

1 AN ACT concerning civil law.

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

4 Section 1. Short title. This Act may be cited as the  
5 Predator Accountability Act.

6 Section 5. Findings. The General Assembly finds:

7 (1) The United Nations Convention of December 2, 1949  
8 proclaimed that prostitution and sex trafficking are  
9 "incompatible with the dignity and worth of the human  
10 person and endanger the welfare of the individual, the  
11 family and the community." Sex trade activities and sex  
12 trafficking are supported by inequality and oppression  
13 based on gender, race, socioeconomic status, sexual  
14 orientation, and age. The sex trade and sex trafficking  
15 disproportionately affect women and children, particularly  
16 women of color. Men are also trafficked and exploited in  
17 the sex trade.

18 (2) Regardless of the specific pathway the women took  
19 to trading sex, their initial experiences could not have  
20 occurred in the absence of an environment that was  
21 supportive of their sex trade activities, as well as  
22 partners who were willing to pay for sex. Research and  
23 evidence suggests that the sex trade is inherently  
24 coercive, abusive, and exploitative. Individuals,  
25 organizations, and entities often recruit and maintain  
26 persons, largely women and girls, in the sex trade through  
27 predatory behaviors including coercion, violence, abuse,  
28 and exploitation.

29 (3) These practices often cause severe trauma and  
30 long-term physical, emotional, and psychological damage.  
31 Often, individuals enter sex trade-related activities  
32 prior to age 18, are homeless or runaways, victims of

1 childhood sexual, physical, and emotional abuse, or have  
2 mental health or substance abuse issues. Many adult persons  
3 in the sex trade are victimized by many forms of violence  
4 and abuse while in the sex trade. This violence is often  
5 perpetrated to maintain their participation in the sex  
6 trade.

7 (4) Many persons, organizations, and entities that  
8 subject individuals to or maintain them in the sex trade  
9 are not held accountable by the criminal justice system. In  
10 some parts of the State, less than 1% of all prostitution  
11 related arrests are for pimps or panderers.

12 (5) This Act allows persons who have been or are  
13 subjected to the sex trade to seek civil damages and  
14 remedies from individuals and entities that recruited,  
15 profited from, or maintained them in the sex trade.

16 Section 10. Definitions. As used in this Act:

17 "Sex trade" means any type of sexual activity in exchange  
18 for any type of consideration, including a single incident of  
19 activity. Forms of "sex trade" include, but are not limited to,  
20 sex trafficking, street-level sex trade activity, stripping,  
21 massage parlors, pornography, and escort services and involve  
22 adults and youth of all gender and sexual orientations, whether  
23 or not physical contact is involved.

24 Section 15. Cause of action.

25 (a) An individual subjected to the sex trade has a cause of  
26 action against a person or entity who:

27 (1) recruited, hired, offered, agreed, or attempted to  
28 hire the individual to engage in the sex trade;

29 (2) procured, enticed, led away, pimped, trafficked,  
30 financed, or profited from his or her sex trade activity;

31 (3) collected or received any of the individual's  
32 earnings derived from the sex trade; or

33 (4) advertised or published advertisements for  
34 purposes of recruitment into illegal sex trade activity.

1 (b) A separate cause of action may be brought under this  
2 Act against any individual who has engaged in retaliation  
3 against any plaintiff in a proceeding under this Act, any  
4 member of a plaintiff's family, any person who in good faith  
5 has opposed anything that he or she reasonably believed to be a  
6 violation of this Act, or any person who has filed a complaint,  
7 testified, assisted, or participated in a proceeding pursuant  
8 to this Act.

9 Section 20. Relief. A prevailing plaintiff shall be  
10 entitled to all relief that would make the plaintiff whole.  
11 This includes, but is not limited to:

12 (1) declaratory relief;

13 (2) injunctive relief;

14 (3) recovery of costs and attorney fees, including but  
15 not limited to costs for expert testimony and witness fees;

16 (4) profits from sex trade activity;

17 (5) compensatory damages, such as (i) economic loss,  
18 including damage, destruction, or loss of use of personal  
19 property and loss of past or future income or earning  
20 capacity, and (ii) damages for death, personal injury,  
21 disease, and mental and emotional harm, including medical,  
22 rehabilitation, and burial expenses, and pain and  
23 suffering, including physical impairment; and

24 (6) punitive damages.

25 Section 25. Non-defenses.

26 (a) It is not a defense to an action under this Act that:

27 (1) the plaintiff consented to engage in acts of the  
28 sex trade;

29 (2) the plaintiff and defendant had a marital or  
30 consenting sexual relationship;

31 (3) the defendant is related to plaintiff by blood or  
32 marriage, or has lived with the defendant in any formal or  
33 informal household arrangement;

34 (4) the plaintiff was paid or otherwise compensated for

1 sex trade activity;

2 (5) the plaintiff engaged in sex trade activity prior  
3 to any involvement with the defendant;

4 (6) the defendant had not engaged in prior sex trade  
5 activity with the plaintiff;

6 (7) the plaintiff owed a debt to the defendant,  
7 monetary or otherwise;

8 (8) the defendant signed a legal or illegal contract  
9 with the plaintiff;

10 (9) the plaintiff apparently initiated involvement  
11 with the defendant;

12 (10) the plaintiff made no attempt to escape, flee, or  
13 otherwise terminate contact with the defendant;

14 (11) the plaintiff continued to engage in sex trade  
15 activity after terminating contact with defendant;

16 (12) as a condition of employment, the defendant  
17 required the plaintiff to agree not to engage in the sex  
18 trade; or

19 (13) the defendant's place of business was posted with  
20 signs prohibiting illegal sex trade activity.

21 (b) Any illegality of the sex trade activities on the part  
22 of the plaintiff shall not be an affirmative defense to any  
23 action brought under this Act.

24 Section 30. Evidence. In the course of litigation under  
25 this Act, any transaction about which a plaintiff testifies or  
26 produces evidence does not subject the plaintiff to criminal  
27 prosecution or any penalty or forfeiture. Any testimony or  
28 evidence, documentary or otherwise, or information directly or  
29 indirectly derived from that testimony or evidence that is  
30 given or produced by a plaintiff or a witness for a plaintiff  
31 may not be used against that person in any other investigation  
32 or proceeding, other than a criminal investigation or  
33 proceeding for perjury committed while giving the testimony or  
34 producing the evidence.

35 Evidence of any prior convictions, particularly for sex

1 trade or sex trade-related offenses, shall be inadmissible in a  
2 proceeding brought under this Act for purposes of attacking the  
3 plaintiff's credibility. If the court admits evidence of prior  
4 convictions for purposes permitted under the rules of evidence  
5 with respect to motive, opportunity, intent, preparation,  
6 plan, knowledge, identity, or absence of mistake or accident,  
7 the fact finder may consider the evidence solely for those  
8 purposes and shall disregard details offered to prove any fact  
9 that is not relevant.

10 Section 35. Statute of limitations.

11 (a) If the person entitled to bring the action was a minor  
12 at the time the cause of action accrued, the action must be  
13 commenced within 10 years after the person reaches the age of  
14 18. An action for damages under this Act must be commenced  
15 within 10 years of the time the plaintiff knew and fully  
16 understood:

17 (1) that the plaintiff had been injured; and

18 (2) that the injury was caused by conduct of the  
19 defendant described in this Act.

20 (b) The court shall toll the limitations period upon a  
21 showing that the plaintiff was or is unable, due to sex  
22 trade-related injury, to commence the action within the  
23 limitations period. The injury may be psychological and need  
24 not be traceable to any action by the defendant. A plaintiff  
25 may not be compelled to personally appear to attest to these  
26 facts. Affidavits from the plaintiff and the plaintiff's doctor  
27 stating the required facts shall be sufficient to constitute a  
28 showing as required by this subsection (b).

29 (c) The court shall toll the limitations period upon a  
30 showing that despite reasonable efforts, the plaintiff was  
31 unable to ascertain the identity, true name, or location of the  
32 defendant during the limitations period. In determining  
33 whether the plaintiff's efforts were reasonable, the court  
34 shall consider the totality of the plaintiff's circumstances  
35 during the limitations period, including the plaintiff's

1 emotional condition, financial resources, freedom of movement  
2 and communication, and reasonable fear of the defendant for  
3 self or others.

4 (d) The court shall toll the limitations period upon a  
5 showing that the defendant in any way inhibited the plaintiff's  
6 understanding of the right to pursue the cause of action or the  
7 plaintiff's ability to pursue the cause of action. Behavior  
8 constituting inhibition includes, but is not limited to:

9 (1) minimizing by words or deeds the harm inflicted  
10 upon plaintiff;

11 (2) isolating plaintiff from access to legal  
12 representation;

13 (3) threatening plaintiff with retaliation for  
14 pursuing the claim; and

15 (4) misrepresenting the injury as the plaintiff's  
16 fault rather than the fault of the abuser.

17 (e) There is no limitation of time on actions for  
18 declaratory or injunctive relief under this Act.

19 Section 40. Other remedies preserved. The provisions of  
20 this Act do not affect the right of any person to bring an  
21 action or use any remedy available under other law, including  
22 common law, to recover damages arising out of the use of the  
23 individual in the sex trade nor does this Act limit or restrict  
24 the liability of any person under other law. This Act does not  
25 reflect a determination of a policy regarding the applicability  
26 of strict liability to activities relating to the sex trade.

27 Section 45. Double recovery prohibited. A person who  
28 recovers damages under this Act may not recover the same costs  
29 or damages under any other Act. A person who recovers damages  
30 under any other Act may not recover for the same costs or  
31 damages under this Act.

32 Section 50. Avoidance of liability. No person may avoid  
33 liability under this Act by means of any conveyance of any

1 right, title, or interest in real property, or by any  
2 indemnification, hold harmless agreement, or similar agreement  
3 that purports to show consent of the plaintiff.

4 Section 55. Severability. If any provision of this Act or  
5 its application to any person or circumstance is held invalid,  
6 the invalidity of that provision or its application does not  
7 affect other provisions or applications of this Act that can be  
8 given effect without the invalid provision or application.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.