



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0075

Introduced 1/31/2007, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-14.2 new

Amends the Criminal Code of 1961. Provides that when a person who has not previously been convicted of or placed on probation for felony prostitution is guilty of felony prostitution, the court, without entering a judgment and with the consent of the person, may sentence the person to probation. Provides that when a person is placed on probation for felony prostitution, the court shall order a period of probation of 24 months and defer further proceedings until the conclusion of the period or until the filing of a petition alleging violation of probation. Provides that the conditions of probation shall be that the person: not violate any criminal statute of any jurisdiction; refrain from possessing a firearm or other dangerous weapon; 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 perform no less than 30 hours of community service if 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. 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 after 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. Effective immediately.

LRB095 04906 RLC 24971 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL 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

1 as ordered by the court, but no less than 3 times during the
2 period of the probation, with the cost of the testing to be
3 paid by the probationer; and (4) perform no less than 30 hours
4 of community service, provided community service is available
5 in the jurisdiction and is funded and approved by the county
6 board.

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

9 (1) make a report to and appear in person before or
10 participate with the court or such courts, person, or
11 social service agency as directed by the court in the order
12 of probation;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical or psychiatric treatment; or
17 treatment or rehabilitation by a provider approved by the
18 Illinois Department of Human Services;

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

21 (6) support his or her dependents;

22 (7) refrain from having in his or her body the presence
23 of any illicit drug prohibited by the Cannabis Control Act
24 or the Illinois Controlled Substances Act, unless
25 prescribed by a physician, and submit samples of his or her
26 blood or urine or both for tests to determine the presence

1 of any illicit drug;

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

3 (i) reside with his or her parents or in a foster
4 home;

5 (ii) attend school;

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

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

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

12 (f) Upon fulfillment of the terms and conditions of
13 probation, the court shall discharge the person and dismiss the
14 proceedings against him or her.

15 (g) A disposition of probation is considered to be a
16 conviction for the purposes of imposing the conditions of
17 probation and for appeal, however, discharge and dismissal
18 under this Section is not a conviction for purposes of this Act
19 or for purposes of disqualifications or disabilities imposed by
20 law upon conviction of a crime.

21 (h) There may be only one discharge and dismissal under
22 this Section.

23 (i) If a person is convicted of prostitution within 5 years
24 subsequent to a discharge and dismissal under this Section, the
25 discharge and dismissal under this Section shall be admissible
26 in the sentencing proceeding for that conviction as evidence in

1 aggravation.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.