

HB2878



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2878

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-6-3.3

Amends the Unified Code of Corrections. Provides that during arraignment, the court shall notify the defendant if he or she qualifies for the Offender Initiative Program.

LRB098 07197 RLC 37258 b

A BILL FOR

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 5-6-3.3 as follows:

6 (730 ILCS 5/5-6-3.3)

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

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

13 (a-1) Whenever any person who has not previously been
14 convicted of, or placed on probation or conditional discharge
15 for, any felony offense under the laws of this State, the laws
16 of any other state, or the laws of the United States, is
17 arrested for and charged with a probationable felony offense of
18 theft, retail theft, forgery, possession of a stolen motor
19 vehicle, burglary, possession of burglary tools, possession of
20 cannabis, possession of a controlled substance, or possession
21 of methamphetamine, the court, with the consent of the
22 defendant and the State's Attorney, may continue this matter to
23 allow a defendant to participate and complete the Offender

1 Initiative Program. During arraignment, the court shall notify
2 the defendant if he or she qualifies for the Offender
3 Initiative Program created under this Section.

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

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

24 (c) The conditions of the Program shall be that the
25 defendant:

26 (1) not violate any criminal statute of this State or

1 any other jurisdiction;

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

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

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

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

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

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

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

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

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

4 (5) in addition, if a minor:

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

7 (ii) attend school;

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

9 or

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

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

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

24 (g) There may be only one discharge and dismissal under
25 this Section with respect to any person.

26 (Source: P.A. 97-1118, eff. 1-1-13.)