



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1872

Introduced 2/15/2013, by Sen. John G. Mulroe

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-14

from Ch. 38, par. 11-14

Amends the Criminal Code of 2012. Deletes provision that enhances the penalty for prostitution to a Class 4 felony if the offense is committed within 1,000 feet of real property comprising a school. Deletes provision that a second or subsequent prostitution violation, or any combination of convictions for prostitution and solicitation of a sexual act, promoting prostitution, promoting juvenile prostitution, soliciting for a prostitute, soliciting for a juvenile prostitute, pandering, keeping a place of prostitution, keeping a place of juvenile prostitution, patronizing a prostitute, patronizing a juvenile prostitute, pimping, juvenile pimping, aggravated juvenile pimping, or exploitation of a child, is a Class 4 felony. Effective immediately.

LRB098 08541 RLC 38653 b

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 2012 is amended by changing  
5 Section 11-14 as follows:

6 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)  
7 Sec. 11-14. Prostitution.

8 (a) Any person who knowingly performs, offers or agrees to  
9 perform any act of sexual penetration as defined in Section  
10 11-0.1 of this Code for anything of value, or any touching or  
11 fondling of the sex organs of one person by another person, for  
12 anything of value, for the purpose of sexual arousal or  
13 gratification commits an act of prostitution.

14 (b) Sentence.

15 A violation of this Section is a Class A misdemeanor,  
16 ~~unless committed within 1,000 feet of real property comprising~~  
17 ~~a school, in which case it is a Class 4 felony. A second or~~  
18 ~~subsequent violation of this Section, or any combination of~~  
19 ~~convictions under this Section and Section 11-14.1~~  
20 ~~(solicitation of a sexual act), 11-14.3 (promoting~~  
21 ~~prostitution), 11-14.4 (promoting juvenile prostitution),~~  
22 ~~11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a~~  
23 ~~juvenile prostitute), 11-16 (pandering), 11-17 (keeping a~~

1 ~~place of prostitution), 11-17.1 (keeping a place of juvenile~~  
2 ~~prostitution), 11-18 (patronizing a prostitute), 11-18.1~~  
3 ~~(patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1~~  
4 ~~(juvenile pimping or aggravated juvenile pimping), or 11-19.2~~  
5 ~~(exploitation of a child), is a Class 4 felony.~~

6 (c) First offender; felony prostitution.

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

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

20 (3) The conditions of probation shall be that the  
21 person: (i) not violate any criminal statute of any  
22 jurisdiction; (ii) refrain from possessing a firearm or  
23 other dangerous weapon; (iii) submit to periodic drug  
24 testing at a time and in a manner as ordered by the court,  
25 but no less than 3 times during the period of the  
26 probation, with the cost of the testing to be paid by the

1           probationer; and (iv) perform no less than 30 hours of  
2           community service, provided community service is available  
3           in the jurisdiction and is funded and approved by the  
4           county board.

5           (4) The court may, in addition to other conditions,  
6           require that the person:

7                   (A) make a report to and appear in person before or  
8                   participate with the court or such courts, person, or  
9                   social service agency as directed by the court in the  
10                  order of probation;

11                   (B) pay a fine and costs;

12                   (C) work or pursue a course of study or vocational  
13                  training;

14                   (D) undergo medical or psychiatric treatment; or  
15                  treatment or rehabilitation by a provider approved by  
16                  the Illinois Department of Human Services;

17                   (E) attend or reside in a facility established for  
18                  the instruction or residence of defendants on  
19                  probation;

20                   (F) support his or her dependents;

21                   (G) refrain from having in his or her body the  
22                  presence of any illicit drug prohibited by the Cannabis  
23                  Control Act or the Illinois Controlled Substances Act,  
24                  unless prescribed by a physician, and submit samples of  
25                  his or her blood or urine or both for tests to  
26                  determine the presence of any illicit drug.

1           (5) Upon violation of a term or condition of probation,  
2           the court may enter a judgment on its original finding of  
3           guilt and proceed as otherwise provided.

4           (6) Upon fulfillment of the terms and conditions of  
5           probation, the court shall discharge the person and dismiss  
6           the proceedings against him or her.

7           (7) A disposition of probation is considered to be a  
8           conviction for the purposes of imposing the conditions of  
9           probation and for appeal, however, discharge and dismissal  
10          under this subsection is not a conviction for purposes of  
11          this Code or for purposes of disqualifications or  
12          disabilities imposed by law upon conviction of a crime.

13          (8) There may be only one discharge and dismissal under  
14          this Section, Section 410 of the Illinois Controlled  
15          Substances Act, Section 70 of the Methamphetamine Control  
16          and Community Protection Act, Section 10 of the Cannabis  
17          Control Act, or Section 5-6-3.3 of the Unified Code of  
18          Corrections.

19          (9) If a person is convicted of prostitution within 5  
20          years subsequent to a discharge and dismissal under this  
21          subsection, the discharge and dismissal under this  
22          subsection shall be admissible in the sentencing  
23          proceeding for that conviction as evidence in aggravation.

24          (d) Notwithstanding the foregoing, if it is determined,  
25          after a reasonable detention for investigative purposes, that a  
26          person suspected of or charged with a violation of this Section

1 is a person under the age of 18, that person shall be immune  
2 from prosecution for a prostitution offense under this Section,  
3 and shall be subject to the temporary protective custody  
4 provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of  
5 1987. Pursuant to the provisions of Section 2-6 of the Juvenile  
6 Court Act of 1987, a law enforcement officer who takes a person  
7 under 18 years of age into custody under this Section shall  
8 immediately report an allegation of a violation of Section 10-9  
9 of this Code to the Illinois Department of Children and Family  
10 Services State Central Register, which shall commence an  
11 initial investigation into child abuse or child neglect within  
12 24 hours pursuant to Section 7.4 of the Abused and Neglected  
13 Child Reporting Act.

14 (Source: P.A. 96-1464, eff. 8-20-10; 96-1551, eff. 7-1-11;  
15 97-1118, eff. 1-1-13.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.