

CHAPTER FIFTEEN: CRIMES AGAINST PUBLIC ORDER AND MORALITY

OVERVIEW OF PROSTITUTION IN ILLINOIS

Prostitution is defined as engaging in sexual intercourse or other sexual acts in exchange for money or other items of value. In Illinois, prostitution is a Class A misdemeanor for both the prostitute and the customer. A third or subsequent violation is a Class 4 felony. Soliciting a juvenile is a Class 1 felony

There is considerable debate among prostitutes and former prostitutes about whether prostitution should be legalized. Some groups believe that prostitution is sexual assault and should remain illegal, with stronger enforcement of laws against solicitation. Other groups believe that violence against prostitutes would decrease if prostitution were legalized, making it a legitimate form of commerce. This, they argue, would decrease the stigma against prostitution

Genesis House, a Chicago organization that assists former prostitutes, summarizes the debate as follows: “Where prostitution is illegal, the arrest and incarceration of the prostitute merely confirm her low self-worth and expectations of abuse ... legalizing prostitution does not help the prostitute, in that it confirms her idea that this is all she can do or be worth.”

ILLINOIS STATE STATUTE FOR PROSTITUTION

720 Criminal Code (1961)

Article 11. Sex Offenses

(720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

Sec. 11-14. Prostitution.

(a) Any person who performs, offers or agrees to perform any act of sexual penetration as defined in Section 12-12 of this Code for any money, property, token, object, or article or anything of value, or any touching or fondling of the sex organs of one person by another person, for any money, property, token, object, or article or anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.

(b) Sentence.

Prostitution is a Class A misdemeanor. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-15, 11-17, 11-18, 11-18.1 and 11-19 of this Code is guilty of a Class 4 felony. When a person has one or more prior convictions, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(c) A person who violates this Section within 1,000 feet of real property comprising a school commits a Class 4 felony.

(Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696, eff. 4-13-00.)

(720 ILCS 5/11-14.1)

Sec. 11-14.1. Solicitation of a sexual act.

(a) Any person who offers a person not his or her spouse any money, property,

token, object, or article or anything of value to perform any act of sexual penetration as defined in Section 12-12 of this Code, or any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification, commits the offense of solicitation of a sexual act.

(b) Sentence. Solicitation of a sexual act is a Class B misdemeanor.
(Source: P.A. 91-696, eff. 4-13-00.)

(720 ILCS 5/11-15) (from Ch. 38, par. 11-15)
Sec. 11-15. Soliciting for a prostitute.

(a) Any person who performs any of the following acts commits soliciting for a prostitute:

- (1) Solicits another for the purpose of prostitution; or
- (2) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or
- (3) Directs another to a place knowing such direction is for the purpose of prostitution.

(b) Sentence. Soliciting for a prostitute is a Class A misdemeanor. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14, 11-17, 11-18, 11-18.1 and 11-19 of this Code is guilty of a Class 4 felony. When a person has one or more prior convictions, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(b-5) A person who violates this Section within 1,000 feet of real property comprising a school commits a Class 4 felony.

(c) A peace officer who arrests a person for a violation of this Section may impound any vehicle used by the person in the commission of the offense. The person may recover the vehicle from the impound after a minimum of 2 hours after arrest upon payment of a fee of \$200. The fee shall be distributed to the unit of government whose peace officers made the arrest for a violation of this Section. This \$200 fee includes the costs incurred by the unit of government to tow the vehicle to the impound. Upon the presentation of a signed court order by the defendant whose vehicle was impounded showing that the defendant has been acquitted of the offense of soliciting for a prostitute or that the charges have been dismissed against the defendant for that offense, the municipality shall refund the \$200 fee to the defendant.

(Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 92-16, eff. 6-28-01.)

PROSTITUTION CASES IN ILLINOIS

Attempt to apply the statute/s to the following cases:

Six people working at a north suburban massage business, including a former cantor at a Buffalo Grove synagogue and his wife, were arrested and charged with keeping a house of prostitution, following a Cook County Sheriff's Police investigation.

Gordon Joel Gordon, 51, of Arlington Heights, was charged with three counts of keeping a house of prostitution. Gordon was the cantor at Congregation Shirat Emet in Buffalo Grove, which closed in early fall.

His wife, 23-year-old Alison R. Ginsberg, was charged with two counts of keeping a house of prostitution and two counts of prostitution. The couple reportedly was married at the end of August or early September. Prior to serving as cantor at Shirat Emet, Gordon was the cantor at Temple Chai in Long Grove from 1988 to 1995, when he left to open Shirat Emet, congregation officials said.

Samuel J. Gigele, 59, of Arlington Heights, also was charged with three counts of keeping a house of prostitution. According to the Cook County Sheriff's Police, Gordon and Gigele handled scheduling and collected money for the Golden Touch Massage, which operated out of three private apartments in Glenview and Des Plaines.

Three additional women, ages 20, 22 and 26, were charged with counts of prostitution and keeping a house of prostitution.

The two men and four women, all employees of Golden Touch, were arrested Nov. 21 following a 10-week undercover investigation. All six people posted bond the same day they were arrested and were released, according to the sheriff's police. Women employees at all three locations allegedly offered to exchange sexual acts for between \$30 and \$75, in addition to massages offered for \$100 to \$150 each by completely nude women. According to police, the business was advertised on the Internet.

An undercover police officer applied for a job with Golden Touch and was told by the owner she could earn between \$600 and \$1,100 a day working for him, but that all activities performed would be illegal, the sheriff's police reported. Police have issued an arrest warrant for Golden Touch owner Ronald J. Gold, who police said has fled to Los Angeles. Police also are looking to arrest and charge two other women in relation to the investigation.

Police confiscated \$3,059 in cash and business records from all three locations. The records will be turned over to the Internal Revenue Service for review.

OVERVIEW OF ANIMAL CRUELTY LAWS IN ILLINOIS

The State of Illinois says in *The Humane Care for Animals Act*, "(70/3) Owner's duties. Each owner shall provide for each of his animals:

- (A) Sufficient quantity of good quality, wholesome food and water.
- (B) Adequate shelter and protection from the weather.
- (C) Veterinary care when needed to prevent suffering; and
- (D) Humane care and treatment.

(70/3.01) No person or owner may bear, cruelly treat, torment, starve, over work or otherwise

abuse any animal. No owner may abandon any animal where it may become a public charge or may suffer injury, hungry or exposure.

(3.02) Aggravated cruelty. No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture". Illinois also recognizes the offenses of animal fighting, animal torture, and sexual contact with an animal.

In 2002, Gov. George Ryan signed a law making it a class A misdemeanor to depict animal cruelty. The bill provides for up to a year in jail and mandatory counseling for juvenile offenders. Depending on the type of animal cruelty, an offender may be punished anywhere from a \$2500 fine to 3 years in prison.

ILLINOIS STATE STATUTE FOR ANIMAL CRUELTY
720 Criminal Code (1961)
CHAPTER 510. ANIMALS
ACT 70. HUMANE CARE FOR ANIMALS ACT

510 ILCS 70/3.01. Cruel treatment

Sec. 3.01. Cruel treatment. No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.

No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of this Section is a Class 4 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evidence. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

510 ILCS 70/3.02. Aggravated cruelty

Sec. 3.02. Aggravated cruelty. No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture.

A person convicted of violating Section 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

510 ILCS 70/3.03. Animal torture

Sec. 3.03. Animal torture. (a) A person commits animal torture when that person without legal

justification knowingly or intentionally tortures an animal. For purposes of this Section, and subject to subsection (b), "torture" means infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the animal.

(b) For the purposes of this Section, "animal torture" does not include any death, harm, or injury caused to any animal by any of the following activities:

(1) any hunting, fishing, trapping, or other activity allowed under the Wildlife Code [[520 ILCS 5/1.1](#) et seq.], the Wildlife Habitat Management Areas Act [[520 ILCS 20/0.01](#) et seq.], or the Fish and Aquatic Life Code [[515 ILCS 5/1-1](#) et seq.];

(2) any alteration or destruction of any animal done by any person or unit of government pursuant to statute, ordinance, court order, or the direction of a licensed veterinarian;

(3) any alteration or destruction of any animal by any person for any legitimate purpose, including, but not limited to: castration, culling, declawing, defanging, ear cropping, euthanasia, gelding, grooming, neutering, polling, shearing, shoeing, slaughtering, spaying, tail docking, and vivisection; and

(4) any other activity that may be lawfully done to an animal.

(c) A person convicted of violating this Section is guilty of a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

ANIMAL CRUELTY CASES IN ILLINOIS

Attempt to apply the statute/s to the following cases:

Illinois v. Thornton, 286 Ill. App.3d 624, 676 N.E.2d 1024 (1997)

Defendant Charles Thornton was convicted of cruelty to an animal in violation of § 3.01 of the Illinois Humane Care for Animals Act (for confining his dog to a tiny cage for three days on end unattended, and without food or water. The trial court imposed a sentence which included ten days imprisonment, two years of probation, two hundred hours of community service, and restitution totalling \$3,571.83.

The Appellate Court of Illinois overruled the order of restitution to the County Animal Department which provided shelter and veterinary care for the dog because neither the Department nor the dog could be considered a "victim" under the Unified Code of Corrections § 5-5-6 (1994) provision for restitutionary penalties for the cost of impounding the dog.

QUESTIONS FOR REVIEW

1. In Illinois, prostitution is a Class A misdemeanor for _____.
 - A. The prostitute
 - B. The customer
 - C. The pimp
 - D. Both A and B, but not C

Answer: D

2. True or False? Some prostitutes and/or former prostitutes believe that violence against prostitutes would decrease if prostitution were legalized, making it a legitimate form of commerce.

Answer: True

3. True or False? When a person has one or more prior prostitution convictions, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony.

Answer: True

4. In 2002, Gov. George Ryan signed a law making it a _____ to depict animal cruelty.

- A. Class 4 Felony
- B. Class A Misdemeanor
- C. Class X Felony
- D. Class B Misdemeanor

Answer: B

5. True or False? According to the Illinois Statute, it is not illegal for an owner to abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

Answer: False

WEB RESOURCES

- <http://www.icasa.org/uploads/prostitution.pdf> Prostitution
- <http://archives.pioneerlocal.com/cgi-bin/ppo-story/archives/localnews/2000/bg/11-30-00-5598.html> "Former Cantor One of Six Charged in Prostitution Sting
- <http://www.animal-law.org/statutes/illinois.htm> Animal Cruelty Statute
- http://www.aspc.org/site/DocServer/Illinois_State_Law_Card.pdf?docID=6702 State Cruelty Laws