

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 Juvenile Court Act of 1987 is amended by
5 changing Section 5-905 as follows:

6 (705 ILCS 405/5-905)

7 Sec. 5-905. Law enforcement records.

8 (1) Law Enforcement Records. Inspection and copying of law
9 enforcement records maintained by law enforcement agencies
10 that relate to a minor who has been investigated, arrested, or
11 taken into custody before the minor's 18th birthday shall be
12 restricted to the following and when necessary for the
13 discharge of their official duties:

14 (a) A judge of the circuit court and members of the
15 staff of the court designated by the judge;

16 (b) Law enforcement officers, probation officers or
17 prosecutors or their staff, or, when necessary for the
18 discharge of its official duties in connection with a
19 particular investigation of the conduct of a law
20 enforcement officer, an independent agency or its staff
21 created by ordinance and charged by a unit of local
22 government with the duty of investigating the conduct of
23 law enforcement officers;

1 (c) The minor, the minor's parents or legal guardian
2 and their attorneys, but only when the juvenile has been
3 charged with an offense;

4 (d) Adult and Juvenile Prisoner Review Boards;

5 (e) Authorized military personnel;

6 (f) Persons engaged in bona fide research, with the
7 permission of the judge of juvenile court and the chief
8 executive of the agency that prepared the particular
9 recording: provided that publication of such research
10 results in no disclosure of a minor's identity and
11 protects the confidentiality of the record;

12 (g) Individuals responsible for supervising or
13 providing temporary or permanent care and custody of
14 minors pursuant to orders of the juvenile court or
15 directives from officials of the Department of Children
16 and Family Services or the Department of Human Services
17 who certify in writing that the information will not be
18 disclosed to any other party except as provided under law
19 or order of court;

20 (h) The appropriate school official only if the agency
21 or officer believes that there is an imminent threat of
22 physical harm to students, school personnel, or others who
23 are present in the school or on school grounds.

24 (A) Inspection and copying shall be limited to
25 law enforcement records transmitted to the appropriate
26 school official or officials whom the school has

1 determined to have a legitimate educational or safety
2 interest by a local law enforcement agency under a
3 reciprocal reporting system established and maintained
4 between the school district and the local law
5 enforcement agency under Section 10-20.14 of the
6 School Code concerning a minor enrolled in a school
7 within the school district who has been arrested or
8 taken into custody for any of the following offenses:

9 (i) any violation of Article 24 of the
10 Criminal Code of 1961 or the Criminal Code of
11 2012;

12 (ii) a violation of the Illinois Controlled
13 Substances Act;

14 (iii) a violation of the Cannabis Control Act;

15 (iv) a forcible felony as defined in Section
16 2-8 of the Criminal Code of 1961 or the Criminal
17 Code of 2012;

18 (v) a violation of the Methamphetamine Control
19 and Community Protection Act;

20 (vi) a violation of Section 1-2 of the
21 Harassing and Obscene Communications Act;

22 (vii) a violation of the Hazing Act; or

23 (viii) a violation of Section 12-1, 12-2,
24 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
25 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
26 Criminal Code of 1961 or the Criminal Code of

1 2012.

2 The information derived from the law enforcement
3 records shall be kept separate from and shall not
4 become a part of the official school record of that
5 child and shall not be a public record. The
6 information shall be used solely by the appropriate
7 school official or officials whom the school has
8 determined to have a legitimate educational or safety
9 interest to aid in the proper rehabilitation of the
10 child and to protect the safety of students and
11 employees in the school. If the designated law
12 enforcement and school officials deem it to be in the
13 best interest of the minor, the student may be
14 referred to in-school or community based social
15 services if those services are available.
16 "Rehabilitation services" may include interventions by
17 school support personnel, evaluation for eligibility
18 for special education, referrals to community-based
19 agencies such as youth services, behavioral healthcare
20 service providers, drug and alcohol prevention or
21 treatment programs, and other interventions as deemed
22 appropriate for the student.

23 (B) Any information provided to appropriate school
24 officials whom the school has determined to have a
25 legitimate educational or safety interest by local law
26 enforcement officials about a minor who is the subject

1 of a current police investigation that is directly
2 related to school safety shall consist of oral
3 information only, and not written law enforcement
4 records, and shall be used solely by the appropriate
5 school official or officials to protect the safety of
6 students and employees in the school and aid in the
7 proper rehabilitation of the child. The information
8 derived orally from the local law enforcement
9 officials shall be kept separate from and shall not
10 become a part of the official school record of the
11 child and shall not be a public record. This
12 limitation on the use of information about a minor who
13 is the subject of a current police investigation shall
14 in no way limit the use of this information by
15 prosecutors in pursuing criminal charges arising out
16 of the information disclosed during a police
17 investigation of the minor. For purposes of this
18 paragraph, "investigation" means an official
19 systematic inquiry by a law enforcement agency into
20 actual or suspected criminal activity;

21 (i) The president of a park district. Inspection and
22 copying shall be limited to law enforcement records
23 transmitted to the president of the park district by the
24 Illinois State Police under Section 8-23 of the Park
25 District Code or Section 16a-5 of the Chicago Park
26 District Act concerning a person who is seeking employment

1 with that park district and who has been adjudicated a
2 juvenile delinquent for any of the offenses listed in
3 subsection (c) of Section 8-23 of the Park District Code
4 or subsection (c) of Section 16a-5 of the Chicago Park
5 District Act.

6 (2) Information identifying victims and alleged victims of
7 sex offenses, shall not be disclosed or open to public
8 inspection under any circumstances. Nothing in this Section
9 shall prohibit the victim or alleged victim of any sex offense
10 from voluntarily disclosing this identity.

11 (2.5) If the minor is a victim of aggravated battery,
12 battery, attempted first degree murder, or other non-sexual
13 violent offense, the identity of the victim may be disclosed
14 to appropriate school officials, for the purpose of preventing
15 foreseeable future violence involving minors, by a local law
16 enforcement agency pursuant to an agreement established
17 between the school district and a local law enforcement agency
18 subject to the approval by the presiding judge of the juvenile
19 court.

20 (3) Relevant information, reports and records shall be
21 made available to the Department of Juvenile Justice when a
22 juvenile offender has been placed in the custody of the
23 Department of Juvenile Justice.

24 (4) Nothing in this Section shall prohibit the inspection
25 or disclosure to victims and witnesses of photographs
26 contained in the records of law enforcement agencies when the

1 inspection or disclosure is conducted in the presence of a law
2 enforcement officer for purposes of identification or
3 apprehension of any person in the course of any criminal
4 investigation or prosecution.

5 (5) The records of law enforcement officers, or of an
6 independent agency created by ordinance and charged by a unit
7 of local government with the duty of investigating the conduct
8 of law enforcement officers, concerning all minors under 18
9 years of age must be maintained separate from the records of
10 adults and may not be open to public inspection or their
11 contents disclosed to the public except by order of the court
12 or when the institution of criminal proceedings has been
13 permitted under Section 5-130 or 5-805 or required under
14 Section 5-130 or 5-805 or such a person has been convicted of a
15 crime and is the subject of pre-sentence investigation or when
16 provided by law.

17 (6) Except as otherwise provided in this subsection (6),
18 law enforcement officers, and personnel of an independent
19 agency created by ordinance and charged by a unit of local
20 government with the duty of investigating the conduct of law
21 enforcement officers, may not disclose the identity of any
22 minor in releasing information to the general public as to the
23 arrest, investigation or disposition of any case involving a
24 minor. Any victim or parent or legal guardian of a victim may
25 petition the court to disclose the name and address of the
26 minor and the minor's parents or legal guardian, or both. Upon

1 a finding by clear and convincing evidence that the disclosure
2 is either necessary for the victim to pursue a civil remedy
3 against the minor or the minor's parents or legal guardian, or
4 both, or to protect the victim's person or property from the
5 minor, then the court may order the disclosure of the
6 information to the victim or to the parent or legal guardian of
7 the victim only for the purpose of the victim pursuing a civil
8 remedy against the minor or the minor's parents or legal
9 guardian, or both, or to protect the victim's person or
10 property from the minor.

11 (7) Nothing contained in this Section shall prohibit law
12 enforcement agencies when acting in their official capacity
13 from communicating with each other by letter, memorandum,
14 teletype or intelligence alert bulletin or other means the
15 identity or other relevant information pertaining to a person
16 under 18 years of age. The information provided under this
17 subsection (7) shall remain confidential and shall not be
18 publicly disclosed, except as otherwise allowed by law.

19 (8) No person shall disclose information under this
20 Section except when acting in the person's official capacity
21 and as provided by law or order of court.

22 (9) The changes made to this Section by Public Act 98-61
23 apply to law enforcement records of a minor who has been
24 arrested or taken into custody on or after January 1, 2014 (the
25 effective date of Public Act 98-61).

26 (10) Nothing contained in this Section shall prohibit law

1 enforcement agencies from disclosing law enforcement reports
2 and records to the Attorney General for the purposes of
3 complying with the Crime Victims Compensation Act.

4 (Source: P.A. 103-22, eff. 8-8-23.)

5 Section 10. The Crime Victims Compensation Act is amended
6 by changing Sections 2, 2.5, 4.1, 4.2, 5.1, 6.1, 7.1, 8.1,
7 10.1, and 18.5 as follows:

8 (740 ILCS 45/2)

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

11 (a) "Applicant" means any of the following claiming
12 compensation under this Act: ~~a victim, a person who was a~~
13 ~~dependent of a deceased victim of a crime of violence for the~~
14 ~~person's support at the time of the death of that victim, a~~
15 ~~person who legally assumes the obligation or who voluntarily~~
16 ~~pays the medical or the funeral or burial expenses incurred as~~
17 ~~a direct result of the crime, and any other person the Court of~~
18 ~~Claims or the Attorney General finds is entitled to~~
19 ~~compensation, including the guardian of a minor or of a person~~
20 ~~under legal disability.~~

21 (1) A victim.

22 (2) If the victim was a guardian or primary caregiver
23 to an adult who is physically or mentally incapacitated,
24 that adult who is physically or mentally incapacitated.

1 (3) A guardian of a minor or of a person under legal
2 disability.

3 (4) A person who, at the time the crime occurred,
4 resided in the same dwelling as the victim, solely for the
5 purpose of compensating for any of the following:

6 (A) Pecuniary loss incurred for psychological
7 treatment of a mental or emotional condition caused or
8 aggravated by the crime.

9 (B) Loss of earnings under paragraph (14.5) of
10 subsection (h) for time off from work necessary to
11 provide full time care for the injured victim.

12 (C) Relocation expenses.

13 (5) A person who assumes a legal obligation or
14 voluntarily pays for a victim's medical or funeral or
15 burial expenses.

16 (6) Any other person the Court of Claims or the
17 Attorney General finds is entitled to compensation.

18 The changes made to this subsection by Public Act 101-652
19 apply to actions commenced or pending on or after January 1,
20 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
24 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
25 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
26 11-11, ~~11-19.2~~, 11-20.1, ~~11-20.1B~~, ~~11-20.3~~, 11-23, 11-23.5,

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

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

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

1 crime, loss of earnings under paragraph (14.5) of subsection
2 (h) for time off from work necessary to provide full time care
3 for the injured victim, or relocation if the crime occurred
4 within the dwelling of the applicant, (5.2) any person who was
5 in a dating relationship with a person killed in this State as
6 a result of a crime of violence, solely for the purpose of
7 compensating for pecuniary loss incurred for psychological
8 treatment of a mental or emotional condition caused or
9 aggravated by the crime, (6) an Illinois resident who is a
10 victim of a "crime of violence" as defined in this Act except,
11 if the crime occurred outside this State, the resident has the
12 same rights under this Act as if the crime had occurred in this
13 State upon a showing that the state, territory, country, or
14 political subdivision of a country in which the crime occurred
15 does not have a compensation of victims of crimes law for which
16 that Illinois resident is eligible, (7) the parent, spouse, or
17 child of a deceased person whose body is dismembered or whose
18 remains are desecrated as the result of a crime of violence, ~~or~~
19 (8) (blank), or (9) an individual who is injured or killed in
20 an incident in which a law enforcement officer's use of force
21 caused bodily harm or death to that individual.

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

26 (f) "Relative" means a spouse, parent, grandparent,

1 stepfather, stepmother, child, grandchild, brother,
2 brother-in-law, sister, sister-in-law, half brother, half
3 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
4 living in the dwelling household of a person killed or injured
5 in a relationship that is substantially similar to that of a
6 parent, spouse, or child.

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

9 (h) "Pecuniary loss" means:

10 (1) in the case of injury, appropriate medical
11 expenses and hospital expenses including expenses of
12 medical examinations, rehabilitation, medically required
13 nursing care expenses, appropriate psychiatric care or
14 psychiatric counseling expenses, appropriate expenses for
15 care or counseling by a licensed clinical psychologist,
16 licensed clinical social worker, licensed professional
17 counselor, or licensed clinical professional counselor and
18 expenses for treatment by Christian Science practitioners
19 and nursing care appropriate thereto;

20 (2) transportation expenses to and from medical and
21 counseling treatment facilities;

22 (3) prosthetic appliances, eyeglasses, and hearing
23 aids necessary or damaged as a result of the crime;

24 (4) expenses incurred for the towing and storage of a
25 victim's vehicle in connection with a crime of violence,
26 to a maximum of \$1,000;

1 (5) costs associated with trafficking tattoo removal
2 by a person authorized or licensed to perform the specific
3 removal procedure; for victims of offenses defined in
4 Section 10-9 of the Criminal Code of 2012, the victim
5 shall submit a statement under oath on a form prescribed
6 by the Attorney General attesting that the removed tattoo
7 was applied in connection with the commission of the
8 offense;

9 (6) replacement costs for clothing and bedding used as
10 evidence;

11 (7) costs associated with temporary lodging or
12 relocation necessary as a result of the crime, including,
13 but not limited to, the first 2 months' rent and security
14 deposit of the dwelling that the claimant relocated to and
15 other reasonable relocation expenses incurred as a result
16 of the violent crime;

17 (8) locks, doors, or windows necessary or damaged as a
18 result of the crime;

19 (9) the purchase, lease, or rental of equipment
20 necessary to create usability of and accessibility to the
21 victim's real and personal property, or the real and
22 personal property which is used by the victim, necessary
23 as a result of the crime; "real and personal property"
24 includes, but is not limited to, vehicles, houses,
25 apartments, townhouses, or condominiums;

26 (10) the costs of appropriate crime scene clean-up;

1 (11) replacement services loss, to a maximum of \$1,250
2 per month, with this amount to be divided in proportion to
3 the amount of the actual loss among those entitled to
4 compensation;

5 (12) dependents replacement services loss, to a
6 maximum of \$1,250 per month, with this amount to be
7 divided in proportion to the amount of the actual loss
8 among those entitled to compensation;

9 (13) loss of tuition paid to attend grammar school or
10 high school when the victim had been enrolled as a student
11 prior to the injury, or college or graduate school when
12 the victim had been enrolled as a day or night student
13 prior to the injury when the victim becomes unable to
14 continue attendance at school as a result of the crime of
15 violence perpetrated against him or her;

16 (14) loss of earnings, loss of future earnings because
17 of disability resulting from the injury. Loss of future
18 earnings shall be reduced by any income from substitute
19 work actually performed by the victim or by income the
20 victim would have earned in available appropriate
21 substitute work the victim was capable of performing but
22 unreasonably failed to undertake; loss of earnings and
23 loss of future earnings shall be determined on the basis
24 of the victim's average net monthly earnings for the 6
25 months immediately preceding the date of the injury or on
26 \$2,400 per month, whichever is less, or, in cases where

1 the absences commenced more than 3 years from the date of
2 the crime, on the basis of the net monthly earnings for the
3 6 months immediately preceding the date of the first
4 absence, not to exceed \$2,400 per month;

5 (14.5) loss of earnings for applicants or loss of
6 future earnings for applicants. The applicant must
7 demonstrate that the loss of earnings is a direct result
8 of circumstances attributed to the crime including, but
9 not limited to, court appearances, funeral preparation and
10 bereavement, receipt of medical or psychological care;
11 loss of earnings and loss of future earnings shall be
12 determined on the basis of the applicant's average net
13 monthly earnings for the 6 months immediately preceding
14 the date of the injury or on \$2,400 per month, whichever is
15 less, or, in cases where the absences commenced more than
16 3 years from the date of the crime, on the basis of the net
17 monthly earnings for the 6 months immediately preceding
18 the date of the first absence, not to exceed \$2,400 per
19 month;

20 (15) loss of support of the dependents of the victim.
21 Loss of support shall be determined on the basis of the
22 victim's average net monthly earnings for the 6 months
23 immediately preceding the date of the injury or on \$2,400
24 per month, whichever is less, or, in cases where the
25 absences commenced more than 3 years from the date of the
26 crime, on the basis of the net monthly earnings for the 6

1 months immediately preceding the date of the first
2 absence, not to exceed \$2,400 per month. If a divorced or
3 legally separated applicant is claiming loss of support
4 for a minor child of the deceased, the amount of support
5 for each child shall be based either on the amount of
6 support pursuant to the judgment prior to the date of the
7 deceased victim's injury or death, or, if the subject of
8 pending litigation filed by or on behalf of the divorced
9 or legally separated applicant prior to the injury or
10 death, on the result of that litigation. Loss of support
11 for minors shall be divided in proportion to the amount of
12 the actual loss among those entitled to such compensation;

13 (16) in the case of death, expenses for reasonable
14 funeral, burial, headstone, cremation, and travel and
15 transport for survivors of homicide victims to secure
16 bodies of deceased victims and to transport bodies for
17 burial all of which may be awarded up to a maximum of
18 \$10,000 for each victim. Other individuals that have paid
19 or become obligated to pay funeral, cremation, or burial
20 expenses, including a headstone, for the deceased shall
21 share a maximum award of \$10,000, with the award divided
22 in proportion to the amount of the actual loss among those
23 entitled to compensation; ~~and~~

24 (17) in the case of dismemberment or desecration of a
25 body, expenses for reasonable funeral, ~~and~~ burial,
26 headstone, and cremation, all of which may be awarded up

1 to a maximum of \$10,000 for each victim. Other individuals
2 that have paid or become obligated to pay funeral,
3 cremation, or burial expenses, including a headstone, for
4 the deceased shall share a maximum award of \$10,000, with
5 the award divided in proportion to the amount of the
6 actual loss among those entitled to compensation; ~~and-~~

7 (19) legal fees resulting from proceedings that became
8 necessary solely because of the crime, including, but not
9 limited to, establishing a legal guardian for the minor
10 victim or the minor child of a victim, or obtaining a
11 restraining order, no contact order, or order of
12 protection, awarded up to a maximum of \$3,500.

13 "Pecuniary loss" does not include pain and suffering or
14 property loss or damage.

15 The changes made to this subsection by Public Act 101-652
16 apply to actions commenced or pending on or after January 1,
17 2022.

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

23 (j) "Dependents replacement services loss" means loss
24 reasonably incurred by dependents or private legal guardians
25 of minor dependents after a victim's death in obtaining
26 ordinary and necessary services in lieu of those the victim

1 would have performed, not for income, but for their benefit,
2 if he or she had not been fatally injured.

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

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

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

10 (n) "Dwelling" means a person's primary home. A person may
11 be required to provide verification or proof of residence
12 including, but not limited to, a lease agreement, utility
13 bill, license registration, document showing the mailing
14 address, pay stub, tax form, or notarized statement.

15 (o) "Dating relationship" means a current, continuous,
16 romantic, courtship, or engagement relationship, often
17 characterized by actions of an intimate or sexual nature or an
18 expectation of affection. "Dating relationship" does not
19 include a casual acquaintanceship or ordinary fraternization
20 between persons in a business or social context.

21 (p) "Medical facility" means a facility for the delivery
22 of health services. "Medical facility" includes, but is not
23 limited to, a hospital, public health center, outpatient
24 medical facility, federally qualified health center, migrant
25 health center, community health center, or State correctional
26 institution.

1 (q) "Mental health provider" means a licensed clinical
2 psychologist, a licensed clinical social worker, a licensed
3 professional counselor, or a licensed clinical professional
4 counselor as defined in the Mental Health and Developmental
5 Disabilities Code.

6 (r) "Independent medical evaluation" means an assessment
7 by a mental health provider who is not currently providing
8 treatment to the applicant and will not seek reimbursement
9 from the program for continuing treatment after the
10 assessment. A provider may seek reimbursement for the
11 assessment.

12 (Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23;
13 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-564, eff.
14 11-17-23.)

15 (740 ILCS 45/2.5)

16 Sec. 2.5. Felony status ~~Felon as victim.~~ A victim's
17 criminal history or felony status shall not ~~automatically~~
18 prevent compensation to that victim or the victim's family. No
19 compensation may be granted to an applicant under this Act
20 while the applicant is held in a correctional institution. An
21 applicant who is held in a correctional institution may apply
22 for assistance under this Act at any time, but no award of
23 compensation may be considered until the applicant meets the
24 requirements of this Section. ~~However, no compensation may be~~
25 ~~granted to a victim or applicant under this Act while the~~

1 ~~applicant or victim is held in a correctional institution. For~~
2 ~~purposes of this Section, the death of a felon who is serving a~~
3 ~~term of parole, probation, or mandatory supervised release~~
4 ~~shall be considered a discharge from that sentence.~~

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

9 ~~The changes made to this Section by this amendatory Act of~~
10 ~~the 96th General Assembly apply to actions commenced or~~
11 ~~pending on or after the effective date of this amendatory Act~~
12 ~~of the 96th General Assembly.~~

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

14 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

15 Sec. 4.1. In addition to other powers and duties set forth
16 in this Act and other powers exercised by the Attorney
17 General, the Attorney General shall:

18 (1) investigate all claims and prepare and present an
19 investigatory report and a draft award determination to
20 the Court of Claims for a review period of 28 business
21 days;

22 (2) upon conclusion of the review by the Court of
23 Claims, provide the applicant with a compensation
24 determination letter;

25 (3) prescribe and furnish all applications and other

1 forms required to be filed in the office of the Attorney
2 General by the terms of this Act; ~~and~~

3 (4) represent the interests of the State of Illinois
4 in any hearing before the Court of Claims; ~~and~~

5 (5) upon failure to comply with Section 4.2, the
6 Attorney General's office shall have the power to issue
7 subpoenas to compel the production of law enforcement
8 reports maintained by law enforcement agencies.

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

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

13 (740 ILCS 45/4.2)

14 Sec. 4.2. ~~Cooperation in review of crime victims~~
15 ~~compensation applications.~~ A law enforcement agency ~~in this~~
16 ~~State~~ shall, within 15 days of receipt of a written request for
17 a police report made to verify that the requirements of a crime
18 victims compensation application under Section 6.1 of this Act
19 have been met, provide the Attorney General's office with the
20 law enforcement agency's full written report of the
21 investigation of the crime for which an application for
22 compensation has been filed. The law enforcement agency may
23 redact the following from the report: names of confidential
24 sources and informants; locations from which law enforcement
25 conduct surveillance; and information related to issues of

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

12 An applicant may obtain and provide a law enforcement
13 report to the Attorney General and the Attorney General may
14 proceed with the review of the application. If the copy of the
15 law enforcement report provided by the applicant does not
16 contain all the information the Attorney General needs to move
17 forward with the review of the application, the Attorney
18 General may proceed with requesting from the law enforcement
19 agency the full written report of the investigation.

20 Records that are obtained by the Attorney General's office
21 from a law enforcement agency under this Section for purposes
22 of investigating an application for crime victim compensation
23 shall not be disclosed to the public, including the applicant,
24 by the Attorney General's office. Law enforcement reports or
25 other documentation obtained by the Attorney General's office
26 from an applicant, victim, or third party under this Act for

1 the purposes of investigating an application for crime victim
2 compensation shall not be disclosed to the public or any
3 individual or entity, not including the individual who
4 supplied the report or documentation, by the Attorney
5 General's office. Any ~~The~~ records obtained by the Attorney
6 General's office to process the application, including but not
7 limited to applications, documents, and photographs, ~~while in~~
8 ~~the possession of the Attorney General's office,~~ shall be
9 exempt from disclosure by the Attorney General's office under
10 the Freedom of Information Act.

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

12 (740 ILCS 45/5.1) (from Ch. 70, par. 75.1)

13 Sec. 5.1. (a) Every hospital licensed under the laws of
14 this State shall display prominently in its emergency room
15 posters giving notification of the existence and general
16 provisions of this Act. The posters may be displayed by
17 physical or electronic means. ~~Such posters shall be provided~~
18 ~~by the Attorney General.~~

19 (b) Any law enforcement agency that investigates an
20 offense committed in this State shall inform the victim or any
21 potential applicant contacted during the course of an
22 investigation or arrest regarding ~~of the offense or his~~
23 ~~dependents concerning~~ the Crime Victims Compensation Program,
24 ~~availability of an award of compensation~~ and advise such
25 persons that any information concerning this Act and the

1 filing of a claim may be obtained from the office of the
2 Attorney General.

3 (c) The Office of the Attorney General shall make
4 available on its website applications, forms, posters, and
5 general information that law enforcement agencies and
6 hospitals may use to comply with this Section.

7 (Source: P.A. 102-4, eff. 4-27-21.)

8 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

9 Sec. 6.1. Right to compensation. A person is entitled to
10 compensation under this Act if:

11 (a) Timing. Within 5 years of the occurrence of the
12 crime, or within one year after a criminal charge of a
13 person for an offense, upon which the claim is based, the
14 applicant presents an application, under oath, to the
15 Attorney General that is filed with the Court of Claims
16 and on a form prescribed in accordance with Section 7.1
17 furnished by the Attorney General. If the person entitled
18 to compensation is under 18 years of age or under other
19 legal disability at the time of the occurrence or is
20 determined by a court to be under a legal disability as a
21 result of the occurrence, he or she may present the
22 application required by this subsection within 3 years
23 after he or she attains the age of 18 years or the
24 disability is removed, as the case may be. Legal
25 disability includes a diagnosis of posttraumatic stress

1 disorder.

2 (a-1) The Attorney General and the Court of Claims may
3 accept an application presented after the period provided
4 in subsection (a) if the Attorney General determines that
5 the applicant had good cause for a delay.

6 (b) Notification. ~~The For all crimes of violence,~~
7 ~~except those listed in subsection (b 1) of this Section,~~
8 ~~the~~ appropriate law enforcement officials were notified
9 within 72 hours of the perpetration of the crime allegedly
10 causing the death or injury to the victim ~~or, in the event~~
11 ~~such notification was made more than 72 hours after the~~
12 ~~perpetration of the crime, the applicant establishes that~~
13 ~~such notice was timely under the circumstances.~~ If the
14 notification was made more than 72 hours after the
15 perpetration of the crime and the applicant establishes
16 that the notice was timely under the circumstances, the
17 Attorney General and the Court of Claims may extend the
18 time for reporting to law enforcement.

19 For victims of offenses defined in Sections 10-9,
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, and
21 12-14 of the Criminal Code of 1961 or the Criminal Code of
22 2012, the appropriate law enforcement officials were
23 notified within 7 days of the perpetration of the crime
24 allegedly causing death or injury to the victim or, if the
25 notification was made more than 7 days after the
26 perpetration of the crime, the applicant establishes that

1 the notice was timely under the circumstances.

2 (b-1) If, in lieu of a law enforcement report, For
3 victims of offenses defined in Sections 10-9, 11-1.20,
4 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1,
5 12-15, and 12-16 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, the appropriate law enforcement
7 officials were notified within 7 days of the perpetration
8 of the crime allegedly causing death or injury to the
9 victim or, in the event that the notification was made
10 more than 7 days after the perpetration of the crime, the
11 applicant establishes that the notice was timely under the
12 circumstances. If the applicant or victim has obtained an
13 order of protection, a civil no contact order, or a
14 stalking no contact order, has presented himself or
15 herself to a medical facility hospital for medical care or
16 sexual assault evidence collection, has presented to a
17 mental health provider for an independent medical
18 evaluation, or is engaged in a legal proceeding involving
19 a claim that the applicant or victim is a victim of human
20 trafficking or law enforcement use of force, such action
21 shall constitute appropriate notification under this
22 subsection (b-1) or subsection (b) of this Section.

23 (b-2) For purposes of notification under this Act, a
24 victim who presents to a medical facility shall provide
25 information sufficient to fulfill the requirements of this
26 Section, except that the victim shall not be required to

1 identify the offender to the medical provider.

2 (b-3) An applicant who is filing a claim that a law
3 enforcement officer's use of force caused injury or death,
4 may fulfill the notification requirement by complying with
5 subsection (b), filing a complaint with the Illinois Law
6 Enforcement Training Standards Board, filing a lawsuit
7 against a law enforcement officer or department, or
8 presenting evidence that the victim has obtained a
9 settlement or a verdict in a civil suit. An application
10 filed by an individual presenting evidence of a verdict in
11 a civil suit must be filed within one year after the
12 resolution of the civil suit.

13 (b-4) An applicant may provide notification to a
14 mental health provider regarding physical injuries of the
15 victim or for victims of offenses defined in Sections
16 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
17 11-14.4, 12-3.2, 12-3.3, 12-3.4, 12-7.3, 12-7.4 of the
18 Criminal Code of 2012, psychological injuries resulting
19 from the commission of the crime for which the applicant
20 is filing an application. The provider shall perform an
21 independent medical evaluation and provide the provider's
22 professional opinion as to whether the injuries claimed
23 are consistent with having resulted from the commission of
24 the crime for which the applicant is filing an
25 application.

26 Upon completion of the independent medical evaluation,

1 the mental health provider shall complete a certification
2 form, signed under oath. The form shall be provided by the
3 Office of the Attorney General and contain the following:

4 (1) The provider's name, title, license number and
5 place of employment.

6 (2) Contact information for the provider.

7 (3) The provider's relationship with the
8 applicant.

9 (4) The date the crime was reported to the
10 provider.

11 (5) The reported crime.

12 (6) The date and location of the crime.

13 (7) If there are physical injuries, what injuries
14 that the mental health provider can attest to being
15 present on the day of the reporting if they are
16 consistent with the crime reported to the provider.

17 (8) If there are psychological injuries, whether
18 the provider in his or her professional opinion
19 believes that the injuries presented on the day of the
20 reporting are consistent with the crime reported to
21 the provider.

22 (9) A detailed summary of the incident, as
23 reported.

24 (10) Any documentation or photos that relate to
25 the crime of violence for which the applicant is
26 seeking reimbursement.

1 (c) Cooperation. The applicant has cooperated with law
2 enforcement officials in the apprehension and prosecution
3 of the assailant. If the applicant or victim has obtained
4 an order of protection, a civil no contact order, or a
5 stalking no contact order, has presented ~~himself or~~
6 ~~herself~~ to a medical facility ~~hospital~~ for medical care or
7 sexual assault evidence collection, obtained an
8 independent medical examination from a mental health
9 provider as described in subsection (b-4), has taken any
10 of the actions described in subsection (b-3), or is
11 engaged in a legal proceeding involving a claim that the
12 applicant or victim is a victim of human trafficking, such
13 action shall constitute cooperation under this subsection
14 (c). If the victim is under 18 years of age at the time of
15 the commission of the offense, the following shall
16 constitute cooperation under this subsection (c):

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

19 (2) a mandated reporter reports the crime to law
20 enforcement; or

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

23 In evaluating cooperation, the Attorney General and
24 Court of Claims may consider the victim's age, physical
25 condition, psychological state, cultural or linguistic
26 barriers, and compelling health and safety concerns,

1 including, but not limited to, a reasonable fear of
2 retaliation or harm that would jeopardize the well-being
3 of the victim or the victim's family, and giving due
4 consideration to the degree of cooperation that the victim
5 or derivative victim is capable of in light of the
6 presence of any of these factors, or any other factor the
7 Attorney General considers relevant.

8 (d) If the ~~The~~ applicant is not barred from receiving
9 compensation under Section 10.1 ~~the offender or an~~
10 ~~accomplice of the offender and the award would not~~
11 ~~unjustly benefit the offender or his accomplice.~~

12 (e) (Blank).

13 (f) (Blank). ~~For victims of offenses defined in~~
14 ~~Section 10-9 of the Criminal Code of 2012, the victim~~
15 ~~submits a statement under oath on a form prescribed by the~~
16 ~~Attorney General attesting that the removed tattoo was~~
17 ~~applied in connection with the commission of the offense.~~

18 (g) (Blank). ~~In determining whether cooperation has~~
19 ~~been reasonable, the Attorney General and Court of Claims~~
20 ~~may consider the victim's age, physical condition,~~
21 ~~psychological state, cultural or linguistic barriers, and~~
22 ~~compelling health and safety concerns, including, but not~~
23 ~~limited to, a reasonable fear of retaliation or harm that~~
24 ~~would jeopardize the well-being of the victim or the~~
25 ~~victim's family, and giving due consideration to the~~
26 ~~degree of cooperation that the victim or derivative victim~~

1 ~~is capable of in light of the presence of any of these~~
2 ~~factors, or any other factor the Attorney General~~
3 ~~considers relevant.~~

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

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

8 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

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

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

11 (2) if the victim is deceased, the name and address of
12 the applicant and his or her relationship to the victim,
13 the names and addresses of other persons dependent on the
14 victim for their support and the extent to which each is so
15 dependent, and other persons who may be entitled to
16 compensation for a pecuniary loss;

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

19 (4) the date and place where notification under
20 Section 6.1 was given and to whom, or the date and place of
21 issuance of an order of protection, no contact order,
22 evidence of a legal proceeding involving human
23 trafficking, or in cases of a law enforcement officer's
24 use of force, another form of documentation allowable
25 under Section 6.1 and the law enforcement officials to

1 ~~whom notification of the crime was given;~~

2 (4.5) if the victim is providing supplemental forms of
3 documentation, that documentation, the date the victim
4 obtained that other form of documentation and the type of
5 documentation;

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

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

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

14 (a) the Workers' Compensation Act,

15 (b) the Dram Shop Act,

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

18 (d) the Federal Medicare program,

19 (e) the State Public Aid program,

20 (f) Social Security Administration burial
21 benefits,

22 (g) Veterans administration burial benefits,

23 (h) life, health, accident, vehicle, towing, or
24 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 (b-5) The victim or applicant may provide to the Attorney
14 General a sworn statement by the victim or applicant that
15 attests to the victim's or applicant's experience of a crime
16 or crimes of violence, in addition to documentation required
17 under this Act. If the victim or applicant has additional
18 corroborating evidence beyond those described in this Act, the
19 victim or applicant may provide the following documents: law
20 enforcement report; medical records; confirmation of sexual
21 assault evidence collection; order of protection; civil no
22 contact order, stalking no contact order; photographs; letter
23 from a service provider who serves victims of crime; affidavit
24 from a witness of the crime of violence; court record;
25 military record; or any other corroborating evidence. Such
26 documentation or statement may be used to supplement required

1 documentation to verify the incident but is not required. If
2 an applicant is seeking an exception under subsection (b) or
3 (c-1) of Section 6.1, the applicant shall provide any
4 additional documentation, information, or statement that
5 substantiates the facts stated in the application.

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

14 For claims submitted on or after January 1, 2022, an
15 amended application or additional substantiating materials to
16 correct inadvertent errors or omissions may be filed at any
17 time before the original application is disposed of by the
18 Attorney General or the Court of Claims.

19 (d) Determinations submitted by the Attorney General to
20 the Court of Claims shall be available to the Court of Claims
21 for review. The Attorney General shall provide the sources and
22 evidence relied upon as a basis for a compensation
23 determination.

24 (e) The changes made to this Section by this amendatory
25 Act of the 101st General Assembly apply to actions commenced
26 or pending on or after January 1, 2022.

1 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21;
2 102-905, eff. 1-1-23.)

3 (740 ILCS 45/8.1) (from Ch. 70, par. 78.1)

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

17 After an application has been filed, an applicant's
18 failure to respond to communication from the Office of the
19 Attorney General or the Court of Claims or a failure to provide
20 necessary documentation to substantiate the request for
21 compensation may result in the claim being closed without
22 compensation. An applicant may submit to have the claim
23 reopened when the applicant is able to provide missing
24 information and communicate regarding the claim.

25 Failure to update the Office of the Attorney General with

1 changes to the applicant's contact information after the
2 application is submitted to the Office of the Attorney General
3 may result in applications that are not filed with the Court of
4 Claims or claims that are closed without compensation.

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

6 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

7 Sec. 10.1. Award of compensation. The awarding of
8 compensation and the amount of compensation to which an
9 applicant and other persons are entitled shall be based on the
10 following factors:

11 (a) Each victim may be compensated for his or her
12 pecuniary loss up to the maximum amount allowable.

13 (b) Each dependent may be compensated for loss of
14 support, as provided in paragraph (15) of subsection (h)
15 of Section 2.

16 (c) Any person, even though not dependent upon the
17 victim for his or her support, may be compensated for
18 reasonable expenses of the victim to the extent to which
19 he or she has paid or become obligated to pay such expenses
20 and only after compensation for reasonable funeral,
21 medical and hospital expenses of the victim have been
22 awarded may compensation be made for reasonable expenses
23 of the victim incurred for psychological treatment of a
24 mental or emotional condition caused or aggravated by the
25 crime. Persons that have paid or become obligated to pay

1 expenses for a victim shall share the maximum award with
2 the amount divided in proportion to the amount of the
3 actual loss among those entitled to compensation.

4 (d) Except for claims listed under subsection (d-1) of
5 this Section, an ~~An~~ award shall be reduced or denied
6 according to the extent to which the victim's injury or
7 death was caused by provocation or incitement by the
8 victim or the victim assisting, attempting, or committing
9 a criminal act. ~~A denial or reduction shall not~~
10 ~~automatically bar the survivors of homicide victims from~~
11 ~~receiving compensation for counseling, crime scene~~
12 ~~cleanup, relocation, funeral or burial costs, and loss of~~
13 ~~support if the survivor's actions have not initiated,~~
14 ~~provoked, or aggravated the suspect into initiating the~~
15 ~~qualifying crime.~~

16 (d-1) For claims that a law enforcement officer's use
17 of force resulted in injury or death to a victim, an award
18 shall be reduced or denied to the extent by which the
19 victim's behavior posed an imminent threat of death or
20 serious bodily injury to the law enforcement officer or
21 another person and such behavior of the victim was a
22 direct and proximate cause of the victim's injury or
23 death. If a police report has been made, the police report
24 shall not be the sole factor if the Attorney General or
25 Court of Claims has identified reliable information that
26 conflicts with the police report.

1 (d-2) A person who is criminally responsible for the
2 crime upon which a claim is based or an accomplice of such
3 person shall not be eligible to receive an award with
4 respect to such claim. A member of the family of a person
5 criminally responsible for the crime upon which a claim is
6 based or a member of the family of an accomplice of such
7 person shall be eligible to receive an award, unless the
8 person criminally responsible will receive substantial
9 economic benefit or unjust enrichment from the
10 compensation. In no event shall an applicant be denied
11 compensation solely because of the applicant's or the
12 victim's familial relationship with the offender or
13 because of the sharing of a dwelling by the victim or
14 applicant and the offender.

15 (d-3) A denial or reduction shall not automatically
16 bar the survivors of homicide victims from receiving
17 compensation for counseling, crime scene cleanup,
18 relocation, funeral or burial costs, and loss of support.

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

1 dependent for the support of a deceased victim, as the
2 case may be, has received or to which he or she is entitled
3 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
7 January 1, 1986, \$25,000 for a crime committed on or after
8 January 1, 1986 and prior to August 7, 1998, \$27,000 for a
9 crime committed on or after August 7, 1998 and prior to
10 August 7, 2022, or \$45,000 per victim for a crime
11 committed on or after August 7, 2022. For any applicant
12 who is not a victim, if the total pecuniary loss is greater
13 than the maximum amount allowed, the award shall be
14 divided in proportion to the amount of actual loss among
15 those entitled to compensation who are not victims.

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

1 Crowdfunding resources available to applicants are not
2 considered collateral sources of payment, regardless of
3 any statements made about what expenses the crowdfunding
4 resources will be used to pay.

5 (Source: P.A. 102-27, eff. 1-1-22; 102-905, eff. 1-1-23;
6 103-564, eff. 11-17-23.)

7 (740 ILCS 45/18.5)

8 Sec. 18.5. Restrictions on collection of debts incurred by
9 crime victims.

10 (a) Within 10 business days after the filing of a claim,
11 the Office of the Attorney General shall issue an applicant a
12 written notice of the crime victim compensation claim and
13 inform the applicant that the applicant may provide a copy of
14 the written notice to vendors to have debt collection
15 activities cease while the claim is pending.

16 (b) An applicant may provide a copy of the written notice
17 to a vendor waiting for payment of a related debt. A vendor
18 that receives notice of the filing of a claim under this Act
19 with the Court of Claims or Attorney General must cease all
20 debt collection activities against the applicant for a related
21 debt. A vendor that assists an applicant to complete or submit
22 an application for compensation or a vendor that submits a
23 bill to the Office of the Attorney General has constructive
24 notice of the filing of the claim and must not engage in debt
25 collection activities against the applicant for a related

1 debt. If the Court of Claims or Attorney General awards
2 compensation for the related debt, a vendor shall not engage
3 in debt collection activities while payment is pending. If the
4 Court of Claims denies compensation for a vendor's bill for
5 the related debt or a portion thereof, the vendor may not
6 engage in debt collection activities until 45 days after the
7 date of notice from the Court of Claims or the Attorney General
8 denying compensation in whole or in part.

9 (c) A vendor that has notice of a compensation claim may~~+~~
10 ~~(1)~~ submit a written request to the Attorney General for
11 notification of the Attorney General's decision involving a
12 related debt. The Attorney General shall provide notification
13 of payment or denial of payment within 30 days of its decision~~+~~
14 ~~(2) submit a bill for a related debt to the Office of the~~
15 ~~Attorney General; and (3) contact the Office of the Attorney~~
16 ~~General to inquire about the status of the claim.~~

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

23 (d-5) Any vendor that violates the provisions of this
24 Section may be held liable to the affected victim or applicant
25 in an action brought in a court of competent jurisdiction for
26 such legal or equitable relief as may be appropriate to

1 effectuate the purposes of this Section.

2 (e) As used in this Section:

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

5 (2) "Debt collection activities" means:

6 (A) communicating with, harassing, or intimidating
7 the crime victim for payment, including, but not
8 limited to:~~7~~

9 (i) repeatedly calling or writing to the crime
10 victim or applicant or his or her relatives or
11 employers;

12 (ii) calling or writing to the victim or
13 applicant or his or her relatives or employers
14 after an explicit request to cease contact; and

15 (iii) threatening to refer the related debt to
16 a debt collection agency or to an attorney for
17 collection, enforcement, or the filing of other
18 process;

19 (B) contacting a credit ratings agency or
20 distributing information to affect the crime victim's
21 credit rating as a result of the related debt;

22 (C) referring a bill, or portion thereof, to a
23 collection agency or attorney for collection action
24 against the crime victim; or

25 (D) taking any other action adverse to the crime
26 victim or his or her family on account of the related

1 debt.

2 "Debt collection activities" does not include billing
3 insurance or other government programs, routine inquiries
4 about coverage by private insurance or government
5 programs, or routine billing that indicates that the
6 amount is not due pending resolution of the crime victim
7 compensation claim.

8 (3) "Related debt" means a debt or expense for
9 hospital, medical, dental, or counseling services incurred
10 by or on behalf of a crime victim as a direct result of the
11 crime.

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

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

16 Section 99. Effective date. The provisions changing
17 Sections 2, 2.5, 4.2, 5.1, 6.1, 7.1, 8.1, and 10.1 of the Crime
18 Victims Compensation Act take effect January 1, 2025. This
19 Section and the provisions changing Sections 4.1 and 18.5 of
20 the Crime Victims Compensation Act and the Juvenile Court Act
21 of 1987 take effect upon becoming law.