



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1319

Introduced 2/9/2005, by Rep. William Delgado

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-14.2 new

Amends the Criminal Code of 1961. Provides that whenever any person who has not previously been convicted of or placed on probation for felony prostitution or any law of the United States or of any other state relating to felony prostitution pleads guilty to or is found guilty of felony prostitution, the court, without entering a judgment and with the consent of such person, may sentence the person to probation. Provides that when a person is placed on probation for felony prostitution, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation. Provides that the conditions of probation shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possessing a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board. Provides that the court may impose other conditions of probation. Provides that upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against him or her. Provides that there may be only one discharge and dismissal under this provision. Provides that if a person is convicted of prostitution within 5 years subsequent to a discharge and dismissal under this provision, the discharge and dismissal shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation. Effective immediately.

LRB094 06097 RLC 39405 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 11-14.2 as follows:

6 (720 ILCS 5/11-14.2 new)

7 Sec. 11-14.2. First offender; felony prostitution.

8 (a) Whenever any person who has not previously been
9 convicted of or placed on probation for felony prostitution or
10 any law of the United States or of any other state relating to
11 felony prostitution pleads guilty to or is found guilty of
12 felony prostitution, the court, without entering a judgment and
13 with the consent of such person, may sentence the person to
14 probation.

15 (b) When a person is placed on probation, the court shall
16 enter an order specifying a period of probation of 24 months
17 and shall defer further proceedings in the case until the
18 conclusion of the period or until the filing of a petition
19 alleging violation of a term or condition of probation.

20 (c) The conditions of probation shall be that the person:
21 (1) not violate any criminal statute of any jurisdiction; (2)
22 refrain from possessing a firearm or other dangerous weapon;
23 (3) submit to periodic drug testing at a time and in a manner
24 as ordered by the court, but no less than 3 times during the
25 period of the probation, with the cost of the testing to be
26 paid by the probationer; and (4) perform no less than 30 hours
27 of community service, provided community service is available
28 in the jurisdiction and is funded and approved by the county
29 board.

30 (d) The court may, in addition to other conditions, require
31 that the person:

32 (1) make a report to and appear in person before or

1 participate with the court or such courts, person, or
2 social service agency as directed by the court in the order
3 of probation;

4 (2) pay a fine and costs;

5 (3) work or pursue a course of study or vocational
6 training;

7 (4) undergo medical or psychiatric treatment; or
8 treatment or rehabilitation approved by the Illinois
9 Department of Human Services;

10 (5) attend or reside in a facility established for the
11 instruction or residence of defendants on probation;

12 (6) support his or her dependents;

13 (7) refrain from having in his or her body the presence
14 of any illicit drug prohibited by the Cannabis Control Act
15 or the Illinois Controlled Substances Act, unless
16 prescribed by a physician, and submit samples of his or her
17 blood or urine or both for tests to determine the presence
18 of any illicit drug;

19 (8) and in addition, if a minor:

20 (i) reside with his or her parents or in a foster
21 home;

22 (ii) attend school;

23 (iii) attend a non-residential program for youth;

24 (iv) contribute to his or her own support at home
25 or in a foster home.

26 (e) Upon violation of a term or condition of probation, the
27 court may enter a judgment on its original finding of guilt and
28 proceed as otherwise provided.

29 (f) Upon fulfillment of the terms and conditions of
30 probation, the court shall discharge the person and dismiss the
31 proceedings against him or her.

32 (g) A disposition of probation is considered to be a
33 conviction for the purposes of imposing the conditions of
34 probation and for appeal, however, discharge and dismissal
35 under this Section is not a conviction for purposes of this Act
36 or for purposes of disqualifications or disabilities imposed by

1 law upon conviction of a crime.

2 (h) There may be only one discharge and dismissal under
3 this Section.

4 (i) If a person is convicted of prostitution within 5 years
5 subsequent to a discharge and dismissal under this Section, the
6 discharge and dismissal under this Section shall be admissible
7 in the sentencing proceeding for that conviction as evidence in
8 aggravation.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.