# ILLINOIS REPORT CARD | 2019



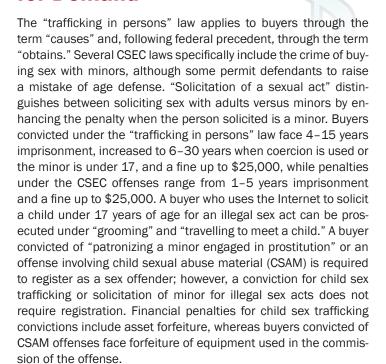
Illinois's trafficking law does not require use of force, fraud, or coercion when the victim is a minor, but not all commercially sexually exploited children are defined as juvenile sex trafficking victims because third party control is required to establish the offense. Minors are protected from prosecution for prostitution, law enforcement must report exploited youth to child welfare as suspected human trafficking victims, and state law provides for specialized placements.

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Final Grade	10	20.5 25	14.5 15	7.5 10	19 27.5	15 15

### **Criminalization of Domestic Minor Sex Trafficking**

The trafficking in persons law includes sex trafficking of minors and does not require proof that force, fraud, or coercion was used to cause minors to engage in commercial sex acts. State commercial sexual exploitation of children (CSEC) crimes include: "solicitation of a sexual act," "promoting juvenile prostitution," "patronizing a minor engaged in prostitution," "permitting sexual abuse of a child," "grooming," and "travelling to meet a child." The prostitution law identifies minors engaged in prostitution as victims of sex trafficking who are not subject to prosecution and also refers to the trafficking law to provide an affirmative defense for adult trafficking victims. Trafficking and several CSEC laws are included as predicate activities under the racketeering law.

### **Criminal Provisions** for Demand



## **Criminal Provisions for Traffickers**

Traffickers convicted of sex trafficking face 4-15 years imprisonment, increased to 6-30 years when coercion is used or the minor is under 17, and a fine up to \$25,000. Traffickers convicted of "promoting juvenile prostitution" face 4-15 years imprisonment, increased to 6-30 years for aggravating factors, and a fine up to \$25,000. "Grooming," which is punishable by 1-3 years imprisonment and a fine up to \$25,000, can be used to prosecute traffickers who use the Internet to solicit, lure, or entice a child under 17 years of age to commit a sexual offense. Creating and distributing CSAM is punishable by 4-15 years imprisonment, increased to 6-30 years for a first offense where the victim is under age 13, and a fine of \$2,000-\$100,000. A trafficker must pay restitution to the victim, and a trafficker convicted of sex trafficking, "promoting juvenile prostitution," or CSAM faces mandatory criminal asset forfeiture. A trafficker convicted of most CSEC or CSAM offenses must register as a sex offender, but a conviction for sex trafficking does not require registration. Parental rights can be terminated when a parent is convicted of sex trafficking or allows a minor to engage in prostitution.

#### **Criminal Provisions for Facilitators**

Facilitators are subject to prosecution for benefitting financially from "trafficking in persons," punishable by 4–15 years imprisonment and a possible fine up to \$25,000. Facilitators may also face prosecution for "promoting juvenile prostitution," "keeping a place of juvenile prostitution," and "money laundering." Convicted facilitators face mandatory restitution and mandatory

criminal asset forfeiture. Disseminating CSAM is punishable by a fine of 1,000-100,000 and 4-15 years imprisonment, increased to 6-30 years imprisonment for a first offense where the child is under 13 years of age. No laws in Illinois make sex tourism a crime.

### **Protective Provisions for the Child Victims**

Not all commercially sexually exploited children are defined as juvenile sex trafficking victims because third party control is required to establish the offense of sex trafficking. Minors under 18 may not be prosecuted under the prostitution law, and state law provides for mandated referrals and the development of specialized placements and services. For purposes of child welfare intervention, the definition of abuse includes sexual exploitation through trafficking or prostitution, but the definition of "person responsible for the child's welfare" likely is not broad enough to allow for child welfare involvement in non-familial trafficking cases. Trafficking victims are not specifically defined as victims for purposes of crime victims' compensation, and child sex trafficking victims are not provided exceptions to filing deadlines and certain other ineligibility criteria. Victim-friendly criminal justice procedures include testimony by closed circuit television; however, the "rape shield" law only applies in sex offense cases, so trafficking victims may not be protected from the trauma of

cross-examination in CSEC and sex trafficking prosecutions. The trafficking law does not prohibit a defense to prosecution based on the willingness of the minor to engage in the commercial sex act, but does prohibit such a defense in civil cases. Illinois law does not provide a mechanism to vacate delinquency adjudications related to trafficking victimization, and, except under limited circumstances, juvenile records may only be expunged after a waiting period. Restitution is mandatory in any criminal sentencing, and civil remedies are available to trafficking and CSEC victims under the Trafficking Victims Protection Act, Illinois has eliminated the statutes of limitation for certain criminal actions involving sexual conduct with children; this includes several CSEC offenses. Prosecutions under the trafficking law must commence within 25 years of the victim turning 18. Civil actions for injuries from sexual exploitation have varying statutes of limitation but are generally tolled until the minor turns 18.

### **Criminal Justice Tools for Investigation and Prosecution**

Law enforcement training on human trafficking and domestic minor sex trafficking is statutorily authorized and, in some cases, mandated by state law. Illinois permits the use of audiotaping in investigations of trafficking and CSEC offenses where the law enforcement officer is party to the communication and the use of the device is necessary for officer safety. Wiretapping is allowed in sex trafficking and certain CSEC investigations upon judicial order. Two CSEC offenses implicitly prohibit a defense based

on the use of a law enforcement decoy posing as a minor during an investigation because the offender need only believe the intended victim to be a child. Further, several offenses permit law enforcement to use the Internet to investigate buyers and traffickers. Illinois has established a statewide reporting and response system for missing children and requires the reporting of missing children and located children.

The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.