



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4599

Introduced 01/11/06, by Rep. William Delgado

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-14.2 new

Amends the Criminal Code of 1961. Provides that whenever any person who has not previously been convicted of or placed on probation for felony prostitution or any law of the United States or of any other state relating to felony prostitution pleads guilty to or is found guilty of felony prostitution, the court, without entering a judgment and with the consent of such person, may sentence the person to probation. Provides that when a person is placed on probation for felony prostitution, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation. Provides that the conditions of probation shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possessing a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board. Provides that the court may impose other conditions of probation. Provides that upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against him or her. Provides that there may be only one discharge and dismissal under this provision. Provides that if a person is convicted of prostitution within 5 years subsequent to a discharge and dismissal under this provision, the discharge and dismissal shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.

LRB094 18160 RLC 53469 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 1961 is amended by adding  
5 Section 11-14.2 as follows:

6 (720 ILCS 5/11-14.2 new)

7 Sec. 11-14.2. First offender; felony prostitution.

8 (a) Whenever any person who has not previously been  
9 convicted of or placed on probation for felony prostitution or  
10 any law of the United States or of any other state relating to  
11 felony prostitution pleads guilty to or is found guilty of  
12 felony prostitution, the court, without entering a judgment and  
13 with the consent of such person, may sentence the person to  
14 probation.

15 (b) When a person is placed on probation, the court shall  
16 enter an order specifying a period of probation of 24 months  
17 and shall defer further proceedings in the case until the  
18 conclusion of the period or until the filing of a petition  
19 alleging violation of a term or condition of probation.

20 (c) The conditions of probation shall be that the person:  
21 (1) not violate any criminal statute of any jurisdiction; (2)  
22 refrain from possessing a firearm or other dangerous weapon;  
23 (3) submit to periodic drug testing at a time and in a manner  
24 as ordered by the court, but no less than 3 times during the  
25 period of the probation, with the cost of the testing to be  
26 paid by the probationer; and (4) perform no less than 30 hours  
27 of community service, provided community service is available  
28 in the jurisdiction and is funded and approved by the county  
29 board.

30 (d) The court may, in addition to other conditions, require  
31 that the person:

32 (1) make a report to and appear in person before or

1 participate with the court or such courts, person, or  
2 social service agency as directed by the court in the order  
3 of probation;

4 (2) pay a fine and costs;

5 (3) work or pursue a course of study or vocational  
6 training;

7 (4) undergo medical or psychiatric treatment; or  
8 treatment or rehabilitation by a provider approved by the  
9 Illinois Department of Human Services;

10 (5) attend or reside in a facility established for the  
11 instruction or residence of defendants on probation;

12 (6) support his or her dependents;

13 (7) refrain from having in his or her body the presence  
14 of any illicit drug prohibited by the Cannabis Control Act,  
15 the Methamphetamine Control and Community Protection Act,  
16 or the Illinois Controlled Substances Act, unless  
17 prescribed by a physician, and submit samples of his or her  
18 blood or urine or both for tests to determine the presence  
19 of any illicit drug;

20 (8) and in addition, if a minor:

21 (i) reside with his or her parents or in a foster  
22 home;

23 (ii) attend school;

24 (iii) attend a non-residential program for youth;

25 (iv) contribute to his or her own support at home  
26 or in a foster home.

27 (e) Upon violation of a term or condition of probation, the  
28 court may enter a judgment on its original finding of guilt and  
29 proceed as otherwise provided.

30 (f) Upon fulfillment of the terms and conditions of  
31 probation, the court shall discharge the person and dismiss the  
32 proceedings against him or her.

33 (g) A disposition of probation is considered to be a  
34 conviction for the purposes of imposing the conditions of  
35 probation and for appeal, however, discharge and dismissal  
36 under this Section is not a conviction for purposes of this Act

1 or for purposes of disqualifications or disabilities imposed by  
2 law upon conviction of a crime.

3 (h) There may be only one discharge and dismissal under  
4 this Section.

5 (i) If a person is convicted of prostitution within 5 years  
6 subsequent to a discharge and dismissal under this Section, the  
7 discharge and dismissal under this Section shall be admissible  
8 in the sentencing proceeding for that conviction as evidence in  
9 aggravation.