



Filed: 3/1/2006

09400HB4885ham005

LRB094 18448 RLC 56905 a

1 AMENDMENT TO HOUSE BILL 4885

2 AMENDMENT NO. _____. Amend House Bill 4885, AS AMENDED, by
3 inserting immediately after the enacting clause the following:

4 "Section 2. The Criminal Code of 1961 is amended by
5 changing 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 performs, offers or agrees to perform
9 any act of sexual penetration as defined in Section 12-12 of
10 this Code for any money, property, token, object, or article or
11 anything of value, or any touching or fondling of the sex
12 organs of one person by another person, for any money,
13 property, token, object, or article or anything of value, for
14 the purpose of sexual arousal or gratification commits an act
15 of prostitution.

16 (b) Sentence.

17 Prostitution is a Class A misdemeanor. A person convicted
18 of a second or subsequent violation of this Section, or of any
19 combination of such number of convictions under this Section
20 and Sections 11-15, 11-17, 11-18, 11-18.1 and 11-19 of this
21 Code is guilty of a Class 4 felony. When a person has one or
22 more prior convictions, the information or indictment charging
23 that person shall state such prior conviction so as to give
24 notice of the State's intention to treat the charge as a

1 felony. The fact of such prior conviction is not an element of
2 the offense and may not be disclosed to the jury during trial
3 unless otherwise permitted by issues properly raised during
4 such trial.

5 (c) A person who violates this Section within 1,000 feet of
6 real property comprising a school commits a Class 4 felony.

7 (d) (1) Whenever a person, not having been previously
8 convicted of felony prostitution, enters a plea of guilty or is
9 found guilty of misdemeanor prostitution, the court may enter
10 an order specifying a period of supervision of one year and may
11 defer further proceedings in the case until the conclusion of
12 the period or until the filing of a petition alleging violation
13 of a term or condition of supervision.

14 (2) The conditions of this supervision shall be that the
15 person:

16 (A) not violate any criminal statute of any
17 jurisdiction;

18 (B) submit to periodic drug testing, no less than 2
19 times during the period of the supervision;

20 (C) participate in a drug assessment and if needed drug
21 treatment through county drug school, or the equivalent;

22 (D) participate in a mental health screening at an
23 approved service provider.

24 (3) Upon violation of a term or condition of supervision,
25 the court may enter a judgment on its original finding of guilt
26 and proceed as otherwise provided.

27 (4) There may be up to 2 deferred proceedings under this
28 Section.

29 (5) Upon fulfillment of the terms and conditions of
30 supervision, the court shall discharge the person and dismiss
31 the proceedings against him or her.

32 (6) The person must consent to receiving this supervision.

33 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696,
34 eff. 4-13-00.)".