



Sen. Elgie R. Sims, Jr.

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10400SB1899sam002

LRB104 07191 BDA 24861 a

1 AMENDMENT TO SENATE BILL 1899

2 AMENDMENT NO. _____. Amend Senate Bill 1899 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 and by adding Section 5-6-3.7 as
6 follows:

7 (730 ILCS 5/5-6-3.6)

8 Sec. 5-6-3.6. First Time Weapon Offense 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. Public Act 103-370 ~~This~~
13 ~~amendatory Act of the 103rd General Assembly~~ establishes a
14 program for first-time, non-violent offenders charged with
15 certain weapons possession offenses. The General Assembly
16 recognizes some persons, particularly in areas of high crime

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

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

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

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

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

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

24 (5) (blank); 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 Program, the court
3 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) whenever an eligible
17 person pleads guilty to an unlawful possession of weapons
18 offense under Section 24-1 of the Criminal Code of 2012 or
19 aggravated unlawful possession 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 Program. When a
25 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. A disposition of probation
3 is considered to be a conviction for the purposes of imposing
4 the conditions of probation and for appeal;~~it~~ however, a
5 sentence under this Section is not a conviction for purposes
6 of this Act or for purposes of disqualifications or
7 disabilities imposed by law upon conviction of a crime unless
8 and until judgment is entered. Upon violation of a term or
9 condition of the Program, the court may enter a judgment on its
10 original finding of guilt and proceed as otherwise provided by
11 law. Upon fulfillment of the terms and conditions of the
12 Program, the court shall discharge the person and dismiss the
13 proceedings against the person.

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. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22;

1 103-370, eff. 7-28-23; 103-702, eff. 1-1-25; 103-822, eff.
2 1-1-25; revised 11-26-24.)

3 (730 ILCS 5/5-6-3.7 new)

4 Sec. 5-6-3.7. Unlawful possession of weapons offense
5 diversion programs; Firearm Owner's Identification Card
6 eligibility.

7 (a) A State's Attorney, at his or her discretion, may
8 request that a defendant charged with an unlawful possession
9 of weapons offense under Section 24-1 of the Criminal Code of
10 2012 or aggravated unlawful possession of a weapon offense
11 under Section 24-1.6 of the Criminal Code of 2012, if
12 punishable as a Class 4 felony or lower, be sentenced to a
13 First Time Weapon Offense Program.

14 (b) Upon the successful completion of the diversion
15 program, a defendant may submit an application for a Firearm
16 Owner's Identification Card upon receiving a court order
17 demonstrating completion of the program. The Illinois State
18 Police shall issue a Firearm Owner's Identification Card to
19 such person upon receiving a court order demonstrating
20 completion of the program if the person is otherwise eligible
21 to receive a Firearm Owner's Identification Card. Nothing in
22 this Section shall prohibit the Illinois State Police from
23 denying an application for or revoking a Firearm Owner's
24 Identification Card as provided by law."