

PA 98-1013: Funding Specialized Services for Survivors of Human Trafficking– Summary

INTRODUCTION TO ILLINOIS PUBLIC ACT 98-1013 (SB 3558)

Overview of the Act: PA 98-1013 creates the Specialized Services for Survivors of Human Trafficking Fund housed at the Illinois Department of Human Services (IDHS), from which grants would be made to support the development of specialized services for prostituted and trafficked people. New funding streams are proposed from fines collected against pimps, traffickers, and people who buy sex; forfeiture and impoundment proceedings.

Current Status: Passed Illinois General Assembly May 27, 2014. Signed by Governor August 21, 2014.

Sponsors: In the Senate: Toi W. Hutchinson - Karen McConnaughay - Kwame Raoul - William Delgado - Dale A. Righter, John Mulroe, Iris Y. Martinez, Michael Noland, Jacqueline Y. Collins, Bill Cunningham, David Koehler, Linda Holmes, Melinda Bush, Daniel Biss, Dan Kotowski, Emil Jones III, Kimberly A. Lightford, Mattie Hunter, Patricia Van Pelt, Michael Connelly, Antonio Muñoz, Sue Rezin, Terry Link, Julie A. Morrison, Pamela J. Althoff, Donne E. Trotter, Pat McGuire, William R. Haine, John M. Sullivan, Ira I. Silverstein, Wm. Sam McCann, Kyle McCarter, Dan Duff, and Don Harmon.

In the House: Ann Williams - Dennis M. Reboletti - Robert F. Martwick - Michael J. Zalewski - John D. Anthony, Anna Moeller, Emanuel Chris Welch, Jay Hoffman, Robyn Gabel, André M. Thapedi, Christian L. Mitchell, Naomi D. Jakobsson, Ron Sandack, David Harris, Patricia R. Bellock, Jehan A. Gordon-Booth, Brian W. Stewart, Elgie R. Sims Jr., Jim Durkin, Scott Drury, Daniel J. Burke, Esther Golar, Cynthia Soto, Barbara Wheeler, Tom Cross, Camille Y. Lilly, Al Riley, Kenneth Dunkin, Linda Chapa LaVia, Maria Antonia Berrios, and John D'Amico.

Effective Date: January 1, 2015.

CREATING A FUND FOR SERVICES

PA 98-1013 creates the Specialized Services for Survivors of Human Trafficking Fund (Fund) within IDHS. The money in the Fund is to be distributed in the form of grants to non-governmental organizations to provide specialized, trauma-informed services to survivors of prostitution and human trafficking. PA 98-1013 requires that the grants support services that “address the priority service needs associated with prostitution and human trafficking.” “Priority service needs” include, but are not limited to, community based drop in centers, emergency housing, and long term safe homes. PA 98-1013 requires IDHS to “consult with prostitution and human trafficking advocates, survivors, and service providers to identify priority service needs in their respective communities.”

CREATING STREAMS OF FUNDING

PA 98-1013 directs that, if fines are imposed against people convicted for human trafficking offenses, solicitation of a sexual act, promoting prostitution, and patronizing a prostitute, the money collected from these fines is subject to a new distribution plan. The distribution includes the circuit clerk’s office and law enforcement engaged in the operation, with the balance of the fines placed in the Fund.

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PA 98-1013 amends the existing vehicle impoundment statute, which allows law enforcement to impound a vehicle used in commission of certain prostitution offenses, to direct half of the proceeds from the fee assessed into the Fund.

Additional pimping offenses were added to Sec. 124B-300, which governs asset forfeiture for human trafficking offenses. The proceeds from asset forfeiture for the crimes listed in Sec. 124B-300 are to be distributed to the Fund, law enforcement engaged in the operation or filing the forfeiture petition, and to the Illinois State’s Attorney’s Association to support prosecutor human trafficking training.

LIMITING APPLICATION OF OFFENSE OF “SOLICITATION OF A SEXUAL ACT”

PA 98-1013 prohibits charging prostituted youth with “Solicitation of a Sexual Act.” This change was necessary to bring the statute in line with the 2010 Illinois Safe Children Act which expressed the General Assembly’s intent that prostituted youth are victims of crime who should not be subject to delinquency and criminalization.

In addition, PA 98-1013 prevents convictions of prostituted people under “Solicitation of a Sexual Act” when the defendant was engaged solely in prostitution as defined under 11-14 of the Illinois criminal code. The offense of “Solicitation of a Sexual Act” is intended to apply to people offering to buy sexual services. Unfortunately, survivors of prostitution frequently report that they are charged and convicted of Illinois’ “solicitation of a sexual act” offense. Therefore, the amendment was needed to ensure that the fines imposed to support specialized services for survivors of trafficking are not generated from criminal prosecution against the survivors themselves, but rather solely generated from the pimps, johns, and traffickers.