

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 changing
5 Section 11-14 as follows:

6 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)
7 Sec. 11-14. Prostitution.

8 (a) Any person who knowingly performs, offers or agrees to
9 perform any act of sexual penetration as defined in Section
10 11-0.1 of this Code for anything of value, or any touching or
11 fondling of the sex organs of one person by another person, for
12 anything of value, for the purpose of sexual arousal or
13 gratification commits an act of prostitution.

14 (b) Sentence. A violation of this Section is a Class A
15 misdemeanor.

16 (c) (Blank).

17 (c-5) It is an affirmative defense to a charge under this
18 Section that the accused engaged in or performed prostitution
19 as a result of being a victim of involuntary servitude or
20 trafficking in persons as defined in Section 10-9 of this Code.

21 (d) Notwithstanding the foregoing, if it is determined,
22 after a reasonable detention for investigative purposes, that a
23 person suspected of or charged with a violation of this Section

1 is a person under the age of 18, that person shall be immune
2 from prosecution for a prostitution offense under this Section,
3 and shall be subject to the temporary protective custody
4 provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of
5 1987. Pursuant to the provisions of Section 2-6 of the Juvenile
6 Court Act of 1987, a law enforcement officer who takes a person
7 under 18 years of age into custody under this Section shall
8 immediately report an allegation of a violation of Section 10-9
9 of this Code to the Illinois Department of Children and Family
10 Services State Central Register, which shall commence an
11 initial investigation into child abuse or child neglect within
12 24 hours pursuant to Section 7.4 of the Abused and Neglected
13 Child Reporting Act.

14 (Source: P.A. 97-1118, eff. 1-1-13; 98-164, eff. 1-1-14;
15 98-538, eff. 8-23-13; 98-756, eff. 7-16-14.)

16 Section 10. The Code of Criminal Procedure of 1963 is
17 amended by adding Section 115-6.1 as follows:

18 (725 ILCS 5/115-6.1 new)

19 Sec. 115-6.1. Prostitution; affirmative defense.

20 (a) In prosecutions for prostitution, when the accused
21 intends to raise at trial the affirmative defense provided in
22 subsection (c-5) of Section 11-14 of the Criminal Code of 2012
23 and has reason to believe that the evidence presented in
24 asserting that defense may jeopardize the safety of the

1 accused, courtroom personnel, or others impacted by human
2 trafficking, the accused may file under seal a motion for an in
3 camera hearing to review the accused's safety concerns. Upon
4 receipt of the motion and notice to the parties, the court
5 shall conduct an in camera hearing, with counsel present,
6 limited to review of potential safety concerns. The court shall
7 cause an official record of the in camera hearing to be made,
8 which shall be kept under seal. The court shall not consider
9 the merits of the affirmative defense during the in camera
10 review.

11 (b) If the court finds by a preponderance of the evidence
12 that the assertion of an affirmative defense under subsection
13 (c-5) of Section 11-14 of the Criminal Code of 2012 by the
14 accused in open court would likely jeopardize the safety of the
15 accused, court personnel, or other persons, the court may clear
16 the courtroom with the agreement of the accused, order
17 additional in camera hearings, seal the records, prohibit court
18 personnel from disclosing the proceedings without prior court
19 approval, or take any other appropriate measure that in the
20 court's discretion will enhance the safety of the proceedings
21 and ensure the accused a full and fair opportunity to assert
22 his or her affirmative defense.

23 (c) Statements made by the accused during the in camera
24 hearing to review safety concerns shall not be admissible
25 against the accused for the crimes charged.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.