

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) (Blank). ~~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 10. The Mental Health Court Treatment Act is  
17 amended by changing Section 20 as follows:

18 (730 ILCS 168/20)

19 Sec. 20. Eligibility.

20 (a) A defendant may be admitted into a mental health court  
21 program only upon the agreement of the prosecutor and the  
22 defendant and with the approval of the court.

23 (b) A defendant shall be excluded from a mental health  
24 court program if any one of the following applies:

1 (1) The crime is a crime of violence as set forth in  
2 clause (3) of this subsection (b).

3 (2) The defendant does not demonstrate a willingness to  
4 participate in a treatment program.

5 (3) The defendant has been convicted of a crime of  
6 violence within the past 10 years excluding incarceration  
7 time, specifically first degree murder, second degree  
8 murder, predatory criminal sexual assault of a child,  
9 aggravated criminal sexual assault, criminal sexual  
10 assault, armed robbery, aggravated arson, arson,  
11 aggravated kidnapping, kidnapping, stalking, aggravated  
12 stalking, or any offense involving the discharge of a  
13 firearm.

14 (4) (Blank).

15 (c) A defendant charged with prostitution under Section  
16 11-14 of the Criminal Code of 2012 may be admitted into a  
17 mental health court program, which may include specialized  
18 service programs specifically designed to address the trauma  
19 associated with prostitution and human trafficking, if  
20 available in the jurisdiction and provided that the  
21 requirements in subsections (a) and (b) are satisfied. Judicial  
22 circuits establishing these specialized programs shall partner  
23 with prostitution and human trafficking advocates, survivors,  
24 and service providers in the development of the programs.

25 (Source: P.A. 97-946, eff. 8-13-12.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.