



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB0627

Introduced 2/24/2021, by Sen. Jacqueline Y. Collins

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Crime Victims Compensation Act. Deletes language providing that a victim does not include a person who is convicted of a felony until that person is discharged from probation or released from a correctional institution and has been discharged from parole or mandatory supervised release. Provides instead that a victim's criminal history or felony status shall not automatically prevent compensation to that victim. Expands the powers and duties of the Attorney General. Changes the amount of time a person entitled to compensation under the Act has to present an application to the Attorney General to 3 (rather than 2) years. Provides considerations for the Attorney General to consider in determining whether cooperation of the applicant has been reasonable. Provides that an award shall be reduced or denied according to the extent to which the victim's acts or conduct instigated or aggravated (rather than contributed) his or her injury or death and the victim's actions reasonably led to him or her being victimized (rather than the extent to which any prior criminal conviction or conduct of the victim may have directly or indirectly contributed to the injury or death of the victim). Provides that a denial or reduction shall not automatically bar the survivors of homicide victims from receiving specified services if the survivor's actions have not initiated, provoked, or aggravated the suspect into initiating the qualifying crime. Provides that emergency awards may be issued for the purpose of paying funeral and burial expenses and any relocation expenses incurred by the applicant. Provides that certain changes in the Act apply to actions commenced or pending on or after January 1, 2022. Makes other changes. Amends the Sexual Assault Survivors Emergency Treatment Act. Removes references to the Crime Victim Services Division. Effective immediately.

LRB102 12054 LNS 17390 b

1 AN ACT concerning crime victims.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Sexual Assault Survivors Emergency  
5 Treatment Act is amended by changing Section 7.5 as follows:

6 (410 ILCS 70/7.5)

7 Sec. 7.5. Prohibition on billing sexual assault survivors  
8 directly for certain services; written notice; billing  
9 protocols.

10 (a) A hospital, approved pediatric health care facility,  
11 health care professional, ambulance provider, laboratory, or  
12 pharmacy furnishing medical forensic services, transportation,  
13 follow-up healthcare, or medication to a sexual assault  
14 survivor shall not:

15 (1) charge or submit a bill for any portion of the  
16 costs of the services, transportation, or medications to  
17 the sexual assault survivor, including any insurance  
18 deductible, co-pay, co-insurance, denial of claim by an  
19 insurer, spenddown, or any other out-of-pocket expense;

20 (2) communicate with, harass, or intimidate the sexual  
21 assault survivor for payment of services, including, but  
22 not limited to, repeatedly calling or writing to the  
23 sexual assault survivor and threatening to refer the

1 matter to a debt collection agency or to an attorney for  
2 collection, enforcement, or filing of other process;

3 (3) refer a bill to a collection agency or attorney  
4 for collection action against the sexual assault survivor;

5 (4) contact or distribute information to affect the  
6 sexual assault survivor's credit rating; or

7 (5) take any other action adverse to the sexual  
8 assault survivor or his or her family on account of  
9 providing services to the sexual assault survivor.

10 (b) Nothing in this Section precludes a hospital, health  
11 care provider, ambulance provider, laboratory, or pharmacy  
12 from billing the sexual assault survivor or any applicable  
13 health insurance or coverage for inpatient services.

14 (c) Every hospital and approved pediatric health care  
15 facility providing treatment services to sexual assault  
16 survivors in accordance with a plan approved under Section 2  
17 of this Act shall provide a written notice to a sexual assault  
18 survivor. The written notice must include, but is not limited  
19 to, the following:

20 (1) a statement that the sexual assault survivor  
21 should not be directly billed by any ambulance provider  
22 providing transportation services, or by any hospital,  
23 approved pediatric health care facility, health care  
24 professional, laboratory, or pharmacy for the services the  
25 sexual assault survivor received as an outpatient at the  
26 hospital or approved pediatric health care facility;

1           (2) a statement that a sexual assault survivor who is  
2 admitted to a hospital may be billed for inpatient  
3 services provided by a hospital, health care professional,  
4 laboratory, or pharmacy;

5           (3) a statement that prior to leaving the hospital or  
6 approved pediatric health care facility, the hospital or  
7 approved pediatric health care facility will give the  
8 sexual assault survivor a sexual assault services voucher  
9 for follow-up healthcare if the sexual assault survivor is  
10 eligible to receive a sexual assault services voucher;

11           (4) the definition of "follow-up healthcare" as set  
12 forth in Section 1a of this Act;

13           (5) a phone number the sexual assault survivor may  
14 call should the sexual assault survivor receive a bill  
15 from the hospital or approved pediatric health care  
16 facility for medical forensic services;

17           (6) the toll-free phone number of the Office of the  
18 Illinois Attorney General, ~~Crime Victim Services Division,~~  
19 which the sexual assault survivor may call should the  
20 sexual assault survivor receive a bill from an ambulance  
21 provider, approved pediatric health care facility, a  
22 health care professional, a laboratory, or a pharmacy.

23           This subsection (c) shall not apply to hospitals that  
24 provide transfer services as defined under Section 1a of this  
25 Act.

26           (d) Within 60 days after the effective date of this

1 amendatory Act of the 99th General Assembly, every health care  
2 professional, except for those employed by a hospital or  
3 hospital affiliate, as defined in the Hospital Licensing Act,  
4 or those employed by a hospital operated under the University  
5 of Illinois Hospital Act, who bills separately for medical or  
6 forensic services must develop a billing protocol that ensures  
7 that no survivor of sexual assault will be sent a bill for any  
8 medical forensic services and submit the billing protocol to  
9 the ~~Crime Victim Services Division of the~~ Office of the  
10 Attorney General for approval. Within 60 days after the  
11 commencement of the provision of medical forensic services,  
12 every health care professional, except for those employed by a  
13 hospital or hospital affiliate, as defined in the Hospital  
14 Licensing Act, or those employed by a hospital operated under  
15 the University of Illinois Hospital Act, who bills separately  
16 for medical or forensic services must develop a billing  
17 protocol that ensures that no survivor of sexual assault is  
18 sent a bill for any medical forensic services and submit the  
19 billing protocol to the ~~Crime Victim Services Division of the~~  
20 Office of the Attorney General for approval. Health care  
21 professionals who bill as a legal entity may submit a single  
22 billing protocol for the billing entity.

23       Within 60 days after the Department's approval of a  
24 treatment plan, an approved pediatric health care facility and  
25 any health care professional employed by an approved pediatric  
26 health care facility must develop a billing protocol that

1 ensures that no survivor of sexual assault is sent a bill for  
2 any medical forensic services and submit the billing protocol  
3 to the ~~Crime Victim Services Division of the~~ Office of the  
4 Attorney General for approval.

5 The billing protocol must include at a minimum:

6 (1) a description of training for persons who prepare  
7 bills for medical and forensic services;

8 (2) a written acknowledgement signed by a person who  
9 has completed the training that the person will not bill  
10 survivors of sexual assault;

11 (3) prohibitions on submitting any bill for any  
12 portion of medical forensic services provided to a  
13 survivor of sexual assault to a collection agency;

14 (4) prohibitions on taking any action that would  
15 adversely affect the credit of the survivor of sexual  
16 assault;

17 (5) the termination of all collection activities if  
18 the protocol is violated; and

19 (6) the actions to be taken if a bill is sent to a  
20 collection agency or the failure to pay is reported to any  
21 credit reporting agency.

22 The ~~Crime Victim Services Division of the~~ Office of the  
23 Attorney General may provide a sample acceptable billing  
24 protocol upon request.

25 The Office of the Attorney General shall approve a  
26 proposed protocol if it finds that the implementation of the

1 protocol would result in no survivor of sexual assault being  
2 billed or sent a bill for medical forensic services.

3 If the Office of the Attorney General determines that  
4 implementation of the protocol could result in the billing of  
5 a survivor of sexual assault for medical forensic services,  
6 the Office of the Attorney General shall provide the health  
7 care professional or approved pediatric health care facility  
8 with a written statement of the deficiencies in the protocol.  
9 The health care professional or approved pediatric health care  
10 facility shall have 30 days to submit a revised billing  
11 protocol addressing the deficiencies to the Office of the  
12 Attorney General. The health care professional or approved  
13 pediatric health care facility shall implement the protocol  
14 upon approval by the ~~Crime Victim Services Division of the~~  
15 Office of the Attorney General.

16 The health care professional or approved pediatric health  
17 care facility shall submit any proposed revision to or  
18 modification of an approved billing protocol to the ~~Crime~~  
19 ~~Victim Services Division of the~~ Office of the Attorney General  
20 for approval. The health care professional or approved  
21 pediatric health care facility shall implement the revised or  
22 modified billing protocol upon approval by the ~~Crime Victim~~  
23 ~~Services Division of the~~ Office of the Illinois Attorney  
24 General.

25 (e) This Section is effective on and after July 1, 2021.

26 (Source: P.A. 100-775, eff. 1-1-19; 101-634, eff. 6-5-20.)

1 Section 10. The Crime Victims Compensation Act is amended  
2 by changing Sections 2, 2.5, 4.1, 6.1, 7.1, 8.1, 9.1, 10.1,  
3 10.2, 12, 12.1, 13.1, 15, 16, 18, 18.5, and 20 as follows:

4 (740 ILCS 45/2) (from Ch. 70, par. 72)

5 Sec. 2. Definitions. As used in this Act, unless the  
6 context otherwise requires:

7 (a) "Applicant" means any person who applies for  
8 compensation under this Act or any person the Court of Claims  
9 or the Attorney General finds is entitled to compensation,  
10 including the guardian of a minor or of a person under legal  
11 disability. It includes any person who was a dependent of a  
12 deceased victim of a crime of violence for his or her support  
13 at the time of the death of that victim.

14 The changes made to this subsection by this amendatory Act  
15 of the 102nd General Assembly apply to actions commenced or  
16 pending on or after January 1, 2022.

17 (b) "Court of Claims" means the Court of Claims created by  
18 the Court of Claims Act.

19 (c) "Crime of violence" means and includes any offense  
20 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,  
21 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
22 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,  
23 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,  
24 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,



1 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,  
2 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or  
3 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of  
4 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of  
5 the Cemetery Protection Act, Section 125 of the Stalking No  
6 Contact Order Act, Section 219 of the Civil No Contact Order  
7 Act, driving under the influence as defined in Section 11-501  
8 of the Illinois Vehicle Code, a violation of Section 11-401 of  
9 the Illinois Vehicle Code, provided the victim was a  
10 pedestrian or was operating a vehicle moved solely by human  
11 power or a mobility device at the time of contact, and a  
12 violation of Section 11-204.1 of the Illinois Vehicle Code; so  
13 long as the offense did not occur during a civil riot,  
14 insurrection or rebellion. "Crime of violence" does not  
15 include any other offense or accident involving a motor  
16 vehicle except those vehicle offenses specifically provided  
17 for in this paragraph. "Crime of violence" does include all of  
18 the offenses specifically provided for in this paragraph that  
19 occur within this State but are subject to federal  
20 jurisdiction and crimes involving terrorism as defined in 18  
21 U.S.C. 2331.

22 (d) "Victim" means (1) a person killed or injured in this  
23 State as a result of a crime of violence perpetrated or  
24 attempted against him or her, (2) the spouse or parent of a  
25 person killed or injured in this State as a result of a crime  
26 of violence perpetrated or attempted against the person, (3) a

1 person killed or injured in this State while attempting to  
2 assist a person against whom a crime of violence is being  
3 perpetrated or attempted, if that attempt of assistance would  
4 be expected of a reasonable person under the circumstances,  
5 (4) a person killed or injured in this State while assisting a  
6 law enforcement official apprehend a person who has  
7 perpetrated a crime of violence or prevent the perpetration of  
8 any such crime if that assistance was in response to the  
9 express request of the law enforcement official, (5) a person  
10 who personally witnessed a violent crime, (5.05) a person who  
11 will be called as a witness by the prosecution to establish a  
12 necessary nexus between the offender and the violent crime,  
13 (5.1) solely for the purpose of compensating for pecuniary  
14 loss incurred for psychological treatment of a mental or  
15 emotional condition caused or aggravated by the crime, any  
16 other person under the age of 18 who is the brother, sister,  
17 half brother, half sister, child, or stepchild of a person  
18 killed or injured in this State as a result of a crime of  
19 violence, (6) an Illinois resident who is a victim of a "crime  
20 of violence" as defined in this Act except, if the crime  
21 occurred outside this State, the resident has the same rights  
22 under this Act as if the crime had occurred in this State upon  
23 a showing that the state, territory, country, or political  
24 subdivision of a country in which the crime occurred does not  
25 have a compensation of victims of crimes law for which that  
26 Illinois resident is eligible, (7) a deceased person whose

1 body is dismembered or whose remains are desecrated as the  
2 result of a crime of violence, or (8) solely for the purpose of  
3 compensating for pecuniary loss incurred for psychological  
4 treatment of a mental or emotional condition caused or  
5 aggravated by the crime, any parent, spouse, or child under  
6 the age of 18 of a deceased person whose body is dismembered or  
7 whose remains are desecrated as the result of a crime of  
8 violence.

9 (e) "Dependent" means a relative of a deceased victim who  
10 was wholly or partially dependent upon the victim's income at  
11 the time of his or her death and shall include the child of a  
12 victim born after his or her death.

13 (f) "Relative" means a spouse, parent, grandparent,  
14 stepfather, stepmother, child, grandchild, brother,  
15 brother-in-law, sister, sister-in-law, half brother, half  
16 sister, spouse's parent, nephew, niece, uncle or aunt.

17 (g) "Child" means an unmarried son or daughter who is  
18 under 18 years of age and includes a stepchild, an adopted  
19 child or a child born out of wedlock.

20 (h) "Pecuniary loss" means, in the case of injury,  
21 appropriate medical expenses and hospital expenses including  
22 expenses of medical examinations, rehabilitation, medically  
23 required nursing care expenses, appropriate psychiatric care  
24 or psychiatric counseling expenses, appropriate expenses for  
25 care or counseling by a licensed clinical psychologist,  
26 licensed clinical social worker, licensed professional

1 counselor, or licensed clinical professional counselor and  
2 expenses for treatment by Christian Science practitioners and  
3 nursing care appropriate thereto; transportation expenses to  
4 and from medical and counseling treatment facilities;  
5 prosthetic appliances, eyeglasses, and hearing aids necessary  
6 or damaged as a result of the crime; costs associated with  
7 trafficking tattoo removal by a person authorized or licensed  
8 to perform the specific removal procedure; replacement costs  
9 for clothing and bedding used as evidence; costs associated  
10 with temporary lodging or relocation necessary as a result of  
11 the crime, including, but not limited to, the first month's  
12 rent and security deposit of the dwelling that the claimant  
13 relocated to and other reasonable relocation expenses incurred  
14 as a result of the violent crime; locks or windows necessary or  
15 damaged as a result of the crime; the purchase, lease, or  
16 rental of equipment necessary to create usability of and  
17 accessibility to the victim's real and personal property, or  
18 the real and personal property which is used by the victim,  
19 necessary as a result of the crime; the costs of appropriate  
20 crime scene cleanup ~~clean-up~~; replacement services loss, to a  
21 maximum of \$1,250 per month; dependents replacement services  
22 loss, to a maximum of \$1,250 per month; loss of tuition paid to  
23 attend grammar school or high school when the victim had been  
24 enrolled as a student prior to the injury, or college or  
25 graduate school when the victim had been enrolled as a day or  
26 night student prior to the injury when the victim becomes

1 unable to continue attendance at school as a result of the  
2 crime of violence perpetrated against him or her; loss of  
3 earnings, loss of future earnings because of disability  
4 resulting from the injury, and, in addition, in the case of  
5 death, expenses for funeral, burial, and travel and transport  
6 for survivors of homicide victims to secure bodies of deceased  
7 victims and to transport bodies for burial all of which may be  
8 awarded up to ~~not exceed~~ a maximum of \$10,000 ~~\$7,500~~ and loss  
9 of support of the dependents of the victim; in the case of  
10 dismemberment or desecration of a body, expenses for funeral  
11 and burial, all of which may be awarded up to ~~not exceed~~ a  
12 maximum of \$10,000 ~~\$7,500~~. Loss of future earnings shall be  
13 reduced by any income from substitute work actually performed  
14 by the victim or by income he or she would have earned in  
15 available appropriate substitute work he or she was capable of  
16 performing but unreasonably failed to undertake. Loss of  
17 earnings, loss of future earnings and loss of support shall be  
18 determined on the basis of the victim's average net monthly  
19 earnings for the 6 months immediately preceding the date of  
20 the injury or on \$2,400 ~~\$1,250~~ per month, whichever is less or,  
21 in cases where the absences commenced more than 3 years from  
22 the date of the crime, on the basis of the net monthly earnings  
23 for the 6 months immediately preceding the date of the first  
24 absence, not to exceed \$2,400 ~~\$1,250~~ per month. If a divorced  
25 or legally separated applicant is claiming loss of support for  
26 a minor child of the deceased, the amount of support for each

1 child shall be based either on the amount of support pursuant  
2 to the judgment prior to the date of the deceased victim's  
3 injury or death, or, if the subject of pending litigation  
4 filed by or on behalf of the divorced or legally separated  
5 applicant prior to the injury or death, on the result of that  
6 litigation. Real and personal property includes, but is not  
7 limited to, vehicles, houses, apartments, town houses, or  
8 condominiums. Pecuniary loss does not include pain and  
9 suffering or property loss or damage.

10 The changes made to this subsection by this amendatory Act  
11 of the 102nd General Assembly apply to actions commenced or  
12 pending on or after January 1, 2022.

13 (i) "Replacement services loss" means expenses reasonably  
14 incurred in obtaining ordinary and necessary services in lieu  
15 of those the injured person would have performed, not for  
16 income, but for the benefit of himself or herself or his or her  
17 family, if he or she had not been injured.

18 (j) "Dependents replacement services loss" means loss  
19 reasonably incurred by dependents or private legal guardians  
20 of minor dependents after a victim's death in obtaining  
21 ordinary and necessary services in lieu of those the victim  
22 would have performed, not for income, but for their benefit,  
23 if he or she had not been fatally injured.

24 (k) "Survivor" means immediate family including a parent,  
25 stepfather, stepmother, child, brother, sister, or spouse.

26 (l) "Parent" means a natural parent, adopted parent,

1 stepparent, or permanent legal guardian of another person.

2 (m) "Trafficking tattoo" is a tattoo which is applied to a  
3 victim in connection with the commission of a violation of  
4 Section 10-9 of the Criminal Code of 2012.

5 (Source: P.A. 100-690, eff. 1-1-19; 101-81, eff. 7-12-19.)

6 (740 ILCS 45/2.5)

7 Sec. 2.5. Felon as victim. A victim's criminal history or  
8 felony status shall not automatically prevent compensation to  
9 that victim or the victim's family. However, no compensation  
10 may be granted to a victim or applicant under this Act while  
11 the applicant or victim is held in a correctional institution  
12 or is on parole, probation, or mandatory supervised release.  
13 ~~Notwithstanding paragraph (d) of Section 2, "victim" does not~~  
14 ~~include a person who is convicted of a felony until that person~~  
15 ~~is discharged from probation or is released from a~~  
16 ~~correctional institution and has been discharged from parole~~  
17 ~~or mandatory supervised release, if any. For purposes of this~~  
18 Section, the death of a felon who is serving a term of parole,  
19 probation, or mandatory supervised release shall be considered  
20 a discharge from that sentence. ~~No compensation may be granted~~  
21 ~~to an applicant under this Act during a period of time that the~~  
22 ~~applicant is held in a correctional institution.~~

23 A victim who has been convicted of a felony may apply for  
24 assistance under this Act at any time but no award of  
25 compensation may be considered until the applicant meets the

1 requirements of this Section.

2 The changes made to this Section by this amendatory Act of  
3 the 96th General Assembly apply to actions commenced or  
4 pending on or after the effective date of this amendatory Act  
5 of the 96th General Assembly.

6 (Source: P.A. 96-267, eff. 8-11-09.)

7 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

8 Sec. 4.1. In addition to other powers and duties set forth  
9 in this Act and other powers exercised by the Attorney  
10 General, the Attorney General shall:

11 (1) investigate all claims and prepare and present an  
12 investigatory report and a draft award determination ~~a~~  
13 ~~report of each applicant's claim~~ to the Court of Claims  
14 for a review period of 28 business days; ~~prior to the~~  
15 ~~issuance of an order by the Court of Claims,~~

16 (2) upon conclusion of the review by the Court of  
17 Claims, provide the applicant with a compensation  
18 determination letter;

19 (3) prescribe and furnish all applications and other  
20 forms required to be filed in the office of the Attorney  
21 General by the terms of this Act; ~~and~~

22 (4) represent the interests of the State of Illinois  
23 in any hearing before the Court of Claims.

24 The changes made to this Section by this amendatory Act of  
25 the 102nd General Assembly apply to actions commenced or



1 pending on or after January 1, 2022.

2 (Source: P.A. 97-817, eff. 1-1-13.)

3 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

4 Sec. 6.1. Right to compensation. A person is entitled to  
5 compensation under this Act if:

6 (a) Within 3 ~~2~~ years of the occurrence of the crime, or  
7 within one year after a criminal charge of a person for an  
8 offense, upon which the claim is based, the applicant  
9 presents ~~he files~~ an application, under oath, to the  
10 Attorney General that is filed with the Court of Claims  
11 and on a form prescribed in accordance with Section 7.1  
12 furnished by the Attorney General. If the person entitled  
13 to compensation is under 18 years of age or under other  
14 legal disability at the time of the occurrence or is  
15 determined by a court to be under a legal disability as a  
16 result of the occurrence, he or she may present ~~file~~ the  
17 application required by this subsection within 3 ~~2~~ years  
18 after he or she attains the age of 18 years or the  
19 disability is removed, as the case may be. Legal  
20 disability includes a diagnosis of posttraumatic stress  
21 disorder.

22 (b) For all crimes of violence, except those listed in  
23 subsection (b-1) of this Section, the appropriate law  
24 enforcement officials were notified within 72 hours of the  
25 perpetration of the crime allegedly causing the death or

1 injury to the victim or, in the event such notification  
2 was made more than 72 hours after the perpetration of the  
3 crime, the applicant establishes that such notice was  
4 timely under the circumstances.

5 (b-1) For victims of offenses defined in Sections  
6 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,  
7 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of  
8 1961 or the Criminal Code of 2012, the appropriate law  
9 enforcement officials were notified within 7 days of the  
10 perpetration of the crime allegedly causing death or  
11 injury to the victim or, in the event that the  
12 notification was made more than 7 days after the  
13 perpetration of the crime, the applicant establishes that  
14 the notice was timely under the circumstances. If the  
15 applicant or victim has obtained an order of protection, a  
16 civil no contact order, or a stalking no contact order,  
17 has presented himself or herself to a hospital for medical  
18 care or sexual assault evidence collection ~~and medical~~  
19 ~~care~~, or is engaged in a legal proceeding involving a  
20 claim that the applicant or victim is a victim of human  
21 trafficking, such action shall constitute appropriate  
22 notification under this subsection (b-1) or subsection (b)  
23 of this Section.

24 (c) The applicant has cooperated with law enforcement  
25 officials in the apprehension and prosecution of the  
26 assailant. If the applicant or victim has obtained an

1 order of protection, a civil no contact order, or a  
2 stalking no contact order, has presented himself or  
3 herself to a hospital for medical care or sexual assault  
4 evidence collection ~~and medical care~~, or is engaged in a  
5 legal proceeding involving a claim that the applicant or  
6 victim is a victim of human trafficking, such action shall  
7 constitute cooperation under this subsection (c). If the  
8 victim is under 18 years of age at the time of the  
9 commission of the offense, the following shall constitute  
10 cooperation under this subsection (c):

11 (1) the applicant or the victim files a police  
12 report with a law enforcement agency;

13 (2) a mandated reporter reports the crime to law  
14 enforcement; or

15 (3) a person with firsthand knowledge of the crime  
16 reports the crime to law enforcement.

17 (d) The applicant is not the offender or an accomplice  
18 of the offender and the award would not unjustly benefit  
19 the offender or his accomplice.

20 (e) (Blank). ~~The injury to or death of the victim was~~  
21 ~~not substantially attributable to his own wrongful act and~~  
22 ~~was not substantially provoked by the victim.~~

23 (f) For victims of offenses defined in Section 10-9 of  
24 the Criminal Code of 2012, the victim submits a statement  
25 under oath on a form prescribed by the Attorney General  
26 attesting that the removed tattoo was applied in

1 connection with the commission of the offense.

2 (g) In determining whether cooperation has been  
3 reasonable, the Attorney General and Court of Claims may  
4 consider the victim's age, physical condition,  
5 psychological state, cultural or linguistic barriers, and  
6 compelling health and safety concerns, including, but not  
7 limited to, a reasonable fear of retaliation or harm that  
8 would jeopardize the well-being of the victim or the  
9 victim's family, and giving due consideration to the  
10 degree of cooperation that the victim or derivative victim  
11 is capable of in light of the presence of any of these  
12 factors, or any other factor the Attorney General  
13 considers relevant.

14 The changes made to this Section by this amendatory Act of  
15 the 102nd General Assembly apply to actions commenced or  
16 pending on or after January 1, 2022.

17 (Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18;  
18 100-1037, eff. 1-1-19.)

19 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

20 Sec. 7.1. (a) The application shall set out:

21 (1) the name and address of the victim;

22 (2) if the victim is deceased, the name and address of  
23 the applicant and his or her relationship to the victim,  
24 the names and addresses of other persons dependent on the  
25 victim for their support and the extent to which each is so

1 dependent, and other persons who may be entitled to  
2 compensation for a pecuniary loss;

3 (3) the date and nature of the crime on which the  
4 application for compensation is based;

5 (4) the date and place where and the law enforcement  
6 officials to whom notification of the crime was given;

7 (5) the nature and extent of the injuries sustained by  
8 the victim, and the names and addresses of those giving  
9 medical and hospitalization treatment to the victim;

10 (6) the pecuniary loss to the applicant and to such  
11 other persons as are specified under item (2) resulting  
12 from the injury or death;

13 (7) the amount of benefits, payments, or awards, if  
14 any, payable under:

15 (a) the Workers' Compensation Act,

16 (b) the Dram Shop Act,

17 (c) any claim, demand, or cause of action based  
18 upon the crime-related injury or death,

19 (d) the Federal Medicare program,

20 (e) the State Public Aid program,

21 (f) Social Security Administration burial  
22 benefits,

23 (g) Veterans administration burial benefits,

24 (h) life, health, accident or liability insurance,

25 (i) the Criminal Victims' Escrow Account Act,

26 (j) the Sexual Assault Survivors Emergency

1 Treatment Act,  
2 (k) restitution, or  
3 (l) any other source;  
4 (8) releases authorizing the surrender to the Court of  
5 Claims or Attorney General of reports, documents and other  
6 information relating to the matters specified under this  
7 Act and rules promulgated in accordance with the Act;  
8 (9) such other information as the Court of Claims or  
9 the Attorney General reasonably requires.

10 (b) The Attorney General may require that materials  
11 substantiating the facts stated in the application be  
12 submitted with that application.

13 (c) An applicant, on his or her own motion, may file an  
14 amended application or additional substantiating materials to  
15 correct inadvertent errors or omissions at any time before the  
16 original application has been disposed of by the Court of  
17 Claims or the Attorney General. In either case, the filing of  
18 additional information or of an amended application shall be  
19 considered for the purpose of this Act to have been filed at  
20 the same time as the original application.

21 For claims submitted on or after January 1, 2022, an  
22 amended application or additional substantiating materials to  
23 correct inadvertent errors or omissions may be filed at any  
24 time before the original application is disposed of by the  
25 Attorney General or the Court of Claims.

26 (d) Determinations submitted by the Attorney General to

1 the Court of Claims shall be available to the Court of Claims  
2 for review. The Attorney General shall provide the sources and  
3 evidence relied upon as a basis for a compensation  
4 determination.

5 (e) The changes made to this Section by this amendatory  
6 Act of the 102nd General Assembly apply to actions commenced  
7 or pending on or after January 1, 2022.

8 (Source: P.A. 97-817, eff. 1-1-13; 98-463, eff. 8-16-13.)

9 (740 ILCS 45/8.1) (from Ch. 70, par. 78.1)

10 Sec. 8.1. If an applicant does not submit all materials  
11 substantiating his or her claim as requested of him or her by  
12 the Attorney General, the Attorney General shall notify the  
13 applicant in writing of the specific additional items of  
14 information or materials required and that he or she has 45 ~~30~~  
15 days in which to furnish those items to the Attorney General.  
16 The Attorney General shall report an applicant's failure to  
17 comply within 45 ~~30~~ days of the foregoing notice to the Court  
18 of Claims. No award of compensation shall be made for any  
19 portion of the applicant's claim that is not substantiated by  
20 the applicant. An applicant may request an extension of time  
21 from the Attorney General prior to the expiration of the  
22 45-day ~~30-day~~ period.

23 (Source: P.A. 81-1013.)

24 (740 ILCS 45/9.1) (from Ch. 70, par. 79.1)

1           Sec. 9.1. In determining whether an applicant is entitled  
2 to compensation, the Attorney General and Court of Claims  
3 shall consider the facts stated in the application and other  
4 material and information. However, the Attorney General and  
5 Court of Claims need not consider whether the alleged  
6 assailant has been apprehended. In reviewing a determination  
7 by the Attorney General, the Court of Claims shall consider  
8 the facts stated in the application and other material and  
9 information submitted and the report of the Attorney General.  
10 ~~However, the Court of Claims need not consider whether or not~~  
11 ~~the alleged assailant has been apprehended.~~

12           The changes made to this Section by this amendatory Act of  
13 the 102nd General Assembly apply to actions commenced or  
14 pending on or after January 1, 2022.

15           (Source: P.A. 81-1013.)

16           (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

17           Sec. 10.1. Amount of compensation. The amount of  
18 compensation to which an applicant and other persons are  
19 entitled shall be based on the following factors:

20           (a) A victim may be compensated for his or her pecuniary  
21 loss.

22           (b) A dependent may be compensated for loss of support.

23           (c) Any person, even though not dependent upon the victim  
24 for his or her support, may be compensated for reasonable  
25 expenses of the victim to the extent to which he or she has



1 paid or become obligated to pay such expenses and only after  
2 compensation for reasonable funeral, medical and hospital  
3 expenses of the victim have been awarded may compensation be  
4 made for reasonable expenses of the victim incurred for  
5 psychological treatment of a mental or emotional condition  
6 caused or aggravated by the crime.

7 (d) An award shall be reduced or denied according to the  
8 extent to which the victim's acts or conduct instigated or  
9 aggravated ~~provoked or contributed to~~ his or her injury or  
10 death and the victim's actions reasonably led to him or her  
11 being victimized. A denial or reduction shall not  
12 automatically bar the survivors of homicide victims from  
13 receiving compensation for counseling, crime scene cleanup,  
14 relocation, funeral or burial costs, and loss of support if  
15 the survivor's actions have not initiated, provoked, or  
16 aggravated the suspect into initiating the qualifying crime,  
17 ~~or the extent to which any prior criminal conviction or~~  
18 ~~conduct of the victim may have directly or indirectly~~  
19 ~~contributed to the injury or death of the victim.~~

20 (e) An award shall be reduced by the amount of benefits,  
21 payments or awards payable under those sources which are  
22 required to be listed under item (7) of Section 7.1(a) and any  
23 other sources except annuities, pension plans, Federal Social  
24 Security payments payable to dependents of the victim and the  
25 net proceeds of the first \$25,000 of life insurance that would  
26 inure to the benefit of the applicant, which the applicant or

1 any other person dependent for the support of a deceased  
2 victim, as the case may be, has received or to which he or she  
3 is entitled as a result of injury to or death of the victim.

4 (f) A final award shall not exceed \$10,000 for a crime  
5 committed prior to September 22, 1979, \$15,000 for a crime  
6 committed on or after September 22, 1979 and prior to January  
7 1, 1986, \$25,000 for a crime committed on or after January 1,  
8 1986 and prior to August 7, 1998, or \$27,000 for a crime  
9 committed on or after August 7, 1998. If the total pecuniary  
10 loss is greater than the maximum amount allowed, the award  
11 shall be divided in proportion to the amount of actual loss  
12 among those entitled to compensation.

13 (g) Compensation under this Act is a secondary source of  
14 compensation and the applicant must show that he or she has  
15 exhausted the benefits reasonably available under the Criminal  
16 Victims' Escrow Account Act or any governmental or medical or  
17 health insurance programs, including but not limited to  
18 Workers' Compensation, the Federal Medicare program, the State  
19 Public Aid program, Social Security Administration burial  
20 benefits, Veterans Administration burial benefits, and life,  
21 health, accident or liability insurance.

22 (Source: P.A. 97-817, eff. 1-1-13.)

23 (740 ILCS 45/10.2)

24 Sec. 10.2. Emergency awards.

25 (a) If it appears, prior to taking action on an

1 application, that the claim is one for which compensation is  
2 probable, and undue hardship will result to the applicant if  
3 immediate payment is not made, the Attorney General may  
4 recommend and the Court may make an emergency award of  
5 compensation to the applicant, pending a final decision in the  
6 case, ~~provided the amount of emergency compensation does not~~  
7 ~~exceed \$2,000.~~ Emergency awards may be issued to the applicant  
8 for the purpose of paying funeral and burial expenses directly  
9 to a funeral home and for relocation expenses incurred by an  
10 applicant. The amount of emergency compensation shall be  
11 deducted from any final award made as a result of the claim.  
12 The full amount of the emergency award if no final award is  
13 made shall be repaid by the applicant to the State of Illinois.

14 (b) Emergency award applicants must satisfy all  
15 requirements under Section 6.1 of this Act.

16 (Source: P.A. 97-817, eff. 1-1-13.)

17 (740 ILCS 45/12) (from Ch. 70, par. 82)

18 Sec. 12. No fee may be charged to the applicant in any  
19 proceeding under this Act except as provided in this Act. If  
20 the applicant is represented by counsel or some other duly  
21 authorized agent in making application under this Act or in  
22 any further proceedings provided for in this Act, that counsel  
23 or agent may receive no payment for his or her services in  
24 preparing or presenting the application before the Court of  
25 Claims or the Attorney General. He or she may, however, charge

1 fees to the applicant for representing him or her at a hearing  
2 provided for in this Act but only in such an amount as the  
3 Court of Claims or the Attorney General determines to be  
4 reasonable.

5 The changes made to this Section by this amendatory Act of  
6 the 102nd General Assembly apply to actions commenced or  
7 pending on or after January 1, 2022.

8 (Source: P.A. 78-359.)

9 (740 ILCS 45/12.1) (from Ch. 70, par. 82.1)

10 Sec. 12.1. The Court of Claims may, after ~~without~~ a  
11 hearing, make an award to a person who has filed an application  
12 or any other person it finds is entitled to compensation,  
13 including the guardian or conservator of a minor or  
14 incompetent, based upon the application, the other information  
15 and materials submitted with the application, and the report  
16 of the Attorney General.

17 The changes made to this Section by this amendatory Act of  
18 the 102nd General Assembly apply to actions commenced or  
19 pending on or after January 1, 2022.

20 (Source: P.A. 81-1013.)

21 (740 ILCS 45/13.1) (from Ch. 70, par. 83.1)

22 Sec. 13.1. (a) A hearing before a Commissioner of the  
23 Court of Claims shall be held for those claims in which:

24 (1) the Court of Claims on its own motion sets a

1 hearing;

2 (2) the Attorney General petitions the Court of Claims  
3 for a hearing;

4 (3) a claim has been disposed of without a hearing and  
5 an applicant has been denied compensation or has been  
6 awarded compensation which he or she thinks is inadequate  
7 and he or she petitions the Court of Claims for a hearing  
8 within 30 days of the date of issuance of the  
9 determination order sought to be reviewed. The petition  
10 shall set forth the reasons for which review is sought and  
11 a recitation of any additional evidence the applicant  
12 desires to present to the Court. A copy of the petition  
13 shall be provided to the Attorney General. Documentation  
14 to be presented at a hearing of the Court of Claims must be  
15 submitted to the Attorney General at least 10 working days  
16 before the hearing date. Failure to do so may result in a  
17 continuance of the hearing.

18 (b) At hearings held under this Act before Commissioners  
19 of the Court of Claims, any statement, document, information  
20 or matter may be received in evidence if in the opinion of the  
21 Court or its Commissioner such evidence would contribute to  
22 reaching a decision on ~~a determination of~~ the claim,  
23 regardless of whether such evidence would be admissible in a  
24 court of law.

25 (c) Petition for rehearing.

26 (1) The Court of Claims may order a rehearing of a

1 matter decided after a hearing, if, in reaching its  
2 decision:

3 (A) the court has overlooked, misapplied, or  
4 failed to consider a statute, decision, or directly  
5 controlling principle;

6 (B) the court has overlooked or misconceived some  
7 material fact or proposition of law; or

8 (C) the court has overlooked or misconceived a  
9 material question in the case.

10 (2) A rehearing may not be granted if it is sought  
11 merely for the purpose of obtaining a reargument on and  
12 reconsideration of matters which have already been fully  
13 considered by the court.

14 (3) The petition shall specify which of the grounds in  
15 paragraph (1) of this subsection (c) exists and shall  
16 specifically designate that portion of the opinion, or the  
17 record, or that particular authority, which the petitioner  
18 wishes the court to consider. A copy of the petition shall  
19 be served on the opposing party. No petition for rehearing  
20 shall exceed 10 typewritten pages. No memoranda or briefs  
21 in support of a petition for rehearing, and no response to  
22 a petition for rehearing, shall be received unless  
23 requested by the court.

24 The changes made to this Section by this amendatory Act of  
25 the 102nd General Assembly apply to actions commenced or  
26 pending on or after January 1, 2022.

1 (Source: P.A. 97-817, eff. 1-1-13.)

2 (740 ILCS 45/15) (from Ch. 70, par. 85)

3 Sec. 15. At ~~When disposition is made without a hearing or~~  
4 ~~at~~ the conclusion of a hearing held under this Act, the Court  
5 of Claims shall enter an order stating (1) its findings of  
6 fact, (2) its decision as to whether or not compensation is due  
7 under this Act, (3) the amount of compensation, if any, which  
8 is due under this Act, (4) whether disbursement of the  
9 compensation awarded is to be made in a lump sum or in periodic  
10 payments, and (5) the person or persons to whom the  
11 compensation should be paid.

12 The changes made to this Section by this amendatory Act of  
13 the 102nd General Assembly apply to actions commenced or  
14 pending on or after January 1, 2022.

15 (Source: P.A. 81-1013.)

16 (740 ILCS 45/16) (from Ch. 70, par. 86)

17 Sec. 16. The Court of Claims, on its own motion or upon the  
18 written request of any applicant, may modify an award of  
19 compensation made under this Act or reconsider a denial of  
20 compensation. No hearing need be held, however, unless the  
21 written request states facts which were not known to the  
22 applicant or by the exercise of reasonable diligence could not  
23 have been ascertained by him or her at the time of the entry of  
24 the order or determination sought to be modified and which

1 would have directly affected ~~the determination of~~ whether or  
2 not compensation should be awarded and, if so, the amount of  
3 that compensation.

4 The changes made to this Section by this amendatory Act of  
5 the 102nd General Assembly apply to actions commenced or  
6 pending on or after January 1, 2022.

7 (Source: P.A. 81-1013.)

8 (740 ILCS 45/18) (from Ch. 70, par. 88)

9 Sec. 18. Claims against awards.

10 (a) An award is not subject to enforcement, attachment,  
11 garnishment, or other process, except that an award is not  
12 exempt from a claim of a creditor to the extent that he or she  
13 provided products, services, or accommodations the costs of  
14 which are included in the award.

15 (b) An assignment or agreement to assign a right to  
16 compensation for loss accruing in the future is unenforceable,  
17 except:

18 (1) an assignment of a right to compensation for work  
19 loss to secure payment of maintenance or child support; or

20 (2) an assignment of a right to compensation to the  
21 extent of the cost of products, services, or  
22 accommodations necessitated by the injury or death on  
23 which the claim is based and are provided or to be provided  
24 by the assignee.

25 (c) The Attorney General may determine or the court may



1 order that all or a portion of an award be paid jointly to the  
2 applicant and another person or solely and directly to another  
3 person to the extent that such other person has provided  
4 products, services or accommodations, the costs of which are  
5 included in the award, or to another person to the extent that  
6 such other person paid or became obligated to pay expenses  
7 incurred by the victim or applicant.

8 (d) If an award under subsection (c) of this Section is  
9 offset by the Comptroller, pursuant to the Uncollected State  
10 Claims Act, the intended individual or entity must credit the  
11 applicant's or victim's account for the amount ordered by the  
12 Court of Claims, and the intended individual or entity is  
13 prohibited from pursuing payment from the applicant or victim  
14 for any portion that is offset. The Comptroller shall provide  
15 notice as provided in Section 10.05 of the State Comptroller  
16 Act.

17 The changes made to this Section by this amendatory Act of  
18 the 102nd General Assembly apply to actions commenced or  
19 pending on or after January 1, 2022.

20 (Source: P.A. 97-817, eff. 1-1-13.)

21 (740 ILCS 45/18.5)

22 Sec. 18.5. Restrictions on collection of debts incurred by  
23 crime victims.

24 (a) Within 10 business days after the filing of a claim,  
25 the Office of the Attorney General shall issue an applicant a

1 written notice of the crime victim compensation claim and  
2 inform the applicant that the applicant may provide a copy of  
3 the written notice to vendors to have debt collection  
4 activities cease while the claim is pending.

5 (b) An applicant may provide a copy of the written notice  
6 to a vendor waiting for payment of a related debt. A vendor  
7 that receives notice of the filing of a claim under this Act  
8 with the Court of Claims or Attorney General must cease all  
9 debt collection activities against the applicant for a related  
10 debt. A vendor that assists an applicant to complete or submit  
11 an application for compensation or a vendor that submits a  
12 bill to the Office of the Attorney General has constructive  
13 notice of the filing of the claim and must not engage in debt  
14 collection activities against the applicant for a related  
15 debt. If the Court of Claims or Attorney General awards  
16 compensation for the related debt, a vendor shall not engage  
17 in debt collection activities while payment is pending. If the  
18 Court of Claims denies compensation for a vendor's bill for  
19 the related debt or a portion thereof, the vendor may not  
20 engage in debt collection activities until 45 days after the  
21 date of notice from ~~an order of~~ the Court of Claims or the  
22 Attorney General denying compensation in whole or in part.

23 (c) A vendor that has notice of a compensation claim may:

24 (1) submit a written request to the Attorney General  
25 ~~Court of Claims~~ for notification of the Attorney General's  
26 ~~Court's~~ decision involving a related debt. The Attorney

1        General Court of Claims shall provide notification of  
2        payment or denial of payment within 30 days of its  
3        decision;

4            (2) submit a bill for a related debt to the Office of  
5        the Attorney General; and

6            (3) contact the Office of the Attorney General to  
7        inquire about the status of the claim.

8            (d) The statute of limitations for collection of a related  
9        debt is tolled upon the filing of the claim with the Court of  
10       Claims and all civil actions in court against the applicant  
11       for a related debt shall be stayed until 45 days after the  
12       Attorney General denies or the Court of Claims enters an order  
13       denying compensation for the related debt or portion thereof.

14        (e) As used in this Section:

15            (1) "Crime victim" means a victim of a violent crime  
16        or an applicant as defined in this Act.

17            (2) "Debt collection activities" means:

18            (A) communicating with, harassing, or intimidating  
19        the crime victim for payment, including, but not  
20        limited to, repeatedly calling or writing to the crime  
21        victim and threatening to refer the related debt to a  
22        debt collection agency or to an attorney for  
23        collection, enforcement, or the filing of other  
24        process;

25            (B) contacting a credit ratings agency or  
26        distributing information to affect the crime victim's

1 credit rating as a result of the related debt;

2 (C) referring a bill, or portion thereof, to a  
3 collection agency or attorney for collection action  
4 against the crime victim; or

5 (D) taking any other action adverse to the crime  
6 victim or his or her family on account of the related  
7 debt.

8 "Debt collection activities" does not include billing  
9 insurance or other government programs, routine inquiries  
10 about coverage by private insurance or government  
11 programs, or routine billing that indicates that the  
12 amount is not due pending resolution of the crime victim  
13 compensation claim.

14 (3) "Related debt" means a debt or expense for  
15 hospital, medical, dental, or counseling services incurred  
16 by or on behalf of a crime victim as a direct result of the  
17 crime.

18 (4) "Vendor" includes persons, providers of service,  
19 vendors' agents, debt collection agencies, and attorneys  
20 hired by a vendor.

21 (f) The changes made to this Section by this amendatory  
22 Act of the 102nd General Assembly apply to actions commenced  
23 or pending on or after January 1, 2022.

24 (Source: P.A. 99-444, eff. 1-1-16.)

25 (740 ILCS 45/20) (from Ch. 70, par. 90)

1           Sec. 20. (a) In addition to any other civil liability or  
2 criminal penalties provided by law, a person who the Court of  
3 Claims or the Attorney General finds has willfully misstated  
4 or omitted facts relevant to the determination of whether  
5 compensation is due under this Act or of the amount of that  
6 compensation, whether in making application for compensation  
7 or in the further proceedings provided for in this Act, shall  
8 be denied compensation under this Act.

9           (b) A person who is convicted of having willfully  
10 misstated or omitted facts relevant to the determination of  
11 whether compensation is due under this Act or of the amount of  
12 that compensation, whether in making application for  
13 compensation or in the further proceedings provided for in  
14 this Act, shall be guilty of a Class A misdemeanor.

15       (Source: P.A. 81-1013.)

16           Section 99. Effective date. This Act takes effect upon  
17 becoming law.

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3	410 ILCS 70/7.5	
4	740 ILCS 45/2	from Ch. 70, par. 72
5	740 ILCS 45/2.5	
6	740 ILCS 45/4.1	from Ch. 70, par. 74.1
7	740 ILCS 45/6.1	from Ch. 70, par. 76.1
8	740 ILCS 45/7.1	from Ch. 70, par. 77.1
9	740 ILCS 45/8.1	from Ch. 70, par. 78.1
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11	740 ILCS 45/10.1	from Ch. 70, par. 80.1
12	740 ILCS 45/10.2	
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15	740 ILCS 45/13.1	from Ch. 70, par. 83.1
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17	740 ILCS 45/16	from Ch. 70, par. 86
18	740 ILCS 45/18	from Ch. 70, par. 88
19	740 ILCS 45/18.5	
20	740 ILCS 45/20	from Ch. 70, par. 90