



Rep. Michael J. Madigan

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LRB101 07959 RLC 60715 a

1 AMENDMENT TO SENATE BILL 1890

2 AMENDMENT NO. _____. Amend Senate Bill 1890 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Police Training Act is amended by
5 adding Section 10.23 as follows:

6 (50 ILCS 705/10.23 new)

7 Sec. 10.23. Training; human trafficking.

8 (a) In this Section:

9 "Human trafficking" includes "involuntary servitude" under
10 subsection (b) of Section 10-9 of the Criminal Code of 2012,
11 "involuntary sexual servitude of a minor" under subsection (c)
12 of Section 10-9 of the Criminal Code of 2012, and "trafficking
13 in persons" under subsection (d) of Section 10-9 of the
14 Criminal Code of 2012.

15 "Police officer" includes full-time or part-time
16 probationary police officers, permanent or part-time police

1 officers, law enforcement officers, recruits, permanent or
2 probationary county corrections officers, permanent or
3 probationary county security officers, and court security
4 officers. "Police officer" does not include auxiliary police
5 officers as defined in Section 3.1-30-20 of the Illinois
6 Municipal Code.

7 (b) The Board shall conduct or approve an in-service
8 training program for police officers in the detection and
9 investigation of all forms of human trafficking.

10 Section 10. The Criminal Code of 2012 is amended by
11 changing Sections 3-6 and 10-9 as follows:

12 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

13 Sec. 3-6. Extended limitations. The period within which a
14 prosecution must be commenced under the provisions of Section
15 3-5 or other applicable statute is extended under the following
16 conditions:

17 (a) A prosecution for theft involving a breach of a
18 fiduciary obligation to the aggrieved person may be commenced
19 as follows:

20 (1) If the aggrieved person is a minor or a person
21 under legal disability, then during the minority or legal
22 disability or within one year after the termination
23 thereof.

24 (2) In any other instance, within one year after the

1 discovery of the offense by an aggrieved person, or by a
2 person who has legal capacity to represent an aggrieved
3 person or has a legal duty to report the offense, and is
4 not himself or herself a party to the offense; or in the
5 absence of such discovery, within one year after the proper
6 prosecuting officer becomes aware of the offense. However,
7 in no such case is the period of limitation so extended
8 more than 3 years beyond the expiration of the period
9 otherwise applicable.

10 (b) A prosecution for any offense based upon misconduct in
11 office by a public officer or employee may be commenced within
12 one year after discovery of the offense by a person having a
13 legal duty to report such offense, or in the absence of such
14 discovery, within one year after the proper prosecuting officer
15 becomes aware of the offense. However, in no such case is the
16 period of limitation so extended more than 3 years beyond the
17 expiration of the period otherwise applicable.

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

24 (b-6) When the victim is 18 years of age or over at the
25 time of the offense, a prosecution for involuntary servitude,
26 involuntary sexual servitude of a minor, or trafficking in

1 persons and related offenses under Section 10-9 of this Code
2 may be commenced within 25 years after the commission of the
3 offense.

4 (c) (Blank).

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

13 (e) Except as otherwise provided in subdivision (j), a
14 prosecution for any offense involving sexual conduct or sexual
15 penetration, as defined in Section 11-0.1 of this Code, where
16 the defendant was within a professional or fiduciary
17 relationship or a purported professional or fiduciary
18 relationship with the victim at the time of the commission of
19 the offense may be commenced within one year after the
20 discovery of the offense by the victim.

21 (f) A prosecution for any offense set forth in Section 44
22 of the Environmental Protection Act may be commenced within 5
23 years after the discovery of such an offense by a person or
24 agency having the legal duty to report the offense or in the
25 absence of such discovery, within 5 years after the proper
26 prosecuting officer becomes aware of the offense.

1 (f-5) A prosecution for any offense set forth in Section
2 16-30 of this Code may be commenced within 5 years after the
3 discovery of the offense by the victim of that offense.

4 (g) (Blank).

5 (h) (Blank).

6 (i) Except as otherwise provided in subdivision (j), a
7 prosecution for criminal sexual assault, aggravated criminal
8 sexual assault, or aggravated criminal sexual abuse may be
9 commenced within 10 years of the commission of the offense if
10 the victim reported the offense to law enforcement authorities
11 within 3 years after the commission of the offense. If the
12 victim consented to the collection of evidence using an
13 Illinois State Police Sexual Assault Evidence Collection Kit
14 under the Sexual Assault Survivors Emergency Treatment Act, it
15 shall constitute reporting for purposes of this Section.

16 Nothing in this subdivision (i) shall be construed to
17 shorten a period within which a prosecution must be commenced
18 under any other provision of this Section.

19 (i-5) A prosecution for armed robbery, home invasion,
20 kidnapping, or aggravated kidnaping may be commenced within 10
21 years of the commission of the offense if it arises out of the
22 same course of conduct and meets the criteria under one of the
23 offenses in subsection (i) of this Section.

24 (j) (1) When the victim is under 18 years of age at the
25 time of the offense, a prosecution for criminal sexual assault,
26 aggravated criminal sexual assault, predatory criminal sexual

1 assault of a child, aggravated criminal sexual abuse, or felony
2 criminal sexual abuse may be commenced at any time.

3 (2) When the victim is under 18 years of age at the time of
4 the offense, a prosecution for failure of a person who is
5 required to report an alleged or suspected commission of
6 criminal sexual assault, aggravated criminal sexual assault,
7 predatory criminal sexual assault of a child, aggravated
8 criminal sexual abuse, or felony criminal sexual abuse under
9 the Abused and Neglected Child Reporting Act may be commenced
10 within 20 years after the child victim attains 18 years of age.

11 (3) When the victim is under 18 years of age at the time of
12 the offense, a prosecution for misdemeanor criminal sexual
13 abuse may be commenced within 10 years after the child victim
14 attains 18 years of age.

15 (4) Nothing in this subdivision (j) shall be construed to
16 shorten a period within which a prosecution must be commenced
17 under any other provision of this Section.

18 (j-5) A prosecution for armed robbery, home invasion,
19 kidnapping, or aggravated kidnaping may be commenced at any
20 time if it arises out of the same course of conduct and meets
21 the criteria under one of the offenses in subsection (j) of
22 this Section.

23 (k) (Blank).

24 (l) A prosecution for any offense set forth in Section 26-4
25 of this Code may be commenced within one year after the
26 discovery of the offense by the victim of that offense.

1 (1-5) A prosecution for any offense involving sexual
2 conduct or sexual penetration, as defined in Section 11-0.1 of
3 this Code, in which the victim was 18 years of age or older at
4 the time of the offense, may be commenced within one year after
5 the discovery of the offense by the victim when corroborating
6 physical evidence is available. The charging document shall
7 state that the statute of limitations is extended under this
8 subsection (1-5) and shall state the circumstances justifying
9 the extension. Nothing in this subsection (1-5) shall be
10 construed to shorten a period within which a prosecution must
11 be commenced under any other provision of this Section or
12 Section 3-5 of this Code.

13 (m) The prosecution shall not be required to prove at trial
14 facts which extend the general limitations in Section 3-5 of
15 this Code when the facts supporting extension of the period of
16 general limitations are properly pled in the charging document.
17 Any challenge relating to the extension of the general
18 limitations period as defined in this Section shall be
19 exclusively conducted under Section 114-1 of the Code of
20 Criminal Procedure of 1963.

21 (n) A prosecution for any offense set forth in subsection
22 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the
23 Illinois Public Aid Code, in which the total amount of money
24 involved is \$5,000 or more, including the monetary value of
25 food stamps and the value of commodities under Section 16-1 of
26 this Code may be commenced within 5 years of the last act

1 committed in furtherance of the offense.

2 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;
3 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.
4 1-1-18; 100-863, eff. 8-14-18; 100-998, eff. 1-1-19; 100-1010,
5 eff. 1-1-19; 100-1087, eff. 1-1-19; revised 10-9-18.)

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
11 Section 12-6.

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

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

24 (3) "Financial harm" includes intimidation that brings
25 about financial loss, criminal usury, or employment

1 contracts that violate the Frauds Act.

2 (4) (Blank).

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

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

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

10 (7.5) "Serious harm" means any harm, whether physical
11 or nonphysical, including psychological, financial, or
12 reputational harm, that is sufficiently serious, under all
13 the surrounding circumstances, to compel a reasonable
14 person of the same background and in the same circumstances
15 to perform or to continue performing labor or services in
16 order to avoid incurring that harm.

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

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

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

3 (10) "Trafficking victim" means a person subjected to
4 the 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) knowingly destroys, conceals, removes,
17 confiscates, or possesses any actual or purported passport
18 or other immigration document, or any other actual or
19 purported government identification document, of another
20 person;

21 (5) uses intimidation, or exerts financial control
22 over any person; or

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

1 Sentence. Except as otherwise provided in subsection (e) or
2 (f), a violation of subsection (b)(1) is a Class X felony,
3 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)
4 is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony.

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

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

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

18 (3) there is overt force or threat.

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

22 (d) Trafficking in persons. A person commits trafficking in
23 persons when he or she knowingly: (1) recruits, entices,
24 harbors, transports, provides, or obtains by any means, or
25 attempts to recruit, entice, harbor, transport, provide, or
26 obtain by any means, another person, intending or knowing that

1 the person will be subjected to involuntary servitude; or (2)
2 benefits, financially or by receiving anything of value, from
3 participation in a venture that has engaged in an act of
4 involuntary servitude or involuntary sexual servitude of a
5 minor. A company commits trafficking in persons when the
6 company benefits, financially or by receiving anything of
7 value, from participation in a venture that has engaged in an
8 act of involuntary servitude or involuntary sexual servitude of
9 a minor.

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

15 (e) Aggravating factors. A violation of this Section
16 involving kidnapping or an attempt to kidnap, aggravated
17 criminal sexual assault or an attempt to commit aggravated
18 criminal sexual assault, or an attempt to commit first degree
19 murder is a Class X felony.

20 (f) Sentencing considerations.

21 (1) Bodily injury. If, pursuant to a violation of this
22 Section, a victim suffered bodily injury, the defendant may
23 be sentenced to an extended-term sentence under Section
24 5-8-2 of the Unified Code of Corrections. The sentencing
25 court must take into account the time in which the victim
26 was held in servitude, with increased penalties for cases

1 in which the victim was held for between 180 days and one
2 year, and increased penalties for cases in which the victim
3 was held for more than one year.

4 (2) Number of victims. In determining sentences within
5 statutory maximums, the sentencing court should take into
6 account the number of victims, and may provide for
7 substantially increased sentences in cases involving more
8 than 10 victims.

9 (g) Restitution. Restitution is mandatory under this
10 Section. In addition to any other amount of loss identified,
11 the court shall order restitution including the greater of (1)
12 the gross income or value to the defendant of the victim's
13 labor or services or (2) the value of the victim's labor as
14 guaranteed under the Minimum Wage Law and overtime provisions
15 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
16 whichever is greater.

17 (g-5) Fine distribution. If the court imposes a fine under
18 subsection (b), (c), or (d) of this Section, it shall be
19 collected and distributed to the Specialized Services for
20 Survivors of Human Trafficking Fund in accordance with Section
21 5-9-1.21 of the Unified Code of Corrections.

22 (h) Trafficking victim services. Subject to the
23 availability of funds, the Department of Human Services may
24 provide or fund emergency services and assistance to
25 individuals who are victims of one or more offenses defined in
26 this Section.

1 (i) Certification. The Attorney General, a State's
2 Attorney, or any law enforcement official shall certify in
3 writing to the United States Department of Justice or other
4 federal agency, such as the United States Department of
5 Homeland Security, that an investigation or prosecution under
6 this Section has begun and the individual who is a likely
7 victim of a crime described in this Section is willing to
8 cooperate or is cooperating with the investigation to enable
9 the individual, if eligible under federal law, to qualify for
10 an appropriate special immigrant visa and to access available
11 federal benefits. Cooperation with law enforcement shall not be
12 required of victims of a crime described in this Section who
13 are under 18 years of age. This certification shall be made
14 available to the victim and his or her designated legal
15 representative.

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

21 (Source: P.A. 97-897, eff. 1-1-13; 98-756, eff. 7-16-14;
22 98-1013, eff. 1-1-15.)

23 Section 15. The Code of Civil Procedure is amended by
24 changing Section 13-225 as follows:

1 (735 ILCS 5/13-225)

2 Sec. 13-225. Trafficking victims protection. (a) In
3 this Section, "human trafficking", "involuntary servitude",
4 "sex trade", and "victim of the sex trade" have the meanings
5 ascribed to them in Section 10 of the Trafficking Victims
6 Protection Act.

7 (b) Subject to both subsections (e) and (f) and
8 notwithstanding any other provision of law, an action under the
9 Trafficking Victims Protection Act must be commenced within 25
10 ~~10~~ years of the date the limitation period begins to run under
11 subsection (d) or within 25 ~~10~~ years of the date the plaintiff
12 discovers or through the use of reasonable diligence should
13 discover both (i) that the sex trade, involuntary servitude, or
14 human trafficking act occurred, and (ii) that the defendant
15 caused, was responsible for, or profited from the sex trade,
16 involuntary servitude, or human trafficking act. The fact that
17 the plaintiff discovers or through the use of reasonable
18 diligence should discover that the sex trade, involuntary
19 servitude, or human trafficking act occurred is not, by itself,
20 sufficient to start the discovery period under this subsection
21 (b).

22 (c) If the injury is caused by 2 or more acts that are part
23 of a continuing series of sex trade, involuntary servitude, or
24 human trafficking acts by the same defendant, then the
25 discovery period under subsection (b) shall be computed from
26 the date the person abused discovers or through the use of

1 reasonable diligence should discover (i) that the last sex
2 trade, involuntary servitude, or human trafficking act in the
3 continuing series occurred, and (ii) that the defendant caused,
4 was responsible for, or profited from the series of sex trade,
5 involuntary servitude, or human trafficking acts. The fact that
6 the plaintiff discovers or through the use of reasonable
7 diligence should discover that the last sex trade, involuntary
8 servitude, or human trafficking act in the continuing series
9 occurred is not, by itself, sufficient to start the discovery
10 period under subsection (b).

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

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

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

1 (Source: P.A. 100-939, eff. 1-1-19.)".