

1 AN ACT concerning crime victims.

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

4 Section 5. The Crime Victims Compensation Act is amended  
5 by changing Sections 2 and 10.1 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  
12 a minor or of a person under legal disability. It includes  
13 any person who was a dependent of a deceased victim of a  
14 crime of violence for his or her support at the time of the  
15 death of that victim.

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

1 but are subject to federal jurisdiction and crimes involving  
2 terrorism as defined in 18 U.S.C. 2331.

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

33 (e) "Dependent" means a relative of a deceased victim  
34 who was wholly or partially dependent upon the victim's

1 income at the time of his or her death and shall include the  
2 child of a victim born after his or her death.

3 (f) "Relative" means a spouse, parent, grandparent,  
4 stepfather, stepmother, child, grandchild, brother,  
5 brother-in-law, sister, sister-in-law, half brother, half  
6 sister, spouse's parent, nephew, niece, uncle or aunt.

7 (g) "Child" means an unmarried son or daughter who is  
8 under 18 years of age and includes a stepchild, an adopted  
9 child or an illegitimate child.

10 (h) "Pecuniary loss" means, in the case of injury,  
11 appropriate medical expenses and hospital expenses including  
12 expenses of medical examinations, rehabilitation, medically  
13 required nursing care expenses, appropriate psychiatric care  
14 or psychiatric counseling expenses, expenses for care or  
15 counseling by a licensed clinical psychologist or licensed  
16 clinical social worker and expenses for treatment by  
17 Christian Science practitioners and nursing care appropriate  
18 thereto; prosthetic appliances, eyeglasses, and hearing aids,  
19 and locks or windows necessary or damaged as a result of the  
20 crime; replacement costs for clothing and bedding used as  
21 evidence; costs associated with temporary lodging or  
22 relocation necessary as a result of the crime; the purchase,  
23 lease, or rental of equipment necessary to create usability  
24 of and accessibility to the victim's real and personal  
25 property, or the real and personal property which is used by  
26 the victim, necessary as a result of the crime; the costs of  
27 appropriate crime scene clean-up; replacement services loss,  
28 to a maximum of \$1000 per month; dependents replacement  
29 services loss, to a maximum of \$1000 per month; loss of  
30 tuition paid to attend grammar school or high school when the  
31 victim had been enrolled as a full-time student prior to the  
32 injury, or college or graduate school when the victim had  
33 been enrolled as a full-time day or night student prior to  
34 the injury when the victim becomes unable to continue

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

31 (i) "Replacement services loss" means expenses  
32 reasonably incurred in obtaining ordinary and necessary  
33 services in lieu of those the permanently injured person  
34 would have performed, not for income, but for the benefit of

1 himself or herself or his or her family, if he or she had not  
2 been permanently injured.

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

8 (Source: P.A. 90-136, eff. 1-1-98; 90-492, eff. 8-17-97;  
9 90-655, eff. 7-30-98; 90-708, eff. 8-7-98; 91-258, eff.  
10 1-1-00; 91-445, eff. 1-1-00; 91-892, eff. 7-6-00.)

11 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

12 Sec. 10.1. Amount of compensation. The amount of  
13 compensation to which an applicant and other persons is  
14 entitled shall be based on the following factors:

15 (a) a victim may be compensated for his or her pecuniary  
16 loss;

17 (b) a dependent may be compensated for loss of support;

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

28 (d) an award shall be reduced or denied according to the  
29 extent to which the victim's acts or conduct provoked or  
30 contributed to his or her injury or death, or the extent to  
31 which any prior criminal conviction or conduct of the victim  
32 may have directly or indirectly contributed to the injury or  
33 death of the victim;

1           (e) an award shall be reduced by the amount of benefits,  
2 payments or awards payable under those sources which are  
3 required to be listed under item (7) of Section 7.1(a) and  
4 any other sources except annuities, pension plans, Federal  
5 Social Security payments payable to dependents of the victim  
6 and the net proceeds of the first \$25,000 of life insurance  
7 that would inure to the benefit of the applicant, which the  
8 applicant or any other person dependent for the support of a  
9 deceased victim, as the case may be, has received or to which  
10 he or she is entitled as a result of injury to or death of  
11 the victim.

12           (f) A final award shall not exceed \$10,000 for a crime  
13 committed prior to September 22, 1979, \$15,000 for a crime  
14 committed on or after September 22, 1979 and prior to January  
15 1, 1986, \$25,000 for a crime committed on or after January 1,  
16 1986 and prior to the effective date of this amendatory Act  
17 of 1998, or \$27,000 for a crime committed on or after the  
18 effective date of this amendatory Act of 1998. If the total  
19 pecuniary loss is greater than the maximum amount allowed,  
20 the award shall be divided in proportion to the amount of  
21 actual loss among those entitled to compensation;

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

32           (Source: P.A. 90-708, eff. 8-7-98.)