to cannabis or
9 controlled substances, pleads guilty to or is found guilty of
10 possession of a controlled or counterfeit substance under
11 subsection (c) of Section 402 or of unauthorized possession of
12 prescription form under Section 406.2, the court, without
13 entering a judgment and with the consent of such person, may
14 sentence him or her to probation. A sentence under this
15 Section shall not be considered a conviction under Illinois
16 law unless and until judgment is entered under subsection (e)
17 of this Section.

18 (b) When a person is placed on probation, the court shall
19 enter an order specifying a period of probation of 24 months
20 and shall defer further proceedings in the case until the
21 conclusion of the period or until the filing of a petition
22 alleging violation of a term or condition of probation.

23 (c) The conditions of probation shall be that the person:
24 (1) not violate any criminal statute of any jurisdiction; (2)

1 refrain from possessing a firearm or other dangerous weapon;
2 (3) submit to periodic drug testing at a time and in a manner
3 as ordered by the court, but no less than 3 times during the
4 period of the probation, with the cost of the testing to be
5 paid by the probationer; and (4) perform no less than 30 hours
6 of community service, provided community service is available
7 in the jurisdiction and is funded and approved by the county
8 board. The court may give credit toward the fulfillment of
9 community service hours for participation in activities and
10 treatment as determined by court services.

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

13 (1) make a report to and appear in person before or
14 participate with the court or such courts, person, or
15 social service agency as directed by the court in the
16 order of probation;

17 (2) pay a fine and costs;

18 (3) work or pursue a course of study or vocational
19 training;

20 (4) undergo medical or psychiatric treatment; or
21 treatment or rehabilitation approved by the Illinois
22 Department of Human Services;

23 (5) attend or reside in a facility established for the
24 instruction or residence of defendants on probation;

25 (6) support his or her dependents;

26 (6-5) refrain from having in his or her body the

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

7 (7) and in addition, if a minor:

8 (i) reside with his or her parents or in a foster
9 home;

10 (ii) attend school;

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

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

14 (e) Upon violation of a term or condition of probation,
15 the court may enter a judgment on its original finding of guilt
16 and proceed as otherwise provided.

17 (f) Upon fulfillment of the terms and conditions of
18 probation, the court shall discharge the person and dismiss
19 the proceedings against him or her.

20 (g) A disposition of probation is considered to be a
21 conviction for the purposes of imposing the conditions of
22 probation and for appeal, however, a sentence ~~discharge and~~
23 ~~dismissal~~ under this Section is not a conviction for purposes
24 of this Act or for purposes of disqualifications or
25 disabilities imposed by law upon conviction of a crime unless
26 and until judgment is entered.

1 (h) A person may not have more than one discharge and
2 dismissal under this Section within a 4-year period.

3 (i) If a person is convicted of an offense under this Act,
4 the Cannabis Control Act, or the Methamphetamine Control and
5 Community Protection Act within 5 years subsequent to a
6 discharge and dismissal under this Section, the discharge and
7 dismissal under this Section shall be admissible in the
8 sentencing proceeding for that conviction as evidence in
9 aggravation.

10 (j) Notwithstanding subsection (a), before a person is
11 sentenced to probation under this Section, the court may refer
12 the person to the drug court established in that judicial
13 circuit pursuant to Section 15 of the Drug Court Treatment
14 Act. The drug court team shall evaluate the person's
15 likelihood of successfully completing a sentence of probation
16 under this Section and shall report the results of its
17 evaluation to the court. If the drug court team finds that the
18 person suffers from a substance abuse problem that makes him
19 or her substantially unlikely to successfully complete a
20 sentence of probation under this Section, then the drug court
21 shall set forth its findings in the form of a written order,
22 and the person shall not be sentenced to probation under this
23 Section, but shall be considered for the drug court program.

24 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
25 100-575, eff. 1-8-18.)

1 Section 20. The Methamphetamine Control and Community
2 Protection Act is amended by changing Section 70 as follows:

3 (720 ILCS 646/70)

4 Sec. 70. Probation.

5 (a) Whenever any person who has not previously been
6 convicted of any felony offense under this Act, the Illinois
7 Controlled Substances Act, the Cannabis Control Act, or any
8 law of the United States or of any state relating to cannabis
9 or controlled substances, pleads guilty to or is found guilty
10 of possession of less than 15 grams of methamphetamine under
11 paragraph (1) or (2) of subsection (b) of Section 60 of this
12 Act, the court, without entering a judgment and with the
13 consent of the person, may sentence him or her to probation. A
14 sentence under this Section shall not be considered a
15 conviction under Illinois law unless and until judgment is
16 entered under subsection (e) of this Section.

17 (b) When a person is placed on probation, the court shall
18 enter an order specifying a period of probation of 24 months
19 and shall defer further proceedings in the case until the
20 conclusion of the period or until the filing of a petition
21 alleging violation of a term or condition of probation.

22 (c) The conditions of probation shall be that the person:

23 (1) not violate any criminal statute of any
24 jurisdiction;

25 (2) refrain from possessing a firearm or other

1 dangerous weapon;

2 (3) submit to periodic drug testing at a time and in a
3 manner as ordered by the court, but no less than 3 times
4 during the period of the probation, with the cost of the
5 testing to be paid by the probationer; and

6 (4) perform no less than 30 hours of community
7 service, if community service is available in the
8 jurisdiction and is funded and approved by the county
9 board. The court may give credit toward the fulfillment of
10 community service hours for participation in activities
11 and treatment as determined by court services.

12 (d) The court may, in addition to other conditions,
13 require that the person take one or more of the following
14 actions:

15 (1) make a report to and appear in person before or
16 participate with the court or such courts, person, or
17 social service agency as directed by the court in the
18 order of probation;

19 (2) pay a fine and costs;

20 (3) work or pursue a course of study or vocational
21 training;

22 (4) undergo medical or psychiatric treatment; or
23 treatment or rehabilitation approved by the Illinois
24 Department of Human Services;

25 (5) attend or reside in a facility established for the
26 instruction or residence of defendants on probation;

1 (6) support his or her dependents;

2 (7) refrain from having in his or her body the
3 presence of any illicit drug prohibited by this 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; or

8 (8) if a minor:

9 (i) reside with his or her parents or in a foster
10 home;

11 (ii) attend school;

12 (iii) attend a non-residential program for youth;
13 or

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

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

19 (f) Upon fulfillment of the terms and conditions of
20 probation, the court shall discharge the person and dismiss
21 the proceedings against the person.

22 (g) A disposition of probation is considered to be a
23 conviction for the purposes of imposing the conditions of
24 probation and for appeal, however, a sentence ~~discharge and~~
25 ~~dismissal~~ under this Section is not a conviction for purposes
26 of this Act or for purposes of disqualifications or

1 disabilities imposed by law upon conviction of a crime unless
2 and until judgment is entered.

3 (h) A person may not have more than one discharge and
4 dismissal under this Section within a 4-year period.

5 (i) If a person is convicted of an offense under this Act,
6 the Cannabis Control Act, or the Illinois Controlled
7 Substances Act within 5 years subsequent to a discharge and
8 dismissal under this Section, the discharge and dismissal
9 under this Section are admissible in the sentencing proceeding
10 for that conviction as evidence in aggravation.

11 (j) Notwithstanding subsection (a), before a person is
12 sentenced to probation under this Section, the court may refer
13 the person to the drug court established in that judicial
14 circuit pursuant to Section 15 of the Drug Court Treatment
15 Act. The drug court team shall evaluate the person's
16 likelihood of successfully completing a sentence of probation
17 under this Section and shall report the results of its
18 evaluation to the court. If the drug court team finds that the
19 person suffers from a substance abuse problem that makes him
20 or her substantially unlikely to successfully complete a
21 sentence of probation under this Section, then the drug court
22 shall set forth its findings in the form of a written order,
23 and the person shall not be sentenced to probation under this
24 Section, but shall be considered for the drug court program.

25 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
26 100-575, eff. 1-8-18.)

1 Section 25. The Unified Code of Corrections is amended by
2 changing Sections 5-6-3.4 and 5-6-3.6 as follows:

3 (730 ILCS 5/5-6-3.4)

4 Sec. 5-6-3.4. Second Chance Probation.

5 (a) Whenever any person who has not previously been
6 convicted of any felony offense under the laws of this State,
7 the laws of any other state, or the laws of the United States,
8 and pleads guilty to, or is found guilty of, possession of less
9 than 15 grams of a controlled substance; possession of less
10 than 15 grams of methamphetamine; or a probationable felony
11 offense of possession of cannabis, theft, retail theft,
12 forgery, deceptive practices, possession of a stolen motor
13 vehicle, burglary, possession of burglary tools, disorderly
14 conduct, criminal damage or trespass to property under Article
15 21 of the Criminal Code of 2012, criminal trespass to a
16 residence, an offense involving fraudulent identification, or
17 obstructing justice; or possession of cannabis, the court,
18 with the consent of the defendant and the State's Attorney,
19 may, without entering a judgment, sentence the defendant to
20 probation under this Section. A sentence under this Section
21 shall not be considered a conviction under Illinois law unless
22 and until judgment is entered under subsection (e) of this
23 Section.

24 (a-1) Exemptions. A defendant is not eligible for this

1 probation if the offense he or she pleads guilty to, or is
2 found guilty of, is a violent offense, or he or she has
3 previously been convicted of a violent offense. For purposes
4 of this probation, a "violent offense" is any offense where
5 bodily harm was inflicted or where force was used against any
6 person or threatened against any person, any offense involving
7 sexual conduct, sexual penetration, or sexual exploitation,
8 any offense of domestic violence, domestic battery, violation
9 of an order of protection, stalking, hate crime, and any
10 offense involving the possession of a firearm or dangerous
11 weapon. A defendant shall not be eligible for this probation
12 if he or she has previously been adjudicated a delinquent
13 minor for the commission of a violent offense as defined in
14 this subsection.

15 (b) When a defendant is placed on probation, the court
16 shall enter an order specifying a period of probation of not
17 less than 24 months and shall defer further proceedings in the
18 case until the conclusion of the period or until the filing of
19 a petition alleging violation of a term or condition of
20 probation.

21 (c) The conditions of probation shall be that the
22 defendant:

23 (1) not violate any criminal statute of this State or
24 any other jurisdiction;

25 (2) refrain from possessing a firearm or other
26 dangerous weapon;

1 (3) make full restitution to the victim or property
2 owner under Section 5-5-6 of this Code;

3 (4) obtain or attempt to obtain employment;

4 (5) pay fines and costs;

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

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

13 (8) perform a minimum of 30 hours of community
14 service. The court may give credit toward the fulfillment
15 of community service hours for participation in activities
16 and treatment as determined by court services.

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

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
22 order of probation;

23 (2) undergo medical or psychiatric treatment, or
24 treatment or rehabilitation approved by the Illinois
25 Department of Human Services;

26 (3) attend or reside in a facility established for the

1 instruction or residence of defendants on probation;

2 (4) support his or her dependents; or

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

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

13 (f) Upon fulfillment of the terms and conditions of
14 probation, the court shall discharge the person and dismiss
15 the proceedings against the person.

16 (g) A disposition of probation is considered to be a
17 conviction for the purposes of imposing the conditions of
18 probation and for appeal; however, a sentence discharge and
19 dismissal under this Section is not a conviction for purposes
20 of this Code or for purposes of disqualifications or
21 disabilities imposed by law upon conviction of a crime unless
22 and until judgment is entered.

23 (h) A person may only have one discharge and dismissal
24 under this Section within a 4-year period.

25 (i) If a person is convicted of any offense which occurred
26 within 5 years subsequent to a discharge and dismissal under

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

4 (j) Notwithstanding subsection (a), if the court finds
5 that the defendant suffers from a substance abuse problem,
6 then before the person is placed on probation under this
7 Section, the court may refer the person to the drug court
8 established in that judicial circuit pursuant to Section 15 of
9 the Drug Court Treatment Act. The drug court team shall
10 evaluate the person's likelihood of successfully fulfilling
11 the terms and conditions of probation under this Section and
12 shall report the results of its evaluation to the court. If the
13 drug court team finds that the person suffers from a substance
14 abuse problem that makes him or her substantially unlikely to
15 successfully fulfill the terms and conditions of probation
16 under this Section, then the drug court shall set forth its
17 findings in the form of a written order, and the person shall
18 be ineligible to be placed on probation under this Section,
19 but shall be considered for the drug court program.

20 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
21 100-575, eff. 1-8-18.)

22 (730 ILCS 5/5-6-3.6)

23 Sec. 5-6-3.6. First Time Weapon Offense Program.

24 (a) The General Assembly has sought to promote public
25 safety, reduce recidivism, and conserve valuable resources of

1 the criminal justice system through the creation of diversion
2 programs for non-violent offenders. This amendatory Act of the
3 103rd General Assembly establishes a program for first-time,
4 non-violent offenders charged with certain weapons possession
5 offenses. The General Assembly recognizes some persons,
6 particularly in areas of high crime or poverty, may have
7 experienced trauma that contributes to poor decision making
8 skills, and the creation of a diversionary program poses a
9 greater benefit to the community and the person than
10 incarceration. Under this program, a court, with the consent
11 of the defendant and the State's Attorney, may sentence a
12 defendant charged with an unlawful use of weapons offense
13 under Section 24-1 of the Criminal Code of 2012 or aggravated
14 unlawful use of a weapon offense under Section 24-1.6 of the
15 Criminal Code of 2012, if punishable as a Class 4 felony or
16 lower, to a First Time Weapon Offense Program.

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

18 (1) the offense was committed during the commission of
19 a violent offense as defined in subsection (h) of this
20 Section;

21 (2) he or she has previously been convicted or placed
22 on probation or conditional discharge for any violent
23 offense under the laws of this State, the laws of any other
24 state, or the laws of the United States;

25 (3) he or she had a prior successful completion of the
26 First Time Weapon Offense Program under this Section;

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

3 (5) (blank); or

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

6 (b-5) In considering whether a defendant shall be
7 sentenced to the First Time Weapon Offense Program, the court
8 shall consider the following:

9 (1) the age, immaturity, or limited mental capacity of
10 the defendant;

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

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

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

19 (5) the potential risk to public safety.

20 (c) For an offense committed on or after January 1, 2018
21 (the effective date of Public Act 100-3) whenever an eligible
22 person pleads guilty to an unlawful use of weapons offense
23 under Section 24-1 of the Criminal Code of 2012 or aggravated
24 unlawful use of a weapon offense under Section 24-1.6 of the
25 Criminal Code of 2012, which is punishable as a Class 4 felony
26 or lower, the court, with the consent of the defendant and the

1 State's Attorney, may, without entering a judgment, sentence
2 the defendant to complete the First Time Weapon Offense
3 Program. When a defendant is placed in the Program, the court
4 shall defer further proceedings in the case until the
5 conclusion of the period or until the filing of a petition
6 alleging violation of a term or condition of the Program. A
7 disposition of probation is considered to be a conviction for
8 the purposes of imposing the conditions of probation and for
9 appeal, however, a sentence under this Section is not a
10 conviction for purposes of this Act or for purposes of
11 disqualifications or disabilities imposed by law upon
12 conviction of a crime unless and until judgment is entered.

13 Upon violation of a term or condition of the Program, the court
14 may enter a judgment on its original finding of guilt and
15 proceed as otherwise provided by law. Upon fulfillment of the
16 terms and conditions of the Program, the court shall discharge
17 the person and dismiss the proceedings against the person.

18 (d) The Program shall be at least 6 months and not to
19 exceed 24 months, as determined by the court at the
20 recommendation of the Program administrator and the State's
21 Attorney. The Program administrator may be appointed by the
22 Chief Judge of each Judicial Circuit.

23 (e) The conditions of the Program shall be that the
24 defendant:

- 25 (1) not violate any criminal statute of this State or
26 any other jurisdiction;

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

3 (3) (blank);

4 (4) (blank);

5 (5) (blank);

6 (6) (blank);

7 (7) attend and participate in any Program activities
8 deemed required by the Program administrator, such as:
9 counseling sessions, in-person and over the phone
10 check-ins, and educational classes; and

11 (8) (blank).

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

14 (1) obtain or attempt to obtain employment;

15 (2) attend educational courses designed to prepare the
16 defendant for obtaining a high school diploma or to work
17 toward passing high school equivalency testing or to work
18 toward completing a vocational training program;

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

26 (4) perform community service;

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

2 (6) comply with such other reasonable conditions as
3 the court may impose.

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

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

18 (i) (Blank).

19 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22;
20 103-370, eff. 7-28-23.)".