



## **Public Act 97-0897**

**Passed House 114-0 on March 27, 2012; Passed Senate 56-0-0 on May 22, 2012.**

**Approved by the Governor August 6, 2012.**

*Chief House Sponsor Rep. Kelly Cassidy*

*Chief House Co-Sponsors: Reps. Barbara Flynn Currie, Richard Morthland, William Davis, Edward J. Acevedo*

*Chief Senate Sponsor Jacqueline Y. Collins. Chief Senate Co-Sponsors: Toi W. Hutchinson, Iris Y. Martinez, Kyle McCarter*

### **Help improve prosecutors' ability to use our state's anti-trafficking laws and ensure that more resources are collected to support services for survivors.**

Illinois' 2006 anti-trafficking laws are not serving their intended purpose to reduce human trafficking because they don't cover the actual tactics used by many traffickers, leaving these offenders unaccountable for their crimes. HB 5278 makes several technical changes to Illinois' anti-trafficking laws which will improve the effectiveness of the trafficking statute and generate resources for services for survivors of prostitution and trafficking.

#### **Provisions**

- Amends § 720 ILCS 5/10-9(b) "Involuntary Servitude" in the criminal code by clarifying the ways that a trafficker could obtain or maintain a trafficking victim to include "any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint."
- Provides a definition of "serious harm" related to the trafficking victim that duplicates existing federal trafficking code language and includes "any harm, whether physical or nonphysical, including psychological, financial, or reputational."
- Makes a technical change to § 720 ILCS 5/10-9 "Trafficking in persons, involuntary servitude, and related offenses" by deleting the definition and references to "forced labor and services."
- Creates a statute of limitations for prosecuting involuntary sexual servitude of a minor, involuntary servitude, and trafficking in persons when the victim was under the age of 18 at the time of the offense, using the same statute of limitations currently in place for related offenses.
- Enables law enforcement entities enforcing prostitution-related offenses to collect impoundment fees passed under the 2010 Safe Children Act even if the charges were filed under a local ordinance.

#### **Why This Reform is Needed Now**

- Illinois' current trafficking law doesn't cover the tactics commonly used by traffickers, who frequently use schemes that manipulate and intimidate vulnerable people. Traffickers often don't need to resort to overt violence that the current statutory language can be read to require.
- Language in Illinois' current trafficking statute creates barriers to effective prosecutions – it contains circular, confusing language that overemphasizes the force requirements that are in place now.
- Traffickers are not being held accountable for their crimes - the state's trafficking statute has only been used in 2 of Illinois' 102 counties involving an estimated 29 defendants, and most of those cases involve child victims where overt force is not required.
- Current Illinois law does not specifically address a statute of limitations for prosecuting trafficking of youth, resulting in a danger that a trafficker could argue that a shorter statute of limitations applied.
- The 2010 Safe Children Act enhanced impoundment fees and directed 50% of those fines for grants to organizations providing services for survivors of trafficking. These funds are not being collected because law enforcement is frequently charging the offenses under their local ordinances.

*For more information, contact Daria Mueller, associate director of state affairs, Chicago Coalition for the Homeless at 414.559.5865, or*

*Lynne Johnson, policy and advocacy director, Chicago Alliance Against Sexual Exploitation at 309-750-6970.*

*For more information about End Demand Illinois, visit [www.enddemandillinois.org](http://www.enddemandillinois.org).*



## Supporting Organizations

8th Day Center for Justice

Art Works Projects

Buy Art Not People

Chicago Alliance Against Sexual Exploitation

Chicago Coalition for the Homeless

Coalition Against Trafficking in Women

Cook County State's Attorney's Office

The Dreamcatcher Foundation

Illinois Coalition Against Sexual Assault

International Justice Mission

Polaris Project

Project IRENE

Prologue Inc.

Protestants for the Common Good

The Salvation Army, PROMISE

The Voices and Faces Project

YWCA of Metropolitan Chicago