



Rep. Kimberly du Buclet

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LRB097 16552 RLC 69363 a

1 AMENDMENT TO SENATE BILL 3349

2 AMENDMENT NO. _____. Amend Senate Bill 3349, AS AMENDED,
3 by replacing all of Sec. 5-6-3.3 with the following:

4 "(730 ILCS 5/5-6-3.3 new)

5 Sec. 5-6-3.3. Offender Initiative Program.

6 (a) Statement of purpose. The General Assembly seeks to
7 continue other successful programs that promote public safety,
8 conserve valuable resources, and reduce recidivism by
9 defendants who can lead productive lives by creating the
10 Offender Initiative Program.

11 (a-1) Whenever any person who has not previously been
12 convicted of, or placed on probation or conditional discharge
13 for, any felony offense under the laws of this State, the laws
14 of any other state, or the laws of the United States, is
15 arrested for and charged with a probationable felony offense of
16 theft, retail theft, forgery, possession of a stolen motor
17 vehicle, burglary, possession of burglary tools, possession of

1 cannabis, possession of a controlled substance, or possession
2 of methamphetamine, the court, with the consent of the
3 defendant and the State's Attorney, may continue this matter to
4 allow a defendant to participate and complete the Offender
5 Initiative Program.

6 (a-2) Exemptions. A defendant shall not be eligible for
7 this Program if the offense he or she has been arrested for and
8 charged with, is a violent offense. For purposes of this
9 Program, a "violent offense" is any offense where bodily harm
10 was inflicted or where force was used against any person or
11 threatened against any person, any offense involving sexual
12 conduct, sexual penetration, or sexual exploitation, any
13 offense of domestic violence, domestic battery, violation of an
14 order of protection, stalking, hate crime, driving under the
15 influence of drugs or alcohol, and any offense involving the
16 possession of a firearm or dangerous weapon. A defendant shall
17 not be eligible for this Program if he or she has previously
18 been adjudicated a delinquent minor for the commission of a
19 violent offense as defined in this subsection.

20 (b) When a defendant is placed in the Program, after both
21 the defendant and State's Attorney waive preliminary hearing
22 pursuant to Section 109-3 of the Code of Criminal Procedure of
23 1963, the court shall enter an order specifying that the
24 proceedings shall be suspended while the defendant is
25 participating in a Program of not less 12 months.

26 (c) 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) make full restitution to the victim or property
7 owner pursuant to Section 5-5-6 of this Code;

8 (4) obtain employment or perform not less than 30 hours
9 of community service, provided community service is
10 available in the county and is funded and approved by the
11 county board; and

12 (5) attend educational courses designed to prepare the
13 defendant for obtaining a high school diploma or to work
14 toward passing the high school level test of General
15 Educational Development (G.E.D.) or to work toward
16 completing a vocational training program.

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

19 (1) undergo medical or psychiatric treatment, or
20 treatment or rehabilitation approved by the Illinois
21 Department of Human Services;

22 (2) refrain from having in his or her body the presence
23 of any illicit drug prohibited by the Methamphetamine
24 Control and Community Protection Act, the Cannabis Control
25 Act or the Illinois Controlled Substances Act, unless
26 prescribed by a physician, and submit samples of his or her

1 blood or urine or both for tests to determine the presence
2 of any illicit drug;

3 (3) submit to periodic drug testing at a time, manner,
4 and frequency as ordered by the court;

5 (4) pay fines, fees and costs; and

6 (5) in addition, if a minor:

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

9 (ii) attend school;

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

11 or

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

14 (e) When the State's Attorney makes a factually specific
15 offer of proof that the defendant has failed to successfully
16 complete the Program or has violated any of the conditions of
17 the Program, the Court shall enter an order that the defendant
18 has not successfully completed the Program and continue the
19 case for arraignment pursuant to Section 113-1 of the Code of
20 Criminal Procedure of 1963 for further proceedings as if the
21 defendant had not participated in the Program.

22 (f) Upon fulfillment of the terms and conditions of the
23 Program, the State's Attorney shall dismiss the case or the
24 court shall discharge the person and dismiss the proceedings
25 against the person.

26 (g) There may be only one discharge and dismissal under

1 this Section with respect to any person.".