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1 AMENDMENT TO SENATE BILL 3108

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3108 by replacing  
3 everything after the enacting clause with the following:

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

6 (735 ILCS 5/13-225)

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

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

13 (b) Subject to both subsections (e) and (f) and  
14 notwithstanding any other provision of law, an action under the  
15 Trafficking Victims Protection ~~Predator Accountability~~ Act  
16 must be commenced within 10 years of the date the limitation

1 period begins to run under subsection (d) or within 10 years of  
2 the date the plaintiff discovers or through the use of  
3 reasonable diligence should discover both (i) that the sex  
4 trade, involuntary servitude, or human trafficking act  
5 occurred, and (ii) that the defendant caused, was responsible  
6 for, or profited from the sex trade, involuntary servitude, or  
7 human trafficking act. The fact that the plaintiff discovers or  
8 through the use of reasonable diligence should discover that  
9 the sex trade, involuntary servitude, or human trafficking act  
10 occurred is not, by itself, sufficient to start the discovery  
11 period under this subsection (b).

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

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

7 (e) The limitation periods in subsection (b) do not run  
8 during a time period when the plaintiff is subject to threats,  
9 intimidation, manipulation, or fraud perpetrated by the  
10 defendant or by any person acting in the interest of the  
11 defendant.

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

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

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

21 (740 ILCS 128/1)

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

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

1 (740 ILCS 128/5)

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

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

10 (740 ILCS 128/10)

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

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

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

18 "Sex trade" means ~~any act, which if proven beyond a~~  
19 ~~reasonable doubt could support a conviction for~~ a violation or  
20 attempted violation of any of the following Sections of the  
21 Criminal Code of 1961 or the Criminal Code of 2012: 11-14.3  
22 (promoting prostitution); 11-14.4 (promoting juvenile  
23 prostitution); 11-15 (soliciting for a prostitute); 11-15.1  
24 (soliciting for a juvenile prostitute); 11-16 (pandering);

1 11-17 (keeping a place of prostitution); 11-17.1 (keeping a  
2 place of juvenile prostitution); 11-19 (pimping); 11-19.1  
3 (juvenile pimping and aggravated juvenile pimping); 11-19.2  
4 (exploitation of a child); 11-20 (obscenity); 11-20.1 (child  
5 pornography); ~~or~~ 11-20.1B or 11-20.3 (aggravated child  
6 pornography); or subsection (c) of Section 10-9 (~~trafficking in~~  
7 ~~persons and involuntary sexual servitude of a minor~~).

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

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

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

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

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

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

25 (5) keeping a place of juvenile prostitution: any  
26 juvenile intended or compelled to act as a prostitute,

1 while present at the place, during the time period in  
2 question;

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

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

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

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

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

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

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

6           (740 ILCS 128/15)

7           Sec. 15. Cause of action.

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

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

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

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

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

25               (3) knowingly advertises or publishes advertisements

1 for purposes of recruitment into sex trade activity.

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

7 (c) This Section shall not be construed to create liability  
8 to any person or entity who provides goods or services to the  
9 general public, who also provides those goods or services to  
10 persons who would be liable under subsection (b) of this  
11 Section, absent a showing that the person or entity either:

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

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

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

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

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

23 (740 ILCS 128/20)

24 Sec. 20. Relief. A prevailing victim of the sex trade,  
25 involuntary servitude, or human trafficking shall be entitled



1 to all relief that would make him or her whole. This includes,  
2 but is not limited to:

3 (1) declaratory relief;

4 (2) injunctive relief;

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

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

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

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

20 (5) punitive damages; and

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

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

1 (740 ILCS 128/25)

2 Sec. 25. Non-defenses.

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

5 (1) the victim of the sex trade, involuntary servitude,  
6 or human trafficking and the defendant had a marital or  
7 consenting sexual relationship;

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

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

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

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

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

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

1 (8) there was no physical contact involved; or.

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

7 (b) Any illegality of the sex trade activity, human, or  
8 services on the part of the victim of the sex trade,   
9 involuntary servitude, or human trafficking shall not be an  
10 affirmative defense to any action brought under this Act.

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

12 (740 ILCS 128/45)

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

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