

SB 1588 A DEFENSE FOR SURVIVORS OF HUMAN TRAFFICKING

END DEMAND
ILLINOIS

Chief Senate Sponsor John Mulroe –Toi Hutchinson – Julie Morrison – Michael Connelly – Jacqueline Collins
Bill Status: Passed Senate Criminal Law Committee 10-0-0, March 11; Passed Senate 55-0-0, April 15.

Chief House Sponsor Elgie R. Sims Jr. –Ann Williams–Ron Sandack–Elizabeth Hernandez – Arthur Turner, Wheeler, Drury, Mitchell, D’Amico, Nekritz, Reaves-Harris, Andrade Jr., McDermed, Guzzardi, Ammons, Anthony, Bellock, Evans Jr., Currie, Rita, Tabares, Lilly, and Gordon-Booth

PROBLEM

Prostituted people are often subjected to **force, fraud, and coercion**, making them victims of human trafficking under state and federal law. Sadly, in Illinois many victims are criminalized with prostitution convictions.

Crime victims should not be punished for being exploited.

Seeking justice in an open court could present serious safety concerns because many **prostituted people are monitored by pimps** even when they’re not engaging in the sex trade.

Victims should feel safe and secure when defending themselves against prostitution charges.

HOW SB 1588 WORKS



Promotes Fairness

SB 1588 creates an affirmative defense that allows people facing prostitution charges to refute charges resulting from human trafficking.

Offers Safety

SB 1588 provides an in camera hearing for defendants who are concerned about the safety of raising the affirmative defense in open court.



WHY WE NEED SB 1588

Following a national trend



Offering an affirmative defense is a national trend. The majority of states recognize that **prostituted people are frequently exploited** by traffickers.

Establishing fairness



The Illinois General Assembly has already taken up this issue. **Illinois law allows survivors of trafficking to file motions to vacate their prostitution convictions.**



Using an affirmative defense could prevent unjust convictions of victims of trafficking. This would save limited local and state resources, and align our criminal code.

¹ In one sample, fifty-five percent of prostituted women reported being subject to coercion by pimps and forty percent said they were watched when they weren't working. Raphael J. & Ashley J. Domestic Sex Trafficking of Chicago Women and Girls. Illinois Criminal Justice Information Authority. DePaul University College of Law, 2008.

SURVIVOR-LED ORGANIZATIONAL SUPPORT

Breaking Free

Dreamcatcher Foundation

Girls Education and Mentoring Services

My Life My Choice

Othayonich Research

SunGate Foundation

Survivors for Solutions

Veronica's Voice, Inc.

SUPPORTING ORGANIZATIONS

Braking Traffik

Cabrini Green Legal Aid

Chicago Alliance Against Sexual Exploitation

Community Renewal Society

Cook County State's Attorney

Heartland Alliance for Human Needs and Human Rights

Illinois Coalition Against Sexual Assault

Illinois Coalition for Immigrant and Refugee Rights

Illinois Collaboration on Youth

Illinois State's Attorney Association

Lutheran Advocacy Illinois

Mujeres Latinas en Accion

National Association of Social Workers Illinois Chapter

National Council of Jewish Women IL State Policy Advocacy Network

Project IRENE

Rockford Alliance Against Sexual Exploitation

Safer Foundation

Sargent Shriver National Center on Poverty Law

Schiller DuCanto and Fleck Family Law Center DePaul University College of Law

The Voices and Faces Project