



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6195

Introduced 2/11/2010, by Rep. Charles E. Jefferson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-14.1	
720 ILCS 5/11-15	from Ch. 38, par. 11-15
720 ILCS 5/11-15.1	from Ch. 38, par. 11-15.1
720 ILCS 5/11-18	from Ch. 38, par. 11-18
720 ILCS 5/11-18.1	from Ch. 38, par. 11-18.1
720 ILCS 5/11-19	from Ch. 38, par. 11-19

Amends the Criminal Code of 1961. Increases by one class the penalties for solicitation of a sexual act, soliciting for a prostitute, soliciting for a juvenile prostitute, patronizing a prostitute, patronizing a juvenile prostitute, and pimping.

LRB096 19311 RLC 34702 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 changing
5 Sections 11-14.1, 11-15, 11-15.1, 11-18, 11-18.1, and 11-19 as
6 follows:

7 (720 ILCS 5/11-14.1)

8 Sec. 11-14.1. Solicitation of a sexual act.

9 (a) Any person who offers a person not his or her spouse
10 any money, property, token, object, or article or anything of
11 value to perform any act of sexual penetration as defined in
12 Section 12-12 of this Code, or any touching or fondling of the
13 sex organs of one person by another person for the purpose of
14 sexual arousal or gratification, commits the offense of
15 solicitation of a sexual act.

16 (b) Sentence. Solicitation of a sexual act is a Class A ~~B~~
17 misdemeanor.

18 (Source: P.A. 91-696, eff. 4-13-00.)

19 (720 ILCS 5/11-15) (from Ch. 38, par. 11-15)

20 Sec. 11-15. Soliciting for a prostitute.

21 (a) Any person who performs any of the following acts
22 commits soliciting for a prostitute:

1 (1) Solicits another for the purpose of prostitution;

2 or

3 (2) Arranges or offers to arrange a meeting of persons
4 for the purpose of prostitution; or

5 (3) Directs another to a place knowing such direction
6 is for the purpose of prostitution.

7 (b) Sentence. Soliciting for a prostitute is a Class 4
8 felony ~~A misdemeanor~~. A person convicted of a second or
9 subsequent violation of this Section, or of any combination of
10 such number of convictions under this Section and Sections
11 11-14, 11-17, 11-18, 11-18.1 and 11-19 of this Code is guilty
12 of a Class 3 ~~4~~ felony. ~~When a person has one or more prior~~
13 ~~convictions, the information or indictment charging that~~
14 ~~person shall state such prior conviction so as to give notice~~
15 ~~of the State's intention to treat the charge as a felony.~~ The
16 fact of such prior conviction is not an element of the offense
17 and may not be disclosed to the jury during trial unless
18 otherwise permitted by issues properly raised during such
19 trial.

20 (b-5) A person who violates this Section within 1,000 feet
21 of real property comprising a school commits a Class 3 ~~4~~
22 felony.

23 (c) A peace officer who arrests a person for a violation of
24 this Section may impound any vehicle used by the person in the
25 commission of the offense. The person may recover the vehicle
26 from the impound after a minimum of 2 hours after arrest upon

1 payment of a fee of \$200. The fee shall be distributed to the
2 unit of government whose peace officers made the arrest for a
3 violation of this Section. This \$200 fee includes the costs
4 incurred by the unit of government to tow the vehicle to the
5 impound. Upon the presentation of a signed court order by the
6 defendant whose vehicle was impounded showing that the
7 defendant has been acquitted of the offense of soliciting for a
8 prostitute or that the charges have been dismissed against the
9 defendant for that offense, the municipality shall refund the
10 \$200 fee to the defendant.

11 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 92-16,
12 eff. 6-28-01.)

13 (720 ILCS 5/11-15.1) (from Ch. 38, par. 11-15.1)

14 Sec. 11-15.1. Soliciting for a Juvenile Prostitute.

15 (a) Any person who violates any of the provisions of
16 Section 11-15(a) of this Act commits soliciting for a juvenile
17 prostitute where the prostitute for whom such person is
18 soliciting is under 17 years of age or is a severely or
19 profoundly mentally retarded person.

20 (b) It is an affirmative defense to a charge of soliciting
21 for a juvenile prostitute that the accused reasonably believed
22 the person was of the age of 17 years or over or was not a
23 severely or profoundly mentally retarded person at the time of
24 the act giving rise to the charge.

25 (c) Sentence.

1 Soliciting for a juvenile prostitute is a Class X ~~1~~ felony.
2 (Source: P.A. 95-95, eff. 1-1-08.)

3 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)
4 Sec. 11-18. Patronizing a prostitute.

5 (a) Any person who performs any of the following acts with
6 a person not his or her spouse commits the offense of
7 patronizing a prostitute:

8 (1) Engages in an act of sexual penetration as defined
9 in Section 12-12 of this Code with a prostitute; or

10 (2) Enters or remains in a place of prostitution with
11 intent to engage in an act of sexual penetration as defined
12 in Section 12-12 of this Code.

13 (b) Sentence.

14 Patronizing a prostitute is a Class 4 felony ~~A misdemeanor~~.
15 A person convicted of a second or subsequent violation of this
16 Section, or of any combination of such number of convictions
17 under this Section and Sections 11-14, 11-15, 11-17, 11-18.1
18 and 11-19 of this Code, is guilty of a Class 3 ~~4~~ felony. ~~When a~~
19 ~~person has one or more prior convictions, the information or~~
20 ~~indictment charging that person shall state such prior~~
21 ~~convictions so as to give notice of the State's intention to~~
22 ~~treat the charge as a felony.~~ The fact of such conviction is
23 not an element of the offense and may not be disclosed to the
24 jury during trial unless otherwise permitted by issues properly
25 raised during such trial.

1 (c) A person who violates this Section within 1,000 feet of
2 real property comprising a school commits a Class 3 4 felony.
3 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 92-16,
4 eff. 6-28-01.)

5 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

6 Sec. 11-18.1. Patronizing a juvenile prostitute. (a) Any
7 person who engages in an act of sexual penetration as defined
8 in Section 12-12 of this Code with a prostitute under 17 years
9 of age commits the offense of patronizing a juvenile
10 prostitute.

11 (b) It is an affirmative defense to the charge of
12 patronizing a juvenile prostitute that the accused reasonably
13 believed that the person was of the age of 17 years or over at
14 the time of the act giving rise to the charge.

15 (c) Sentence. A person who commits patronizing a juvenile
16 prostitute is guilty of a Class 3 4 felony.
17 (Source: P.A. 85-1447.)

18 (720 ILCS 5/11-19) (from Ch. 38, par. 11-19)

19 Sec. 11-19. Pimping.

20 (a) Any person who receives any money, property, token,
21 object, or article or anything of value from a prostitute, not
22 for a lawful consideration, knowing it was earned in whole or
23 in part from the practice of prostitution, commits pimping.

24 (b) Sentence.

1 Pimping is a Class 4 felony ~~A misdemeanor~~. A person
2 convicted of a second or subsequent violation of this Section,
3 or of any combination of such number of convictions under this
4 Section and Sections 11-14, 11-15, 11-17, 11-18 and 11-18.1 of
5 this Code is guilty of a Class 3 ~~4~~ felony. ~~When a person has one~~
6 ~~or more prior convictions, the information or indictment~~
7 ~~charging that person shall state such prior conviction so as to~~
8 ~~give notice of the State's intention to treat the charge as a~~
9 ~~felony.~~ The fact of such conviction is not an element of the
10 offense and may not be disclosed to the jury during trial
11 unless otherwise permitted by issues properly raised during
12 such trial.

13 (c) A person who violates this Section within 1,000 feet of
14 real property comprising a school commits a Class 3 ~~4~~ felony.

15 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696,
16 eff. 4-13-00.)