



Support SB 1037 “Justice for Victims of Sex Trafficking Crimes”

Status: Passed Senate 57-0-0 on April 13; Passed House 114-0 on May 11

Chief House Sponsor Karen A. Yarbrough

Chief House Co-Sponsors: Ann Williams, William D. Burns, Elizabeth Hernandez

Chief Senate Sponsor Toi W. Hutchinson

Victims of Sex Trafficking Deserve to Clear Their Records

Illinois has made important commitments to addressing human trafficking in the state by passing the 2006 anti-trafficking law and the 2010 Safe Children Act. A key message of these reforms is that people who were forced into the sex trade are victims of a crime rather than criminal offenders. Victims of human trafficking often have criminal records for misdemeanor and felony prostitution as a direct result of being trafficked even though they had no choice in the matter. People who were victims of human trafficking at the time of their prostitution convictions deserve a chance to prove they were trafficked and clear their records.

Provisions

- Adds a new section within 725 ILCS 5/116 “Post-Trial Motions” in the criminal procedure code to allow victims of sex trafficking to file a petition requesting a court to vacate prior prostitution convictions, under specific criteria.
- A petition must state facts to support the claim that at the time of the prostitution offense, the petitioner was a victim of a sex trafficking crime defined by existing federal or state criminal laws, and state why these facts were not presented to the trial court.
- The bill would only apply to survivors who are now seeking services or have escaped the trafficking.
- The bill allows, but does not require, a petitioner to introduce evidence of their status as a crime victim, which could include: certified court records; certified records from immigration proceedings that seek relief for trafficking victims; or sworn statements from certain professionals who have provided assistance to the petitioner related to the trafficking.
- A petition could be filed at any time after the entry of a prostitution conviction.
- Notice of the motion must be provided to the State.

Why This Relief is Needed Now

- Convictions limit survivors' abilities to access housing, employment, education, immigration status, and parental rights because of the legal barriers they create.
- Expungement or record sealing only hide certain convictions from view – they don't address the underlying offense and clear the conviction.
- The bill does not create a right for anyone to automatically vacate a conviction – a court makes that decision based on the evidence presented.
- The bill creates a new filing timeline for victims of sex trafficking because they often endure years of abuse at the hands of traffickers and customers before they are able to seek help.

For more information, contact Daria Mueller, senior policy analyst, Chicago Coalition for the Homeless at 414.559.5865 or Lynne Johnson, advocacy director, Chicago Alliance Against Sexual Exploitation at 309.750.6970.

Supporting Organizations for SB 1037

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A Call To Men
All Things New, Inc.
Chicago Alliance Against Sexual Exploitation
Chicago Coalition for the Homeless
Chicago Legal Advocacy for Incarcerated Mothers
Coalition Against Trafficking in Women
Cook County Sheriff Tom Dart
The Dreamcatcher Foundation
End Violence Against Women International
Girls Education and Mentoring Services (GEMS)
Illinois Coalition Against Sexual Assault
Institute for Metropolitan Affairs Roosevelt University
Kankakee County Center Against Sexual Assault (KC-CASA)
Lutheran Social Services of Illinois
Lutheran Advocacy
Mujeres Latinas en Acción
My Life My Choice
Organization of Women in International Trade Chicago
Pillars
Polaris Project
Project IRENE
Prologue Inc.
Protestants for the Common Good
Rape Victim Advocates
Sargent Shriver National Center on Poverty Law
Schiller DuCanto and Fleck Family Law Center DePaul University College of Law
Temple Committee Against Human Trafficking
The Voices and Faces Project
YWCA of Metropolitan Chicago

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