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# Illinois legislation takes on sex trafficking, but dangers remain

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By **CRIntern**, April 6, 2012 at 1:30 pm

A bill unanimously passed in the Illinois State House last week could make it easier to charge and convict cases of sex trafficking. But victims would still need to come forward and take the dangerous step of identifying the trafficker.

Sponsored by state Rep. Kelly Cassidy, [HB 5278 eases requirements for convicting traffickers](#) by broadening the legal definition of coercion beyond physical force. It will be voted on in the Illinois Senate by May 25.

"We're trying to make the law line up with what happens with real people when it comes to sex trafficking," said Daria Mueller, associate director of state affairs at the Chicago Coalition for the Homeless. The Chicago Coalition, [in partnership with End Demand Illinois](#), has been central in pushing for the new legislation.

While the law would impact all instances of trafficking, Rep. Cassidy and advocates behind the new bill are most concerned with sex trafficking.

A [2008 study of 100 Chicago sex workers](#) working under a pimp found that while 43 percent "could not leave without physical harm," even more were subjected to other forms of coercion: 76 percent suffered verbal abuse and 62 percent had money withheld.

As the law stands now, most of these forms of intimidation don't classify as trafficking.

"Unless there's been physical violence, it's difficult to bring a charge against a trafficker," said Professor Jody Raphael, senior research fellow at DePaul University College of Law and one of the authors of the study.

The proposed bill redefines "involuntary servitude" as "any scheme...that causes the person to believe that, if the person did not perform such labor or service, that person or another person would suffer serious harm or physical restraint." This would include financial, psychological, or



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reputational harm.

In 2005, Governor Blagojevich signed the Illinois Trafficking of Persons and Involuntary Servitude Act, aimed at making it easier to prosecute offenders and extend social services to victims. At the time, the governor's office heralded the act as one of the toughest, and the first state trafficking law in the country.

But for the next five years, there wasn't a single trafficking charge.

It wasn't until 2011, under a new Human Trafficking Initiative introduced by Cook County State's Attorney Anita Alvarez, that Illinois state courts saw their first conviction. In the past two years, they have charged 34 cases and 54 defendants, 17 of whom have been convicted.

Even under HB 5278, traffickers remain difficult targets. Police must rely on the victims themselves, who are often reluctant to name their traffickers.

"It's very dangerous for the victim to identify the trafficker, who has drummed into her that if she ever [does], she will be killed," Raphael said. "You might arrest the trafficker, but he has friends. How can the police promise the victim's safety?"

Raphael believes customers of paid sex are the real root of the problem. "Arresting the trafficker is not the way to end exploitation," Raphael said. "It's like drug sales—wouldn't other people come and take their place? We need to dry up the demand for paid sex."

The Cook County Sheriff's Department has been trying to do just that in recent years, with programs targeting "johns"—individuals who pay for sex.

A 2008 ordinance has allowed officers to charge up to \$1,000 in fines for soliciting prostitutes, instead of the \$100 for bail many used to pay.

"We're not seeing repeat customers like in the past, when we were going through the courts," said Sgt. William Leen of the Cook County Sheriff's Vice Unit. He estimates they've arrested 280 johns under the ordinance.

But despite recent legislation, individuals in the sex trade still bear the brunt of law enforcement. Of the 2,404 Chicago Police Department prostitution arrests in 2010, 66 percent were women—the only crime for which police arrested more women than men. (The Chicago Police Department files both customers and those involved in the sex trade under the same prostitution category). According to Mueller, a large number of prostitution charges are upgraded to a felony if there are two misdemeanor convictions.

"When you look at those individuals involved in the sex trade, many have...been victimized and exploited in so many ways," Mueller said. "Sending them to jail is not the answer. We need to address the underlying issues that are making them vulnerable."

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