



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3596

Introduced 2/17/2023, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

See Index

Amends the Crimes Victim Compensation Act. Includes additional expenses and costs in the definition of "pecuniary loss". Removes language providing that: no compensation may be granted while the applicant or victim is held in a correctional institution; and a victim who has been convicted of a felony may apply for assistance at any time but no award of compensation may be considered until the applicant meets certain requirements. Requires the Attorney General to: provide an applicant with written notification of a drafted award determination; present the drafted award determination to the Court of Claims within 90 days of the application being submitted; make all applications and forms available electronically; translate all paper and electronic forms and applications into the 5 most common non-English languages in the State; maintain an online application system; and maintain a case-tracking system to track the status of an application. Allows a victim or applicant to obtain a law enforcement report and provide it to the Attorney General under certain circumstances. Removes time limit and law enforcement notification requirements for submitting an application for compensation. Provides that a victim of a crime who has presented oneself to a hospital for medical care or sexual assault evidence collection is not required to reveal the cause of the injuries or health needs. Provides that a victim of crime is not required to present oneself to a hospital for medical care or sexual assault evidence collection within a specified period of time. Provides that when submitting an application for compensation, the victim or applicant must provide to the Attorney General a sworn statement of the victim or applicant that attests to the victim's or applicant's experience of a crime of violence. Provides that cooperation with law enforcement is not required for a victim of certain offenses to submit an application. Provides that it is presumed that a crime victim or applicant did not provoke, incite, assist, attempt, or commit the criminal act that led to the victim's injury or death. Requires the Attorney General to create a process with forms and applications for applying for emergency awards, create a process for determining emergency awards within 48 hours of the filing of the application, and publicize the process on the Attorney General's website.

LRB103 27123 LNS 53491 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Crime Victims Compensation Act is amended
5 by changing Sections 2, 2.5, 4.1, 4.2, 6.1, 10.1, and 10.2 as
6 follows:

7 (740 ILCS 45/2)

8 (Text of Section before amendment by P.A. 102-982)

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

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

18 The changes made to this subsection by Public Act 101-652
19 ~~this amendatory Act of the 101st General Assembly~~ apply to
20 actions commenced or pending on or after January 1, 2022.

21 (b) "Court of Claims" means the Court of Claims created by
22 the Court of Claims Act.

23 (c) "Crime of violence" means and includes any offense

1 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
2 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
3 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
4 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
5 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
6 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
7 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or
8 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of
9 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
10 the Cemetery Protection Act, Section 125 of the Stalking No
11 Contact Order Act, Section 219 of the Civil No Contact Order
12 Act, driving under the influence as defined in Section 11-501
13 of the Illinois Vehicle Code, a violation of Section 11-401 of
14 the Illinois Vehicle Code, provided the victim was a
15 pedestrian or was operating a vehicle moved solely by human
16 power or a mobility device at the time of contact, and a
17 violation of Section 11-204.1 of the Illinois Vehicle Code; so
18 long as the offense did not occur during a civil riot,
19 insurrection or rebellion. "Crime of violence" does not
20 include any other offense or accident involving a motor
21 vehicle except those vehicle offenses specifically provided
22 for in this paragraph. "Crime of violence" does include all of
23 the offenses specifically provided for in this paragraph that
24 occur within this State but are subject to federal
25 jurisdiction and crimes involving terrorism as defined in 18
26 U.S.C. 2331.

1 (d) "Victim" means (1) a person killed or injured in this
2 State as a result of a crime of violence perpetrated or
3 attempted against him or her, (2) the spouse, parent, or child
4 of a person killed or injured in this State as a result of a
5 crime of violence perpetrated or attempted against the person,
6 or anyone living in the household of a person killed or injured
7 in a relationship that is substantially similar to that of a
8 parent, spouse, or child, (3) a person killed or injured in
9 this State while attempting to assist a person against whom a
10 crime of violence is being perpetrated or attempted, if that
11 attempt of assistance would be expected of a reasonable person
12 under the circumstances, (4) a person killed or injured in
13 this State while assisting a law enforcement official
14 apprehend a person who has perpetrated a crime of violence or
15 prevent the perpetration of any such crime if that assistance
16 was in response to the express request of the law enforcement
17 official, (5) a person who personally witnessed a violent
18 crime, (5.05) a person who will be called as a witness by the
19 prosecution to establish a necessary nexus between the
20 offender and the violent crime, (5.1) solely for the purpose
21 of compensating for pecuniary loss incurred for psychological
22 treatment of a mental or emotional condition caused or
23 aggravated by the crime, any other person under the age of 18
24 who is the brother, sister, half brother, or half sister of a
25 person killed or injured in this State as a result of a crime
26 of violence, (6) an Illinois resident who is a victim of a

1 "crime of violence" as defined in this Act except, if the crime
2 occurred outside this State, the resident has the same rights
3 under this Act as if the crime had occurred in this State upon
4 a showing that the state, territory, country, or political
5 subdivision of a country in which the crime occurred does not
6 have a compensation of victims of crimes law for which that
7 Illinois resident is eligible, (7) a deceased person whose
8 body is dismembered or whose remains are desecrated as the
9 result of a crime of violence, or (8) solely for the purpose of
10 compensating for pecuniary loss incurred for psychological
11 treatment of a mental or emotional condition caused or
12 aggravated by the crime, any parent, spouse, or child under
13 the age of 18 of a deceased person whose body is dismembered or
14 whose remains are desecrated as the result of a crime of
15 violence.

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

20 (f) "Relative" means a spouse, parent, grandparent,
21 stepfather, stepmother, child, grandchild, brother,
22 brother-in-law, sister, sister-in-law, half brother, half
23 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
24 living in the household of a person killed or injured in a
25 relationship that is substantially similar to that of a
26 parent, spouse, or child.

1 (g) "Child" means a son or daughter and includes a
2 stepchild, an adopted child or a child born out of wedlock.

3 (h) "Pecuniary loss" means, in the case of injury,
4 appropriate medical expenses and hospital expenses including
5 expenses of medical examinations, rehabilitation, medically
6 required nursing care expenses, appropriate psychiatric care
7 or psychiatric counseling expenses, appropriate expenses for
8 care or counseling by a licensed clinical psychologist,
9 licensed clinical social worker, licensed professional
10 counselor, or licensed clinical professional counselor and
11 expenses for treatment by Christian Science practitioners and
12 nursing care appropriate thereto; transportation expenses to
13 and from medical and counseling treatment facilities;
14 prosthetic appliances, eyeglasses, and hearing aids necessary
15 or damaged as a result of the crime; expenses incurred for the
16 towing and storage of a victim's vehicle in connection with a
17 crime of violence, to a maximum of \$1,000; costs associated
18 with trafficking tattoo removal by a person authorized or
19 licensed to perform the specific removal procedure;
20 replacement costs for clothing and bedding used as evidence;
21 costs associated with temporary lodging or relocation
22 necessary as a result of the crime, including, but not limited
23 to, the first month's rent and security deposit of the
24 dwelling that the claimant relocated to and other reasonable
25 relocation expenses incurred as a result of the violent crime;
26 locks or windows necessary or damaged as a result of the crime;

1 the purchase, lease, or rental of equipment necessary to
2 create usability of and accessibility to the victim's real and
3 personal property, or the real and personal property which is
4 used by the victim, necessary as a result of the crime; the
5 costs of appropriate crime scene clean-up; replacement
6 services loss, to a maximum of \$1,250 per month; dependents
7 replacement services loss, to a maximum of \$1,250 per month;
8 loss of tuition paid to attend grammar school or high school
9 when the victim had been enrolled as a student prior to the
10 injury, or college or graduate school when the victim had been
11 enrolled as a day or night student prior to the injury when the
12 victim becomes unable to continue attendance at school as a
13 result of the crime of violence perpetrated against him or
14 her; loss of earnings, loss of future earnings because of
15 disability resulting from the injury, and, in addition, in the
16 case of death, expenses for funeral, burial, and travel and
17 transport for survivors of homicide victims to secure bodies
18 of deceased victims and to transport bodies for burial all of
19 which may be awarded up to a maximum of \$10,000 and loss of
20 support of the dependents of the victim; in the case of
21 dismemberment or desecration of a body, expenses for funeral
22 and burial, all of which may be awarded up to a maximum of
23 \$10,000. Loss of future earnings shall be reduced by any
24 income from substitute work actually performed by the victim
25 or by income he or she would have earned in available
26 appropriate substitute work he or she was capable of

1 performing but unreasonably failed to undertake. Loss of
2 earnings, loss of future earnings and loss of support shall be
3 determined on the basis of the victim's average net monthly
4 earnings for the 6 months immediately preceding the date of
5 the injury or on \$2,400 per month, whichever is less or, in
6 cases where the absences commenced more than 3 years from the
7 date of the crime, on the basis of the net monthly earnings for
8 the 6 months immediately preceding the date of the first
9 absence, not to exceed \$2,400 per month. If a divorced or
10 legally separated applicant is claiming loss of support for a
11 minor child of the deceased, the amount of support for each
12 child shall be based either on the amount of support pursuant
13 to the judgment prior to the date of the deceased victim's
14 injury or death, or, if the subject of pending litigation
15 filed by or on behalf of the divorced or legally separated
16 applicant prior to the injury or death, on the result of that
17 litigation. Real and personal property includes, but is not
18 limited to, vehicles, houses, apartments, town houses, or
19 condominiums. Pecuniary loss does not include pain and
20 suffering or property loss or damage.

21 The changes made to this subsection by Public Act 101-652
22 ~~this amendatory Act of the 101st General Assembly~~ apply to
23 actions commenced or pending on or after January 1, 2022.

24 (i) "Replacement services loss" means expenses reasonably
25 incurred in obtaining ordinary and necessary services in lieu
26 of those the injured person would have performed, not for

1 income, but for the benefit of himself or herself or his or her
2 family, if he or she had not been injured.

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

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

11 (l) "Parent" means a natural parent, adopted parent,
12 stepparent, or permanent legal guardian of another person.

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

16 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
17 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; revised 12-14-22.)

18 (Text of Section after amendment by P.A. 102-982)

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20 context otherwise requires:

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22 compensation under this Act or any person the Court of Claims
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25 disability. It includes any person who was a dependent of a

1 deceased victim of a crime of violence for his or her support
2 at the time of the death of that victim.

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4 ~~this amendatory Act of the 101st General Assembly~~ apply to
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6 (b) "Court of Claims" means the Court of Claims created by
7 the Court of Claims Act.

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9 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
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12 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
13 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
14 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
15 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or
16 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of
17 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
18 the Cemetery Protection Act, Section 125 of the Stalking No
19 Contact Order Act, Section 219 of the Civil No Contact Order
20 Act, driving under the influence as defined in Section 11-501
21 of the Illinois Vehicle Code, a violation of Section 11-401 of
22 the Illinois Vehicle Code, provided the victim was a
23 pedestrian or was operating a vehicle moved solely by human
24 power or a mobility device at the time of contact, and a
25 violation of Section 11-204.1 of the Illinois Vehicle Code; so
26 long as the offense did not occur during a civil riot,

1 insurrection or rebellion. "Crime of violence" does not
2 include any other offense or crash involving a motor vehicle
3 except those vehicle offenses specifically provided for in
4 this paragraph. "Crime of violence" does include all of the
5 offenses specifically provided for in this paragraph that
6 occur within this State but are subject to federal
7 jurisdiction and crimes involving terrorism as defined in 18
8 U.S.C. 2331.

9 (d) "Victim" means (1) a person killed or injured in this
10 State as a result of a crime of violence perpetrated or
11 attempted against him or her, (2) the spouse, parent, or child
12 of a person killed or injured in this State as a result of a
13 crime of violence perpetrated or attempted against the person,
14 or anyone living in the household of a person killed or injured
15 in a relationship that is substantially similar to that of a
16 parent, spouse, or child, (3) a person killed or injured in
17 this State while attempting to assist a person against whom a
18 crime of violence is being perpetrated or attempted, if that
19 attempt of assistance would be expected of a reasonable person
20 under the circumstances, (4) a person killed or injured in
21 this State while assisting a law enforcement official
22 apprehend a person who has perpetrated a crime of violence or
23 prevent the perpetration of any such crime if that assistance
24 was in response to the express request of the law enforcement
25 official, (5) a person who personally witnessed a violent
26 crime, (5.05) a person who will be called as a witness by the

1 prosecution to establish a necessary nexus between the
2 offender and the violent crime, (5.1) solely for the purpose
3 of compensating for pecuniary loss incurred for psychological
4 treatment of a mental or emotional condition caused or
5 aggravated by the crime, any other person under the age of 18
6 who is the brother, sister, half brother, or half sister of a
7 person killed or injured in this State as a result of a crime
8 of violence, (6) an Illinois resident who is a victim of a
9 "crime of violence" as defined in this Act except, if the crime
10 occurred outside this State, the resident has the same rights
11 under this Act as if the crime had occurred in this State upon
12 a showing that the state, territory, country, or political
13 subdivision of a country in which the crime occurred does not
14 have a compensation of victims of crimes law for which that
15 Illinois resident is eligible, (7) a deceased person whose
16 body is dismembered or whose remains are desecrated as the
17 result of a crime of violence, or (8) solely for the purpose of
18 compensating for pecuniary loss incurred for psychological
19 treatment of a mental or emotional condition caused or
20 aggravated by the crime, any parent, spouse, or child under
21 the age of 18 of a deceased person whose body is dismembered or
22 whose remains are desecrated as the result of a crime of
23 violence.

24 (e) "Dependent" means a relative of a deceased victim who
25 was wholly or partially dependent upon the victim's income at
26 the time of his or her death and shall include the child of a

1 victim born after his or her death.

2 (f) "Relative" means a spouse, parent, grandparent,
3 stepfather, stepmother, child, grandchild, brother,
4 brother-in-law, sister, sister-in-law, half brother, half
5 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
6 living in the household of a person killed or injured in a
7 relationship that is substantially similar to that of a
8 parent, spouse, or child.

9 (g) "Child" means a son or daughter and includes a
10 stepchild, an adopted child or a child born out of wedlock.

11 (h) "Pecuniary loss" means, in the case of injury,
12 appropriate medical expenses and hospital expenses including
13 expenses of medical examinations, rehabilitation, medically
14 required nursing care expenses, appropriate psychiatric care
15 or psychiatric counseling expenses, appropriate expenses for
16 care or counseling by a licensed clinical psychologist,
17 licensed clinical social worker, licensed professional
18 counselor, or licensed clinical professional counselor and
19 expenses for treatment by Christian Science practitioners and
20 nursing care appropriate thereto; transportation expenses to
21 and from medical and counseling treatment facilities;
22 prosthetic appliances, eyeglasses, and hearing aids necessary
23 or damaged as a result of the crime; expenses incurred for the
24 towing and storage of a victim's vehicle in connection with a
25 crime of violence, to a maximum of \$1,000; costs associated
26 with trafficking tattoo removal by a person authorized or

1 licensed to perform the specific removal procedure;
2 replacement costs for clothing and bedding used as evidence;
3 replacement costs for personal belongings and essential items
4 damaged or destroyed in the commission of or as a result of the
5 violent crime; replacement costs for personal belongings or
6 essential items left behind by victims of offenses defined in
7 Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
8 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code
9 of 1961 or the Criminal Code of 2012; costs associated with
10 temporary lodging or relocation necessary as a result of the
11 crime, including, but not limited to, the first month's rent
12 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, doors, or windows
15 necessary or damaged as a result of the crime; the purchase,
16 lease, or rental of equipment necessary to create usability of
17 and accessibility to the victim's real and personal property,
18 or 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 clean-up; replacement services loss, to a maximum
21 of \$1,250 per month; dependents replacement services loss, to
22 a maximum of \$1,250 per month; loss of tuition paid to attend
23 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; attorney's
3 fees for legal proceedings related to the victim's or
4 applicant's victimization but not related to applications
5 under this Act; expenses and loss as a result of economic abuse
6 as defined by paragraph (49) of Section 2 of the federal
7 Violence Against Women Act in connection with a crime of
8 violence under this Act; loss of earnings, including, but not
9 limited to, the victim or the victim's family or household
10 member taking leave from work as a result of experiencing a
11 crime of violence or to address the crime of violence by
12 seeking medical attention for, or recovery from, physical or
13 psychological injuries caused by the crime of violence to the
14 victim or the victim's family or household member; obtaining
15 services from a victim services organization for the victim or
16 the victim's family or household member; obtaining
17 psychological or other counseling for the victim or the
18 victim's family or household member; participating in safety
19 planning, temporarily or permanently relocating, or taking
20 other actions to increase the safety of the victim or the
21 victim's family or household member from future crimes of
22 violence or ensure economic security; seeking legal assistance
23 or remedies to ensure the health and safety of the victim or
24 the victim's family or household member, including preparing
25 for or participating in any civil or criminal legal proceeding
26 related to or derived from the crime of violence; loss of

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

1 injury or death, or, if the subject of pending litigation
2 filed by or on behalf of the divorced or legally separated
3 applicant prior to the injury or death, on the result of that
4 litigation. Real and personal property includes, but is not
5 limited to, vehicles and all parts of vehicles, houses,
6 apartments, town houses, or condominiums. Pecuniary loss does
7 not include pain and suffering or property loss or damage.

8 The changes made to this subsection by Public Act 101-652
9 ~~this amendatory Act of the 101st General Assembly~~ apply to
10 actions commenced or pending on or after January 1, 2022.

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

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

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

24 (l) "Parent" means a natural parent, adopted parent,
25 stepparent, or permanent legal guardian of another person.

26 (m) "Trafficking tattoo" is a tattoo which is applied to a

1 victim in connection with the commission of a violation of
2 Section 10-9 of the Criminal Code of 2012.

3 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
4 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; 102-982, eff.
5 7-1-23; revised 12-14-22.)

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 ~~For purposes of this Section, the death of a felon who is~~
13 ~~serving a term of parole, probation, or mandatory supervised~~
14 ~~release shall be considered a discharge from that sentence.~~

15 ~~A victim who has been convicted of a felony may apply for~~
16 ~~assistance under this Act at any time but no award of~~
17 ~~compensation may be considered until the applicant meets the~~
18 ~~requirements of this Section.~~

19 The changes made to this Section by this amendatory Act of
20 the 96th General Assembly apply to actions commenced or
21 pending on or after the effective date of this amendatory Act
22 of the 96th General Assembly.

23 (Source: P.A. 101-652, eff. 7-1-21.)

24 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

1 Sec. 4.1. In addition to other powers and duties set forth
2 in this Act and other powers exercised by the Attorney
3 General, the Attorney General shall:

4 (1) investigate all claims, ~~and~~ prepare ~~and present~~ an
5 investigatory report, ~~and a~~ draft an award determination,
6 provide the applicant with written notification of the
7 drafted award determination, and within 90 days of the
8 applicant submitting a complete application present the
9 drafted award determination to the Court of Claims for a
10 review period of 28 business days;

11 (2) upon conclusion of the review by the Court of
12 Claims, provide the applicant with a compensation
13 determination letter;

14 (3) prescribe and furnish all applications and other
15 forms required to be filed in the office of the Attorney
16 General by the terms of this Act, make all applications
17 and forms available electronically through the Attorney
18 General's website, translate all paper and electronic
19 forms and applications into the 5 most common non-English
20 languages in this State, maintain an online application
21 system that enables an applicant to resume filing
22 applications, and maintain a case-tracking system for an
23 applicant to track the status of the application; and

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

26 The changes made to this Section by this amendatory Act of

1 the 101st General Assembly apply to actions commenced or
2 pending on or after January 1, 2022.

3 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

4 (740 ILCS 45/4.2)

5 Sec. 4.2. Cooperation in review of crime victims
6 compensation applications. A law enforcement agency in this
7 State shall, within 15 days of receipt of a written request for
8 a police report made to verify that the requirements of a crime
9 victims compensation application under Section 6.1 of this Act
10 have been met, provide the Attorney General's office with the
11 law enforcement agency's full written report of the
12 investigation of the crime for which an application for
13 compensation has been filed. If the law enforcement agency
14 does not provide the Attorney General's office with the law
15 enforcement agency's full written report of the investigation
16 of the crime for which an application for compensation has
17 been filed within 15 days of receipt of the written request,
18 the victim or applicant may obtain and provide a law
19 enforcement report to the Attorney General and the Attorney
20 General shall proceed with the review of the application. The
21 law enforcement agency may redact the following from the
22 report: names of confidential sources and informants;
23 locations from which law enforcement conduct surveillance; and
24 information related to issues of national security the law
25 enforcement agency provided to or received from the United

1 States Department of Homeland Security or another federal law
2 enforcement agency. The Attorney General's office and a law
3 enforcement agency may agree to the redaction of other
4 information in the report or to the provision of necessary
5 information in another format. Within 15 days of receipt of
6 the request, a law enforcement agency shall respond to a
7 written request from the Attorney General's office for
8 additional information necessary to assist the Attorney
9 General's office in making a recommendation for compensation.

10 Records that are obtained by the Attorney General's office
11 from a law enforcement agency under this Section for purposes
12 of investigating an application for crime victim compensation
13 shall not be disclosed to the public, including the applicant,
14 by the Attorney General's office. The records, while in the
15 possession of the Attorney General's office, shall be exempt
16 from disclosure by the Attorney General's office under the
17 Freedom of Information Act.

18 (Source: P.A. 100-690, eff. 1-1-19.)

19 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

20 Sec. 6.1. Right to compensation. A person is entitled to
21 compensation under this Act if:

22 (a) ~~The~~ Within 5 years of the occurrence of the crime,
23 ~~or within one year after a criminal charge of a person for~~
24 ~~an offense, upon which the claim is based,~~ the applicant
25 presents an application, under oath, to the Attorney

1 General that is filed with the Court of Claims and on a
2 form prescribed in accordance with Section 7.1 furnished
3 by the Attorney General. ~~If the person entitled to~~
4 ~~compensation is under 18 years of age or under other legal~~
5 ~~disability at the time of the occurrence or is determined~~
6 ~~by a court to be under a legal disability as a result of~~
7 ~~the occurrence, he or she may present the application~~
8 ~~required by this subsection within 3 years after he or she~~
9 ~~attains the age of 18 years or the disability is removed,~~
10 ~~as the case may be. Legal disability includes a diagnosis~~
11 ~~of posttraumatic stress disorder.~~

12 (a-1) (Blank). ~~The Attorney General and the Court of~~
13 ~~Claims may accept an application presented after the~~
14 ~~period provided in subsection (a) if the Attorney General~~
15 ~~determines that the applicant had good cause for a delay.~~

16 (b) (Blank). ~~For all crimes of violence, except those~~
17 ~~listed in subsection (b 1) of this Section, the~~
18 ~~appropriate law enforcement officials were notified within~~
19 ~~72 hours of the perpetration of the crime allegedly~~
20 ~~causing the death or injury to the victim or, in the event~~
21 ~~such notification was made more than 72 hours after the~~
22 ~~perpetration of the crime, the applicant establishes that~~
23 ~~such notice was timely under the circumstances.~~

24 (b-1) ~~For victims of offenses defined in Sections~~
25 ~~10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,~~
26 ~~12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of~~

1 ~~1961 or the Criminal Code of 2012, the appropriate law~~
2 ~~enforcement officials were notified within 7 days of the~~
3 ~~perpetration of the crime allegedly causing death or~~
4 ~~injury to the victim or, in the event that the~~
5 ~~notification was made more than 7 days after the~~
6 ~~perpetration of the crime, the applicant establishes that~~
7 ~~the notice was timely under the circumstances.~~ If the
8 applicant or victim has obtained an order of protection, a
9 civil no contact order, or a stalking no contact order,
10 has presented himself or herself to a hospital for medical
11 care or sexual assault evidence collection, or is engaged
12 in a legal proceeding involving a claim that the applicant
13 or victim is a victim of human trafficking, ~~such action~~
14 ~~shall constitute appropriate notification under this~~
15 ~~subsection (b-1) or subsection (b) of this Section.~~ A
16 victim of crime who has presented himself or herself to a
17 hospital for medical care or sexual assault evidence
18 collection is not required to reveal the cause of his or
19 her injuries or health needs. A victim of crime is not
20 required to present himself or herself to a hospital for
21 medical care or sexual assault evidence collection within
22 a specified time.

23 (b-2) For all crimes of violence, the victim or
24 applicant provides to the Attorney General a sworn
25 statement of the victim or applicant that attests to the
26 victim's or applicant's experience of a crime or crimes of

1 violence, and if the victim or applicant has possession of
2 corroborating evidence, the victim or applicant may
3 provide one of the following documents: law enforcement
4 report; medical records; confirmation of sexual assault
5 evidence collection; order of protection; civil no contact
6 order; stalking no contact order; photographs; letter from
7 a service provider who serves victims of crime; affidavit
8 from a witness of the crime of violence; court or legal
9 proceeding record; military record; or other corroborating
10 evidence.

11 (c) The applicant has cooperated with law enforcement
12 officials in the apprehension and prosecution of the
13 assailant. Cooperation with law enforcement is not
14 required for a victim of an offense defined in Sections
15 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
16 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
17 1961 or the Criminal Code of 2012. A victim of an offense
18 defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40,
19 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, and 12-16
20 of the Criminal Code of 1961 or the Criminal Code of 2012
21 shall not be determined to have failed to cooperate based
22 on the victim's conduct with law enforcement at the scene
23 of the crime. Lack of cooperation shall not be found
24 solely because the victim delayed reporting the qualifying
25 crime. If the applicant or victim has obtained an order of
26 protection, a civil no contact order, or a stalking no

1 contact order, has presented himself or herself to a
2 hospital for medical care or sexual assault evidence
3 collection, or is engaged in a legal proceeding involving
4 a claim that the applicant or victim is a victim of human
5 trafficking, such action shall constitute cooperation
6 under this subsection (c). If the victim is under 18 years
7 of age at the time of the commission of the offense, the
8 following shall constitute cooperation under this
9 subsection (c):

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

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

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

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

19 (e) (Blank).

20 (f) For victims of offenses defined in Section 10-9 of
21 the Criminal Code of 2012, the victim submits a statement
22 under oath on a form prescribed by the Attorney General
23 attesting that the removed tattoo was applied in
24 connection with the commission of the offense.

25 (g) In determining whether cooperation has been
26 reasonable, the Attorney General and Court of Claims may

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

11 The changes made to this Section by this amendatory Act of
12 the 101st General Assembly apply to actions commenced or
13 pending on or after January 1, 2022.

14 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

15 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

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

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

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

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

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

8 (d) An award shall be reduced or denied according to
9 the extent to which the victim's injury or death was
10 caused by provocation or incitement by the victim or the
11 victim assisting, attempting, or committing a criminal
12 act. It is presumed that a crime victim or applicant did
13 not provoke, incite, assist, attempt, or commit the
14 criminal act that led to the victim's injury or death
15 unless clear and convincing evidence exists that relief
16 under this Act would lead to unjust enrichment. A denial
17 or reduction shall not automatically bar the survivors of
18 homicide victims from receiving compensation for
19 counseling, crime scene cleanup, relocation, funeral or
20 burial costs, and loss of support if the survivor's
21 actions have not initiated, provoked, or aggravated the
22 suspect into initiating the qualifying crime.

23 (e) An award shall be reduced by the amount of
24 benefits, payments or awards payable under those sources
25 which are required to be listed under item (7) of Section
26 7.1(a) and any other sources except annuities, pension

1 plans, Federal Social Security payments payable to
2 dependents of the victim and the net proceeds of the first
3 \$25,000 of life insurance that would inure to the benefit
4 of the applicant, which the applicant or any other person
5 dependent for the support of a deceased victim, as the
6 case may be, has received or to which he or she is entitled
7 as a result of injury to or death of the victim.

8 (f) A final award shall not exceed \$10,000 for a crime
9 committed prior to September 22, 1979, \$15,000 for a crime
10 committed on or after September 22, 1979 and prior to
11 January 1, 1986, \$25,000 for a crime committed on or after
12 January 1, 1986 and prior to August 7, 1998, \$27,000 for a
13 crime committed on or after August 7, 1998 and prior to
14 August 7, 2022, or \$45,000 for a crime committed on or
15 after August 7, 2022. If the total pecuniary loss is
16 greater than the maximum amount allowed, the award shall
17 be divided in proportion to the amount of actual loss
18 among those entitled to compensation.

19 (g) Compensation under this Act is a secondary source
20 of compensation and the applicant must show that he or she
21 has exhausted the benefits reasonably available under the
22 Criminal Victims' Escrow Account Act or any governmental
23 or medical or health insurance programs, including, but
24 not limited to, Workers' Compensation, the Federal
25 Medicare program, the State Public Aid program, Social
26 Security Administration burial benefits, and Veterans

1 Administration burial benefits, and life, health,
2 accident, full vehicle coverage (including towing
3 insurance, if available), or liability insurance.

4 (Source: P.A. 102-27, eff. 1-1-22; 102-905, eff. 1-1-23.)

5 (740 ILCS 45/10.2)

6 Sec. 10.2. Emergency awards.

7 (a) If it appears, prior to taking action on an
8 application, that the claim is one for which compensation is
9 probable, and undue hardship will result to the applicant if
10 immediate payment is not made, the Attorney General may
11 recommend and the Court may make an emergency award of
12 compensation to the applicant, pending a final decision in the
13 case. Emergency awards may be issued to the applicant for the
14 purpose of paying funeral and burial expenses directly to a
15 funeral home and for relocation expenses incurred by an
16 applicant. The amount of emergency compensation shall be
17 deducted from any final award made as a result of the claim.
18 The full amount of the emergency award if no final award is
19 made shall be repaid by the applicant to the State of Illinois.
20 The Attorney General must create a process with forms and
21 applications for applying for emergency awards, create a
22 process for determining emergency awards within 48 hours of
23 the filing of the application, and publicize this process on
24 the Attorney General's website.

25 (b) Emergency award applicants must satisfy all

1 requirements under Section 6.1 of this Act.

2 (Source: P.A. 102-27, eff. 1-1-22.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

1 INDEX

2 Statutes amended in order of appearance

3 740 ILCS 45/2

4 740 ILCS 45/2.5

5 740 ILCS 45/4.1 from Ch. 70, par. 74.1

6 740 ILCS 45/4.2

7 740 ILCS 45/6.1 from Ch. 70, par. 76.1

8 740 ILCS 45/10.1 from Ch. 70, par. 80.1

9 740 ILCS 45/10.2