

Since 2011, Shared Hope has laid the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders to identify gaps in the fabric of laws needed to address child sex trafficking. The Report Cards on Child & Youth Sex Trafficking build upon the progress already made, challenging states to take the next step in the fight against sex trafficking by focusing on the area where the largest gaps remain—victim protections. This report provides a thorough review of Illinois’s laws related to both criminalization and victim protections while providing recommendations for addressing gaps in the law.



## ISSUE 1: Criminal Provisions

**Policy Goal 1.1** The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

Illinois’s trafficking law could apply to buyers of commercial sex with minors based on the term “causes.”<sup>1</sup> Specifically, 720 Ill. Comp. Stat. Ann. 5/10-9(c) (Trafficking in persons, involuntary servitude, and related offense) states,

Involuntary sexual servitude of a minor. A person commits involuntary sexual servitude of a minor when he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity,<sup>2</sup> a sexually-explicit performance, or the production of pornography, or causes or attempts to cause a minor to engage in one or more of those activities and:

- (1) there is no overt force or threat and the minor is between the ages of 17 and 18 years;
- (2) there is no overt force or threat and the minor is under the age of 17 years; or
- (3) there is overt force or threat.

However, to ensure buyers are held accountable as sex trafficking offenders, the trafficking law should be amended to expressly apply to persons who “patronize” a minor for commercial sex.

- 1.1.1 Recommendation: Amend 720 Ill. Comp. Stat. Ann. 5/10-9(c) (Trafficking in persons, involuntary servitude, and related offense) to clarify that buyer conduct is included as a violation of 720 Ill. Comp. Stat. Ann. 5/10-9.

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<sup>1</sup> Following federal precedent, “obtains” can also be a buyer-applicable term. However, the definition of “obtains” under Illinois’s trafficking law is specific to labor trafficking cases. 720 Ill. Comp. Stat. Ann. 5/10-9(a)(7).

<sup>2</sup> 720 Ill. Comp. Stat. Ann. 5/10-9(a)(2) defines “commercial sexual activity” as “any sex act on account of which anything of value is given, promised to, or received by any person.”

**Policy Goal 1.2** Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

Illinois law criminalizes both purchasing and soliciting commercial sex with a minor. Pursuant to 720 Ill. Comp. Stat. Ann. 5/11-18.1(a), (a-5) (Patronizing a minor engaged in prostitution),

(a) Any person who engages in an act of sexual penetration as defined in Section 11-0.1 of this Code [720 ILCS 5/11-0.1 (Definitions)] with a person engaged in prostitution who is under 18 years of age . . . commits patronizing a minor engaged in prostitution.

(a-5) Any person who engages in any touching or fondling, with a person engaged in prostitution who . . . is under 18 years of age . . . , of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification, commits patronizing a minor engaged in prostitution.

Additionally, 720 Ill. Comp. Stat. Ann. 5/11-14.1(a) (Solicitation of a sexual act) states,

Any person who offers a person not his or her spouse any money, property, token, object, or article or anything of value for that person or any other person not his or her spouse to perform any act of sexual penetration as defined in Section 11-0.1 of this Code [720 ILCS 5/11-0.1 (Definitions)], or any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification, commits solicitation of a sexual act.

Pursuant to 720 Ill. Comp. Stat. Ann. 5/11-25(a) (Grooming),

A person commits grooming when he or she knowingly uses a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense<sup>3</sup> as defined in Section 2 [730 ILCS 150/2 (Definitions)] of the Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child. As used in this Section, "child" means a person under 17 years of age.

Lastly, 720 Ill. Comp. Stat. Ann. 5/11-26(a) (Traveling to meet a child) provides,

A person commits traveling to meet a child when he or she travels any distance either within this State, to this State, or from this State by any means, attempts to do so, or causes another to do so or attempt to do so for the purpose of engaging in any sex offense<sup>4</sup> as defined in Section 2 [730 ILCS 150/2 (Definitions)] of the Sex Offender Registration Act, or to otherwise engage in other unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or to attempt to seduce, solicit, lure, or entice, a child or a child's guardian, or another person believed by the person to be a child or a child's guardian, for such purpose. As used in this Section, "child" means a person under 17 years of age.

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<sup>3</sup> See *supra* note 28 for the definition of "sex offense."

<sup>4</sup> See *supra* note 28 for the definition of "sex offense."

**Policy Goal 1.3** Commercial sexual exploitation of children (CSEC) laws apply to traffickers and protect all minors under 18.

Illinois’s CSEC laws address an array of trafficker conduct. Pursuant to 720 Ill. Comp. Stat. Ann. 5/11-14.4(a) (Promoting juvenile prostitution),

- Any person who knowingly performs any of the following acts commits promoting juvenile prostitution:
- (1) advances prostitution<sup>5</sup> as defined in Section 11-0.1 [720 ILCS 5/11-0.1 (Definitions)], where the minor engaged in prostitution, or any person engaged in prostitution in the place, is under 18 years of age . . . at the time of the offense;
  - (2) profits from prostitution by any means where the prostituted person is under 18 years of age . . . at the time of the offense;
  - (3) profits from prostitution by any means where the prostituted person is under 13 years of age at the time of the offense;
  - (4) confines a child under the age of 18 . . . against his or her will by the infliction or threat of imminent infliction of great bodily harm or permanent disability or disfigurement or by administering to the child . . . , without his or her consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug . . . and:
    - (A) compels the child . . . to engage in prostitution;
    - (B) arranges a situation in which the child . . . may practice prostitution; or
    - (C) profits from prostitution by the child . . . .

Additionally, 720 Ill. Comp. Stat. Ann. 5/11-25(a) (Grooming) states,

A person commits grooming when he or she knowingly uses a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child’s guardian, or another person believed by the person to be a child or a child’s guardian, to commit any sex offense<sup>6</sup> as defined in Section 2 [730 ILCS 150/2 (Definitions)] of the Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child. As used in this Section, “child” means a person under 17 years of age.

720 Ill. Comp. Stat. Ann. 5/11-26(a) (Traveling to meet a child) provides,

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<sup>5</sup> Ill. Comp. Stat. Ann. 5/11-0/1 defines “advance prostitution” as

- (1) Soliciting for a prostitute by performing any of the following acts when acting other than as a prostitute or a patron of a prostitute:
  - (A) Soliciting another for the purpose of prostitution.
  - (B) Arranging or offering to arrange a meeting of persons for the purpose of prostitution.
  - (C) Directing another to a place knowing the direction is for the purpose of prostitution.
- (2) Keeping a place of prostitution by controlling or exercising control over the use of any place that could offer seclusion or shelter for the practice of prostitution and performing any of the following acts when acting other than as a prostitute or a patron of a prostitute:
  - (A) Knowingly granting or permitting the use of the place for the purpose of prostitution.
  - (B) Granting or permitting the use of the place under circumstances from which he or she could reasonably know that the place is used or is to be used for purposes of prostitution.
  - (C) Permitting the continued use of the place after becoming aware of facts or circumstances from which he or she should reasonably know that the place is being used for purposes of prostitution.

<sup>6</sup> See *supra* note 28 for the definition of “sex offense.”

A person commits traveling to meet a child when he or she travels any distance either within this State, to this State, or from this State by any means, attempts to do so, or causes another to do so or attempt to do so for the purpose of engaging in any sex offense<sup>7</sup> as defined in Section 2 [730 ILCS 150/2 (Definitions)] of the Sex Offender Registration Act, or to otherwise engage in other unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or to attempt to seduce, solicit, lure, or entice, a child or a child's guardian, or another person believed by the person to be a child or a child's guardian, for such purpose. As used in this Section, "child" means a person under 17 years of age.

Lastly, if the trafficker is a person responsible for the child's welfare, 720 Ill. Comp. Stat. Ann. 5/11-9.1A(a) (Permitting sexual abuse of a child) applies, stating,

A person responsible for a child's welfare<sup>8</sup> commits permitting sexual abuse of a child<sup>9</sup> if the person has actual knowledge of and permits an act of sexual abuse<sup>10</sup> upon the child, or permits the child to engage in prostitution as defined in Section 11-14 of this Code [720 ILCS 5/11-14 (Prostitution)].

**Policy Goal 1.4** Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

Illinois law prohibits a mistake of age defense in prosecutions under 720 Ill. Comp. Stat. Ann. 5/11-14.4 (Promoting juvenile prostitution) if the offender had a reasonable opportunity to observe the child; however, Illinois's child sex trafficking law is silent regarding the permissibility of the defense, and the defense is expressly permitted in other CSEC cases.

Pursuant to 720 Ill. Comp. Stat. Ann. 5/11-14.4(c),

If the accused did not have a reasonable opportunity to observe the prostituted person, it is an affirmative defense to a charge of promoting juvenile prostitution, except for a charge under subdivision (a)(4), that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.

By requiring that the defendant had a "reasonable opportunity to observe," however, 720 Ill. Comp. Stat. Ann. 5/11-14.4(c) leaves open an argument by the defendant that they were merely negligent regarding the victim's age.

Conversely, 720 Ill. Comp. Stat. Ann. 5/11-18.1(b) (Patronizing a minor engaged in prostitution) expressly provides for a mistake of age defense in prosecutions under that section, stating,

It is an affirmative defense to the charge of patronizing a minor engaged in prostitution that the accused reasonably believed that the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.

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<sup>7</sup> See *supra* note 28 for the definition of "sex offense."

<sup>8</sup> 720 Ill. Comp. Stat. Ann. 5/11-9.1A(b) defines "person responsible for the child's welfare" as "the child's parent, step-parent, legal guardian, or other person having custody of a child, who is responsible for the child's care at the time of the alleged sexual abuse."

<sup>9</sup> For purposes of this section, 720 Ill. Comp. Stat. Ann. 5/11-9.1A(b) defines "child" as "am minor under the age of 17 years."

<sup>10</sup> 720 Ill. Comp. Stat. Ann. 5/11-9.1A(b) defines "sexual abuse" as "criminal sexual abuse or criminal sexual assault as defined in Section 11-1.20 [Criminal sexual assault], 11-1.30 [Aggravated criminal sexual assault], 11-1.40 [Predatory criminal sexual assault of a child], 11-1.50 [Criminal sexual abuse], or 11-1.60 [Aggravated criminal sexual abuse] of this Code . . . ."

Similarly, 720 Ill. Comp. Stat. Ann. 5/11-14.1(b-5) (Solicitation of a sexual act) states,

It is an affirmative defense to a charge of solicitation of a sexual act with a person who is under the age of 18 or who is a person with a severe or profound intellectual disability that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.

- 1.4.1 Recommendation: Prohibit a mistake of age defense in all cases involving child sex trafficking and CSEC.

**Policy Goal 1.5** Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

Although the trafficking law does not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Illinois’s criminal attempt statute, 720 Ill. Comp. Stat. Ann. 5/8-4 (Attempt), could provide prosecutors with an alternative avenue to prosecute those cases. 720 Ill. Comp. Stat. Ann. 5/8-4(b) states, “It is not a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.” Accordingly, an offender could be found guilty of attempting to commit a child sex trafficking offense despite the use of a law enforcement decoy.

**Policy Goal 1.6** The trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme.

Illinois’s trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme. Specifically, 720 Ill. Comp. Stat. Ann. 5/10-9(d) (Trafficking in persons, involuntary servitude, and related offense),

A company<sup>11</sup> commits trafficking in persons when the company knowingly benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor . . . . A violation of this subsection by a company is a business offense for which a fine of up to \$100,000 may be imposed.

**Policy Goal 1.7** State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

Illinois law levies financial penalties on sex trafficking and CSEC offenders, a percentage of which may be directed into a victim services fund. Regarding fines, 720 Ill. Comp. Stat. Ann. 5/10-9(g-5) (Trafficking in persons, involuntary servitude, and related offense) provides,

Fine distribution. If the court imposes a fine under subsection (b), (c), or (d) of this Section [inclusive of involuntary servitude, involuntary sexual servitude of a minor, and trafficking in persons], it shall be

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<sup>11</sup> Pursuant to 720 Ill. Comp. Stat. Ann. 5/10-9(a)(2.5) defines “company” as follows:

[A]ny sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability limited partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations, that exist for the purpose of making profit.



collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code of Corrections.

Similarly, 720 Ill. Comp. Stat. Ann. 5/11-14.1(b) (Solicitation of a sexual act) states in part,

If the court imposes a fine under this subsection (b), it shall be collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code of Corrections [730 ILCS 5/5-9-1.21].

Further, 705 Ill. Comp. Stat. Ann. 135/15-70(17) (Conditional assessments)<sup>12</sup> provides,

In addition to payments under one of the Schedule of Assessments 1 through 13 of this Act [Criminal and Traffic Assessment Act], the court shall also order payment of any of the following conditional assessment amounts for each sentenced violation in the case to which a conditional assessment is applicable, which shall be collected and remitted by the Clerk of the Circuit Court as provided in this Section:

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(17) violation based upon each plea of guilty, stipulation of facts, or finding of guilt resulting in a judgment of conviction or order of supervision for an offense under Section 10-9 [Trafficking in persons, involuntary servitude, and related offenses], 11-14.1 [Solicitation of a sexual act], 11-14.3 [Promoting prostitution], or 11-18 [Patronizing a prostitute] of the Criminal Code of 2012 [720 ILCS 5/10-9, 720 ILCS 5/11-14.1, 720 ILCS 5/11-14.3, or 720 ILCS 5/11-18] that results in the imposition of a fine, to be distributed as follows:

- (A) \$50 to the county treasurer for deposit into the Circuit Court Clerk Operation and Administrative Fund to cover the costs in administering this paragraph (17);
- (B) \$300 to the State Treasurer who shall deposit the portion as follows:
  - (i) if the arresting or investigating agency is the Illinois State Police, into the State Police Law Enforcement Administration Fund;
  - (ii) if the arresting or investigating agency is the Department of Natural Resources, into the Conservation Police Operations Assistance Fund;
  - (iii) if the arresting or investigating agency is the Secretary of State, into the Secretary of State Police Services Fund;
  - (iv) if the arresting or investigating agency is the Illinois Commerce Commission, into the Transportation Regulatory Fund; or
  - (v) if more than one of the State agencies in this subparagraph (B) is the arresting or investigating agency, then equal shares with the shares deposited as provided in the applicable items (i) through (iv) of this subparagraph (B); and
- (C) the remainder for deposit into the Specialized Services for Survivors of Human Trafficking Fund;

When ordered, fines collected under 720 Ill. Comp. Stat. Ann. 5/10-9(g-5) and 720 Ill. Comp. Stat. Ann. 5/11-14.1(b) and assessments collected under 705 Ill. Comp. Stat. Ann. 135/15-70 will be used to fund specialized, trauma-informed services. Pursuant to 730 Ill. Comp. Stat. Ann. 5/5-9-1.21(d) (Specialized services for survivors of human trafficking fund),

Upon appropriation of moneys from the Specialized Services for Survivors of Human Trafficking Fund, the Department of Human Services shall use these moneys to make grants to non-governmental organizations to provide specialized, trauma-informed services specifically designed to address the priority service needs associated with prostitution and human trafficking. Priority services include, but are not limited to, community based drop-in centers, emergency housing, and long-term safe homes. The

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<sup>12</sup> Notably, 705 Ill. Comp. Stat. Ann. 135/15-70 was repealed effective January 1, 2024.

Department shall consult with prostitution and human trafficking advocates, survivors, and service providers to identify priority service needs in their respective communities.

Regarding asset forfeiture,<sup>13</sup> 720 Ill. Comp. Stat. Ann. 5/10-9(j) expressly authorizes forfeiture in cases involving child sex trafficking, stating,

A person who commits involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons under subsection (b), (c), or (d) of this Section is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963 [725 ILCS 5/124B-5 et seq.].

Similarly, 720 Ill. Comp. Stat. Ann. 5/11-14.4(e) (Promoting juvenile prostitution) authorizes forfeiture in cases involving the promotion of juvenile prostitution; it states,

Forfeiture. Any person convicted of a violation of this Section that involves promoting juvenile prostitution by keeping a place of juvenile prostitution or convicted of a violation of subdivision (a)(4) is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963 [725 ILCS 5/124B-5 et seq.].

725 Ill. Comp. Stat. Ann. 5/124B-300 (Persons and property subject to forfeiture) reinforces these forfeiture requirements and expands the list of eligible offenses as follows:

A person who commits the offense of involuntary servitude, involuntary servitude of a minor, or trafficking of persons under Section 10A-10 or Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/10A-10 (now repealed) 720 ILCS 5/10-9 or 720 ILCS 5/1-1 et seq.], promoting juvenile prostitution, keeping a place of juvenile prostitution, or promoting prostitution that involves keeping a place of prostitution under subsection (a)(1) or (a)(4) of Section 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2 of the Criminal Code of 1961 or of the Criminal Code of 2012 shall forfeit to the State of Illinois any profits or proceeds and any property he or she has acquired or maintained in violation of Section 10A-10 or Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/11-14.4, 720 ILCS 5/11-14.3, 720 ILCS 5/11-17.1, 720 ILCS 5/11-19.2], promoting juvenile prostitution, keeping a place of juvenile prostitution, or promoting prostitution that involves keeping a place of prostitution under subsection (a)(1) or (a)(4) of Section 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2 of the Criminal Code of 1961 or of the Criminal Code of 2012 that the sentencing court determines, after a forfeiture hearing under this Article, to have been acquired or maintained as a result of maintaining a person in involuntary servitude or participating in trafficking of persons.

Distribution of forfeited assets is governed by 725 Ill. Comp. Stat. Ann. 5/124B-305 (Distribution of property and sale proceeds), which states,

All moneys and the sale proceeds of all other property forfeited and seized under this Part 300 [725 ILCS 5/124B-300 et seq.] shall be distributed as follows:

- (1) 45% shall be divided equally between all State agencies and units of local government whose officers or employees conducted the investigation or initiated the hearing that resulted in the forfeiture.
- (2) 50% shall be deposited into the Specialized Services for Survivors of Human Trafficking Fund and disbursed in accordance with subsections (d), (e), and (f) of Section 5-9-1.21 of the Unified Code of Corrections [730 ILCS 5/5-9-1.21].
- (3) 5% shall be paid to the Office of the State's Attorneys Appellate Prosecutor to train State's Attorneys on forfeiture proceedings and topics related to human trafficking.

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<sup>13</sup> In addition to the provisions analyzed below, assets may also be subject to forfeiture under Title V, Article 36 (Seizure and forfeiture of vessels, vehicles, and aircrafts) of the Criminal Code.



## ISSUE 2: Identification of & Response to Victims

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**Policy Goal 2.1** The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

The definition of child sex trafficking victim includes all commercially sexually exploited children without requiring third party control. 720 Ill. Comp. Stat. Ann. 5/10-9(a)(10) (Trafficking in persons, involuntary servitude, and related offense) defines “trafficking victim” as “a person subjected to the practices set forth in subsection (b), (c), (d).” 720 Ill. Comp. Stat. Ann. 5/10-9(c) does not require third party control because it can apply directly to buyers of commercial sex with minors based on the term “causes.”<sup>14</sup>

Accordingly, a trafficker need not be involved or identified to identify a commercially sexually exploited child as a trafficking victim or to establish the crime of child sex trafficking.

**Policy Goal 2.2** State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Illinois law does not require the development of policy guidance to facilitate appropriate responses to foreign national child sex trafficking victims.

2.2.1 Recommendation: Enact a law requiring the development of policy guidance to facilitate access to services and assistance for trafficked foreign national children.

**Policy Goal 2.3** State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

Illinois law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking.

2.3.1 Recommendation: Enact a state law requiring child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation.

**Policy Goal 2.4** State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Illinois law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

2.4.1 Recommendation: Enact a state law requiring juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

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<sup>14</sup> See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under 720 Ill. Comp. Stat. Ann. 5/10-9.



**Policy Goal 2.5** State law prohibits the criminalization of minors under 18 for prostitution offenses.

Illinois law clearly prohibits the prosecution of minors for prostitution offenses; however, state law contemplates the limited use of detention for investigative purposes and the possibility of charging minors engaged in commercial sex with prostitution. 720 Ill. Comp. Stat. Ann. 5/11-14 (Prostitution) provides,

(a) Any person who knowingly performs, offers or agrees to perform any act of sexual penetration as defined in Section 11.01 of this Code [Definitions] for anything of value, or any touching or fondling of the sex organs of one person by another person, for anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.

....

(d) Notwithstanding any of the foregoing, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this Section is a person under the age of 18, that person shall be immune from prosecution for a prostitution offense under this Section, and shall be subject to the temporary protective custody provisions under Sections 2-5 [Taking into custody] and 2-6 [Duty of officer] of the Juvenile Court Act of 1987. Pursuant to the provisions of 2-6 of the Juvenile Court Act of 1987, a law enforcement officer who takes a person under 18 years of age into custody under this Section shall immediately report an allegation of a violation of Section 10-9 [Trafficking in persons, involuntary servitude, and related offenses] of this Code to the Illinois Department of Children and Family Services State Central Register, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to Section 7.4 [Investigation procedures] of the Abuse and Neglected Child Reporting Act.

Similar protections are provided under 720 Ill. Comp. Stat. Ann. 5/11-14.1 (Solicitation of a sexual act), which states,

(a) Any person who offers a person not his or her spouse any money, property, token, object, or article or anything of value for that person or any other person not his or her spouse to perform any act of sexual penetration as defined in Section 11-01. of this Code, or any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification, commits sexual solicitation of a sexual act.

....

(c) This Section does not apply to a person engaged in prostitution who is under 18 years of age.

Consequently, while Illinois law fails to prohibit the limited use of detention or potential use of charges in response to commercially sexually exploited minors under Ill. Comp. Stat. Ann. 5/11-14.1, statutory protections provide alternative mechanisms for taking such minors into protective custody and safeguards from prosecution for prostitution offenses.

- 2.5.1 Recommendation: Amend state law to clearly prohibit the use of detention or the potential use of charges in response to minors engaged in commercial sex.

**Policy Goal 2.6** State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

Illinois law does not prohibit the criminalization of child sex trafficking victims for status offenses nor does it prohibit charging victims with misdemeanors or non-violent felonies committed as a result of their trafficking victimization.

- 2.6.1 Recommendation: Enact a law that prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization.

**Policy Goal 2.7** State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Illinois law prohibits the criminalization of child sex trafficking victims for profiting from prostitution; however, victims can still be charged as sex trafficking offenders or as accomplices alongside their exploiters.

Pursuant to 720 Ill. Comp. Stat. Ann. 5/11-14.3(a) (Promoting prostitution),

Any person who knowingly performs any of the following acts commits promoting prostitution:

- (1) advances prostitution<sup>15</sup> as defined in Section 11-0.1 [720 ILCS 5/11-0.1 (Definitions)];
- (2) profits from prostitution by:
  - (A) compelling a person to become a prostitute;
  - (B) arranging or offering to arrange a situation in which a person may practice prostitution; or
  - (C) any means other than those described in subparagraph (A) or (B), including from a person who patronizes a prostitute . . . .

720 Ill. Comp. Stat. Ann. 5/11-14.3(a)(2)(C) expressly prohibits the criminalization of minors for profiting from prostitution, stating in part, “This paragraph (C) does not apply to a person engaged in prostitution who is under 18 years of age.”<sup>16</sup>

- 2.7.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for sex trafficking, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

**Policy Goal 2.8** State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Illinois law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

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<sup>15</sup> Ill. Comp. Stat. Ann. 5/11-0/1 defines “advance prostitution” as

- (1) Soliciting for a prostitute by performing any of the following acts when acting other than as a prostitute or a patron of a prostitute:
  - (A) Soliciting another for the purpose of prostitution.
  - (B) Arranging or offering to arrange a meeting of persons for the purpose of prostitution.
  - (C) Directing another to a place knowing the direction is for the purpose of prostitution.
- (2) Keeping a place of prostitution by controlling or exercising control over the use of any place that could offer seclusion or shelter for the practice of prostitution and performing any of the following acts when acting other than as a prostitute or a patron of a prostitute:
  - (A) Knowingly granting or permitting the use of the place for the purpose of prostitution.
  - (B) Granting or permitting the use of the place under circumstances from which he or she could reasonably know that the place is used or is to be used for purposes of prostitution.
  - (C) Permitting the continued use of the place after becoming aware of facts or circumstances from which he or she should reasonably know that the place is being used for purposes of prostitution.

<sup>16</sup> Further, 720 Ill. Comp. Stat. Ann. 5/11-14.3(a)(2)(C) prohibits the criminalization of adult victims but only from promoting their own prostitution; 720 Ill. Comp. Stat. Ann. 5/11-14.3(a)(2)(C) states, “A person cannot be convicted of promoting prostitution under this paragraph (C) if the practice of prostitution underlying the offense consists exclusively of the accused’s own acts of prostitution under Section 11-14 of this Code [720 ILCS 5/11-14].”

- 2.8.1 Recommendation: Enact a law that provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

**Policy Goal 2.9** Juvenile court jurisdiction aligns with international human rights standards.

Illinois law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While juvenile court jurisdiction extends to all minors under 18 years of age, Illinois law fails to establish a minimum age for purposes of juvenile court jurisdiction and permits direct file and transfers to adult criminal court in cases involving minors transferred to criminal court in a previous matter.

	<b>Minimum Age for Juvenile Court Jurisdiction</b>	<b>Maximum Age for Charging a Minor in Juvenile Court</b>	<b>Automatic Transfers or Direct File</b>	<b>Discretionary Transfers</b>	<b>Requirement for Court to Consider Trauma or Past Victimization</b>
<b>Summary</b>	None. “Delinquent minor” is defined as, “any minor who prior to his or her 18th birthday has violated or attempted to violate . . . any federal, State, county or municipal law or ordinance.”	17	Yes. Minors 16+ years of age who are charged with certain offenses.	Yes. Minors: (1) 13+ years of age who petition the court for a transfer; (2) 15+ years of age who are charged with a forcible felony and has a prior forcible felony adjudication or conviction and committed the offense in furtherance of gang activity; (3) 13+ years of age who are charged with any offense.	No.
<b>Relevant Statute(s)</b>	705 Ill. Comp. Stat. Ann. 405/5-105(3) (Definitions)	705 Ill. Comp. Stat. Ann. 405/5-105(3) (Definitions); 705 Ill. Comp. Stat. Ann. 405/5-120 (Exclusive jurisdiction)	705 Ill. Comp. Stat. Ann. 405/5-130(1)(a) (Venue)	705 Ill. Comp. Stat. Ann. 405/5-130(9) (Venue); 705 Ill. Comp. Stat. Ann. 405/5-805(2)(a), (3)(a) (Transfer of jurisdiction)	705 Ill. Comp. Stat. Ann. 405/5-805 (Transfer of jurisdiction)

Consequently, Illinois law fails to provide age-appropriate juvenile court responses to all minors, including child sex trafficking victims, as governing state statute: (1) does not establish a minimum age for juvenile court jurisdiction that is in alignment with international human rights standards; (2) allows minors to be subjected to direct file and automatic transfers; and (3) does not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

- 2.9.1 Recommendation: Enact comprehensive state laws requiring age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

**Policy Goal 2.10** State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.

Child sex trafficking and commercial sexual exploitation are identified as a type of abuse under Illinois’s child protection and child abuse reporting laws. Pursuant to 705 Ill. Comp. Stat. Ann. 405/2-3(2) (Neglected or abused minor),

Those who are abused include any minor under 18 years of age or a minor 18 years of age or older for whom the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under subsection (1) of Section 2-10 (Temporary custody hearing) prior to the minor’s 18th birthday whose parent or immediate family member, or any person responsible for the minor’s welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor’s parent:

....

- (vi) commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons as defined in Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/10-9], upon such minor; or
- (vii) allows, encourages or requires a minor to commit any act of prostitution, as defined in the Criminal Code of 1961 or the Criminal Code of 2012, and extending those definitions to include minors under 18 years of age.

Additionally, 325 Ill. Comp. Stat. Ann. 5/3 (Definitions), codified under Chapter 325 (Children, abused and neglected reporting act), provides in part,

As used in this Act unless the context otherwise requires . . . .

“Abused child” means a child whose parent or immediate family member, or any person responsible for the child’s welfare, or any individual residing in the same home as the child, or a paramour of the child’s parent:

....

- (h) commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons as defined in Section 10-9 of the Criminal Code of 2012 [720 ILCS 5/10-9] (Trafficking in persons, involuntary servitude, and related offenses) (includes labor trafficking) against the child.

**EXTRA CREDIT**



Child labor trafficking is included in the definition of “abused child” under 705 Ill. Comp. Stat. Ann. 405/2-3(2) and 325 Ill. Comp. Stat. Ann. 5/3.

**Policy Goal 2.11** State law clearly defines child welfare’s role in responding to non-familial child sex trafficking through an alternative specialized response that does not hinge on caregiver fault.

Illinois’s child welfare code does not allow for a child welfare response in non-familial child sex trafficking cases and does not provide for a specialized response to child sex trafficking reports. The definitions of abused child under 705 Ill. Comp. Stat. Ann. 405/2-3 (Neglected or abused minor) and 325 Ill. Comp. Stat. Ann. 5/3 (Definitions)

both require parent or caregiver fault<sup>17</sup> and no alternative response is provided for children reported to child welfare due to trafficking victimization perpetrated by a non-familial trafficker.

- 2.11.1 Recommendation: Amend the child welfare code to provide an alternative specialized response to child sex trafficking reports that does not hinge on caregiver fault and sets out a trafficking-specific response protocol for non-familial child sex trafficking cases.

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<sup>17</sup> 705 Ill. Comp. Stat. Ann. 405/2-3 (Neglected or abused minor) applies only to acts by “a parent or immediate family member, or any person responsible for the minor’s welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor’s parent,” and 325 Ill. Comp. Stat. Ann. 5/3 (Definitions) is limited to acts by a “parent or immediate family member, or any person responsible for the child’s welfare, or any individual residing in the same home as the child, or a paramour of the child’s parent.”





## ISSUE 3: Continuum of Care

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**Policy Goal 3.1** State law provides child sex trafficking victims with access to specialized services through a non-punitive system.

Illinois statutorily authorizes the development of specialized placements for child sex trafficking victims in the Department of Children and Family Services' care; however, Illinois law does not provide a process to connect all child sex trafficking victims with access to specialized services. Pursuant 20 Ill. Comp. Stat. Ann. 505/5.05(g) (Victims of sex trafficking),

No later than July 1, 2019, the Department shall enter into contracts with public or private agencies or shall complete development for specialized placements for youth in the Department's care who are victims of sex trafficking. Such specialized placements may include, but not be limited to, licensed foster homes, group homes, residential facilities, and secure residential facilities that specialize in providing treatment to children who are victims of sex trafficking.

- 3.1.1 Recommendation: Enact legislation requiring access to specialized services through a non-punitive system.

**Policy Goal 3.2** State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

Illinois does not statutorily require a multi-disciplinary team response to child sex trafficking cases.

- 3.2.1 Recommendation: Enact legislation requiring a multi-disciplinary team response to child sex trafficking victims.

**Policy Goal 3.3** State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Illinois law does not provide access to specialized services for identified sex trafficked children and youth in the juvenile justice system.

- 3.3.1 Recommendation: Enact legislation requiring the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

**Policy Goal 3.4** State law extends foster care services to older foster youth.

Illinois law extends foster care services to youth under 21 years of age. However, these services are not extended to youth under 23 years of age as permitted under federal law.<sup>18</sup> Pursuant to 20 Ill. Comp. Stat. Ann. 505/5 (Direct

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<sup>18</sup> For more information, see Shared Hope Int'l, *Issue Brief 3.4: Continuum of Care*, [https://sharedhope.org/wp-content/uploads/2020/12/SH\\_Issue-Brief-3.4\\_2020.pdf](https://sharedhope.org/wp-content/uploads/2020/12/SH_Issue-Brief-3.4_2020.pdf) (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

child welfare services; Department of Children and Family Services. To provide direct child welfare services when not available through other public or private child care or program facilities),

(a) For purposes of this Section:

(1) “Children” means persons found within the State who are under the age of 18 years. The term also includes persons under age 21 who:

(A) were committed to the Department pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987 [705 ILCS 405/1-1 et seq.], as amended, and who continue under the jurisdiction of the court; or

(B) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.

....

(3) “Child welfare services” means public social services which are directed toward the accomplishment of the following purposes:

....

(I) placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or secure child care facility. . . .

....

(n-1) The Department shall provide or authorize child welfare services, aimed at assisting minors to achieve sustainable self-sufficiency as independent adults, for any minor eligible for the reinstatement of wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987, whether or not such reinstatement is sought or allowed, provided that the minor consents to such services and has not yet attained the age of 21. The Department shall have responsibility for the development and delivery of services under this Section. An eligible youth may access services under this Section through the Department of Children and Family Services or by referral from the Department of Human Services. Youth participating in services under this Section shall cooperate with the assigned case manager in developing an agreement identifying the services to be provided and how the youth will increase skills to achieve self-sufficiency. A homeless shelter is not considered appropriate housing for any youth receiving child welfare services under this Section. The Department shall continue child welfare services under this Section to any eligible minor until the minor becomes 21 years of age, no longer consents to participate, or achieves self-sufficiency as identified in the minor’s service plan. The Department of Children and Family Services shall create clear, readable notice of the rights of former foster youth to child welfare services under this Section and how such services may be obtained.

3.4.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age.

**Policy Goal 3.5** State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

The Illinois legislature made a non-recurring appropriation during the 2021 session to support the development and provision of community-based specialized services for survivors of sex trafficking, including children and youth.

Bill	Recipient	Amount	Intended Purpose	Term
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SB 2800	NGO service providers	\$100,000	Funds appropriated from the Specialized Services for Survivors of Human Trafficking Fund <sup>19</sup> to the Department of Human Services for the purpose of providing grants to organizations to prevent prostitution and human trafficking.	FY 2021-2022 (One time)
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**Policy Goal 3.6** State funding is appropriated to support child-serving agencies with providing specialized services and a continuum of care for sex trafficked children.

The Illinois state legislature did not appropriate funds to support child-serving agencies with developing and providing specialized services and ensuring a continuum of care for child and youth survivors who interact or are involved with state systems.

- 3.6.1 Recommendation: Appropriate state funds to support child-serving agencies in the development of and access to specialized services to child and youth survivors of sex trafficking.

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<sup>19</sup> 730 ILCS 5/5-9-1.21(d) (Specialized Services for Survivors of Human Trafficking Fund) outlines the intended purpose of the fund, stating, “Upon appropriation of moneys from the Specialized Services for Survivors of Human Trafficking Fund, the Department of Human Services shall use these moneys to make grants to non-governmental organizations to provide specialized, trauma-informed services specifically designed to address the priority service needs associated with prostitution and human trafficking. Priority services include, but are not limited to, community based drop-in centers, emergency housing, and long-term safe homes. The Department shall consult with prostitution and human trafficking advocates, survivors, and service providers to identify priority service needs in their respective communities.”



## ISSUE 4: Access to Justice for Trafficking Survivors

### **Policy Goal 4.1** State law allows trafficking victims to seek emergency civil orders of protection.

While civil orders of protection exist under Illinois law,<sup>20</sup> this protection is not expressly available to victims of child sex trafficking and CSEC.

- 4.1.1 Recommendation: Enact legislation expressly allowing victims of trafficking and CSEC to obtain ex parte civil orders of protection against their exploiters.

### **Policy Goal 4.2** Ineligibility factors for crime victims' compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

Illinois's crime victims' compensation laws exempt victims of child sex trafficking, but not CSEC, from some, but not all, ineligibility factors, leaving some commercially sexually exploited children without access to an award.

For purposes of accessing crime victims' compensation, 740 Ill. Comp. Stat. Ann. 45/2(d) (Definitions) defines "victim" as "a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her." "Crime of violence is defined under 740 Ill. Comp. Stat. Ann. 45/2(c) to include violations of 720 Ill. Comp. Stat. Ann. 5/10-9 (Trafficking in persons, involuntary servitude, and related offense) and 720 Ill. Comp. Stat. Ann. 5/11-14.4(a)(4) (Promoting juvenile prostitution). Violations of Illinois's other CSEC offenses are not specifically included within this definition.

Certain ineligibility factors may still limit a commercially sexually exploited child's ability to seek crime victims' compensation. Pursuant to 740 Ill. Comp. Stat. Ann. 45/6.1(a) (Right to compensation), a victim must file a claim for compensation "[w]ithin 2 years of the occurrence of the crime, or within one year after a criminal charge of a person for an offense, upon which the claim is based," unless the victim is under 18 or is under another "legal disability" at the time of the offense, in which case the victim may file an application for compensation "within 2 years after he attains the age of 18 years or the disability is removed . . . . Legal disability includes a diagnosis of posttraumatic stress disorder."

Further, 740 Ill. Comp. Stat. Ann. 45/6.1(e) states that the victim's injury must not have been "substantially attributable to his own wrongful act" or "substantially provoked by the victim," and 740 Ill. Comp. Stat. Ann. 45/10.1(d) (Amount of compensation) allows an award to be reduced or denied based on contributory conduct, stating, "An award shall be reduced or denied according to the extent to which the victim's injury or death was caused by provocation or incitement by the victim or the victim assisting, attempting, or committing a criminal act . . . ."

Notably, Illinois law carves out exceptions to other ineligibility factors. Because those exceptions are offense-specific, however, only victims of trafficking, not CSEC, will be protected. Under 740 Ill. Comp. Stat. Ann. 45/6.1(b), victims must report the crime to law enforcement within 72 hours of the crime's commission, with later notice permissible only if "the applicant establishes that such notice was timely under the circumstances." However, 740 Ill. Comp. Stat. Ann. 45/6.1(b-1) extends the reporting period to 7 days following the perpetration of the crime

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<sup>20</sup> Some trafficking victims may benefit from protection under 740 Ill. Comp. Stat. Ann. 22/201 (Persons protected by this act); however, the definition of "nonconsensual sexual contact" does not expressly include trafficking victimization.

or longer if the “applicant establishes that the notice was timely under the circumstances.” Further, a trafficking victim who “is engaged in a legal proceeding involving a claim [where] the applicant or victim is a victim of human trafficking, such action shall constitute appropriate notification.”

Similarly, 740 Ill. Comp. Stat. Ann. 45/6.1(c) requires victims to “cooperate[] with law enforcement officials in the apprehension and prosecution of the assailant,” but trafficking victims are also provided with an exception to this ineligibility factor. Specifically, 740 Ill. Comp. Stat. Ann. 45/6.1(c) states in part that if the victim “is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking, such action shall constitute cooperation.”

Because child sex trafficking and CSEC victims are not expressly exempt from all the ineligibility factors noted above, however, some commercially sexually exploited children may not have access to an award.

- 4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims’ compensation.

**Policy Goal 4.3** Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Although Illinois law allows trafficking victims to vacate criminal convictions, vacatur is unavailable for delinquency adjudications arising from trafficking victimization. Pursuant to 725 Ill. Comp. Stat. Ann. 5/116-2.1 (Motion to vacate prostitution convictions for sex trafficking victims),

(a) A motion under this Section may be filed at any time following the entry of a verdict or finding of guilty where the conviction was under Section 11-14 (prostitution) or Section 11-14.2 (first offender; felony prostitution) of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/11-14 or 720 ILCS 5/11-14.2 (now repealed) or 720 ILCS 5/1-1 et seq.] or a similar local ordinance and the defendant’s participation in the offense was a result of having been a trafficking victim under Section 10-9 (involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons) of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/10-9]; or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. Section 7102(13)); provided that:

- (1) a motion under this Section shall state why the facts giving rise to this motion were not presented to the trial court, and shall be made with due diligence, after the defendant has ceased to be a victim of such trafficking or has sought services for victims of such trafficking, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking that may be jeopardized by the bringing of such motion, or for other reasons consistent with the purpose of this Section; and
  - (2) reasonable notice of the motion shall be served upon the State.
- (b) The court may grant the motion if, in the discretion of the court, the violation was a result of the defendant having been a victim of human trafficking. Evidence of such may include, but is not limited to:
- (1) certified records of federal or State court proceedings which demonstrate that the defendant was a victim of a trafficker charged with a trafficking offense under Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012, or under 22 U.S.C. Chapter 78 [22 USCS § 7101 et seq.];
  - (2) certified records of “approval notices” or “law enforcement certifications” generated from federal immigration proceedings available to such victims; or
  - (3) a sworn statement from a trained professional staff of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the defendant has sought assistance in addressing the trauma associated with being trafficked.

Alternatively, the court may consider such other evidence as it deems of sufficient credibility and probative value in determining whether the defendant is a trafficking victim or victim of a severe form of trafficking.

(c) If the court grants a motion under this Section, it must vacate the conviction and may take such additional action as is appropriate in the circumstances.



However, 725 Ill. Comp. Stat. Ann. 5/116-2.1 applies specifically to “convictions,” and 705 Ill. Comp Stat. Ann. 405/1-8(A) (Confidentiality and accessibility of juvenile court records) states, “A juvenile adjudication shall never be considered a conviction . . . .” Accordingly, relief under 725 Ill. Comp. Stat. Ann. 5/116-2.1 would not extend to delinquency adjudications. Further, vacatur is limited to violations of Illinois’s prostitution offenses, which fails to recognize the array of crimes trafficking victims are charged with and leaves many survivors without any avenue for relief.

- 4.3.1 Recommendation: Strengthen existing law by allowing sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

**Policy Goal 4.4** State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

Illinois law requires an offender convicted of a child sex trafficking or CSEC offense to pay restitution. Pursuant to 720 Ill. Comp. Stat. Ann. 5/10-9(g) (Trafficking in persons, involuntary servitude, and related offenses),

Restitution is mandatory under this Section. In addition to any other amount of loss identified, the court shall order restitution including the greater of (1) the gross income or value to the defendant of the victim’s labor or services or (2) the value of the victim’s labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act [29 U.S.C. § 201 et seq.] (FLSA) or the Minimum Wage Law [820 ILCS 105/1 et seq.], whichever is greater.

Restitution is available more generally to victims of other crimes pursuant to 730 Ill. Comp. Stat. Ann. 5/5-5-6 (Restitution), which provides,

In all convictions for offenses in violation of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/1-1 et seq.]. . . in which the person received any injury to his or her person or damage to his or her real or personal property as a result of the criminal act of the defendant, the court shall order restitution as provided in this Section. In all other cases, except cases in which restitution is required under this Section, the court must at the sentence hearing determine whether restitution is an appropriate sentence to be imposed on each defendant convicted of an offense. If the court determines that an order directing the offender to make restitution is appropriate, the offender may be sentenced to make restitution.

Further, 730 Ill. Comp. Stat. Ann. 5/5-5-6(f-1)(1), (g) states,

(f-1)

(1) In addition to any other penalty prescribed by law and any restitution ordered under this Section that did not include long-term physical health care costs, the court may, upon conviction of any misdemeanor or felony, order a defendant to pay restitution to a victim in accordance with the provisions of this subsection (f-1) if the victim has suffered physical injury as a result of the offense that is reasonably probable to require or has required long-term physical health care for more than 3 months. As used in this subsection (f-1), “long-term physical health care” includes mental health care.

. . . .

(g) In addition to the sentences provided for in . . . subdivision (a) (4) of Section 11-14.4 [Promoting juvenile prostitution], of the Criminal Code of 1961 or the Criminal Code of 2012 [. . . 720 ILCS 5/11-14.4], the court may order any person who is convicted of violating any of those Sections or who was charged with any of those offenses and which charge was reduced to another charge as a result of a plea agreement under subsection (d) of this Section to meet all or any portion of the financial obligations of treatment, including but not limited to medical, psychiatric, or rehabilitative treatment or psychological counseling, prescribed for the victim or victims of the offense . . . .

## EXTRA CREDIT



Illinois law mandates restitution for victims of child labor trafficking under 720 Ill. Comp. Stat. Ann. 5/10-9(g), which requires offenders convicted of involuntary servitude to pay victim restitution.

### **Policy Goal 4.5** State law provides child sex trafficking victims with a trafficking-specific civil remedy.

Illinois law allows victims of child sex trafficking to pursue civil remedies against their exploiters under Illinois's Trafficking Victim Protection Act, the purpose of which is "to allow persons who have been or who are subjected to the sex trade, involuntary servitude, or human trafficking to seek civil damages and remedies from individuals and entities that recruited, harmed, profited from, or maintained them in the sex trade or involuntary servitude or subjected them to human trafficking." 740 Ill. Comp. Stat. Ann. 128/5 (Purpose).

Pursuant to 740 Ill. Comp. Stat. Ann. 128/15(a)–(c) (Cause of action),

- (a) A victim of the sex trade, involuntary servitude, or human trafficking may bring an action in civil court under this Act.  
.....
- (b) A victim of the sex trade has a cause of action against a person or entity who:
  - (1) recruits, profits from, or maintains the victim in any sex trade act;
  - (2) intentionally abuses, as defined in Section 103 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/103], or causes bodily harm, as defined in Section 11-0.1 of the Criminal Code of 2012 [720 ILCS 5/11-0.1], to a victim of the sex trade; or
  - (3) knowingly advertises or publishes advertisements for purposes of recruitment into sex trade activity.
- (b-1) A victim of involuntary servitude or human trafficking has a cause of action against any person or entity who knowingly subjects, attempts to subject, or engages in a conspiracy to subject the victim to involuntary servitude or human trafficking.
- (c) This Section shall not be construed to create liability to any person or entity who provides goods or services to the general public, who also provides those goods or services to persons who would be liable under subsection (b) of this Section, absent a showing that the person or entity either:
  - (1) knowingly markets or provides its goods or services primarily to persons or entities liable under subsection (b) of this Section;
  - (2) knowingly receives a higher level of compensation from persons or entities liable under subsection (b) of this Section than it generally receives from customers; or
  - (3) supervises or exercises control over persons or entities liable under subsection (b) of this Section.

## EXTRA CREDIT



Illinois law provides sex trafficked youth with a trafficking-specific civil remedy under 740 Ill. Comp. Stat. Ann. 128/15, which applies broadly to all cases involving sex trafficking regardless of the victim's age.



Illinois law provides child labor trafficking victims with a trafficking-specific civil remedy under 740 Ill. Comp. Stat. Ann. 128/15, which applies broadly to cases involving trafficking, including both sex and labor trafficking.

**Policy Goal 4.6** Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Illinois law lengthens, but does not eliminate, statutes of limitation for criminal and civil actions related to child sex trafficking and CSEC.<sup>21</sup> Pursuant to 720 Ill. Comp. Stat. Ann. 5/3-6(b-5)–(d) (Extended limitations),

(b-5) When the victim is under 18 years of age at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code [720 ILCS 5/10-9] may be commenced within 25 years of the victim attaining the age of 18 years.

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<sup>21</sup> Notably, 720 Ill. Comp. Stat. Ann. 5/3-5(a)(2) (General limitations) eliminates the criminal statute of limitation for “any offense involving sexual conduct or sexual penetration, as defined by Section 11-0.1 of this Code [720 ILCS 5/11-0.1] . . . .” However, neither “sexual conduct” nor “sexual penetration” is expressly defined to include commercial sexual exploitation.

720 Ill. Comp. Stat. Ann. 5/11-0.1 (Definitions) defines “sexual conduct” as follows:

[A]ny knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.

“Sexual penetration” is defined under 720 Ill. Comp. Stat. Ann. 5/11-0.1 as follows:

[A]ny contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(b-6) When the victim is 18 years of age or over at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within 25 years after the commission of the offense.

.....

(d) A prosecution for child pornography, aggravated child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping, exploitation of a child, or promoting juvenile prostitution except for keeping a place of juvenile prostitution may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

Otherwise, 720 Ill. Comp. Stat. Ann. 5/3-5(b) states that felony prosecutions are generally subject to a 3-year statute of limitation.

Regarding civil actions, 735 Ill. Comp. Stat. Ann. 5/13-225(b)-(f) (Trafficking victims protection) provides,

(b) Subject to both subsections (e) and (f) and notwithstanding any other provision of law, an action under the Trafficking Victims Protection Act must be commenced within 25 years of the date the limitation period begins to run under subsection (d) or within 25 years of the date the plaintiff discovers or through the use of reasonable diligence should discover both (i) that the sex trade, involuntary servitude, or human trafficking act occurred, and (ii) that the defendant caused, was responsible for, or profited from the sex trade, involuntary servitude, or human trafficking act. The fact that the plaintiff discovers or through the use of reasonable diligence should discover that the sex trade, involuntary servitude, or human trafficking act occurred is not, by itself, sufficient to start the discovery period under this subsection (b).

(c) If the injury is caused by 2 or more acts that are part of a continuing series of sex trade, involuntary servitude, or human trafficking acts by the same defendant, then the discovery period under subsection (b) shall be computed from the date the person abused discovers or through the use of reasonable diligence should discover (i) that the last sex trade, involuntary servitude, or human trafficking act in the continuing series occurred, and (ii) that the defendant caused, was responsible for, or profited from the series of sex trade, involuntary servitude, or human trafficking acts. The fact that the plaintiff discovers or through the use of reasonable diligence should discover that the last sex trade, involuntary servitude, or human trafficking act in the continuing series occurred is not, by itself, sufficient to start the discovery period under subsection (b).

(d) The limitation periods in subsection (b) do not begin to run before the plaintiff attains the age of 18 years; and, if at the time the plaintiff attains the age of 18 years he or she is under other legal disability, the limitation periods under subsection (b) do not begin to run until the removal of the disability.

(e) The limitation periods in subsection (b) do not run during a time period when the plaintiff is subject to threats, intimidation, manipulation, or fraud perpetrated by the defendant or by any person acting in the interest of the defendant.

(f) The limitation periods in subsection (b) do not commence running until the expiration of all limitations periods applicable to the criminal prosecution of the plaintiff for any acts which form the basis of a cause of action under the Trafficking Victims Protection Act.

In comparison, 735 Ill. Comp. Stat. Ann. 5/13-202 (Personal Injury – Penalty) establishes a 2-year statute of limitation for civil actions involving injury to the person.

- 4.6.1 Recommendation: Eliminate criminal and civil statutes of limitation for all cases involving child sex trafficking and CSEC.



## ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

**Policy Goal 5.1** State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

Illinois law does not allow non-testimonial, out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child’s testimony.

5.1.1 Recommendation: Enact a hearsay exception that applies to non-testimonial evidence in cases involving commercial sexual exploitation of children under 18 years of age.

**Policy Goal 5.2** State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

Illinois law does not provide child sex trafficking victims with an alternative to live, in-court testimony. Although 725 Ill. Comp. Stat. Ann. 5/106B-5 (Testimony by a victim who is a child or a moderately, severely, or profoundly intellectually disabled person or person affected by a development disability) permits the court to order the testimony of a child under 18 years of age be taken by closed circuit television (CCTV) during the prosecution of a specified offense, this protection does not apply to victims of sex trafficking or CSEC. Specifically, 725 Ill. Comp. Stat. Ann. 5/106B-5(a) states,

In a proceeding in the prosecution of an offense of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery, or aggravated domestic battery, a court may order that the testimony of a victim who is a child under the age of 18 years . . . be taken outside the courtroom and shown in the courtroom by means of a closed circuit television if:

- (1) the testimony is taken during the proceeding; and
- (2) the judge determines that testimony by the child . . . in the courtroom will result in the child . . . suffering serious emotional distress such that the child . . . cannot reasonably communicate or that the child . . . will suffer severe emotional distress that is likely to cause the child . . . to suffer severe adverse effects.

5.2.1 Recommendation: Strengthen existing protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age and the offense charged.

**Policy Goal 5.3** Child sex trafficking victims have access to victim protections in the criminal justice system.

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom.	Child sex trafficking victims’ identifying information is protected from disclosure in court records.
Summary	Not statutorily required.	If the victim is a minor under 18, the court may exclude from the proceedings while the victim is testifying all	Law enforcement agency and circuit court records are restricted to exclude the identity of any child who is a



		persons who do not have a direct interest in the case, except media. Victims also have the right to have present at all court proceedings an advocate and other support person of the victim's choice.	victim of a criminal sexual offense.
<b>Relevant Statute(s)</b>	None.	725 Ill Comp. Stat. Ann. 5/115-11 (Closed trial during testimony of child victim of a sexual offense permitted); Ill. Const., Art. I § 8.1(11) (Crime victims bill of rights)	725 Ill Comp. Stat. Ann. 190/3 (Confidentiality of Law Enforcement and Court Records)

5.3.1 Recommendation: Statutorily ensure that child sex trafficking victims have the right to a victim advocate and are provided courtroom supports when testifying against their exploiter.

**Policy Goal 5.4** State law provides for privileged communications between caseworkers and child sex trafficking victims.

Illinois law does not provide for privileged communications between caseworkers and child sex trafficking victims.<sup>22</sup>

5.4.1 Recommendation: Enact a child sex trafficking-specific caseworker privilege law that protects a child sex trafficking victim's communications with a caseworker from being disclosed.

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<sup>22</sup> Although not available in cases related to child sex trafficking, 750 Ill. Comp. Stat. Ann. 60/227(b) (Privileged communications between domestic violence counselors and victims) provides protection in cases involving domestic violence, stating,

No domestic violence advocate or counselor shall disclose any confidential communication or be examined as a witness in any civil or criminal case or proceeding or in any legislative or administrative proceeding without the written consent of the domestic violence victim except (1) in accordance with the provisions of the Abused and Neglected Child Reporting Act [325 ILCS 5/1 et seq.] or (2) in cases where failure to disclose is likely to result in an imminent risk of serious bodily harm or death of the victim or another person.



## ISSUE 6: Prevention & Training

**Policy Goal 6.1** State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

Illinois law does not mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

- 6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

**Policy Goal 6.2** State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Illinois law does not mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

- 6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

**Policy Goal 6.3** State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Illinois law mandates trafficking-specific training as part of the curriculum for probationary law enforcement officers; however, refresher and in-service training may, but is not required to, address this subject. Pursuant to 50 ILCS 705/7(a) (Rules and standards for schools),

The [Illinois Law Enforcement Training Standards Board] shall adopt rules and minimum standards for such schools which shall include, but not be limited to, the following:

- a. The curriculum for probationary law enforcement officers which shall be offered by all certified schools shall include . . . training in the detection and investigation of all forms of human trafficking . . .
- . The curriculum for permanent law enforcement officers shall include, but not be limited to: (1) refresher and in-service training in any of the courses listed above in this subparagraph, (2) advanced courses in any of the subjects listed above in this subparagraph, (3) training for supervisory personnel, and (4) specialized training in subjects and fields to be selected by the board . . .

Although not mandated, trafficking-specific training is also available pursuant to 20 Ill. Comp. Stat. Ann. 2605/2605-99 (Training; human trafficking) and 50 Ill. Comp. Stat. Ann. 705/10.23 (Training; human trafficking). Under 20 Ill. Comp. Stat. Ann. 2605/2605-99,

The [Director of State Police] shall conduct or approve a training program in the detection and investigation of all forms of human trafficking, including, but not limited to “involuntary servitude” under subsection (b) of Section 10-9 of the Criminal Code of 2012, “involuntary sexual servitude of a minor” under subsection (c) of Section 10-9 of the Criminal Code of 2012 [720 ILCS 5/10-9 et seq.], and “trafficking in persons” under subsection (d) of Section 10-9 of the Criminal Code of 2012. This program shall be made available to all cadets and state police officers.

Similarly, 50 Ill. Comp. Stat. Ann. 705/10.23 (Training; human trafficking) states,

The [Illinois Law Enforcement Training Standards Board] shall conduct or approve an in-service training program in the detection and investigation of all forms of human trafficking, including, but not limited to, “involuntary servitude” under subsection (b) of Section 10-9 of the Criminal Code of 2012 [720 ILCS 5/10-9], “involuntary sexual servitude of a minor” under subsection (c) of Section 10-9 of the Criminal Code of 2012, and “trafficking in persons” under subsection (d) of Section 10-9 of the Criminal Code of 2012. This program shall be made available to all certified law enforcement, correctional, and court security officers.

As noted above, however, law enforcement officers are not statutorily required to receive ongoing in-service training on human trafficking.

- 6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

**Policy Goal 6.4** State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Illinois law authorizes training for prosecutors on issues related to human trafficking. Pursuant to 725 Ill. Comp. Stat. Ann. 5/124B-305(3) (Distribution of property and sale proceeds),

All moneys and the sale proceeds of all other property forfeited and seized under this Part 300 [725 ILCS 5/124B-300 et seq. (Forfeiture; involuntary servitude & trafficking in persons)] shall be distributed as follows:

....

- (3) 5% shall be paid to the Office of the State’s Attorneys Appellate Prosecutor to train State’s Attorneys on forfeiture proceedings and topics related to human trafficking.

Resultingly, training regarding child sex trafficking may be, or become, available to prosecutors. However, all prosecutors are not statutorily mandated to receive such training, and the training is not necessarily required to include topics related to victim-centered investigations and prosecutions since only training on forfeiture proceedings is expressly provided for.

- 6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

**Policy Goal 6.5** State law mandates child sex trafficking training for school personnel.

Illinois law does not mandate training on child sex trafficking for school personnel.

- 6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel.

**Policy Goal 6.6** State law mandates child sex trafficking prevention education in schools.

Illinois law does not mandate child sex trafficking prevention education in schools.

6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools.

## State Laws Addressing Child Sex Trafficking

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1. 720 Ill. Comp. Stat. Ann. 5/10-9(c), (d) (Trafficking in persons, involuntary servitude, and related offense) states,

(c) Involuntary sexual servitude of a minor. A person commits involuntary sexual servitude of a minor when he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity,<sup>23</sup> a sexually-explicit performance, or the production of pornography, or causes or attempts to cause a minor to engage in one or more of those activities and:

- (1) there is no overt force or threat and the minor is between the ages of 17 and 18 years;
- (2) there is no overt force or threat and the minor is under the age of 17 years; or
- (3) there is overt force or threat.

Sentence. Except as otherwise provided in subsection (e) or (f), a violation of subsection (c)(1) is a Class 1 felony, (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

(d) Trafficking in persons. A person commits trafficking in persons when he or she knowingly:

.....

- (2) benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of . . . involuntary sexual servitude of a minor. A company commits trafficking in persons when the company knowingly benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of . . . involuntary sexual servitude of a minor.

Sentence. Except as otherwise provided in subsection (e) or (f), a violation of this subsection by a person is a Class 1 felony. A violation of this subsection by a company is a business offense for which a fine of up to \$100,000 may be imposed.

A Class 1 felony is punishable by imprisonment for 4–15 years and a possible fine up to \$25,000. 730 Ill. Comp. Stat. Ann. 5/5-4.5-30(a), 5/5-4.5-50(b). A Class X felony is punishable by imprisonment for 6–30 years and a possible fine up to \$25,000. 730 Ill. Comp. Stat. Ann. 5/5-4.5-25(a), 5/5-4.5-50(b).

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<sup>23</sup> 720 Ill. Comp. Stat. Ann. 5/10-9(a)(2) defines “commercial sexual activity” as “any sex act on account of which anything of value is given, promised to, or received by any person.”



## State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

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1. 720 Ill. Comp. Stat. Ann. 5/11-14.1(a), (b) (Solicitation of a sexual act) states,

- (a) Any person who offers a person not his or her spouse any money, property, token, object, or article or anything of value for that person or any other person not his or her spouse to perform any act of sexual penetration as defined in Section 11-0.1 of this Code [720 ILCS 5/11-0.1 (Definitions)], or any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification, commits solicitation of a sexual act.
- (b) Sentence . . . . Solicitation of a sexual act from a person who is under the age of 18 . . . is a Class 4 felony . . . .

A Class 4 felony is punishable by imprisonment for 1–3 years and a possible fine up to \$25,000. 730 Ill. Comp. Stat. Ann. 5/5-4.5-45(a), 5/5-4.5-50(b).

2. 720 Ill. Comp. Stat. Ann. 5/11-14.4(a)–(d) (Promoting juvenile prostitution) states,

- (a) Any person who knowingly performs any of the following acts commits promoting juvenile prostitution:
- (1) advances prostitution<sup>24</sup> as defined in Section 11-0.1 [720 ILCS 5/11-0.1 (Definitions)], where the minor engaged in prostitution, or any person engaged in prostitution in the place, is under 18 years of age . . . at the time of the offense;
  - (2) profits from prostitution by any means where the prostituted person is under 18 years of age . . . at the time of the offense;
  - (3) profits from prostitution by any means where the prostituted person is under 13 years of age at the time of the offense;
  - (4) confines a child under the age of 18 . . . against his or her will by the infliction or threat of imminent infliction of great bodily harm or permanent disability or disfigurement or by administering to the child . . . , without his or her consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug . . . and:
    - (A) compels the child . . . to engage in prostitution;
    - (B) arranges a situation in which the child . . . may practice prostitution; or
    - (C) profits from prostitution by the child . . . .
- . . . .

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<sup>24</sup> Ill. Comp. Stat. Ann. 5/11-0/1 defines “advance prostitution” as

- (1) Soliciting for a prostitute by performing any of the following acts when acting other than as a prostitute or a patron of a prostitute:
  - (A) Soliciting another for the purpose of prostitution.
  - (B) Arranging or offering to arrange a meeting of persons for the purpose of prostitution.
  - (C) Directing another to a place knowing the direction is for the purpose of prostitution.
- (2) Keeping a place of prostitution by controlling or exercising control over the use of any place that could offer seclusion or shelter for the practice of prostitution and performing any of the following acts when acting other than as a prostitute or a patron of a prostitute:
  - (A) Knowingly granting or permitting the use of the place for the purpose of prostitution.
  - (B) Granting or permitting the use of the place under circumstances from which he or she could reasonably know that the place is used or is to be used for purposes of prostitution.
  - (C) Permitting the continued use of the place after becoming aware of facts or circumstances from which he or she should reasonably know that the place is being used for purposes of prostitution.

(d) Sentence. A violation of subdivision (a)(1) is a Class 1 felony . . . . A violation of subdivision (a)(2) is a Class 1 felony. A violation of subdivision (a)(3) is a Class X felony. A violation of subdivision (a)(4) is a Class X felony, for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years . . . .

A Class 1 felony is punishable by imprisonment for 4–15 years and a possible fine up to \$25,000. 730 Ill. Comp. Stat. Ann. 5/5-4.5-30(a), 5/5-4.5-50(b). A Class X felony is punishable by imprisonment for 6–30 years and a possible fine up to \$25,000. 730 Ill. Comp. Stat. Ann. 5/5-4.5-25(a), 5/5-4.5-50(b).

3. 720 Ill. Comp. Stat. Ann. 5/11-18.1(a)–(c) (Patronizing a minor engaged in prostitution) states,

(a) Any person who engages in an act of sexual penetration as defined in Section 11-0.1 of this Code [720 ILCS 5/11-0.1 (Definitions)] with a person engaged in prostitution who is under 18 years of age . . . commits patronizing a minor engaged in prostitution.

(a-5) Any person who engages in any touching or fondling, with a person engaged in prostitution who . . . is under 18 years of age . . . , of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification, commits patronizing a minor engaged in prostitution.

. . . .

(c) Sentence. A person who commits patronizing a juvenile prostitute is guilty of a Class 3 felony . . . .

A Class 3 felony is punishable by imprisonment for 2–5 years and a possible fine up to \$25,000. 730 Ill. Comp. Stat. Ann. 5/5-4.5-40(a), 5/5-4.5-50(b).

4. 720 Ill. Comp. Stat. Ann. 5/11-9.1A(a)–(g) (Permitting sexual abuse of a child) states,

(a) A person responsible for a child’s welfare<sup>25</sup> commits permitting sexual abuse of a child<sup>26</sup> if the person has actual knowledge of and permits an act of sexual abuse<sup>27</sup> upon the child, or permits the child to engage in prostitution as defined in Section 11-14 of this Code [720 ILCS 5/11-14 (Prostitution)].

. . . .

(f) A person may not be charged with the offense of permitting sexual abuse of a child under this Section until the person who committed the offense is charged with criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or prostitution.

(g) A person convicted of permitting the sexual abuse of a child is guilty of a Class 1 felony . . . .

A Class 1 felony is punishable by imprisonment for 4–15 years and a possible fine up to \$25,000. 730 Ill. Comp. Stat. Ann. 5/5-4.5-30(a), 5/5-4.5-50(b).

5. 720 Ill. Comp. Stat. Ann. 5/11-25 (Grooming) states,

(a) A person commits grooming when he or she knowingly uses a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child’s guardian, or

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<sup>25</sup> 720 Ill. Comp. Stat. Ann. 5/11-9.1A(b) defines “person responsible for the child’s welfare” as “the child’s parent, step-parent, legal guardian, or other person having custody of a child, who is responsible for the child’s care at the time of the alleged sexual abuse.”

<sup>26</sup> For purposes of this section, 720 Ill. Comp. Stat. Ann. 5/11-9.1A(b) defines “child” as “am minor under the age of 17 years.”

<sup>27</sup> 720 Ill. Comp. Stat. Ann. 5/11-9.1A(b) defines “sexual abuse” as “criminal sexual abuse or criminal sexual assault as defined in Section 11-1.20 [Criminal sexual assault], 11-1.30 [Aggravated criminal sexual assault], 11-1.40 [Predatory criminal sexual assault of a child], 11-1.50 [Criminal sexual abuse], or 11-1.60 [Aggravated criminal sexual abuse] of this Code . . . .”

another person believed by the person to be a child or a child's guardian, to commit any sex offense<sup>28</sup> as defined in Section 2 [730 ILCS 150/2 (Definitions)] of the Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child. As used in this Section, "child" means a person under 17 years of age.

(b) Sentence. Grooming is a Class 4 felony.

A Class 4 felony is punishable by imprisonment for 1–3 years and a possible fine up to \$25,000. 730 Ill. Comp. Stat. Ann. 5/5-4.5-45(a), 5/5-4.5-50(b).

6. 720 Ill. Comp. Stat. Ann. 5/11-26 (Traveling to meet a child) states,

(a) A person commits traveling to meet a child when he or she travels any distance either within this State, to this State, or from this State by any means, attempts to do so, or causes another to do so or attempt to do so for the purpose of engaging in any sex offense<sup>29</sup> as defined in Section 2 [730 ILCS 150/2 (Definitions)] of the Sex Offender Registration Act, or to otherwise engage in other unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or to attempt to seduce, solicit, lure, or entice, a

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<sup>28</sup> 730 Ill. Comp. Stat. Ann. 150/2(B) defines "sex offense" to include the following:

(1) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/1-1 et seq.]:

11-20.1 (child pornography),  
11-20.1B or 11-20.3 (aggravated child pornography),  
.....  
11-14.4 (promoting juvenile prostitution),  
11-15.1 (soliciting for a juvenile prostitute),  
11-18.1 (patronizing a juvenile prostitute),  
11-17.1 (keeping a place of juvenile prostitution),  
11-19.1 (juvenile pimping),  
11-19.2 (exploitation of a child),  
11-25 (grooming),  
11-26 (traveling to meet a minor or traveling to meet a child),  
.....

An attempt to commit any of these offenses.

.....  
(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012 when the offense was committed on or after July 1, 1999:

.....  
11-14.3 that involves soliciting for a prostitute, or 11-15 (soliciting for a prostitute, if the victim is under 18 years of age), subdivision (a)(2)(A) or (a)(2)(B) of Section 11-14.3, or Section 11-16 (pandering, if the victim is under 18 years of age) [720 ILCS 5/11-15, 720 ILCS 5/11-14.3, or 720 ILCS 5/11-16],  
11-18 (patronizing a prostitute, if the victim is under 18 years of age),  
subdivision (a)(2)(C) of Section 11-14.3, or Section 11-19 [720 ILCS 5/11-19](pimping, if the victim is under 18 years of age).

If the offense was committed before July 1, 1999, it is a sex offense requiring registration only when the person is convicted of any felony after July 1, 2011, and paragraph (2.1) of subsection (c) of Section 3 of this Act applies.

.....  
(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

<sup>29</sup> See *supra* note 28 for the definition of "sex offense."

child or a child's guardian, or another person believed by the person to be a child or a child's guardian, for such purpose. As used in this Section, "child" means a person under 17 years of age.

(b) Sentence. Traveling to meet a child is a Class 3 felony.

A Class 3 felony is punishable by imprisonment for 2–5 years and a possible fine up to \$25,000. 730 Ill. Comp. Stat. Ann. 5/5-4.5-40(a), 5/5-4.5-50(b).