

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Code of Civil Procedure is amended by changing Section 13-225 as follows:

(735 ILCS 5/13-225)

Sec. 13-225. Trafficking victims protection ~~Predator~~  
~~accountability~~.

(a) In this Section, "human trafficking", "involuntary servitude", "sex trade", and "victim of the sex trade" have the meanings ascribed to them in Section 10 of the Trafficking Victims Protection ~~Predator Accountability~~ Act.

(b) Subject to both subsections (e) and (f) and notwithstanding any other provision of law, an action under the Trafficking Victims Protection ~~Predator Accountability~~ Act must be commenced within 10 years of the date the limitation period begins to run under subsection (d) or within 10 years of the date the plaintiff discovers or through the use of reasonable diligence should discover both (i) that the sex trade, involuntary servitude, or human trafficking act occurred, and (ii) that the defendant caused, was responsible for, or profited from the sex trade, involuntary servitude, or human trafficking act. The fact that the plaintiff discovers or

through the use of reasonable diligence should discover that the sex trade, involuntary servitude, or human trafficking act occurred is not, by itself, sufficient to start the discovery period under this subsection (b).

(c) If the injury is caused by 2 or more acts that are part of a continuing series of sex trade, involuntary servitude, or human trafficking acts by the same defendant, then the discovery period under subsection (b) shall be computed from the date the person abused discovers or through the use of reasonable diligence should discover (i) that the last sex trade, involuntary servitude, or human trafficking act in the continuing series occurred, and (ii) that the defendant caused, was responsible for, or profited from the series of sex trade, involuntary servitude, or human trafficking acts. The fact that the plaintiff discovers or through the use of reasonable diligence should discover that the last sex trade, involuntary servitude, or human trafficking act in the continuing series occurred is not, by itself, sufficient to start the discovery period under subsection (b).

(d) The limitation periods in subsection (b) do not begin to run before the plaintiff attains the age of 18 years; and, if at the time the plaintiff attains the age of 18 years he or she is under other legal disability, the limitation periods under subsection (b) do not begin to run until the removal of the disability.

(e) The limitation periods in subsection (b) do not run

during a time period when the plaintiff is subject to threats, intimidation, manipulation, or fraud perpetrated by the defendant or by any person acting in the interest of the defendant.

(f) The limitation periods in subsection (b) do not commence running until the expiration of all limitations periods applicable to the criminal prosecution of the plaintiff for any acts which form the basis of a cause of action under the Trafficking Victims Protection ~~Predator Accountability~~ Act.

(Source: P.A. 94-998, eff. 7-3-06.)

Section 10. The Predator Accountability Act is amended by changing Sections 1, 5, 10, 15, 20, 25, and 45 as follows:

(740 ILCS 128/1)

Sec. 1. Short title. This Act may be cited as the Trafficking Victims Protection ~~Predator Accountability~~ Act.

(Source: P.A. 94-998, eff. 7-3-06.)

(740 ILCS 128/5)

Sec. 5. Purpose. The purpose of this Act is to allow persons who have been or who are subjected to the sex trade, involuntary servitude, or human trafficking to seek civil damages and remedies from individuals and entities that recruited, harmed, profited from, or maintained them in the sex

trade or involuntary servitude or subjected them to human trafficking.

(Source: P.A. 94-998, eff. 7-3-06.)

(740 ILCS 128/10)

Sec. 10. Definitions. As used in this Act:

"Human trafficking" means a violation or attempted violation of subsection (d) of Section 10-9 of the Criminal Code of 2012.

"Involuntary servitude" means a violation or attempted violation of subsection (b) of Section 10-9 of the Criminal Code of 2012.

"Sex trade" means ~~any act, which if proven beyond a reasonable doubt could support a conviction for~~ a violation or attempted violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012: 11-14.3 (promoting prostitution); 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting for a prostitute); 11-15.1 (soliciting for a juvenile prostitute); 11-16 (pandering); 11-17 (keeping a place of prostitution); 11-17.1 (keeping a place of juvenile prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and aggravated juvenile pimping); 11-19.2 (exploitation of a child); 11-20 (obscenity); 11-20.1 (child pornography); ~~or~~ 11-20.1B or 11-20.3 (aggravated child pornography); or subsection (c) of Section 10-9 (~~trafficking in persons and involuntary sexual servitude of a minor~~).

"Sex trade" activity may involve adults and youth of all genders and sexual orientations.

"Victim of the sex trade" means, for the following sex trade acts, the person or persons indicated:

(1) soliciting for a prostitute: the prostitute who is the object of the solicitation;

(2) soliciting for a juvenile prostitute: the juvenile prostitute, or person with a severe or profound intellectual disability, who is the object of the solicitation;

(3) promoting prostitution as described in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012, or pandering: the person intended or compelled to act as a prostitute;

(4) keeping a place of prostitution: any person intended or compelled to act as a prostitute, while present at the place, during the time period in question;

(5) keeping a place of juvenile prostitution: any juvenile intended or compelled to act as a prostitute, while present at the place, during the time period in question;

(6) promoting prostitution as described in subdivision (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012, or pimping: the prostitute from whom anything of value is received;

(7) promoting juvenile prostitution as described in

subdivision (a) (2) or (a) (3) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, or juvenile pimping and aggravated juvenile pimping: the juvenile, or person with a severe or profound intellectual disability, from whom anything of value is received for that person's act of prostitution;

(8) promoting juvenile prostitution as described in subdivision (a) (4) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, or exploitation of a child: the juvenile, or person with a severe or profound intellectual disability, intended or compelled to act as a prostitute or from whom anything of value is received for that person's act of prostitution;

(9) obscenity: any person who appears in or is described or depicted in the offending conduct or material;

(10) child pornography or aggravated child pornography: any child, or person with a severe or profound intellectual disability, who appears in or is described or depicted in the offending conduct or material; or

(11) ~~trafficking of persons or~~ involuntary sexual servitude of a minor: a "~~trafficking victim~~" as defined in subsection (c) of Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012.

(Source: P.A. 99-143, eff. 7-27-15.)

Sec. 15. Cause of action.

(a) A victim of the sex trade, involuntary servitude, or human trafficking may bring an action in civil court under this Act ~~Violations of this Act are actionable in civil court.~~

(a-1) A legal guardian, agent of the victim, court appointee, or organization that represents the interests of or serves victims may bring a cause of action on behalf of a victim. An action may also be brought by a government entity responsible for enforcing the laws of this State.

(b) A victim of the sex trade has a cause of action against a person or entity who:

(1) recruits, profits from, or maintains the victim in any sex trade act;

(2) intentionally abuses, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, or causes bodily harm, as defined in Section 11-0.1 of the Criminal Code of 2012, to a victim of the sex trade ~~the victim in any sex trade act;~~ or

(3) knowingly advertises or publishes advertisements for purposes of recruitment into sex trade activity.

(b-1) A victim of involuntary servitude or human trafficking has a cause of action against any person or entity who knowingly subjects, attempts to subject, or engages in a conspiracy to subject the victim to involuntary servitude or human trafficking.

(c) This Section shall not be construed to create liability

to any person or entity who provides goods or services to the general public, who also provides those goods or services to persons who would be liable under subsection (b) of this Section, absent a showing that the person or entity either:

(1) knowingly markets or provides its goods or services primarily to persons or entities liable under subsection (b) of this Section;

(2) knowingly receives a higher level of compensation from persons or entities liable under subsection (b) of this Section than it generally receives from customers; or

(3) supervises or exercises control over persons or entities liable under subsection (b) of this Section.

(d) The standard of proof in any action brought under this Section is a preponderance of the evidence.

(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

(740 ILCS 128/20)

Sec. 20. Relief. A prevailing victim of the sex trade, involuntary servitude, or human trafficking shall be entitled to all relief that would make him or her whole. This includes, but is not limited to:

(1) declaratory relief;

(2) injunctive relief;

(3) recovery of costs and attorney fees including, but not limited to, costs for expert testimony and witness fees;

(4) compensatory damages including, but not limited to:

(A) economic loss, including damage, destruction, or loss of use of personal property, ~~and~~ loss of past or future earning capacity, and, for a victim of involuntary servitude or human trafficking, any statutorily required wages under applicable State or federal law; and

(B) damages for death, personal injury, disease, and mental and emotional harm, including medical, rehabilitation, burial expenses, pain and suffering, and physical impairment;

(5) punitive damages; and

(6) damages in the amount of the gross revenues received by the defendant from, or related to, the sex trade, involuntary servitude, or human trafficking activities of the plaintiff or the trafficking and involuntary servitude of the plaintiff.

(Source: P.A. 94-998, eff. 7-3-06; 95-331, eff. 8-21-07.)

(740 ILCS 128/25)

Sec. 25. Non-defenses.

(a) It is not a defense to an action brought under this Act that:

(1) the victim of the sex trade, involuntary servitude, or human trafficking and the defendant had a marital or

consenting sexual relationship;

(2) the defendant is related to the victim of the sex trade, involuntary servitude, or human trafficking by blood or marriage, or has lived with the defendant in any formal or informal household arrangement;

(3) the victim of the sex trade, involuntary servitude, or human trafficking was paid or otherwise compensated for sex trade activity, human, or other services;

(4) the victim of the sex trade engaged in sex trade activity or had been subjected to involuntary servitude or human trafficking prior to any involvement with the defendant;

(5) the victim of the sex trade, involuntary servitude, or human trafficking made no attempt to escape, flee, or otherwise terminate contact with the defendant;

(6) the victim of the sex trade, involuntary servitude, or human trafficking consented to engage in acts of the sex trade, human, or other services;

(7) it was a single incident of activity; ~~or~~

(8) there was no physical contact involved; ~~or~~

(9) a defendant has been acquitted or has not been investigated, arrested, prosecuted, or convicted under the Criminal Code of 2012 or has been convicted of a different offense for the conduct that is alleged to give rise to liability under this Act.

(b) Any illegality of the sex trade activity, human, or

services on the part of the victim of the sex trade, involuntary servitude, or human trafficking shall not be an affirmative defense to any action brought under this Act.

(Source: P.A. 94-998, eff. 7-3-06.)

(740 ILCS 128/45)

Sec. 45. No avoidance of liability. No person may avoid liability under this Act by means of any conveyance of any right, title, or interest in real property, or by any indemnification, hold harmless agreement, or similar agreement that purports to show consent of the victim of the sex trade, involuntary servitude, or human trafficking.

(Source: P.A. 94-998, eff. 7-3-06.)