

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 Article 10A as follows:

6 (720 ILCS 5/Art. 10A heading new)

7 ARTICLE 10A. TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE

8 (720 ILCS 5/10A-5 new)

9 Sec. 10A-5. Definitions. In this Article:

10 (1) "Intimidation" has the meaning prescribed in Section
11 12-6.

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

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

18 (4) "Forced labor or services" means labor or services that
19 are performed or provided by another person and are obtained or
20 maintained through:

21 (A) any scheme, plan, or pattern intending to cause or
22 threatening to cause serious harm to any person;

23 (B) an actor's physically restraining or threatening
24 to physically restrain another person;

25 (C) an actor's abusing or threatening to abuse the law
26 or legal process;

27 (D) an actor's knowingly destroying, concealing,
28 removing, confiscating, or possessing any actual or
29 purported passport or other immigration document, or any
30 other actual or purported government identification
31 document, of another person;

1 (E) an actor's blackmail; or

2 (F) an actor's causing or threatening to cause
3 financial harm to or exerting financial control over any
4 person.

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

6 (6) "Maintain" means, in relation to labor or services, to
7 secure continued performance thereof, regardless of any
8 initial agreement on the part of the victim to perform such
9 type of service.

10 (7) "Obtain" means, in relation to labor or services, to
11 secure performance thereof.

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

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

22 (10) "Trafficking victim" means a person subjected to the
23 practices set forth in subsection (a) of Section 10A-10
24 (involuntary servitude) or subsection (b) of Section 10A-10
25 (sexual servitude of a minor), or transported in violation of
26 subsection (c) of Section 10A-10 (trafficking of persons for
27 forced labor or services).

28 (720 ILCS 5/10A-10 new)

29 Sec. 10A-10. Criminal provisions.

30 (a) Involuntary servitude. Whoever knowingly subjects,
31 attempts to subject, or engages in a conspiracy to subject
32 another person to forced labor or services shall be punished as
33 follows, subject to subsection (d):

34 (1) by causing or threatening to cause physical harm to
35 any person, is guilty of a Class X felony;

1 (2) by physically restraining or threatening to
2 physically restrain another person, is guilty of a Class 1
3 felony;

4 (3) by abusing or threatening to abuse the law or legal
5 process, is guilty of a Class 2 felony;

6 (4) by knowingly destroying, concealing, removing,
7 confiscating or possessing any actual or purported
8 passport or other immigration document, or any other actual
9 or purported government identification document, of
10 another person, is guilty of a Class 3 felony;

11 (5) by using intimidation, or using or threatening to
12 cause financial harm to or by exerting financial control
13 over any person, is guilty of a Class 4 felony.

14 (b) Involuntary servitude of a minor. Whoever knowingly
15 recruits, entices, harbors, transports, provides, or obtains
16 by any means, or attempts to recruit, entice, harbor, provide,
17 or obtain by any means, another person under 18 years of age,
18 knowing that the minor will engage in commercial sexual
19 activity, a sexually-explicit performance, or the production
20 of pornography, or causes or attempts to cause a minor to
21 engage in commercial sexual activity, a sexually-explicit
22 performance, or the production of pornography, shall be
23 punished as follows, subject to the provisions of subsection
24 (d):

25 (1) In cases involving a minor between the ages of 17
26 and 18 years, not involving overt force or threat, the
27 defendant is guilty of a Class 1 felony.

28 (2) In cases in which the minor had not attained the
29 age of 17 years, not involving overt force or threat, the
30 defendant is guilty of a Class X felony.

31 (3) In cases in which the violation involved overt
32 force or threat, the defendant is guilty of a Class X
33 felony.

34 (c) Trafficking of persons for forced labor or services.
35 Whoever knowingly: (1) recruits, entices, harbors, transports,
36 provides, or obtains by any means, or attempts to recruit,

1 entice, harbor, transport, provide, or obtain by any means,
2 another person, intending or knowing that the person will be
3 subjected to forced labor or services; or (2) benefits,
4 financially or by receiving anything of value, from
5 participation in a venture which has engaged in an act
6 described in violation of paragraphs (a) or (b) of this
7 Section, subject to the provisions of subsection (d), is guilty
8 of a Class 1 felony.

9 (d) Sentencing enhancements.

10 (1) Statutory maximum; sexual assault, extreme
11 violence, and death. If the violation of this Article
12 involves kidnaping or an attempt to kidnap, aggravated
13 criminal sexual assault or the attempt to commit aggravated
14 criminal sexual assault, or an attempt to commit first
15 degree murder, the defendant is guilty of a Class X felony,
16 or if death results, may be sentenced as provided for first
17 degree murder.

18 (2) Sentencing considerations within statutory
19 maximums.

20 (A) Bodily injury. If, pursuant to a violation of
21 this Article, a victim suffered bodily injury, the
22 defendant may be sentenced to an extended term sentence
23 under Section 5-8-2 of the Unified Code of Corrections.
24 The sentencing court must take into account the time in
25 which the victim was held in servitude, with increased
26 penalties for cases in which the victim was held for
27 between 180 days and one year, and increased penalties
28 for cases in which the victim was held for more than
29 one year.

30 (B) Number of victims. In determining sentences
31 within statutory maximums, the sentencing court should
32 take into account the number of victims, and may
33 provide for substantially-increased sentences in cases
34 involving more than 10 victims.

35 (e) Restitution. Restitution is mandatory under this
36 Article. In addition to any other amount of loss identified,

1 the court shall order restitution including the greater of (1)
2 the gross income or value to the defendant of the victim's
3 labor or services or (2) the value of the victim's labor as
4 guaranteed under the Minimum Wage Law and overtime provisions
5 of the Fair Labor Standards Act (FLSA).

6 (f) Trafficking victim services. Subject to the
7 availability of funds, the Department of Human Services may
8 provide or fund emergency services and assistance to
9 individuals who are victims of one or more offenses defined in
10 this Article 10A.