



Rep. Jennifer Sanalitra

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10300HB5468ham001

LRB103 36845 RLC 71464 a

1 AMENDMENT TO HOUSE BILL 5468

2 AMENDMENT NO. _____. Amend House Bill 5468 on page 1,
3 line 17, by replacing "clear and convincing evidence" with "a
4 preponderance of the evidence"; and

5 on page 1, line 18, by deleting "clear and convincing"; and

6 on page 1, by replacing line 20 with the following:

7 "testimony or other such evidence the court deems of
8 sufficient credibility and probative value in determining
9 whether the person is a trafficking victim.

10 (e) If the person files a motion as defined in Section
11 116-6.1 of the Code of Criminal Procedure of 1963, the court
12 shall follow the procedure provided in that Section.

13 Section 10. The Code of Criminal Procedure of 1963 is
14 amended by changing Section 115-6.1 as follows:

1 (725 ILCS 5/115-6.1)

2 Sec. 115-6.1. Affirmative Prostitution;~~affirmative~~
3 defense as a result of human trafficking.

4 (a) In prosecutions ~~for prostitution,~~ when the accused
5 intends to raise at trial the affirmative defense provided in
6 Section 6-3.1 of the Criminal Code of 2012 or subsection (c-5)
7 of Section 11-14 of the Criminal Code of 2012 and has reason to
8 believe that the evidence presented in asserting that defense
9 may jeopardize the safety of the accused, courtroom personnel,
10 or others impacted by human trafficking, the accused may file
11 under seal a motion for an in camera hearing to review the
12 accused's safety concerns. Upon receipt of the motion and
13 notice to the parties, the court shall conduct an in camera
14 hearing, with counsel present, limited to review of potential
15 safety concerns. The court shall cause an official record of
16 the in camera hearing to be made, which shall be kept under
17 seal. The court shall not consider the merits of the
18 affirmative defense during the in camera review.

19 (b) If the court finds by a preponderance of the evidence
20 that the assertion of an affirmative defense under Section
21 6-3.1 of the Criminal Code of 2012 or subsection (c-5) of
22 Section 11-14 of the Criminal Code of 2012 by the accused in
23 open court would likely jeopardize the safety of the accused,
24 court personnel, or other persons, the court may clear the
25 courtroom with the agreement of the accused, order additional
26 in camera hearings, seal the records, prohibit court personnel

1 from disclosing the proceedings without prior court approval,
2 or take any other appropriate measure that in the court's
3 discretion will enhance the safety of the proceedings and
4 ensure the accused a full and fair opportunity to assert his or
5 her affirmative defense.

6 (c) Statements made by the accused during the in camera
7 hearing to review safety concerns shall not be admissible
8 against the accused for the crimes charged.

9 (Source: P.A. 99-109, eff. 7-22-15.)".