



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3790

Introduced 2/17/2023, by Rep. Diane Blair-Sherlock

SYNOPSIS AS INTRODUCED:

820 ILCS 95/5
820 ILCS 95/20 new

Amends the Lodging Services Human Trafficking Recognition Training Act. Provides that a lodging establishment, restaurant, or truck stop is in violation of this Section, and is subject to civil penalties, if: (1) sex trafficking activity occurred in the lodging establishment, restaurant, or truck stop, a supervisory employee of the lodging establishment, restaurant, or truck stop either knew of the nature of the activity, or acted in reckless disregard of the activity constituting sex trafficking activity within the lodging establishment, restaurant, or truck stop, and the supervisory employee of the lodging establishment, restaurant, or truck stop failed to inform law enforcement, the National Human Trafficking Hotline, or another appropriate victim service organization within 24 hours; or (2) an employee of the lodging establishment, restaurant, or truck stop was acting within the scope of employment and knowingly benefited, financially or by receiving anything of value, by participating in a venture that the employee knew or acted in reckless disregard of the activity constituting sex trafficking within the lodging establishment, restaurant, or truck stop. Provides for civil penalties. Defines terms.

LRB103 30329 SPS 56759 b

1 AN ACT concerning employment.

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

4 Section 5. The Lodging Services Human Trafficking
5 Recognition Training Act is amended by changing Section 5 and
6 adding Section 20 as follows:

7 (820 ILCS 95/5)

8 Sec. 5. Definitions. In this Act:

9 "Department" means the Department of Human Services.

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

16 "Human trafficking" means the deprivation or violation of
17 the personal liberty of another with the intent to obtain
18 forced labor or services, procure or sell the individual for
19 commercial sex, or exploit the individual in obscene matter.
20 Depriving or violating a person's liberty includes substantial
21 and sustained restriction of another's liberty accomplished
22 through fraud, deceit, coercion, violence, duress, menace, or
23 threat of unlawful injury to the victim or to another person,

1 under circumstances where the person receiving or apprehending
2 the threat reasonably believes that it is likely that the
3 person making the threat would carry it out.

4 "Lodging establishment" means an establishment classified
5 as a hotel or motel in the 2017 North American Industry
6 Classification System under code 721110, and an establishment
7 classified as a casino hotel in the 2017 North American
8 Industry Classification System under code 721120.

9 "Restaurant" means any business that is primarily engaged
10 in the sale of ready-to-eat food for immediate consumption
11 comprising at least 51% of the total sales, excluding the sale
12 of liquor.

13 "Supervisory employee" means any individual, regardless of
14 the job description or title, who has each of the following
15 capabilities and qualifications:

16 (1) holds authority, in the interest of the employer,
17 to hire, transfer, suspend, lay off, recall, promote,
18 discharge, assign, reward, or discipline other employees,
19 or responsibility to direct them, or to adjust their
20 grievances, or effectively to recommend this action, if
21 the exercise of this authority is not of a merely routine
22 or clerical nature, but requires the use of independent
23 judgment; and

24 (2) holds responsibility for duties that are not
25 substantially similar to those of his or her subordinates.

26 "Truck stop" means an establishment intended to provide

1 services to the trucking industry, including, but not limited
2 to, selling fuel and food, providing showers, offering repair
3 services, and offering ample room where drivers of long-haul
4 trucks can park and rest.

5 (Source: P.A. 101-18, eff. 6-20-19; 101-499, eff. 8-23-19;
6 102-324, eff. 1-1-22.)

7 (820 ILCS 95/20 new)

8 Sec. 20. Violations.

9 (a) A lodging establishment, restaurant, or truck stop is
10 in violation of this Section, and is subject to civil
11 penalties, if:

12 (1) sex trafficking activity occurred in the lodging
13 establishment, restaurant, or truck stop, a supervisory
14 employee of the lodging establishment, restaurant, or
15 truck stop either knew of the nature of the activity, or
16 acted in reckless disregard of the activity constituting
17 sex trafficking activity within the lodging establishment,
18 restaurant, or truck stop, and the supervisory employee of
19 the lodging establishment, restaurant, or truck stop
20 failed to inform law enforcement, the National Human
21 Trafficking Hotline, or another appropriate victim service
22 organization within 24 hours; or

23 (2) an employee of the lodging establishment,
24 restaurant, or truck stop was acting within the scope of
25 employment and knowingly benefited, financially or by

1 receiving anything of value, by participating in a venture
2 that the employee knew or acted in reckless disregard of
3 the activity constituting sex trafficking within the
4 lodging establishment, restaurant, or truck stop.

5 (b) If there is reasonable cause to believe there has been
6 a violation of subsection (a), a municipality, county,
7 municipal attorney, or State's Attorney may bring a civil
8 action for injunctive and other equitable relief against a
9 lodging establishment, restaurant, or truck stop for violation
10 of this Section. A municipality, county, municipal attorney,
11 or State's Attorney who brings a civil action under this
12 Section may also seek civil penalties in the amount of \$1,000
13 for the first violation in a calendar year, \$3,000 for the
14 second violation within the same calendar year, and \$5,000 for
15 the third and any subsequent violation within the same
16 calendar year.

17 (c) The court may exercise its discretion to increase the
18 amount of the civil penalty, not to exceed ten \$10,000, for any
19 fourth or subsequent violation, considering all of the
20 following factors:

21 (1) the defendant's culpability;

22 (2) the relationship between the harm and the penalty;

23 (3) the penalties imposed for similar conduct in
24 similar statutes; and

25 (4) the defendant's ability to pay.

26 (d) The lack of reporting of a sex trafficking case that

1 occurs in a lodging establishment, restaurant, or truck stop
2 shall not, by itself, without meeting the conditions in either
3 paragraph (1) or (2) of subsection (a), result in the
4 liability of an employer of that lodging establishment,
5 restaurant, or truck stop to the sex trafficking victim or
6 victims in the case in question or to any other party.

7 (e) No liability for civil penalties shall arise under
8 this Section against an employee of a lodging establishment,
9 restaurant, or truck stop.

10 (f) Violation of this Section, by itself, shall not result
11 in criminal liability against the lodging establishment,
12 restaurant, or truck stop.

13 (g) Nothing in this Section affects criminal or civil
14 liability that may arise pursuant to other provisions of law.

15 (h) An action brought under this Section shall be
16 commenced within 5 years of the date when the violation of
17 subsection (a) occurred, or, if the victim of that sex
18 trafficking activity was a minor when the violation occurred,
19 within 5 years of the date the victim attains the age of
20 majority.