

1 AN ACT concerning civil law.

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

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  
17 period begins to run under subsection (d) or within 10 years of  
18 the date the plaintiff discovers or through the use of  
19 reasonable diligence should discover both (i) that the sex  
20 trade, involuntary servitude, or human trafficking act  
21 occurred, and (ii) that the defendant caused, was responsible  
22 for, or profited from the sex trade, involuntary servitude, or  
23 human trafficking act. The fact that the plaintiff discovers or

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

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

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

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

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

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

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

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

14 (740 ILCS 128/1)

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

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

18 (740 ILCS 128/5)

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

1 trade or involuntary servitude or subjected them to human  
2 trafficking.

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

4 (740 ILCS 128/10)

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

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

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

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

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

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

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

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

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

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

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

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

26 (7) promoting juvenile prostitution as described in

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

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

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

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

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

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

1           Sec. 15. Cause of action.

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

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

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  
17 Code of 2012, to a victim of the sex trade ~~the victim in~~  
18 ~~any sex trade act;~~ or

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

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

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

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

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

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

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

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

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

16 (740 ILCS 128/20)

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

21 (1) declaratory relief;

22 (2) injunctive relief;

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



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

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

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

13 (5) punitive damages; and

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

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

20 (740 ILCS 128/25)

21 Sec. 25. Non-defenses.

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

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

1 consenting sexual relationship;

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

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

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

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

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

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

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

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

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

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

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

5 (740 ILCS 128/45)

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

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