



Sen. Iris Y. Martinez

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LRB100 04839 HEP 43218 a

1 AMENDMENT TO SENATE BILL 580

2 AMENDMENT NO. _____. Amend Senate Bill 580 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Trafficking Victims Protection Act is
5 amended by changing Section 15 as follows:

6 (740 ILCS 128/15)

7 (Text of Section before amendment by P.A. 100-939)

8 Sec. 15. Cause of action.

9 (a) Violations of this Act are actionable in civil court.

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

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

14 (2) intentionally abuses, as defined in Section 103 of
15 the Illinois Domestic Violence Act of 1986, or causes
16 bodily harm, as defined in Section 11-0.1 of the Criminal

1 Code of 2012, to the victim in any sex trade act; or

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

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

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

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

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

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

18 (Text of Section after amendment by P.A. 100-939)

19 Sec. 15. Cause of action.

20 (a) A victim of the sex trade, involuntary servitude, or
21 human trafficking may bring an action in civil court under this
22 Act.

23 (a-1) A legal guardian, agent of the victim, court
24 appointee, or, with the express written consent of the victim,
25 organization that represents the interests of or serves victims

1 may bring a cause of action on behalf of a victim. An action
2 may also be brought by a government entity responsible for
3 enforcing the laws of this State.

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

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

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

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

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

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

24 (1) knowingly markets or provides its goods or services
25 primarily to persons or entities liable under subsection

26 (b) of this Section;

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

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

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

8 (Source: P.A. 100-939, eff. 1-1-19.)

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."