

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. Purpose. The purpose of this Act is to allow
7 persons who have been or who are subjected to the sex trade to
8 seek civil damages and remedies from individuals and entities
9 that recruited, harmed, profited from, or maintained them in
10 the sex trade.

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

12 "Sex trade" means any act, which if proven beyond a
13 reasonable doubt could support a conviction for a violation or
14 attempted violation of any of the following Sections of the
15 Criminal Code of 1961: 11-15 (soliciting for a prostitute);
16 11-15.1 (soliciting for a juvenile prostitute); 11-16
17 (pandering); 11-17 (keeping a place of prostitution); 11-17.1
18 (keeping a place of juvenile prostitution); 11-19 (pimping);
19 11-19.1 (juvenile pimping and aggravated juvenile pimping);
20 11-19.2 (exploitation of a child); 11-20 (obscenity); or
21 11-20.1 (child pornography); or Article 10A of the Criminal
22 Code of 1961 (trafficking of persons and involuntary
23 servitude).

24 "Sex trade" activity may involve adults and youth of all
25 genders and sexual orientations.

26 "Victim of the sex trade" means, for the following sex
27 trade acts, the person or persons indicated:

28 (1) soliciting for a prostitute: the prostitute who is
29 the object of the solicitation;

30 (2) soliciting for a juvenile prostitute: the juvenile
31 prostitute, or severely or profoundly mentally retarded

1 person, who is the object of the solicitation;

2 (3) pandering: the person intended or compelled to act
3 as a prostitute;

4 (4) keeping a place of prostitution: any person
5 intended or compelled to act as a prostitute, while present
6 at the place, during the time period in question;

7 (5) keeping a place of juvenile prostitution: any
8 juvenile intended or compelled to act as a prostitute,
9 while present at the place, during the time period in
10 question;

11 (6) pimping: the prostitute from whom anything of value
12 is received;

13 (7) juvenile pimping and aggravated juvenile pimping:
14 the juvenile, or severely or profoundly mentally retarded
15 person, from whom anything of value is received for that
16 person's act of prostitution;

17 (8) exploitation of a child: the juvenile, or severely
18 or profoundly mentally retarded person, intended or
19 compelled to act as a prostitute or from whom anything of
20 value is received for that person's act of prostitution;

21 (9) obscenity: any person who appears in or is
22 described or depicted in the offending conduct or material;

23 (10) child pornography: any child, or severely or
24 profoundly mentally retarded person, who appears in or is
25 described or depicted in the offending conduct or material;
26 or

27 (11) trafficking of persons or involuntary servitude:
28 a "trafficking victim" as defined in Section 10A-5 of the
29 Criminal Code of 1961.

30 Section 15. Cause of action.

31 (a) Violations of this Act are actionable in civil court.

32 (b) A victim of the sex trade has a cause of action against
33 a person or entity who:

34 (1) recruits, profits from, or maintains the victim in
35 any sex trade act;

1 (2) intentionally abuses, as defined in Section 103 of
2 the Illinois Domestic Violence Act of 1986, or causes
3 bodily harm, as defined in Section 12-12 of the Criminal
4 Code of 1961, to the victim in any sex trade act; or

5 (3) knowingly advertises or publishes advertisements
6 for purposes of recruitment into sex trade activity.

7 (c) This Section shall not be construed to create liability
8 to any person or entity who provides goods or services to the
9 general public, who also provides those goods or services to
10 persons who would be liable under subsection (b) of this
11 Section, absent a showing that the person or entity either:

12 (1) knowingly markets or provides its goods or services
13 primarily to persons or entities liable under subsection
14 (b) of this Section;

15 (2) knowingly receives a higher level of compensation
16 from persons or entities liable under subsection (b) of
17 this Section than it generally receives from customers; or

18 (3) supervises or exercises control over persons or
19 entities liable under subsection (b) of this Section.

20 Section 20. Relief.

21 (a) A prevailing victim of the sex trade shall be entitled
22 to all relief that would make him or her whole. This includes,
23 but is not limited to:

24 (1) declaratory relief;

25 (2) injunctive relief;

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

29 (4) compensatory damages including, but not limited
30 to:

31 (A) economic loss, including damage, destruction,
32 or loss of use of personal property, and loss of past
33 or future earning capacity; and

34 (B) damages for death, personal injury, disease,
35 and mental and emotional harm, including medical,

1 rehabilitation, burial expenses, pain and suffering,
2 and physical impairment;
3 (5) punitive damages; and
4 (6) damages in the amount of the gross revenues
5 received by the defendant from, or related to, the sex
6 trade activities of the plaintiff.

7 Section 25. Non-defenses.

8 (a) It is not a defense to an action brought under this Act
9 that:

10 (1) the victim of the sex trade and the defendant had a
11 marital or consenting sexual relationship;

12 (2) the defendant is related to the victim of the sex
13 trade by blood or marriage, or has lived with the defendant
14 in any formal or informal household arrangement;

15 (3) the victim of the sex trade was paid or otherwise
16 compensated for sex trade activity;

17 (4) the victim of the sex trade engaged in sex trade
18 activity prior to any involvement with the defendant;

19 (5) the victim of the sex trade made no attempt to
20 escape, flee, or otherwise terminate contact with the
21 defendant;

22 (6) the victim of the sex trade consented to engage in
23 acts of the sex trade;

24 (7) it was a single incident of activity; or

25 (8) there was no physical contact involved.

26 (b) Any illegality of the sex trade activity on the part of
27 the victim of the sex trade shall not be an affirmative defense
28 to any action brought under this Act.

29 Section 30. Evidence. Related to a cause of action under
30 this Act, the fact that a plaintiff or other witness has
31 testified under oath or given evidence relating to an act that
32 may be a violation of any provision of the Criminal Code of
33 1961 shall not be construed to require the State's Attorney to
34 criminally charge any person for such violation.

1 Section 35. Remedies preserved. This Act does not affect
2 the right of any person to bring an action or use any remedy
3 available under other law, including common law, to recover
4 damages arising out of the use of the victim of the sex trade
5 in the sex trade nor does this Act limit or restrict the
6 liability of any person under other law. This Act does not
7 reflect a determination of a policy regarding the applicability
8 of strict liability to activities relating to the sex trade.

9 Section 40. Double recovery prohibited. Any person who
10 recovers damages under this Act may not recover the same costs
11 or damages under any other Act. A person who recovers damages
12 under any other Act may not recover for the same costs or
13 damages under this Act.

14 Section 45. No avoidance of liability. No person may avoid
15 liability under this Act by means of any conveyance of any
16 right, title, or interest in real property, or by any
17 indemnification, hold harmless agreement, or similar agreement
18 that purports to show consent of the victim of the sex trade.

19 Section 55. Severability. If any provision of this Act or
20 its application to any person or circumstance is held invalid,
21 the invalidity of that provision or its application does not
22 affect other provisions or application of this Act that can be
23 given effect without the invalid provision or application.

24 Section 80. The Code of Civil Procedure is amended by
25 adding Section 13-225 as follows:

26 (735 ILCS 5/13-225 new)

27 Sec. 13-225. Predator accountability.

28 (a) In this Section, "sex trade" and "victim of the sex
29 trade" have the meanings ascribed to them in Section 10 of the
30 Predator Accountability Act.

1 (b) Subject to both subsections (e) and (f) and
2 notwithstanding any other provision of law, an action under the
3 Predator Accountability Act must be commenced within 10 years
4 of the date the limitation period begins to run under
5 subsection (d) or within 10 years of the date the plaintiff
6 discovers or through the use of reasonable diligence should
7 discover both (i) that the sex trade act occurred, and (ii)
8 that the defendant caused, was responsible for, or profited
9 from the sex trade act. The fact that the plaintiff discovers
10 or through the use of reasonable diligence should discover that
11 the sex trade act occurred is not, by itself, sufficient to
12 start the discovery period under this subsection (b).

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

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

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

36 (f) The limitation periods in subsection (b) do not

1 commence running until the expiration of all limitations
2 periods applicable to the criminal prosecution of the plaintiff
3 for any acts which form the basis of a cause of action under
4 the Predator Accountability Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.