



Rep. Michael J. Madigan

Filed: 5/21/2019

10100SB1890ham002

LRB101 07959 TAE 60920 a

1 AMENDMENT TO SENATE BILL 1890

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1890 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Lodging Services Human Trafficking Recognition Training Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Human Services.

8 "Employee" means a person employed by a lodging  
9 establishment who has recurring interactions with the public,  
10 including, but not limited to, an employee who works in a  
11 reception area, performs housekeeping duties, helps customers  
12 in moving their possessions, or transports by vehicle customers  
13 of the lodging establishment.

14 "Human trafficking" means the deprivation or violation of  
15 the personal liberty of another with the intent to obtain  
16 forced labor or services, procure or sell the individual for

1 commercial sex, or exploit the individual in obscene matter.  
2 Depriving or violating a person's liberty includes substantial  
3 and sustained restriction of another's liberty accomplished  
4 through fraud, deceit, coercion, violence, duress, menace, or  
5 threat of unlawful injury to the victim or to another person,  
6 under circumstances where the person receiving or apprehending  
7 the threat reasonably believes that it is likely that the  
8 person making the threat would carry it out.

9 "Lodging establishment" means an establishment classified  
10 as a hotel or motel in the 2017 North American Industry  
11 Classification System under code 721110, and an establishment  
12 classified as a casino hotel in the 2017 North American  
13 Industry Classification System under code 721120.

14 Section 10. Human trafficking recognition training.  
15 Beginning June 1, 2020, a lodging establishment shall provide  
16 its employees with training in the recognition of human  
17 trafficking and protocols for reporting observed human  
18 trafficking to the appropriate authority. The employees must  
19 complete the training within 6 months after beginning  
20 employment in such role with the lodging establishment and  
21 every 2 years thereafter, if still employed by the lodging  
22 establishment. The training shall be at least 20 minutes in  
23 duration.

24 Section 15. Human trafficking recognition training

1 curriculum.

2 (a) A lodging establishment may use its own human  
3 trafficking training program or that of a third party and be in  
4 full compliance with this Act if the human trafficking training  
5 program includes, at a minimum, all of the following:

6 (1) a definition of human trafficking and commercial  
7 exploitation of children;

8 (2) guidance on how to identify individuals who are  
9 most at risk for human trafficking;

10 (3) the difference between human trafficking for  
11 purposes of labor and for purposes of sex as the  
12 trafficking relates to lodging establishments; and

13 (4) guidance on the role of lodging establishment  
14 employees in reporting and responding to instances of human  
15 trafficking.

16 (b) The Department shall develop a curriculum for an  
17 approved human trafficking training recognition program which  
18 shall be used by a lodging establishment that does not  
19 administer its own human trafficking recognition program as  
20 described in subsection (a). The human trafficking training  
21 recognition program developed by the Department shall include,  
22 at a minimum, all of the following:

23 (1) a definition of human trafficking and commercial  
24 exploitation of children;

25 (2) guidance on how to identify individuals who are  
26 most at risk for human trafficking;

1 (3) the difference between human trafficking for  
2 purposes of labor and for purposes of sex as the  
3 trafficking relates to lodging establishments; and

4 (4) guidance on the role of lodging establishment  
5 employees in reporting and responding to instances of human  
6 trafficking.

7 The Department may consult the United States Department of  
8 Justice for the human trafficking recognition training program  
9 developed under this subsection.

10 The Department shall develop and publish the human  
11 trafficking recognition training program described in this  
12 subsection no later than July 1, 2020.

13 Section 100. The Department of State Police Law of the  
14 Civil Administrative Code of Illinois is amended by adding  
15 Section 2605-99 as follows:

16 (20 ILCS 2605/2605-99 new)

17 Sec. 2605-99. Training; human trafficking. The Director  
18 shall conduct or approve a training program in the detection  
19 and investigation of all forms of human trafficking, including,  
20 but not limited to "involuntary servitude" under subsection (b)  
21 of Section 10-9 of the Criminal Code of 2012, "involuntary  
22 sexual servitude of a minor" under subsection (c) of Section  
23 10-9 of the Criminal Code of 2012, and "trafficking in persons"  
24 under subsection (d) of Section 10-9 of the Criminal Code of

1 2012. This program shall be made available to all cadets and  
2 state police officers.

3 Section 105. The Illinois Police Training Act is amended by  
4 changing Section 7 and by adding Section 10.23 as follows:

5 (50 ILCS 705/7) (from Ch. 85, par. 507)

6 Sec. 7. Rules and standards for schools. The Board shall  
7 adopt rules and minimum standards for such schools which shall  
8 include, but not be limited to, the following:

9 a. The curriculum for probationary police officers  
10 which shall be offered by all certified schools shall  
11 include, but not be limited to, courses of procedural  
12 justice, arrest and use and control tactics, search and  
13 seizure, including temporary questioning, civil rights,  
14 human rights, human relations, cultural competency,  
15 including implicit bias and racial and ethnic sensitivity,  
16 criminal law, law of criminal procedure, constitutional  
17 and proper use of law enforcement authority, vehicle and  
18 traffic law including uniform and non-discriminatory  
19 enforcement of the Illinois Vehicle Code, traffic control  
20 and accident investigation, techniques of obtaining  
21 physical evidence, court testimonies, statements, reports,  
22 firearms training, training in the use of electronic  
23 control devices, including the psychological and  
24 physiological effects of the use of those devices on

1 humans, first-aid (including cardiopulmonary  
2 resuscitation), training in the administration of opioid  
3 antagonists as defined in paragraph (1) of subsection (e)  
4 of Section 5-23 of the Substance Use Disorder Act, handling  
5 of juvenile offenders, recognition of mental conditions  
6 and crises, including, but not limited to, the disease of  
7 addiction, which require immediate assistance and response  
8 and methods to safeguard and provide assistance to a person  
9 in need of mental treatment, recognition of abuse, neglect,  
10 financial exploitation, and self-neglect of adults with  
11 disabilities and older adults, as defined in Section 2 of  
12 the Adult Protective Services Act, crimes against the  
13 elderly, law of evidence, the hazards of high-speed police  
14 vehicle chases with an emphasis on alternatives to the  
15 high-speed chase, and physical training. The curriculum  
16 shall include specific training in techniques for  
17 immediate response to and investigation of cases of  
18 domestic violence and of sexual assault of adults and  
19 children, including cultural perceptions and common myths  
20 of sexual assault and sexual abuse as well as interview  
21 techniques that are age sensitive and are trauma informed,  
22 victim centered, and victim sensitive. The curriculum  
23 shall include training in techniques designed to promote  
24 effective communication at the initial contact with crime  
25 victims and ways to comprehensively explain to victims and  
26 witnesses their rights under the Rights of Crime Victims

1 and Witnesses Act and the Crime Victims Compensation Act.  
2 The curriculum shall also include training in effective  
3 recognition of and responses to stress, trauma, and  
4 post-traumatic stress experienced by police officers. The  
5 curriculum shall also include a block of instruction aimed  
6 at identifying and interacting with persons with autism and  
7 other developmental or physical disabilities, reducing  
8 barriers to reporting crimes against persons with autism,  
9 and addressing the unique challenges presented by cases  
10 involving victims or witnesses with autism and other  
11 developmental disabilities. The curriculum shall include  
12 training in the detection and investigation of all forms of  
13 human trafficking. The curriculum for permanent police  
14 officers shall include, but not be limited to: (1)  
15 refresher and in-service training in any of the courses  
16 listed above in this subparagraph, (2) advanced courses in  
17 any of the subjects listed above in this subparagraph, (3)  
18 training for supervisory personnel, and (4) specialized  
19 training in subjects and fields to be selected by the  
20 board. The training in the use of electronic control  
21 devices shall be conducted for probationary police  
22 officers, including University police officers.

23 b. Minimum courses of study, attendance requirements  
24 and equipment requirements.

25 c. Minimum requirements for instructors.

26 d. Minimum basic training requirements, which a

1 probationary police officer must satisfactorily complete  
2 before being eligible for permanent employment as a local  
3 law enforcement officer for a participating local  
4 governmental agency. Those requirements shall include  
5 training in first aid (including cardiopulmonary  
6 resuscitation).

7 e. Minimum basic training requirements, which a  
8 probationary county corrections officer must  
9 satisfactorily complete before being eligible for  
10 permanent employment as a county corrections officer for a  
11 participating local governmental agency.

12 f. Minimum basic training requirements which a  
13 probationary court security officer must satisfactorily  
14 complete before being eligible for permanent employment as  
15 a court security officer for a participating local  
16 governmental agency. The Board shall establish those  
17 training requirements which it considers appropriate for  
18 court security officers and shall certify schools to  
19 conduct that training.

20 A person hired to serve as a court security officer  
21 must obtain from the Board a certificate (i) attesting to  
22 his or her successful completion of the training course;  
23 (ii) attesting to his or her satisfactory completion of a  
24 training program of similar content and number of hours  
25 that has been found acceptable by the Board under the  
26 provisions of this Act; or (iii) attesting to the Board's



1 determination that the training course is unnecessary  
2 because of the person's extensive prior law enforcement  
3 experience.

4 Individuals who currently serve as court security  
5 officers shall be deemed qualified to continue to serve in  
6 that capacity so long as they are certified as provided by  
7 this Act within 24 months of June 1, 1997 (the effective  
8 date of Public Act 89-685). Failure to be so certified,  
9 absent a waiver from the Board, shall cause the officer to  
10 forfeit his or her position.

11 All individuals hired as court security officers on or  
12 after June 1, 1997 (the effective date of Public Act  
13 89-685) shall be certified within 12 months of the date of  
14 their hire, unless a waiver has been obtained by the Board,  
15 or they shall forfeit their positions.

16 The Sheriff's Merit Commission, if one exists, or the  
17 Sheriff's Office if there is no Sheriff's Merit Commission,  
18 shall maintain a list of all individuals who have filed  
19 applications to become court security officers and who meet  
20 the eligibility requirements established under this Act.  
21 Either the Sheriff's Merit Commission, or the Sheriff's  
22 Office if no Sheriff's Merit Commission exists, shall  
23 establish a schedule of reasonable intervals for  
24 verification of the applicants' qualifications under this  
25 Act and as established by the Board.

26 g. Minimum in-service training requirements, which a

1 police officer must satisfactorily complete every 3 years.  
2 Those requirements shall include constitutional and proper  
3 use of law enforcement authority, procedural justice,  
4 civil rights, human rights, mental health awareness and  
5 response, and cultural competency.

6 h. Minimum in-service training requirements, which a  
7 police officer must satisfactorily complete at least  
8 annually. Those requirements shall include law updates and  
9 use of force training which shall include scenario based  
10 training, or similar training approved by the Board.

11 (Source: P.A. 99-352, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,  
12 eff. 7-28-16; 99-801, eff. 1-1-17; 100-121, eff. 1-1-18;  
13 100-247, eff. 1-1-18; 100-759, eff. 1-1-19; 100-863, eff.  
14 8-14-18; 100-910, eff. 1-1-19; revised 9-28-19.)

15 (50 ILCS 705/10.23 new)

16 Sec. 10.23. Training; human trafficking. The Board shall  
17 conduct or approve an in-service training program in the  
18 detection and investigation of all forms of human trafficking,  
19 including, but not limited to, "involuntary servitude" under  
20 subsection (b) of Section 10-9 of the Criminal Code of 2012,  
21 "involuntary sexual servitude of a minor" under subsection (c)  
22 of Section 10-9 of the Criminal Code of 2012, and "trafficking  
23 in persons" under subsection (d) of Section 10-9 of the  
24 Criminal Code of 2012. This program shall be made available to  
25 all certified law enforcement, correctional, and court

1 security officers.

2 Section 110. The Criminal Code of 2012 is amended by  
3 changing Sections 3-6 and 10-9 as follows:

4 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

5 Sec. 3-6. Extended limitations. The period within which a  
6 prosecution must be commenced under the provisions of Section  
7 3-5 or other applicable statute is extended under the following  
8 conditions:

9 (a) A prosecution for theft involving a breach of a  
10 fiduciary obligation to the aggrieved person may be commenced  
11 as follows:

12 (1) If the aggrieved person is a minor or a person  
13 under legal disability, then during the minority or legal  
14 disability or within one year after the termination  
15 thereof.

16 (2) In any other instance, within one year after the  
17 discovery of the offense by an aggrieved person, or by a  
18 person who has legal capacity to represent an aggrieved  
19 person or has a legal duty to report the offense, and is  
20 not himself or herself a party to the offense; or in the  
21 absence of such discovery, within one year after the proper  
22 prosecuting officer becomes aware of the offense. However,  
23 in no such case is the period of limitation so extended  
24 more than 3 years beyond the expiration of the period

1 otherwise applicable.

2 (b) A prosecution for any offense based upon misconduct in  
3 office by a public officer or employee may be commenced within  
4 one year after discovery of the offense by a person having a  
5 legal duty to report such offense, or in the absence of such  
6 discovery, within one year after the proper prosecuting officer  
7 becomes aware of the offense. However, in no such case is the  
8 period of limitation so extended more than 3 years beyond the  
9 expiration of the period otherwise applicable.

10 (b-5) When the victim is under 18 years of age at the time  
11 of the offense, a prosecution for involuntary servitude,  
12 involuntary sexual servitude of a minor, or trafficking in  
13 persons and related offenses under Section 10-9 of this Code  
14 may be commenced within 25 years of the victim attaining the  
15 age of 18 years.

16 (b-6) When the victim is 18 years of age or over at the  
17 time of the offense, a prosecution for involuntary servitude,  
18 involuntary sexual servitude of a minor, or trafficking in  
19 persons and related offenses under Section 10-9 of this Code  
20 may be commenced within 25 years after the commission of the  
21 offense.

22 (c) (Blank).

23 (d) A prosecution for child pornography, aggravated child  
24 pornography, indecent solicitation of a child, soliciting for a  
25 juvenile prostitute, juvenile pimping, exploitation of a  
26 child, or promoting juvenile prostitution except for keeping a

1 place of juvenile prostitution may be commenced within one year  
2 of the victim attaining the age of 18 years. However, in no  
3 such case shall the time period for prosecution expire sooner  
4 than 3 years after the commission of the offense.

5 (e) Except as otherwise provided in subdivision (j), a  
6 prosecution for any offense involving sexual conduct or sexual  
7 penetration, as defined in Section 11-0.1 of this Code, where  
8 the defendant was within a professional or fiduciary  
9 relationship or a purported professional or fiduciary  
10 relationship with the victim at the time of the commission of  
11 the offense may be commenced within one year after the  
12 discovery of the offense by the victim.

13 (f) A prosecution for any offense set forth in Section 44  
14 of the Environmental Protection Act may be commenced within 5  
15 years after the discovery of such an offense by a person or  
16 agency having the legal duty to report the offense or in the  
17 absence of such discovery, within 5 years after the proper  
18 prosecuting officer becomes aware of the offense.

19 (f-5) A prosecution for any offense set forth in Section  
20 16-30 of this Code may be commenced within 5 years after the  
21 discovery of the offense by the victim of that offense.

22 (g) (Blank).

23 (h) (Blank).

24 (i) Except as otherwise provided in subdivision (j), a  
25 prosecution for criminal sexual assault, aggravated criminal  
26 sexual assault, or aggravated criminal sexual abuse may be

1 commenced within 10 years of the commission of the offense if  
2 the victim reported the offense to law enforcement authorities  
3 within 3 years after the commission of the offense. If the  
4 victim consented to the collection of evidence using an  
5 Illinois State Police Sexual Assault Evidence Collection Kit  
6 under the Sexual Assault Survivors Emergency Treatment Act, it  
7 shall constitute reporting for purposes of this Section.

8 Nothing in this subdivision (i) shall be construed to  
9 shorten a period within which a prosecution must be commenced  
10 under any other provision of this Section.

11 (i-5) A prosecution for armed robbery, home invasion,  
12 kidnapping, or aggravated kidnaping may be commenced within 10  
13 years of the commission of the offense if it arises out of the  
14 same course of conduct and meets the criteria under one of the  
15 offenses in subsection (i) of this Section.

16 (j) (1) When the victim is under 18 years of age at the  
17 time of the offense, a prosecution for criminal sexual assault,  
18 aggravated criminal sexual assault, predatory criminal sexual  
19 assault of a child, aggravated criminal sexual abuse, or felony  
20 criminal sexual abuse may be commenced at any time.

21 (2) When the victim is under 18 years of age at the time of  
22 the offense, a prosecution for failure of a person who is  
23 required to report an alleged or suspected commission of  
24 criminal sexual assault, aggravated criminal sexual assault,  
25 predatory criminal sexual assault of a child, aggravated  
26 criminal sexual abuse, or felony criminal sexual abuse under

1 the Abused and Neglected Child Reporting Act may be commenced  
2 within 20 years after the child victim attains 18 years of age.

3 (3) When the victim is under 18 years of age at the time of  
4 the offense, a prosecution for misdemeanor criminal sexual  
5 abuse may be commenced within 10 years after the child victim  
6 attains 18 years of age.

7 (4) Nothing in this subdivision (j) shall be construed to  
8 shorten a period within which a prosecution must be commenced  
9 under any other provision of this Section.

10 (j-5) A prosecution for armed robbery, home invasion,  
11 kidnapping, or aggravated kidnaping may be commenced at any  
12 time if it arises out of the same course of conduct and meets  
13 the criteria under one of the offenses in subsection (j) of  
14 this Section.

15 (k) (Blank).

16 (l) A prosecution for any offense set forth in Section 26-4  
17 of this Code may be commenced within one year after the  
18 discovery of the offense by the victim of that offense.

19 (l-5) A prosecution for any offense involving sexual  
20 conduct or sexual penetration, as defined in Section 11-0.1 of  
21 this Code, in which the victim was 18 years of age or older at  
22 the time of the offense, may be commenced within one year after  
23 the discovery of the offense by the victim when corroborating  
24 physical evidence is available. The charging document shall  
25 state that the statute of limitations is extended under this  
26 subsection (l-5) and shall state the circumstances justifying

1 the extension. Nothing in this subsection (1-5) shall be  
2 construed to shorten a period within which a prosecution must  
3 be commenced under any other provision of this Section or  
4 Section 3-5 of this Code.

5 (m) The prosecution shall not be required to prove at trial  
6 facts which extend the general limitations in Section 3-5 of  
7 this Code when the facts supporting extension of the period of  
8 general limitations are properly pled in the charging document.  
9 Any challenge relating to the extension of the general  
10 limitations period as defined in this Section shall be  
11 exclusively conducted under Section 114-1 of the Code of  
12 Criminal Procedure of 1963.

13 (n) A prosecution for any offense set forth in subsection  
14 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the  
15 Illinois Public Aid Code, in which the total amount of money  
16 involved is \$5,000 or more, including the monetary value of  
17 food stamps and the value of commodities under Section 16-1 of  
18 this Code may be commenced within 5 years of the last act  
19 committed in furtherance of the offense.

20 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;  
21 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.  
22 1-1-18; 100-863, eff. 8-14-18; 100-998, eff. 1-1-19; 100-1010,  
23 eff. 1-1-19; 100-1087, eff. 1-1-19; revised 10-9-18.)

24 (720 ILCS 5/10-9)

25 Sec. 10-9. Trafficking in persons, involuntary servitude,



1 and related offenses.

2 (a) Definitions. In this Section:

3 (1) "Intimidation" has the meaning prescribed in  
4 Section 12-6.

5 (2) "Commercial sexual activity" means any sex act on  
6 account of which anything of value is given, promised to,  
7 or received by any person.

8 (2.5) "Company" means any sole proprietorship,  
9 organization, association, corporation, partnership, joint  
10 venture, limited partnership, limited liability  
11 partnership, limited liability limited partnership,  
12 limited liability company, or other entity or business  
13 association, including all wholly owned subsidiaries,  
14 majority-owned subsidiaries, parent companies, or  
15 affiliates of those entities or business associations,  
16 that exist for the purpose of making profit.

17 (3) "Financial harm" includes intimidation that brings  
18 about financial loss, criminal usury, or employment  
19 contracts that violate the Frauds Act.

20 (4) (Blank).

21 (5) "Labor" means work of economic or financial value.

22 (6) "Maintain" means, in relation to labor or services,  
23 to secure continued performance thereof, regardless of any  
24 initial agreement on the part of the victim to perform that  
25 type of service.

26 (7) "Obtain" means, in relation to labor or services,

1 to secure performance thereof.

2 (7.5) "Serious harm" means any harm, whether physical  
3 or nonphysical, including psychological, financial, or  
4 reputational harm, that is sufficiently serious, under all  
5 the surrounding circumstances, to compel a reasonable  
6 person of the same background and in the same circumstances  
7 to perform or to continue performing labor or services in  
8 order to avoid incurring that harm.

9 (8) "Services" means activities resulting from a  
10 relationship between a person and the actor in which the  
11 person performs activities under the supervision of or for  
12 the benefit of the actor. Commercial sexual activity and  
13 sexually-explicit performances are forms of activities  
14 that are "services" under this Section. Nothing in this  
15 definition may be construed to legitimize or legalize  
16 prostitution.

17 (9) "Sexually-explicit performance" means a live,  
18 recorded, broadcast (including over the Internet), or  
19 public act or show intended to arouse or satisfy the sexual  
20 desires or appeal to the prurient interests of patrons.

21 (10) "Trafficking victim" means a person subjected to  
22 the practices set forth in subsection (b), (c), or (d).

23 (b) Involuntary servitude. A person commits involuntary  
24 servitude when he or she knowingly subjects, attempts to  
25 subject, or engages in a conspiracy to subject another person  
26 to labor or services obtained or maintained through any of the

1 following means, or any combination of these means:

2 (1) causes or threatens to cause physical harm to any  
3 person;

4 (2) physically restrains or threatens to physically  
5 restrain another person;

6 (3) abuses or threatens to abuse the law or legal  
7 process;

8 (4) knowingly destroys, conceals, removes,  
9 confiscates, or possesses any actual or purported passport  
10 or other immigration document, or any other actual or  
11 purported government identification document, of another  
12 person;

13 (5) uses intimidation, or exerts financial control  
14 over any person; or

15 (6) uses any scheme, plan, or pattern intended to cause  
16 the person to believe that, if the person did not perform  
17 the labor or services, that person or another person would  
18 suffer serious harm or physical restraint.

19 Sentence. Except as otherwise provided in subsection (e) or  
20 (f), a violation of subsection (b)(1) is a Class X felony,  
21 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)  
22 is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony.

23 (c) Involuntary sexual servitude of a minor. A person  
24 commits involuntary sexual servitude of a minor when he or she  
25 knowingly recruits, entices, harbors, transports, provides, or  
26 obtains by any means, or attempts to recruit, entice, harbor,

1 provide, or obtain by any means, another person under 18 years  
2 of age, knowing that the minor will engage in commercial sexual  
3 activity, a sexually-explicit performance, or the production  
4 of pornography, or causes or attempts to cause a minor to  
5 engage in one or more of those activities and:

6 (1) there is no overt force or threat and the minor is  
7 between the ages of 17 and 18 years;

8 (2) there is no overt force or threat and the minor is  
9 under the age of 17 years; or

10 (3) there is overt force or threat.

11 Sentence. Except as otherwise provided in subsection (e) or  
12 (f), a violation of subsection (c)(1) is a Class 1 felony,  
13 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

14 (d) Trafficking in persons. A person commits trafficking in  
15 persons when he or she knowingly: (1) recruits, entices,  
16 harbors, transports, provides, or obtains by any means, or  
17 attempts to recruit, entice, harbor, transport, provide, or  
18 obtain by any means, another person, intending or knowing that  
19 the person will be subjected to involuntary servitude; or (2)  
20 benefits, financially or by receiving anything of value, from  
21 participation in a venture that has engaged in an act of  
22 involuntary servitude or involuntary sexual servitude of a  
23 minor. A company commits trafficking in persons when the  
24 company benefits, financially or by receiving anything of  
25 value, from participation in a venture that has engaged in an  
26 act of involuntary servitude or involuntary sexual servitude of

1 a minor.

2 Sentence. Except as otherwise provided in subsection (e) or  
3 (f), a violation of this subsection by a person is a Class 1  
4 felony. A violation of this subsection by a company is a  
5 business offense for which a fine of up to \$100,000 may be  
6 imposed.

7 (e) Aggravating factors. A violation of this Section  
8 involving kidnapping or an attempt to kidnap, aggravated  
9 criminal sexual assault or an attempt to commit aggravated  
10 criminal sexual assault, or an attempt to commit first degree  
11 murder is a Class X felony.

12 (f) Sentencing considerations.

13 (1) Bodily injury. If, pursuant to a violation of this  
14 Section, a victim suffered bodily injury, the defendant may  
15 be sentenced to an extended-term sentence under Section  
16 5-8-2 of the Unified Code of Corrections. The sentencing  
17 court must take into account the time in which the victim  
18 was held in servitude, with increased penalties for cases  
19 in which the victim was held for between 180 days and one  
20 year, and increased penalties for cases in which the victim  
21 was held for more than one year.

22 (2) Number of victims. In determining sentences within  
23 statutory maximums, the sentencing court should take into  
24 account the number of victims, and may provide for  
25 substantially increased sentences in cases involving more  
26 than 10 victims.

1           (g) Restitution. Restitution is mandatory under this  
2 Section. In addition to any other amount of loss identified,  
3 the court shall order restitution including the greater of (1)  
4 the gross income or value to the defendant of the victim's  
5 labor or services or (2) the value of the victim's labor as  
6 guaranteed under the Minimum Wage Law and overtime provisions  
7 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,  
8 whichever is greater.

9           (g-5) Fine distribution. If the court imposes a fine under  
10 subsection (b), (c), or (d) of this Section, it shall be  
11 collected and distributed to the Specialized Services for  
12 Survivors of Human Trafficking Fund in accordance with Section  
13 5-9-1.21 of the Unified Code of Corrections.

14           (h) Trafficking victim services. Subject to the  
15 availability of funds, the Department of Human Services may  
16 provide or fund emergency services and assistance to  
17 individuals who are victims of one or more offenses defined in  
18 this Section.

19           (i) Certification. The Attorney General, a State's  
20 Attorney, or any law enforcement official shall certify in  
21 writing to the United States Department of Justice or other  
22 federal agency, such as the United States Department of  
23 Homeland Security, that an investigation or prosecution under  
24 this Section has begun and the individual who is a likely  
25 victim of a crime described in this Section is willing to  
26 cooperate or is cooperating with the investigation to enable

1 the individual, if eligible under federal law, to qualify for  
2 an appropriate special immigrant visa and to access available  
3 federal benefits. Cooperation with law enforcement shall not be  
4 required of victims of a crime described in this Section who  
5 are under 18 years of age. This certification shall be made  
6 available to the victim and his or her designated legal  
7 representative.

8 (j) A person who commits involuntary servitude,  
9 involuntary sexual servitude of a minor, or trafficking in  
10 persons under subsection (b), (c), or (d) of this Section is  
11 subject to the property forfeiture provisions set forth in  
12 Article 124B of the Code of Criminal Procedure of 1963.

13 (Source: P.A. 97-897, eff. 1-1-13; 98-756, eff. 7-16-14;  
14 98-1013, eff. 1-1-15.)

15 Section 115. The Code of Civil Procedure is amended by  
16 changing Section 13-225 as follows:

17 (735 ILCS 5/13-225)

18 Sec. 13-225. Trafficking victims protection. (a) In  
19 this Section, "human trafficking", "involuntary servitude",  
20 "sex trade", and "victim of the sex trade" have the meanings  
21 ascribed to them in Section 10 of the Trafficking Victims  
22 Protection Act.

23 (b) Subject to both subsections (e) and (f) and  
24 notwithstanding any other provision of law, an action under the

1 Trafficking Victims Protection Act must be commenced within 25  
2 ~~10~~ years of the date the limitation period begins to run under  
3 subsection (d) or within 25 ~~10~~ years of the date the plaintiff  
4 discovers or through the use of reasonable diligence should  
5 discover both (i) that the sex trade, involuntary servitude, or  
6 human trafficking act occurred, and (ii) that the defendant  
7 caused, was responsible for, or profited from the sex trade,  
8 involuntary servitude, or human trafficking act. The fact that  
9 the plaintiff discovers or through the use of reasonable  
10 diligence should discover that the sex trade, involuntary  
11 servitude, or human trafficking act occurred is not, by itself,  
12 sufficient to start the discovery period under this subsection  
13 (b).

14 (c) If the injury is caused by 2 or more acts that are part  
15 of a continuing series of sex trade, involuntary servitude, or  
16 human trafficking acts by the same defendant, then the  
17 discovery period under subsection (b) shall be computed from  
18 the date the person abused discovers or through the use of  
19 reasonable diligence should discover (i) that the last sex  
20 trade, involuntary servitude, or human trafficking act in the  
21 continuing series occurred, and (ii) that the defendant caused,  
22 was responsible for, or profited from the series of sex trade,  
23 involuntary servitude, or human trafficking acts. The fact that  
24 the plaintiff discovers or through the use of reasonable  
25 diligence should discover that the last sex trade, involuntary  
26 servitude, or human trafficking act in the continuing series



1 occurred is not, by itself, sufficient to start the discovery  
2 period under subsection (b).

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

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

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

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

20 Section 999. Effective date. This Section and Sections 1  
21 through 15 take effect upon becoming law.".