

1 AN ACT concerning criminal law.

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

4 Section 1. This Act may be referred to as the  
5 Intergovernmental Vehicular Hijacking Enforcement Act.

6 Section 5. The Illinois Criminal Justice Information Act  
7 is amended by adding Section 7.10 as follows:

8 (20 ILCS 3930/7.10 new)

9 Sec. 7.10. Grants to prevent predatory vehicular  
10 hijacking. Subject to appropriation, the Authority shall  
11 establish a program by which grants are administered for the  
12 purpose of preventing predatory vehicular hijacking. The  
13 Authority shall determine eligible recipients for the grants.  
14 Grants shall be made of money appropriated from the General  
15 Revenue Fund to eligible recipients to provide street-level  
16 intervention services for at-risk youth in danger of being  
17 recruited for the purpose of predatory vehicular hijacking.  
18 Funding appropriated for this program may be used for  
19 administrative costs. The Authority shall adopt rules to  
20 determine eligibility standards for grants under this Section.

21 Section 10. The Illinois Motor Vehicle Theft Prevention

1 and Insurance Verification Act is amended by changing Sections  
2 1, 2, 3, 4, 7, 8, and 8.5 as follows:

3 (20 ILCS 4005/1) (from Ch. 95 1/2, par. 1301)

4 (Section scheduled to be repealed on January 1, 2025)

5 Sec. 1. This Act shall be known as the Illinois Vehicle  
6 Hijacking and Motor Vehicle Theft Prevention and Insurance  
7 Verification Act.

8 (Source: P.A. 100-373, eff. 1-1-18.)

9 (20 ILCS 4005/2) (from Ch. 95 1/2, par. 1302)

10 (Section scheduled to be repealed on January 1, 2025)

11 Sec. 2. The purpose of this Act is to prevent, combat and  
12 reduce vehicle hijacking and related violent crime as well as  
13 motor vehicle theft in Illinois; to improve and support  
14 vehicle hijacking and motor vehicle theft law enforcement,  
15 prosecution and administration of vehicle hijacking and motor  
16 vehicle theft and insurance verification laws by establishing  
17 statewide planning capabilities for and coordination of  
18 financial resources.

19 (Source: P.A. 100-373, eff. 1-1-18.)

20 (20 ILCS 4005/3) (from Ch. 95 1/2, par. 1303)

21 (Section scheduled to be repealed on January 1, 2025)

22 Sec. 3. As used in this Act:

23 (a) (Blank).

1 (b) "Council" means the Illinois Vehicle Hijacking and  
2 Motor Vehicle Theft Prevention and Insurance Verification  
3 Council.

4 (b-2) "Director" means the Director of the Secretary of  
5 State Department of Police.

6 (b-5) "Police" means the Secretary of State Department of  
7 Police.

8 (b-7) "Secretary" means the Secretary of State.

9 (c) "Trust Fund" means the Vehicle Hijacking and Motor  
10 Vehicle Theft Prevention and Insurance Verification Trust  
11 Fund.

12 (Source: P.A. 100-373, eff. 1-1-18.)

13 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

14 (Section scheduled to be repealed on January 1, 2025)

15 Sec. 4. There is hereby created an Illinois Vehicle  
16 Hijacking and Motor Vehicle Theft Prevention and Insurance  
17 Verification Council, which shall exercise its powers, duties  
18 and responsibilities. There shall be 11 members of the Council  
19 consisting of the Secretary of State or his designee, the  
20 Director of the Illinois State Police, the State's Attorney of  
21 Cook County, the Superintendent of the Chicago Police  
22 Department, and the following 7 additional members, each of  
23 whom shall be appointed by the Secretary of State: a state's  
24 attorney of a county other than Cook, a chief executive law  
25 enforcement official from a jurisdiction other than the City

1 of Chicago, 5 representatives of insurers authorized to write  
2 motor vehicle insurance in this State, all of whom shall be  
3 domiciled in this State.

4 The Director shall be the Chairman of the Council. All  
5 members of the Council appointed by the Secretary shall serve  
6 at the discretion of the Secretary for a term not to exceed 4  
7 years. The Council shall meet at least quarterly.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 (20 ILCS 4005/7) (from Ch. 95 1/2, par. 1307)

10 (Section scheduled to be repealed on January 1, 2025)

11 Sec. 7. The Council shall have the following powers,  
12 duties and responsibilities:

13 (a) To apply for, solicit, receive, establish  
14 priorities for, allocate, disburse, contract for, and  
15 spend funds that are made available to the Council from  
16 any source to effectuate the purposes of this Act.

17 (b) To make grants and to provide financial support  
18 for federal and State agencies, units of local government,  
19 corporations, and neighborhood, community and business  
20 organizations to effectuate the purposes of this Act, to  
21 deter, ~~and~~ investigate, and prosecute recyclable metal  
22 theft, and for ~~to~~ law enforcement agencies to assist in  
23 the identification, apprehension, and prosecution of  
24 vehicle hijackers and the recovery of stolen motor  
25 vehicles ~~recyclable metal theft.~~

1           (c) To assess the scope of the problem of vehicle  
2           hijacking and motor vehicle theft, including particular  
3           areas of the State where the problem is greatest and to  
4           conduct impact analyses of State and local criminal  
5           justice policies, programs, plans and methods for  
6           combating the problem.

7           (d) To develop and sponsor the implementation of  
8           statewide plans and strategies to combat vehicle hijacking  
9           and motor vehicle theft and to improve the administration  
10          of vehicle hijacking and ~~the~~ motor vehicle theft laws and  
11          provide an effective forum for identification of critical  
12          problems associated with vehicle hijacking and motor  
13          vehicle theft.

14          (e) To coordinate the development, adoption and  
15          implementation of plans and strategies relating to  
16          interagency or intergovernmental cooperation with respect  
17          to vehicle hijacking and motor vehicle theft law  
18          enforcement.

19          (f) To adopt rules or regulations necessary to ensure  
20          that appropriate agencies, units of government, private  
21          organizations and combinations thereof are included in the  
22          development and implementation of strategies or plans  
23          adopted pursuant to this Act and to adopt rules or  
24          regulations as may otherwise be necessary to effectuate  
25          the purposes of this Act.

26          (g) To report annually, on or before January 1, 2019

1 to the Governor, General Assembly, and, upon request, to  
2 members of the general public on the Council's activities  
3 in the preceding year.

4 (h) To exercise any other powers that are reasonable,  
5 necessary or convenient to fulfill its responsibilities,  
6 to carry out and to effectuate the objectives and purposes  
7 of the Council and the provisions of this Act, and to  
8 comply with the requirements of applicable federal or  
9 State laws, rules, or regulations; provided, however, that  
10 these powers shall not include the power to subpoena or  
11 arrest.

12 (i) To provide funding to the Secretary for the  
13 creation, implementation, and maintenance of an electronic  
14 motor vehicle liability insurance policy verification  
15 program.

16 (Source: P.A. 100-373, eff. 1-1-18.)

17 (20 ILCS 4005/8) (from Ch. 95 1/2, par. 1308)

18 (Section scheduled to be repealed on January 1, 2025)

19 Sec. 8. (a) A special fund is created in the State Treasury  
20 known as the Vehicle Hijacking and Motor Vehicle Theft  
21 Prevention and Insurance Verification Trust Fund, which shall  
22 be administered by the Secretary at the direction of the  
23 Council. All interest earned from the investment or deposit of  
24 monies accumulated in the Trust Fund shall, pursuant to  
25 Section 4.1 of the State Finance Act, be deposited in the Trust

1 Fund.

2 (b) Money deposited in this Trust Fund shall not be  
3 considered general revenue of the State of Illinois.

4 (c) Money deposited in the Trust Fund shall be used only to  
5 enhance efforts to effectuate the purposes of this Act as  
6 determined by the Council and shall not be appropriated,  
7 loaned or in any manner transferred to the General Revenue  
8 Fund of the State of Illinois.

9 (d) Prior to April 1, 1991, and prior to April 1 of each  
10 year thereafter, each insurer engaged in writing private  
11 passenger motor vehicle insurance coverages which are included  
12 in Class 2 and Class 3 of Section 4 of the Illinois Insurance  
13 Code, as a condition of its authority to transact business in  
14 this State, may collect and shall pay into the Trust Fund an  
15 amount equal to \$1.00, or a lesser amount determined by the  
16 Council, multiplied by the insurer's total earned car years of  
17 private passenger motor vehicle insurance policies providing  
18 physical damage insurance coverage written in this State  
19 during the preceding calendar year.

20 (e) Money in the Trust Fund shall be expended as follows:

21 (1) To pay the Secretary's costs to administer the  
22 Council and the Trust Fund, but for this purpose in an  
23 amount not to exceed 10% in any one fiscal year of the  
24 amount collected pursuant to paragraph (d) of this Section  
25 in that same fiscal year.

26 (2) To achieve the purposes and objectives of this

1 Act, which may include, but not be limited to, the  
2 following:

3 (A) To provide financial support to law  
4 enforcement and correctional agencies, prosecutors,  
5 and the judiciary for programs designed to reduce  
6 vehicle hijacking and motor vehicle theft and to  
7 improve the administration of motor vehicle theft  
8 laws.

9 (B) To provide financial support for federal and  
10 State agencies, units of local government,  
11 corporations and neighborhood, community or business  
12 organizations for programs designed to reduce motor  
13 vehicle theft and to improve the administration of  
14 vehicle hijacking and motor vehicle theft laws.

15 (C) To provide financial support to conduct  
16 programs designed to inform owners of motor vehicles  
17 about the financial and social costs of vehicle  
18 hijacking, interstate shootings, and motor vehicle  
19 theft and to suggest to those owners methods for  
20 preventing motor vehicle theft.

21 (D) To provide financial support for plans,  
22 programs and projects designed to achieve the purposes  
23 of this Act.

24 (3) To provide funding to the Secretary's Vehicle  
25 Services Department for the creation, implementation, and  
26 maintenance of an electronic motor vehicle liability



1 insurance policy verification program by allocating no  
2 more than 75% of each dollar collected for the first  
3 calendar year after the effective date of this amendatory  
4 Act of the 100th General Assembly and no more than 50% of  
5 each dollar collected for every other year after the first  
6 calendar year. The Secretary shall distribute the funds to  
7 the Vehicle Services Department at the beginning of each  
8 calendar year.

9 (f) Insurers contributing to the Trust Fund shall have a  
10 property interest in the unexpended money in the Trust Fund,  
11 which property interest shall not be retroactively changed or  
12 extinguished by the General Assembly.

13 (g) In the event the Trust Fund were to be discontinued or  
14 the Council were to be dissolved by act of the General Assembly  
15 or by operation of law, then, notwithstanding the provisions  
16 of Section 5 of the State Finance Act, any balance remaining  
17 therein shall be returned to the insurers writing private  
18 passenger motor vehicle insurance in proportion to their  
19 financial contributions to the Trust Fund and any assets of  
20 the Council shall be liquidated and returned in the same  
21 manner after deduction of administrative costs.

22 (Source: P.A. 100-373, eff. 1-1-18.)

23 (20 ILCS 4005/8.5)

24 (Section scheduled to be repealed on January 1, 2025)

25 Sec. 8.5. State Police Vehicle Hijacking and Motor Vehicle

1 Theft Prevention Trust Fund. The State Police Vehicle  
2 Hijacking and Motor Vehicle Theft Prevention Trust Fund is  
3 created as a trust fund in the State treasury. The State  
4 Treasurer shall be the custodian of the Trust Fund. The Trust  
5 Fund is established to receive funds from the Illinois Vehicle  
6 Hijacking and Motor Vehicle Theft Prevention and Insurance  
7 Verification Council. All interest earned from the investment  
8 or deposit of moneys accumulated in the Trust Fund shall be  
9 deposited into the Trust Fund. Moneys in the Trust Fund shall  
10 be used by the Illinois State Police for motor vehicle theft  
11 prevention purposes.

12 (Source: P.A. 102-538, eff. 8-20-21.)

13 (20 ILCS 4005/12 rep.)

14 Section 15. The Illinois Motor Vehicle Theft Prevention  
15 and Insurance Verification Act is amended by repealing Section  
16 12.

17 Section 20. The State Finance Act is amended by changing  
18 Sections 5, 5.295, 6z-125, and 6z-126 as follows:

19 (30 ILCS 105/5) (from Ch. 127, par. 141)

20 Sec. 5. Special funds.

21 (a) There are special funds in the State Treasury  
22 designated as specified in the Sections which succeed this  
23 Section 5 and precede Section 6.

1           (b) Except as provided in the Illinois Vehicle Hijacking  
2 and Motor Vehicle Theft Prevention and Insurance Verification  
3 Act, when any special fund in the State Treasury is  
4 discontinued by an Act of the General Assembly, any balance  
5 remaining therein on the effective date of such Act shall be  
6 transferred to the General Revenue Fund, or to such other fund  
7 as such Act shall provide. Warrants outstanding against such  
8 discontinued fund at the time of the transfer of any such  
9 balance therein shall be paid out of the fund to which the  
10 transfer was made.

11           (c) When any special fund in the State Treasury has been  
12 inactive for 18 months or longer, the fund is automatically  
13 terminated by operation of law and the balance remaining in  
14 such fund shall be transferred by the Comptroller to the  
15 General Revenue Fund. When a special fund has been terminated  
16 by operation of law as provided in this Section, the General  
17 Assembly shall repeal or amend all Sections of the statutes  
18 creating or otherwise referring to that fund.

19           The Comptroller shall be allowed the discretion to  
20 maintain or dissolve any federal trust fund which has been  
21 inactive for 18 months or longer.

22           (d) (Blank).

23           (e) (Blank).

24           (Source: P.A. 100-373, eff. 1-1-18.)

25           (30 ILCS 105/5.295) (from Ch. 127, par. 141.295)

1           Sec. 5.295. The Vehicle Hijacking and Motor Vehicle Theft  
2 Prevention and Insurance Verification Trust Fund.

3 (Source: P.A. 100-373, eff. 1-1-18.)

4           (30 ILCS 105/6z-125)

5           Sec. 6z-125. State Police Training and Academy Fund. The  
6 State Police Training and Academy Fund is hereby created as a  
7 special fund in the State treasury. Moneys in the Fund shall  
8 consist of: (i) 10% of the revenue from increasing the  
9 insurance producer license fees, as provided under subsection  
10 (a-5) of Section 500-135 of the Illinois Insurance Code; and  
11 (ii) 10% of the moneys collected from auto insurance policy  
12 fees under Section 8.6 of the Illinois Vehicle Hijacking and  
13 Motor Vehicle Theft Prevention and Insurance Verification Act.  
14 This Fund shall be used by the Illinois State Police to fund  
15 training and other State Police institutions, including, but  
16 not limited to, forensic laboratories.

17 (Source: P.A. 102-16, eff. 6-17-21.)

18           (30 ILCS 105/6z-126)

19           Sec. 6z-126. Law Enforcement Training Fund. The Law  
20 Enforcement Training Fund is hereby created as a special fund  
21 in the State treasury. Moneys in the Fund shall consist of: (i)  
22 90% of the revenue from increasing the insurance producer  
23 license fees, as provided under subsection (a-5) of Section  
24 500-135 of the Illinois Insurance Code; and (ii) 90% of the

1 moneys collected from auto insurance policy fees under Section  
2 8.6 of the Illinois Vehicle Hijacking and Motor Vehicle Theft  
3 Prevention and Insurance Verification Act. This Fund shall be  
4 used by the Illinois Law Enforcement Training and Standards  
5 Board to fund law enforcement certification compliance and the  
6 development and provision of basic courses by Board-approved  
7 academics, and in-service courses by approved academies.

8 (Source: P.A. 102-16, eff. 6-17-21.)

9 Section 25. The Illinois Vehicle Code is amended by  
10 changing Section 4-109 as follows:

11 (625 ILCS 5/4-109)

12 Sec. 4-109. Motor Vehicle Theft Prevention Program. The  
13 Secretary of State, in conjunction with the Motor Vehicle  
14 Theft Prevention and Insurance Verification Council, is hereby  
15 authorized to establish and operate a Motor Vehicle Theft  
16 Prevention Program as follows:

17 (a) Voluntary program participation.

18 (b) The registered owner of a motor vehicle interested in  
19 participating in the program shall sign an informed consent  
20 agreement designed by the Secretary of State under subsection  
21 (e) of this Section indicating that the motor vehicle  
22 registered to him is not normally operated between the hours  
23 of 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be  
24 submitted to the Secretary of State for processing.

1           (c) Upon processing the form, the Secretary of State shall  
2 issue to the registered owner a decal. The registered owner  
3 shall affix the decal in a conspicuous place on his motor  
4 vehicle as prescribed by the Secretary of State.

5           (d) Whenever any law enforcement officer shall see a motor  
6 vehicle displaying a decal issued under the provisions of  
7 subsection (c) of this Section being operated upon the public  
8 highways of this State between the hours of 1:00 a.m. and 5:00  
9 a.m., the officer is authorized to stop that motor vehicle and  
10 to request the driver to produce a valid driver's license and  
11 motor vehicle registration card if required to be carried in  
12 the vehicle. Whenever the operator of a motor vehicle  
13 displaying a decal is unable to produce the documentation set  
14 forth in this Section, the police officer shall investigate  
15 further to determine if the person operating the motor vehicle  
16 is the registered owner or has the authorization of the owner  
17 to operate the vehicle.

18           (e) The Secretary of State, in consultation with the  
19 Director of the Illinois State Police and Motor Vehicle Theft  
20 Prevention and Insurance Verification Council, shall design  
21 the manner and form of the informed consent agreement required  
22 under subsection (b) of this Section and the decal required  
23 under subsection (c) of this Section.

24           (f) The Secretary of State shall provide for the recording  
25 of registered owners of motor vehicles who participate in the  
26 program. The records shall be available to all law enforcement

1 departments, agencies, and forces. The Secretary of State  
2 shall cooperate with and assist all law enforcement officers  
3 and other agencies in tracing or examining any questionable  
4 motor vehicles in order to determine the ownership of the  
5 motor vehicles.

6 (g) A fee not to exceed \$10 may be charged for the informed  
7 consent form and decal provided under this Section. The fee,  
8 if any, shall be set by the Motor Vehicle Theft Prevention and  
9 Insurance Verification Council and shall be collected by the  
10 Secretary of State and deposited into the Vehicle Hijacking  
11 and Motor Vehicle Theft Prevention and Insurance Verification  
12 Trust Fund.

13 (h) The Secretary of State, in consultation with the  
14 Director of the Illinois State Police and the Motor Vehicle  
15 Theft Prevention and Insurance Verification Council shall  
16 promulgate rules and regulations to effectuate the purposes of  
17 this Section.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 Section 30. The Criminal Code of 2012 is amended by adding  
20 Section 12C-36 as follows:

21 (720 ILCS 5/12C-36 new)

22 Sec. 12C-36. Predatory vehicular hijacking.

23 (a) A person commits predatory vehicular hijacking when  
24 that person is 18 years of age or over and he or she knowingly

1 commands or coerces a minor under 18 years of age to commit a  
2 violation of Section 18-3.

3 (b) Sentence. Predatory vehicular hijacking is a Class 1  
4 felony.

5 (c) This Section is repealed on January 1, 2026.

6 Section 35. The Crime Victims Compensation Act is amended  
7 by changing Section 2, 7.1, and 10.1 as follows:

8 (740 ILCS 45/2) (from Ch. 70, par. 72)

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

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

18 The changes made to this subsection by this amendatory Act  
19 of the 101st General Assembly apply to actions commenced or  
20 pending on or after January 1, 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,



1 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
2 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,  
3 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,  
4 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,  
5 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,  
6 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or  
7 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of  
8 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of  
9 the Cemetery Protection Act, Section 125 of the Stalking No  
10 Contact Order Act, Section 219 of the Civil No Contact Order  
11 Act, driving under the influence as defined in Section 11-501  
12 of the Illinois Vehicle Code, a violation of Section 11-401 of  
13 the Illinois Vehicle Code, provided the victim was a  
14 pedestrian or was operating a vehicle moved solely by human  
15 power or a mobility device at the time of contact, and a  
16 violation of Section 11-204.1 of the Illinois Vehicle Code; so  
17 long as the offense did not occur during a civil riot,  
18 insurrection or rebellion. "Crime of violence" does not  
19 include any other offense or accident involving a motor  
20 vehicle except those vehicle offenses specifically provided  
21 for in this paragraph. "Crime of violence" does include all of  
22 the offenses specifically provided for in this paragraph that  
23 occur within this State but are subject to federal  
24 jurisdiction and crimes involving terrorism as defined in 18  
25 U.S.C. 2331.

26 (d) "Victim" means (1) a person killed or injured in this

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

1 occurred outside this State, the resident has the same rights  
2 under this Act as if the crime had occurred in this State upon  
3 a showing that the state, territory, country, or political  
4 subdivision of a country in which the crime occurred does not  
5 have a compensation of victims of crimes law for which that  
6 Illinois resident is eligible, (7) a deceased person whose  
7 body is dismembered or whose remains are desecrated as the  
8 result of a crime of violence, or (8) solely for the purpose of  
9 compensating for pecuniary loss incurred for psychological  
10 treatment of a mental or emotional condition caused or  
11 aggravated by the crime, any parent, spouse, or child under  
12 the age of 18 of a deceased person whose body is dismembered or  
13 whose remains are desecrated as the result of a crime of  
14 violence.

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

19 (f) "Relative" means a spouse, parent, grandparent,  
20 stepfather, stepmother, child, grandchild, brother,  
21 brother-in-law, sister, sister-in-law, half brother, half  
22 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone  
23 living in the household of a person killed or injured in a  
24 relationship that is substantially similar to that of a  
25 parent, spouse, or child.

26 (g) "Child" means a son or daughter and includes a

1 stepchild, an adopted child or a child born out of wedlock.

2 (h) "Pecuniary loss" means, in the case of injury,  
3 appropriate medical expenses and hospital expenses including  
4 expenses of medical examinations, rehabilitation, medically  
5 required nursing care expenses, appropriate psychiatric care  
6 or psychiatric counseling expenses, appropriate expenses for  
7 care or counseling by a licensed clinical psychologist,  
8 licensed clinical social worker, licensed professional  
9 counselor, or licensed clinical professional counselor and  
10 expenses for treatment by Christian Science practitioners and  
11 nursing care appropriate thereto; transportation expenses to  
12 and from medical and counseling treatment facilities;  
13 prosthetic appliances, eyeglasses, and hearing aids necessary  
14 or damaged as a result of the crime; expenses incurred for the  
15 towing of a victim's vehicle in connection with a crime of  
16 violence, to a maximum of \$1,000; costs associated with  
17 trafficking tattoo removal by a person authorized or licensed  
18 to perform the specific removal procedure; replacement costs  
19 for clothing and bedding used as evidence; costs associated  
20 with temporary lodging or relocation necessary as a result of  
21 the crime, including, but not limited to, the first month's  
22 rent and security deposit of the dwelling that the claimant  
23 relocated to and other reasonable relocation expenses incurred  
24 as a result of the violent crime; locks or windows necessary or  
25 damaged as a result of the crime; the purchase, lease, or  
26 rental of equipment necessary to create usability of and

1 accessibility to the victim's real and personal property, or  
2 the real and personal property which is used by the victim,  
3 necessary as a result of the crime; the costs of appropriate  
4 crime scene clean-up; replacement services loss, to a maximum  
5 of \$1,250 per month; dependents replacement services loss, to  
6 a maximum of \$1,250 per month; loss of tuition paid to attend  
7 grammar school or high school when the victim had been  
8 enrolled as a student prior to the injury, or college or  
9 graduate school when the victim had been enrolled as a day or  
10 night student prior to the injury when the victim becomes  
11 unable to continue attendance at school as a result of the  
12 crime of violence perpetrated against him or her; loss of  
13 earnings, loss of future earnings because of disability  
14 resulting from the injury, and, in addition, in the case of  
15 death, expenses for funeral, burial, and travel and transport  
16 for survivors of homicide victims to secure bodies of deceased  
17 victims and to transport bodies for burial all of which may be  
18 awarded up to a maximum of \$10,000 and loss of support of the  
19 dependents of the victim; in the case of dismemberment or  
20 desecration of a body, expenses for funeral and burial, all of  
21 which may be awarded up to a maximum of \$10,000. Loss of future  
22 earnings shall be reduced by any income from substitute work  
23 actually performed by the victim or by income he or she would  
24 have earned in available appropriate substitute work he or she  
25 was capable of performing but unreasonably failed to  
26 undertake. Loss of earnings, loss of future earnings and loss

1 of support shall be determined on the basis of the victim's  
2 average net monthly earnings for the 6 months immediately  
3 preceding the date of the injury or on \$2,400 per month,  
4 whichever is less or, in cases where the absences commenced  
5 more than 3 years from the date of the crime, on the basis of  
6 the net monthly earnings for the 6 months immediately  
7 preceding the date of the first absence, not to exceed \$2,400  
8 per month. If a divorced or legally separated applicant is  
9 claiming loss of support for a minor child of the deceased, the  
10 amount of support for each child shall be based either on the  
11 amount of support pursuant to the judgment prior to the date of  
12 the deceased victim's injury or death, or, if the subject of  
13 pending litigation filed by or on behalf of the divorced or  
14 legally separated applicant prior to the injury or death, on  
15 the result of that litigation. Real and personal property  
16 includes, but is not limited to, vehicles, houses, apartments,  
17 town houses, or condominiums. Pecuniary loss does not include  
18 pain and suffering or property loss or damage.

19 The changes made to this subsection by this amendatory Act  
20 of the 101st General Assembly apply to actions commenced or  
21 pending on or after January 1, 2022.

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

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

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

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

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

14 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;  
15 102-27, eff. 6-25-21.)

16 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

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

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

19 (2) if the victim is deceased, the name and address of  
20 the applicant and his or her relationship to the victim,  
21 the names and addresses of other persons dependent on the  
22 victim for their support and the extent to which each is so  
23 dependent, and other persons who may be entitled to  
24 compensation for a pecuniary loss;

25 (3) the date and nature of the crime on which the

1 application for compensation is based;

2 (4) the date and place where and the law enforcement  
3 officials to whom notification of the crime was given;

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

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

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

12 (a) the Workers' Compensation Act,

13 (b) the Dram Shop Act,

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

16 (d) the Federal Medicare program,

17 (e) the State Public Aid program,

18 (f) Social Security Administration burial  
19 benefits,

20 (g) Veterans administration burial benefits,

21 (h) life, health, accident, vehicle, towing, or  
22 liability insurance,

23 (i) the Criminal Victims' Escrow Account Act,

24 (j) the Sexual Assault Survivors Emergency  
25 Treatment Act,

26 (k) restitution, or



1           (1) any other source;

2           (8) releases authorizing the surrender to the Court of  
3           Claims or Attorney General of reports, documents and other  
4           information relating to the matters specified under this  
5           Act and rules promulgated in accordance with the Act;

6           (9) such other information as the Court of Claims or  
7           the Attorney General reasonably requires.

8           (b) The Attorney General may require that materials  
9           substantiating the facts stated in the application be  
10          submitted with that application.

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

19          For claims submitted on or after January 1, 2022, an  
20          amended application or additional substantiating materials to  
21          correct inadvertent errors or omissions may be filed at any  
22          time before the original application is disposed of by the  
23          Attorney General or the Court of Claims.

24          (d) Determinations submitted by the Attorney General to  
25          the Court of Claims shall be available to the Court of Claims  
26          for review. The Attorney General shall provide the sources and

1 evidence relied upon as a basis for a compensation  
2 determination.

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

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

7 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

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

11 (a) A victim may be compensated for his or her pecuniary  
12 loss.

13 (b) A dependent may be compensated for loss of support.

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

23 (d) An award shall be reduced or denied according to the  
24 extent to which the victim's injury or death was caused by  
25 provocation or incitement by the victim or the victim

1 assisting, attempting, or committing a criminal act. A denial  
2 or reduction shall not automatically bar the survivors of  
3 homicide victims from receiving compensation for counseling,  
4 crime scene cleanup, relocation, funeral or burial costs, and  
5 loss of support if the survivor's actions have not initiated,  
6 provoked, or aggravated the suspect into initiating the  
7 qualifying crime.

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

18 (f) A final award shall not exceed \$10,000 for a crime  
19 committed prior to September 22, 1979, \$15,000 for a crime  
20 committed on or after September 22, 1979 and prior to January  
21 1, 1986, \$25,000 for a crime committed on or after January 1,  
22 1986 and prior to August 7, 1998, \$27,000 for a crime committed  
23 on or after August 7, 1998 and prior to August 7, 2022, or  
24 \$45,000 for a crime committed on or after August 7, 2022. If  
25 the total pecuniary loss is greater than the maximum amount  
26 allowed, the award shall be divided in proportion to the

1 amount of actual loss among those entitled to compensation.

2 (g) Compensation under this Act is a secondary source of  
3 compensation and the applicant must show that he or she has  
4 exhausted the benefits reasonably available under the Criminal  
5 Victims' Escrow Account Act or any governmental or medical or  
6 health insurance programs, including, but not limited to,  
7 Workers' Compensation, the Federal Medicare program, the State  
8 Public Aid program, Social Security Administration burial  
9 benefits, and Veterans Administration burial benefits, and  
10 life, health, accident, full vehicle coverage (including  
11 towing insurance, if available), or liability insurance.

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