

# SB3193



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3193

Introduced 2/2/2026, by Sen. Sally J. Turner

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/10-9

Amends the Criminal Code of 2012. Increases by one class the penalties for trafficking in persons, involuntary servitude, and involuntary sexual servitude of a minor. Provides that if the penalty is a Class X felony, the person shall be sentenced to a term of imprisonment of not less than 9 years and not exceeding 45 years.

LRB104 18979 RLC 32424 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 10-9 as follows:

6 (720 ILCS 5/10-9)

7 Sec. 10-9. Trafficking in persons, involuntary servitude,  
8 and related offenses.

9 (a) Definitions. In this Section:

10 (1) "Intimidation" has the meaning prescribed in Section  
11 12-6.

12 (2) "Commercial sexual activity" means any sex act on  
13 account of which anything of value is given, promised to, or  
14 received by any person.

15 (2.5) "Company" means any sole proprietorship,  
16 organization, association, corporation, partnership, joint  
17 venture, limited partnership, limited liability partnership,  
18 limited liability limited partnership, limited liability  
19 company, or other entity or business association, including  
20 all wholly owned subsidiaries, majority-owned subsidiaries,  
21 parent companies, or affiliates of those entities or business  
22 associations, that exist for the purpose of making profit.

23 (3) "Financial harm" includes intimidation that brings

1 about financial loss, criminal usury, or employment contracts  
2 that violate the Frauds Act.

3 (4) (Blank).

4 (5) "Labor" means work of economic or financial value.

5 (6) "Maintain" means, in relation to labor or services, to  
6 secure continued performance thereof, regardless of any  
7 initial agreement on the part of the victim to perform that  
8 type of service.

9 (7) "Obtain" means, in relation to labor or services, to  
10 secure performance thereof.

11 (7.5) "Serious harm" means any harm, whether physical or  
12 nonphysical, including psychological, financial, or  
13 reputational harm, that is sufficiently serious, under all the  
14 surrounding circumstances, to compel a reasonable person of  
15 the same background and in the same circumstances to perform  
16 or to continue performing labor or services in order to avoid  
17 incurring that harm.

18 (8) "Services" means activities resulting from a  
19 relationship between a person and the actor in which the  
20 person performs activities under the supervision of or for the  
21 benefit of the actor. Commercial sexual activity and  
22 sexually-explicit performances are forms of activities that  
23 are "services" under this Section. Nothing in this definition  
24 may be construed to legitimize or legalize prostitution.

25 (9) "Sexually-explicit performance" means a live,  
26 recorded, broadcast (including over the Internet), or public

1 act or show intended to arouse or satisfy the sexual desires or  
2 appeal to the prurient interests of patrons.

3 (10) "Trafficking victim" means a person subjected to the  
4 practices set forth in subsection (b), (c), or (d).

5 (b) Involuntary servitude. A person commits involuntary  
6 servitude when he or she knowingly subjects, attempts to  
7 subject, or engages in a conspiracy to subject another person  
8 to labor or services obtained or maintained through any of the  
9 following means, or any combination of these means:

10 (1) causes or threatens to cause physical harm to any  
11 person;

12 (2) physically restrains or threatens to physically  
13 restrain another person;

14 (3) abuses or threatens to abuse the law or legal  
15 process;

16 (4) attempts to or knowingly destroys, conceals,  
17 removes, confiscates, or possesses any actual or purported  
18 passport or other immigration document, or any other  
19 actual or purported government identification document, of  
20 another person;

21 (5) uses intimidation, abuses a position of trust,  
22 authority, or supervision in relation to the victim,  
23 through the use or deprivation of any alcoholic  
24 intoxicant, a drug as defined or used in the Illinois  
25 Controlled Substances Act or the Cannabis Control Act, or  
26 methamphetamine as defined in the Methamphetamine Control

1 and Community Protection Act, or exerts financial control  
2 over any person; or

3 (6) uses any scheme, plan, or pattern intended to  
4 cause the person to believe that, if the person did not  
5 perform the labor or services, that person or another  
6 person would suffer serious harm or physical restraint.

7 Sentence. Except as otherwise provided in subsection (e)  
8 or (f), a violation of subsection (b)(1) is a Class X felony  
9 for which the person shall be sentenced to a term of  
10 imprisonment of not less than 9 years and not exceeding 45  
11 years, (b)(2) is a Class X ~~1~~ felony, (b)(3) is a Class 1 ~~2~~  
12 felony, (b)(4) is a Class 2 ~~3~~ felony, (b)(5) and (b)(6) is a  
13 Class 3 ~~4~~ felony.

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

23 (1) there is no overt force or threat and the minor is  
24 between the ages of 17 and 18 years;

25 (2) there is no overt force or threat and the minor is  
26 under the age of 17 years; or

1 (3) there is overt force or threat.

2 Sentence. Except as otherwise provided in subsection (e)  
3 or (f), a violation of subsection (c) (1) is a Class X  $\pm$  felony,  
4 (c) (2) is a Class X felony for which the person shall be  
5 sentenced to a term of imprisonment of not less than 9 years  
6 and not exceeding 45 years, and (c) (3) is a Class X felony for  
7 which the person shall be sentenced to a term of imprisonment  
8 of not less than 9 years and not exceeding 45 years.

9 (d) Trafficking in persons. A person commits trafficking  
10 in persons when he or she knowingly: (1) recruits, entices,  
11 harbors, transports, provides, or obtains by any means, or  
12 attempts to recruit, entice, harbor, transport, provide, or  
13 obtain by any means, another person, intending or knowing that  
14 the person will be subjected to involuntary servitude; or (2)  
15 benefits, financially or by receiving anything of value, from  
16 participation in a venture that has engaged in an act of  
17 involuntary servitude or involuntary sexual servitude of a  
18 minor. A company commits trafficking in persons when the  
19 company knowingly benefits, financially or by receiving  
20 anything of value, from participation in a venture that has  
21 engaged in an act of involuntary servitude or involuntary  
22 sexual servitude of a minor.

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

1 imposed.

2 (e) Aggravating factors. A violation of this Section  
3 involving kidnapping or an attempt to kidnap, aggravated  
4 criminal sexual assault or an attempt to commit aggravated  
5 criminal sexual assault, or an attempt to commit first degree  
6 murder is a Class X felony for which the person shall be  
7 sentenced to a term of imprisonment of not less than 9 years  
8 and not exceeding 45 years.

9 (f) Sentencing considerations.

10 (1) Bodily injury. If, pursuant to a violation of this  
11 Section, a victim suffered bodily injury, the defendant  
12 may be sentenced to an extended-term sentence under  
13 Section 5-8-2 of the Unified Code of Corrections. The  
14 sentencing court must take into account the time in which  
15 the victim was held in servitude, with increased penalties  
16 for cases in which the victim was held for between 180 days  
17 and one year, and increased penalties for cases in which  
18 the victim was held for more than one year.

19 (2) Number of victims. In determining sentences within  
20 statutory maximums, the sentencing court should take into  
21 account the number of victims, and may provide for  
22 substantially increased sentences in cases involving more  
23 than 10 victims.

24 (3) Age of victim. In determining sentences, the  
25 sentencing court shall take into account the age of the  
26 victim or victims.

1           (g) Restitution. Restitution is mandatory under this  
2 Section. In addition to any other amount of loss identified,  
3 the court shall order restitution including the greater of (1)  
4 the gross income or value to the defendant of the victim's  
5 labor or services or (2) the value of the victim's labor as  
6 guaranteed under the Minimum Wage Law and overtime provisions  
7 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,  
8 whichever is greater.

9           (g-5) Fine distribution. If the court imposes a fine under  
10 subsection (b), (c), or (d) of this Section, it shall be  
11 collected and distributed to the Specialized Services for  
12 Survivors of Human Trafficking Fund in accordance with Section  
13 5-9-1.21 of the Unified Code of Corrections.

14           (h) Trafficking victim services. Subject to the  
15 availability of funds, the Department of Human Services may  
16 provide or fund emergency services and assistance to  
17 individuals who are victims of one or more offenses defined in  
18 this Section.

19           (i) Certification. The Attorney General, a State's  
20 Attorney, or any law enforcement official shall certify in  
21 writing to the United States Department of Justice or other  
22 federal agency, such as the United States Department of  
23 Homeland Security, that an investigation or prosecution under  
24 this Section has begun and the individual who is a likely  
25 victim of a crime described in this Section is willing to  
26 cooperate or is cooperating with the investigation to enable

1 the individual, if eligible under federal law, to qualify for  
2 an appropriate special immigrant visa and to access available  
3 federal benefits. Cooperation with law enforcement shall not  
4 be required of victims of a crime described in this Section who  
5 are under 18 years of age. This certification shall be made  
6 available to the victim and his or her designated legal  
7 representative.

8 (j) A person who commits involuntary servitude,  
9 involuntary sexual servitude of a minor, or trafficking in  
10 persons under subsection (b), (c), or (d) of this Section is  
11 subject to the property forfeiture provisions set forth in  
12 Article 124B of the Code of Criminal Procedure of 1963.

13 (Source: P.A. 104-159, eff. 1-1-26.)