



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4155

by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

740 ILCS 45/2
740 ILCS 45/6.1

from Ch. 70, par. 72
from Ch. 70, par. 76.1

Amends the Crime Victims Compensation Act. Provides that "pecuniary loss" includes appropriate psychiatric care or psychiatric counseling expenses and expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor provided to an applicant either before or after and in connection with a parole or clemency hearing for the person who committed the crime. Provides that an applicant is entitled to compensation for care or counseling received in connection with a parole or clemency hearing for the person who committed the crime if the applicant applies for compensation within one year after the hearing.

LRB100 13584 HEP 28203 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 2 and 6.1 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 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, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
20 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
21 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3,
22 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3,
23 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15,

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

21 (d) "Victim" means (1) a person killed or injured in this
22 State as a result of a crime of violence perpetrated or
23 attempted against him or her, (2) the spouse or parent of a
24 person killed or injured in this State as a result of a crime
25 of violence perpetrated or attempted against the person, (3) a
26 person killed or injured in this State while attempting to

1 assist a person against whom a crime of violence is being
2 perpetrated or attempted, if that attempt of assistance would
3 be expected of a reasonable person under the circumstances, (4)
4 a person killed or injured in this State while assisting a law
5 enforcement official apprehend a person who has perpetrated a
6 crime of violence or prevent the perpetration of any such crime
7 if that assistance was in response to the express request of
8 the law enforcement official, (5) a person who personally
9 witnessed a violent crime, (5.05) a person who will be called
10 as a witness by the prosecution to establish a necessary nexus
11 between the offender and the violent crime, (5.1) solely for
12 the purpose of compensating for pecuniary loss incurred for
13 psychological treatment of a mental or emotional condition
14 caused or aggravated by the crime, any other person under the
15 age of 18 who is the brother, sister, half brother, half
16 sister, child, or stepchild of a person killed or injured in
17 this State as a result of a crime of violence, (6) an Illinois
18 resident who is a victim of a "crime of violence" as defined in
19 this Act except, if the crime occurred outside this State, the
20 resident has the same rights under this Act as if the crime had
21 occurred in this State upon a showing that the state,
22 territory, country, or political subdivision of a country in
23 which the crime occurred does not have a compensation of
24 victims of crimes law for which that Illinois resident is
25 eligible, (7) a deceased person whose body is dismembered or
26 whose remains are desecrated as the result of a crime of

1 violence, or (8) solely for the purpose of compensating for
2 pecuniary loss incurred for psychological treatment of a mental
3 or emotional condition caused or aggravated by the crime, any
4 parent, spouse, or child under the age of 18 of a deceased
5 person whose body is dismembered or whose remains are
6 desecrated as the result of a crime of violence.

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

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

15 (g) "Child" means an unmarried son or daughter who is under
16 18 years of age and includes a stepchild, an adopted child or a
17 child born out of wedlock.

18 (h) "Pecuniary loss" means, in the case of injury,
19 appropriate medical expenses and hospital expenses including
20 expenses of medical examinations, rehabilitation, medically
21 required nursing care expenses, appropriate psychiatric care
22 or psychiatric counseling expenses, expenses for care or
23 counseling by a licensed clinical psychologist, licensed
24 clinical social worker, licensed professional counselor, or
25 licensed clinical professional counselor and expenses for
26 treatment by Christian Science practitioners and nursing care

1 appropriate thereto; transportation expenses to and from
2 medical and counseling treatment facilities; prosthetic
3 appliances, eyeglasses, and hearing aids necessary or damaged
4 as a result of the crime; costs associated with trafficking
5 tattoo removal by a person authorized or licensed to perform
6 the specific removal procedure; replacement costs for clothing
7 and bedding used as evidence; costs associated with temporary
8 lodging or relocation necessary as a result of the crime,
9 including, but not limited to, the first month's rent and
10 security deposit of the dwelling that the claimant relocated to
11 and other reasonable relocation expenses incurred as a result
12 of the violent crime; locks or windows necessary or damaged as
13 a result of the crime; the purchase, lease, or rental of
14 equipment necessary to create usability of and accessibility to
15 the victim's real and personal property, or the real and
16 personal property which is used by the victim, necessary as a
17 result of the crime; the costs of appropriate crime scene
18 clean-up; replacement services loss, to a maximum of \$1,250 per
19 month; dependents replacement services loss, to a maximum of
20 \$1,250 per month; loss of tuition paid to attend grammar school
21 or high school when the victim had been enrolled as a student
22 prior to the injury, or college or graduate school when the
23 victim had been enrolled as a day or night student prior to the
24 injury when the victim becomes unable to continue attendance at
25 school as a result of the crime of violence perpetrated against
26 him or her; loss of earnings, loss of future earnings because

1 of disability resulting from the injury, and, in addition, in
2 the case of death, expenses for funeral, burial, and travel and
3 transport for survivors of homicide victims to secure bodies of
4 deceased victims and to transport bodies for burial all of
5 which may not exceed a maximum of \$7,500 and loss of support of
6 the dependents of the victim; in the case of dismemberment or
7 desecration of a body, expenses for funeral and burial, all of
8 which may not exceed a maximum of \$7,500. Loss of future
9 earnings shall be reduced by any income from substitute work
10 actually performed by the victim or by income he or she would
11 have earned in available appropriate substitute work he or she
12 was capable of performing but unreasonably failed to undertake.
13 Loss of earnings, loss of future earnings and loss of support
14 shall be determined on the basis of the victim's average net
15 monthly earnings for the 6 months immediately preceding the
16 date of the injury or on \$1,250 per month, whichever is less
17 or, in cases where the absences commenced more than 3 years
18 from the date of the crime, on the basis of the net monthly
19 earnings for the 6 months immediately preceding the date of the
20 first absence, not to exceed \$1,250 per month. If a divorced or
21 legally separated applicant is claiming loss of support for a
22 minor child of the deceased, the amount of support for each
23 child shall be based either on the amount of support pursuant
24 to the judgment prior to the date of the deceased victim's
25 injury or death, or, if the subject of pending litigation filed
26 by or on behalf of the divorced or legally separated applicant

1 prior to the injury or death, on the result of that litigation.
2 Real and personal property includes, but is not limited to,
3 vehicles, houses, apartments, town houses, or condominiums.
4 Pecuniary loss does not include pain and suffering or property
5 loss or damage. "Pecuniary loss" includes appropriate
6 psychiatric care or psychiatric counseling expenses and
7 expenses for care or counseling by a licensed clinical
8 psychologist, licensed clinical social worker, licensed
9 professional counselor, or licensed clinical professional
10 counselor provided to an applicant either before or after and
11 in connection with a parole or clemency hearing for the person
12 who committed the crime.

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

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

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

26 (l) "Parent" means a natural parent, adopted parent,

1 step-parent, or permanent legal guardian of another person.

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

5 (Source: P.A. 98-435, eff. 1-1-14; 99-671, eff. 1-1-17.)

6 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

7 Sec. 6.1. Right to compensation. A person is entitled to
8 compensation under this Act if:

9 (a) Except as provided in subsection (a-5), within
10 ~~within~~ 2 years of the occurrence of the crime, or within
11 one year after a criminal charge of a person for an
12 offense, upon which the claim is based, he or she files an
13 application, under oath, with the Court of Claims and on a
14 form prescribed in accordance with Section 7.1 furnished by
15 the Attorney General. If the person entitled to
16 compensation is under 18 years of age or under other legal
17 disability at the time of the occurrence or is determined
18 by a court to be under a legal disability as a result of
19 the occurrence, he may file the application required by
20 this subsection within 2 years after he attains the age of
21 18 years or the disability is removed, as the case may be.
22 Legal disability includes a diagnosis of posttraumatic
23 stress disorder.

24 (a-5) For an applicant seeking compensation for care or
25 counseling received in connection with a parole or clemency

1 hearing for the person who committed the crime, within one
2 year after the hearing, he or she files an application,
3 under oath, with the Court of Claims and on a form
4 prescribed in accordance with Section 7.1 furnished by the
5 Attorney General. If the person entitled to compensation is
6 under 18 years of age or under other legal disability, he
7 or she may file the application required by this subsection
8 within one year after he or she attains the age of 18 years
9 or the disability is removed, as the case may be. Legal
10 disability includes a diagnosis of posttraumatic stress
11 disorder.

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

20 (b-1) For victims of offenses defined in Sections
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
22 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, the appropriate law enforcement
24 officials were notified within 7 days of the perpetration
25 of the crime allegedly causing death or injury to the
26 victim or, in the event that the notification was made more

1 than 7 days after the perpetration of the crime, the
2 applicant establishes that the notice was timely under the
3 circumstances. If the applicant or victim has obtained an
4 order of protection, a civil no contact order, or a
5 stalking no contact order, or has presented himself or
6 herself to a hospital for sexual assault evidence
7 collection and medical care, such action shall constitute
8 appropriate notification under this subsection (b-1) or
9 subsection (b) of this Section.

10 (c) The applicant has cooperated with law enforcement
11 officials in the apprehension and prosecution of the
12 assailant. If the applicant or victim has obtained an order
13 of protection, a civil no contact order, or a stalking no
14 contact order or has presented himself or herself to a
15 hospital for sexual assault evidence collection and
16 medical care, such action shall constitute cooperation
17 under this subsection (c).

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

21 (e) The injury to or death of the victim was not
22 substantially attributable to his own wrongful act and was
23 not substantially provoked by the victim.

24 (f) For victims of offenses defined in Section 10-9 of
25 the Criminal Code of 2012, the victim submits a statement
26 under oath on a form prescribed by the Attorney General

1 attesting that the removed tattoo was applied in connection

2 with the commission of the offense.

3 (Source: P.A. 98-435, eff. 1-1-14; 99-143, eff. 7-27-15.)