

SB 1872

House Sponsor Martwick

*Chief Senate Sponsor Mulroe; Chief Senate Co-Sponsors Collins, Delgado, Van Pelt, Cunningham.
Status: Passed Senate 53-1-0 on April 11*

SUPPORT ELIMINATION OF FELONY ENHANCEMENT FOR PROSTITUTION

Illinois' felony punishment for a second prostitution offense is an expensive, ineffective penalty that does not reduce crime. Most people in prostitution face chronic homelessness, mental health, or substance abuse issues, and engage in prostitution for basic necessities such as food and shelter. Many prostituted people are victims of human traffickers who force them to engage in commercial sex. Illinois ought to be a leader of national legal reforms that consider prostituted people as victims of human trafficking in need of services rather than as criminal offenders.

Proposed Changes

- Under the proposal, any violation of § 720 ILCS 5/11-14 "Prostitution" would be a Class A misdemeanor.
- Amends § 720 ILCS 5/11-14(b), the sentencing provision for prostitution in the criminal code, by deleting the felony sentence enhancement.

Why This Reform is Needed Now

- **Felony prostitution is an expensive waste of diminishing local and state public safety resources.** Illinois' Department of Corrections reported 127 felony prostitution admissions for 2012, costing the state \$2,011,680. Pretrial detention for those facing felony prostitution charges costs Cook County Department of Corrections between \$5.3 to 9.5 million annually.
- **Felony prostitution punishments are not deterring crime.** A 2007 ICJIA study found that women released from IDOC with sex offenses (92% prostitution) had the highest likelihood of re-arrest for any offense. Many prostituted people report physical violence or coercion by their pimps, including threats, monetary withholding, and verbal abuse – making them victims of human trafficking under federal and state law. Any attempt to penalize them misplaces the criminal responsibility.
- **Felony prostitution sentencing is rare in the United States.** Only seven other states have a felony prostitution sentencing option for subsequent offenses. (*Arizona, Florida, Idaho, Indiana, Michigan, Missouri, Texas*)
- **Felony prostitution unfairly targets women for harsher punishments.** The "solicitation" offense for customers does not have a felony upgrade for subsequent offenses, or for soliciting near a school, as the "prostitution" offense does. "Solicitation" is rarely enforced. In 2011, when law enforcement charged under the state criminal code, there were 1,875 arrests for prostitution and 95 arrests for solicitation. Since 2010, 370 women have been admitted to IDOC for felony prostitution. Fewer than 10 people in Illinois have ever been convicted of the felony offense of "patronizing a prostitute" since its passage in 2010.

*For more information, contact **Daria Mueller** at 312-945-8147, or **Lynne Johnson**, policy and advocacy director, Chicago Alliance Against Sexual Exploitation at 309-750-6970.*

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