

SB2420



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2420

Introduced 1/18/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

740 ILCS 45/2

from Ch. 70, par. 72

Amends the Crime Victims Compensation Act. Provides that the crimes of involuntary servitude, involuntary servitude of a minor, and trafficking of persons for forced labor or services are added to the crimes of violence for which compensation may be applied. Effective immediately.

LRB094 16765 AJO 52036 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 by
5 changing Section 2 as follows:

6 (740 ILCS 45/2) (from Ch. 70, par. 72)

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

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

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

18 (c) "Crime of violence" means and includes any offense
19 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 10A-10, 11-11,
20 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4,
21 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.3, 12-7.4, 12-13, 12-14,
22 12-14.1, 12-15, 12-16, 12-30, 20-1 or 20-1.1 of the Criminal
23 Code of 1961, and driving under the influence of intoxicating
24 liquor or narcotic drugs as defined in Section 11-501 of the
25 Illinois Vehicle Code, if none of the said offenses occurred
26 during a civil riot, insurrection or rebellion. "Crime of
27 violence" does not include any other offense or accident
28 involving a motor vehicle except those vehicle offenses
29 specifically provided for in this paragraph. "Crime of
30 violence" does include all of the offenses specifically
31 provided for in this paragraph that occur within this State but
32 are subject to federal jurisdiction and crimes involving

1 terrorism as defined in 18 U.S.C. 2331.

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

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

34 (f) "Relative" means a spouse, parent, grandparent,
35 stepfather, stepmother, child, grandchild, brother,
36 brother-in-law, sister, sister-in-law, half brother, half

1 sister, spouse's parent, nephew, niece, uncle or aunt.

2 (g) "Child" means an unmarried son or daughter who is under
3 18 years of age and includes a stepchild, an adopted child or a
4 child born out of wedlock.

5 (h) "Pecuniary loss" means, in the case of injury,
6 appropriate medical expenses and hospital expenses including
7 expenses of medical examinations, rehabilitation, medically
8 required nursing care expenses, appropriate psychiatric care
9 or psychiatric counseling expenses, expenses for care or
10 counseling by a licensed clinical psychologist, licensed
11 clinical social worker, or licensed clinical professional
12 counselor and expenses for treatment by Christian Science
13 practitioners and nursing care appropriate thereto; prosthetic
14 appliances, eyeglasses, and hearing aids necessary or damaged
15 as a result of the crime; replacement costs for clothing and
16 bedding used as evidence; costs associated with temporary
17 lodging or relocation necessary as a result of the crime,
18 including, but not limited to, the first month's rent and
19 security deposit of the dwelling that the claimant relocated to
20 and other reasonable relocation expenses incurred as a result
21 of the violent crime; locks or windows necessary or damaged as
22 a result of the crime; the purchase, lease, or rental of
23 equipment necessary to create usability of and accessibility to
24 the victim's real and personal property, or the real and
25 personal property which is used by the victim, necessary as a
26 result of the crime; the costs of appropriate crime scene
27 clean-up; replacement services loss, to a maximum of \$1000 per
28 month; dependents replacement services loss, to a maximum of
29 \$1000 per month; loss of tuition paid to attend grammar school
30 or high school when the victim had been enrolled as a full-time
31 student prior to the injury, or college or graduate school when
32 the victim had been enrolled as a full-time day or night
33 student prior to the injury when the victim becomes unable to
34 continue attendance at school as a result of the crime of
35 violence perpetrated against him or her; loss of earnings, loss
36 of future earnings because of disability resulting from the

1 injury, and, in addition, in the case of death, expenses for
2 funeral, burial, and travel and transport for survivors of
3 homicide victims to secure bodies of deceased victims and to
4 transport bodies for burial all of which may not exceed a
5 maximum of \$5,000 and loss of support of the dependents of the
6 victim. Loss of future earnings shall be reduced by any income
7 from substitute work actually performed by the victim or by
8 income he or she would have earned in available appropriate
9 substitute work he or she was capable of performing but
10 unreasonably failed to undertake. Loss of earnings, loss of
11 future earnings and loss of support shall be determined on the
12 basis of the victim's average net monthly earnings for the 6
13 months immediately preceding the date of the injury or on \$1000
14 per month, whichever is less. If a divorced or legally
15 separated applicant is claiming loss of support for a minor
16 child of the deceased, the amount of support for each child
17 shall be based either on the amount of support pursuant to the
18 judgment prior to the date of the deceased victim's injury or
19 death, or, if the subject of pending litigation filed by or on
20 behalf of the divorced or legally separated applicant prior to
21 the injury or death, on the result of that litigation. Real and
22 personal property includes, but is not limited to, vehicles,
23 houses, apartments, town houses, or condominiums. Pecuniary
24 loss does not include pain and suffering or property loss or
25 damage.

26 (i) "Replacement services loss" means expenses reasonably
27 incurred in obtaining ordinary and necessary services in lieu
28 of those the permanently injured person would have performed,
29 not for income, but for the benefit of himself or herself or
30 his or her family, if he or she had not been permanently
31 injured.

32 (j) "Dependents replacement services loss" means loss
33 reasonably incurred by dependents after a victim's death in
34 obtaining ordinary and necessary services in lieu of those the
35 victim would have performed, not for income, but for their
36 benefit, if he or she had not been fatally injured.

1 (k) "Survivor" means immediate family including a parent,
2 step-father, step-mother, child, brother, sister, or spouse.

3 (Source: P.A. 94-229, eff. 1-1-06; 94-399, eff. 1-1-06; 94-400,
4 eff. 1-1-06; revised 8-19-05.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.