



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5583

Introduced 2/13/2026, by Rep. Sonya M. Harper

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-6-3.6  
730 ILCS 5/5-6-3.6-1 new  
730 ILCS 5/5-6-3.6-2 new

Amends the Unified Code of Corrections. Provides that the amendatory Act may be referred to as the Criminal Justice Procedural Clarification Act. Eliminates the consent of the State's Attorney as a requirement for a defendant to participate in the First Time Weapon Offense Program. Changes the eligibility requirements for the Program. Provides that the court may sentence a defendant to probation to participate in the Program, regardless of whether the State's Attorney affirmatively offers or consents to participation in the Program. Provides that the State's Attorney may object to sentencing to probation to participate in the Program only by stating on the record specific and articulable public safety reasons why probation under the provision would be inappropriate for the individual defendant. Provides that, upon objection by the State's Attorney, the court may sentence the defendant under these provisions if the court makes written findings that the defendant meets the statutory eligibility requirements and that probation under these provisions is consistent with specified public safety and the rehabilitative purposes of the Code. Provides that a defendant shall not be deemed ineligible for probation under these provisions solely because the defendant was legally ineligible to apply for a Firearm Owner's Identification Card, at the time of the offense, if no other statutory disqualifications apply. Provides that in cases involving a firearm-related offense, the court shall consider diversion to treatment, including eligibility for the First Time Weapon Offense Program prior to imposing a sentence of incarceration if certain conditions are met. Provides that a person convicted of a firearm-related offense prior to the effective date of the amendatory Act may petition the sentencing court for review if the person meets certain eligibility requirements. Effective immediately.

LRB104 17432 RLC 30857 b

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 1. This amendatory Act of the 104th General  
5 Assembly may be referred to as the Criminal Justice Procedural  
6 Clarification Act.

7 Section 5. The Unified Code of Corrections is amended by  
8 changing Section 5-6-3.6 and by adding Sections 5-6-3.6-1 and  
9 5-6-3.6-2 as follows:

10 (730 ILCS 5/5-6-3.6)

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

12 (a) The General Assembly has sought to promote public  
13 safety, reduce recidivism, and conserve valuable resources of  
14 the criminal justice system through the creation of diversion  
15 programs for non-violent offenders. Public Act 103-370  
16 establishes a program for first-time, non-violent offenders  
17 charged with certain weapons possession offenses. The General  
18 Assembly recognizes some persons, particularly in areas of  
19 high crime or poverty, may have experienced trauma that  
20 contributes to poor decision making skills, and the creation  
21 of a diversionary program poses a greater benefit to the  
22 community and the person than incarceration. Under this

1 program, a court, with the consent of the defendant ~~and the~~  
2 ~~State's Attorney~~, may sentence a defendant charged with an  
3 unlawful possession of weapons offense under Section 24-1 of  
4 the Criminal Code of 2012 or aggravated unlawful possession of  
5 a weapon offense under Section 24-1.6 of the Criminal Code of  
6 2012, if punishable as a Class 4 felony or lower, to a First  
7 Time Weapon Offense Program.

8 (a-1) A court may sentence a person charged with a  
9 violation of Section 24-1 or 24-1.6 of the Criminal Code of  
10 2012 to probation under this Section, regardless of whether  
11 the State's Attorney affirmatively offers or consents to  
12 participation in the First Time Weapon Offense Program, if the  
13 defendant:

14 (1) has no prior felony convictions;

15 (2) has not previously participated in a program of  
16 supervision or probation under this Section;

17 (3) did not use, threaten to use, or discharge a  
18 firearm in the commission of the offense;

19 (4) did not cause bodily harm to another person; and

20 (5) otherwise meets the eligibility requirements set  
21 forth in this Section.

22 (b) (Blank). ~~A defendant is not eligible for this Program~~  
23 ~~if:~~

24 ~~(1) the offense was committed during the commission of~~  
25 ~~a violent offense as defined in subsection (h) of this~~  
26 ~~Section;~~

1           ~~(2) he or she has previously been convicted or placed~~  
2           ~~on probation or conditional discharge for any violent~~  
3           ~~offense under the laws of this State, the laws of any other~~  
4           ~~state, or the laws of the United States;~~

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

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

9           ~~(5) (blank); or~~

10           ~~(6) he or she has an existing order of protection~~  
11           ~~issued against him or her.~~

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

15                   (1) the age, immaturity, or limited mental capacity of  
16                   the defendant;

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

18                   (3) whether participation in the Program is in the  
19                   interest of the defendant's rehabilitation, including any  
20                   employment or involvement in community, educational,  
21                   training, or vocational programs;

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

25                   (5) the potential risk to public safety.

26           (c) For an offense committed on or after January 1, 2018

1 (the effective date of Public Act 100-3) whenever an eligible  
2 person pleads guilty to an unlawful possession of weapons  
3 offense under Section 24-1 of the Criminal Code of 2012 or  
4 aggravated unlawful possession of a weapon offense under  
5 Section 24-1.6 of the Criminal Code of 2012, which is  
6 punishable as a Class 4 felony or lower, the court, with the  
7 consent of the defendant ~~and the State's Attorney~~, may,  
8 without entering a judgment, sentence the defendant to  
9 complete the First Time Weapon Offense Program. When a  
10 defendant is placed in the Program, the court shall defer  
11 further proceedings in the case until the conclusion of the  
12 period or until the filing of a petition alleging violation of  
13 a term or condition of the Program. A disposition of probation  
14 is considered to be a conviction for the purposes of imposing  
15 the conditions of probation and for appeal; however, a  
16 sentence under this Section is not a conviction for purposes  
17 of this Act or for purposes of disqualifications or  
18 disabilities imposed by law upon conviction of a crime unless  
19 and until judgment is entered. Upon violation of a term or  
20 condition of the Program, the court may enter a judgment on its  
21 original finding of guilt and proceed as otherwise provided by  
22 law. Upon fulfillment of the terms and conditions of the  
23 Program, the court shall discharge the person and dismiss the  
24 proceedings against the person.

25 (c-1) The State's Attorney may object to sentencing under  
26 this Section only by stating on the record specific and

1 articulable public safety reasons why probation under this  
2 Section would be inappropriate for the individual defendant.

3 (c-2) Upon objection by the State's Attorney, the court  
4 may sentence the defendant under this Section if the court  
5 makes written findings that the defendant meets the statutory  
6 eligibility requirements and that probation under this Section  
7 is consistent with public safety and the rehabilitative  
8 purposes of this Code.

9 (c-3) A defendant shall not be deemed ineligible for  
10 probation under this Section solely because the defendant was  
11 legally ineligible to apply for a Firearm Owner's  
12 Identification Card, at the time of the offense, if no other  
13 statutory disqualifications apply.

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

19 (e) The conditions of the Program shall be that the  
20 defendant:

21 (1) not violate any criminal statute of this State or  
22 any other jurisdiction;

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

25 (3) (blank);

26 (4) (blank);

1 (5) (blank);

2 (6) (blank);

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

7 (8) (blank).

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

10 (1) obtain or attempt to obtain employment;

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

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

22 (4) perform community service;

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

24 (6) comply with such other reasonable conditions as  
25 the court may impose.

26 (f-1) Upon the successful completion of the Program, a

1 defendant may submit an application for a Firearm Owner's  
2 Identification Card upon receiving a court order demonstrating  
3 completion of the Program. The Illinois State Police shall  
4 issue a Firearm Owner's Identification Card to such person  
5 upon receiving a court order demonstrating completion of the  
6 Program if the person is otherwise eligible to receive a  
7 Firearm Owner's Identification Card. Nothing in this Section  
8 shall prohibit the Illinois State Police from denying an  
9 application for or revoking a Firearm Owner's Identification  
10 Card as provided by law.

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

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

25 (i) (Blank).

26 (Source: P.A. 103-370, eff. 7-28-23; 103-702, eff. 1-1-25;

1 103-822, eff. 1-1-25; 104-398, eff. 1-1-26; 104-417, eff.  
2 8-15-25.)

3 (730 ILCS 5/5-6-3.6-1 new)

4 Sec. 5-6-3.6-1. Mental health crisis consideration for  
5 firearm-related offenses.

6 (a) In cases involving a firearm-related offense, the  
7 court shall consider diversion to treatment, including  
8 eligibility for probation under Section 5-6-3.6, prior to  
9 imposing a sentence of incarceration if:

10 (1) the conduct occurred during a documented mental  
11 health crisis;

12 (2) the defendant did not discharge the firearm,  
13 threaten another person, or cause bodily harm; and

14 (3) the defendant cooperated with law enforcement.

15 (b) Documentation of a mental health crisis may include,  
16 but is not limited to:

17 (1) hospital or emergency medical records;

18 (2) voluntary admission to a mental health facility;

19 (3) evaluations by licensed mental health  
20 professionals; or

21 (4) other reliable clinical evidence.

22 (c) Nothing in this Section shall be construed to require  
23 diversion or probation in any case involving violence, threats  
24 of violence, or use of a firearm against another person.

1 (730 ILCS 5/5-6-3.6-2 new)

2 Sec. 5-6-3.6-2. Retroactive review of First Time Weapon  
3 Offense Program eligibility.

4 (a) A person convicted of a firearm-related offense prior  
5 to the effective date of this amendatory Act of the 104th  
6 General Assembly may petition the sentencing court for review  
7 if the person:

8 (1) meets the eligibility criteria for probation under  
9 Section 5-6-3.6; and

10 (2) was denied access to the program established under  
11 section 5-6-3.6 solely due to prosecutorial policy rather  
12 than statutory ineligibility.

13 (b) Upon review, the court may:

14 (1) resentence the defendant under Section 5-6-3.6;

15 (2) resentence the defendant to a term of supervision  
16 or probation; or

17 (3) order such other relief as justice requires,  
18 consistent with public safety.

19 (c) Relief under this Section shall be granted only upon  
20 written findings by the court and shall not apply to offenses  
21 involving violence, discharge of a firearm, or bodily harm.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.