

1 AMENDMENT TO HOUSE BILL 2865

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2865 as follows:  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Crime Victims Compensation Act is  
6 amended by changing Sections 2 and 10.1 as follows:

7 (740 ILCS 45/2) (from Ch. 70, par. 72)

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

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

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

19 (c) "Crime of violence" means and includes any offense  
20 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-11,  
21 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4,  
22 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.3, 12-7.4, 12-13, 12-14,

1 12-14.1, 12-15, 12-16, 12-30, 20-1 or 20-1.1 of the Criminal  
2 Code of 1961, and driving under the influence of intoxicating  
3 liquor or narcotic drugs as defined in Section 11-501 of the  
4 Illinois Vehicle Code, if none of the said offenses occurred  
5 during a civil riot, insurrection or rebellion. "Crime of  
6 violence" does not include any other offense or accident  
7 involving a motor vehicle except those vehicle offenses  
8 specifically provided for in this paragraph. "Crime of  
9 violence" does include all of the offenses specifically  
10 provided for in this paragraph that occur within this State  
11 but are subject to federal jurisdiction and crimes involving  
12 terrorism as defined in 18 U.S.C. 2331.

13 (d) "Victim" means (1) a person killed or injured in  
14 this State as a result of a crime of violence perpetrated or  
15 attempted against him or her, (2) the parent of a child  
16 killed or injured in this State as a result of a crime of  
17 violence perpetrated or attempted against the child, (3) a  
18 person killed or injured in this State while attempting to  
19 assist a person against whom a crime of violence is being  
20 perpetrated or attempted, if that attempt of assistance would  
21 be expected of a reasonable man under the circumstances, (4)  
22 a person killed or injured in this State while assisting a  
23 law enforcement official apprehend a person who has  
24 perpetrated a crime of violence or prevent the perpetration  
25 of any such crime if that assistance was in response to the  
26 express request of the law enforcement official, (5) a person  
27 ~~under-the-age-of-18~~ who personally witnessed a violent crime  
28 ~~perpetrated-or-attempted-against-a-relative~~, (5.1) solely for  
29 the purpose of compensating for pecuniary loss incurred for  
30 psychological treatment of a mental or emotional condition  
31 caused or aggravated by the crime, any other person under the  
32 age of 18 who is the brother, sister, half brother, half  
33 sister, child, or stepchild of a person killed or injured in  
34 this State as a result of a crime of violence, or (6) an

1 Illinois resident who is a victim of a "crime of violence" as  
2 defined in this Act except, if the crime occurred outside  
3 this State, the resident has the same rights under this Act  
4 as if the crime had occurred in this State upon a showing  
5 that the state, territory, country, or political subdivision  
6 of a country in which the crime occurred does not have a  
7 compensation of victims of crimes law for which that Illinois  
8 resident is eligible.

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

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

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

20 (h) "Pecuniary loss" means, in the case of injury,  
21 appropriate medical expenses and hospital expenses including  
22 expenses of medical examinations, rehabilitation, medically  
23 required nursing care expenses, appropriate psychiatric care  
24 or psychiatric counseling expenses, expenses for care or  
25 counseling by a licensed clinical psychologist or licensed  
26 clinical social worker and expenses for treatment by  
27 Christian Science practitioners and nursing care appropriate  
28 thereto; prosthetic appliances, eyeglasses, and hearing aids,  
29 and locks or windows necessary or damaged as a result of the  
30 crime; replacement costs for clothing and bedding used as  
31 evidence; costs associated with temporary lodging or  
32 relocation necessary as a result of the crime; the purchase,  
33 lease, or rental of equipment necessary to create usability  
34 of and accessibility to the victim's real and personal

1 property, or the real and personal property which is used by  
2 the victim, necessary as a result of the crime; the costs of  
3 appropriate crime scene clean-up; replacement services loss,  
4 to a maximum of \$1000 per month; dependents replacement  
5 services loss, to a maximum of \$1000 per month; loss of  
6 tuition paid to attend grammar school or high school when the  
7 victim had been enrolled as a full-time student prior to the  
8 injury, or college or graduate school when the victim had  
9 been enrolled as a full-time day or night student prior to  
10 the injury when the victim becomes unable to continue  
11 attendance at school as a result of the crime of violence  
12 perpetrated against him or her; loss of earnings, loss of  
13 future earnings because of disability resulting from the  
14 injury, and, in addition, in the case of death, expenses for  
15 funeral, and burial, and travel and transport for survivors  
16 of homicide victims to secure bodies of deceased victims from  
17 another country or state and to transport bodies to the  
18 appropriate country or state for burial all of which may not  
19 exceed expenses-~~to~~ a maximum of \$5,000 and loss of support of  
20 the dependents of the victim. Loss of future earnings shall  
21 be reduced by any income from substitute work actually  
22 performed by the victim or by income he or she would have  
23 earned in available appropriate substitute work he or she was  
24 capable of performing but unreasonably failed to undertake.  
25 Loss of earnings, loss of future earnings and loss of support  
26 shall be determined on the basis of the victim's average net  
27 monthly earnings for the 6 months immediately preceding the  
28 date of the injury or on \$1000 per month, whichever is less.  
29 If a divorced or legally separated applicant is claiming loss  
30 of support for a minor child of the deceased, the amount of  
31 support for each child shall be based either on the amount of  
32 support pursuant to the judgment prior to the date of the  
33 deceased victim's injury or death, or, if the subject of  
34 pending litigation filed by or on behalf of the divorced or

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

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

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

18 (Source: P.A. 90-136, eff. 1-1-98; 90-492, eff. 8-17-97;  
19 90-655, eff. 7-30-98; 90-708, eff. 8-7-98; 91-258, eff.  
20 1-1-00; 91-445, eff. 1-1-00; 91-892, eff. 7-6-00.)

21 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

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

25 (a) a victim may be compensated for his or her pecuniary  
26 loss;

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

28 (c) any person ~~related--to--the--victim~~, even though not  
29 dependent upon the victim for his or her support, may be  
30 compensated for reasonable funeral, medical and hospital  
31 expenses of the victim to the extent to which he or she has  
32 paid or become obligated to pay such expenses and only after  
33 compensation for reasonable funeral, medical and hospital

1 expenses of the victim have been awarded may compensation be  
2 made for reasonable expenses of the victim incurred for  
3 psychological treatment of a mental or emotional condition  
4 caused or aggravated by the crime;

5 (d) an award shall be reduced or denied according to the  
6 extent to which the victim's acts or conduct provoked or  
7 contributed to his or her injury or death, or the extent to  
8 which any prior criminal conviction or conduct of the victim  
9 may have directly or indirectly contributed to the injury or  
10 death of the victim;

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

22 (f) A final award shall not exceed \$10,000 for a crime  
23 committed prior to September 22, 1979, \$15,000 for a crime  
24 committed on or after September 22, 1979 and prior to January  
25 1, 1986, \$25,000 for a crime committed on or after January 1,  
26 1986 and prior to the effective date of this amendatory Act  
27 of 1998, or \$27,000 for a crime committed on or after the  
28 effective date of this amendatory Act of 1998. If the total  
29 pecuniary loss is greater than the maximum amount allowed,  
30 the award shall be divided in proportion to the amount of  
31 actual loss among those entitled to compensation;

32 (g) compensation under this Act is a secondary source of  
33 compensation and the applicant must show that he or she has  
34 exhausted the benefits reasonably available under the

1 Criminal Victims' Escrow Account Act or any governmental or  
2 medical or health insurance programs, including, but not  
3 limited to Workers' Compensation, the Federal Medicare  
4 program, the State Public Aid program, Social Security  
5 Administration burial benefits, Veterans Administration  
6 burial benefits, and life, health, accident or liability  
7 insurance.

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