



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4359

Introduced 1/5/2022, by Rep. Michael J. Zalewski - Angelica Guerrero-Cuellar - Jaime M. Andrade, Jr. - Margaret Croke

SYNOPSIS AS INTRODUCED:

740 ILCS 45/6.1

from Ch. 70, par. 76.1

Amends the Crime Victims Compensation Act. Provides that a person is entitled to compensation under the Act if the person provides certification from a law enforcement agency that the applicant supplied video or audio footage from the person's residential security camera that contributed to the apprehension and prosecution of an assailant. Provides that such an applicant is entitled to compensation in the amount of \$100.

LRB102 22730 LNS 31876 b

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
5 by changing Section 6.1 as follows:

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) Within 5 years of the occurrence of the crime, or
10 within one year after a criminal charge of a person for an
11 offense, upon which the claim is based, the applicant
12 presents an application, under oath, to the Attorney
13 General that is filed with the Court of Claims and on a
14 form prescribed in accordance with Section 7.1 furnished
15 by 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 or she may present the application
20 required by this subsection within 3 years after he or she
21 attains the age of 18 years or the disability is removed,
22 as the case may be. Legal disability includes a diagnosis
23 of posttraumatic stress disorder.

1 (a-1) The Attorney General and the Court of Claims may
2 accept an application presented after the period provided
3 in subsection (a) if the Attorney General determines that
4 the applicant had good cause for a delay.

5 (b) For all crimes of violence, except those listed in
6 subsection (b-1) of this Section, the appropriate law
7 enforcement officials were notified within 72 hours of the
8 perpetration of the crime allegedly causing the death or
9 injury to the victim or, in the event such notification
10 was made more than 72 hours after the perpetration of the
11 crime, the applicant establishes that such notice was
12 timely under the circumstances.

13 (b-1) For victims of offenses defined in Sections
14 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
15 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
16 1961 or the Criminal Code of 2012, the appropriate law
17 enforcement officials were notified within 7 days of the
18 perpetration of the crime allegedly causing death or
19 injury to the victim or, in the event that the
20 notification was made more than 7 days after the
21 perpetration of the crime, the applicant establishes that
22 the notice was timely under the circumstances. If the
23 applicant or victim has obtained an order of protection, a
24 civil no contact order, or a stalking no contact order,
25 has presented himself or herself to a hospital for medical
26 care or sexual assault evidence collection, or is engaged

1 in a legal proceeding involving a claim that the applicant
2 or victim is a victim of human trafficking, such action
3 shall constitute appropriate notification under this
4 subsection (b-1) or subsection (b) of this Section.

5 (c) The applicant has cooperated with law enforcement
6 officials in the apprehension and prosecution of the
7 assailant. If the applicant or victim has obtained an
8 order of protection, a civil no contact order, or a
9 stalking no contact order, has presented himself or
10 herself to a hospital for medical care or sexual assault
11 evidence collection, or is engaged in a legal proceeding
12 involving a claim that the applicant or victim is a victim
13 of human trafficking, such action shall constitute
14 cooperation under this subsection (c). If the victim is
15 under 18 years of age at the time of the commission of the
16 offense, the following shall constitute cooperation under
17 this subsection (c):

18 (1) the applicant or the victim files a police
19 report with a law enforcement agency;

20 (2) a mandated reporter reports the crime to law
21 enforcement; or

22 (3) a person with firsthand knowledge of the crime
23 reports the crime to law enforcement.

24 (d) The applicant is not the offender or an accomplice
25 of the offender and the award would not unjustly benefit
26 the offender or his accomplice.

1 (e) (Blank).

2 (f) For victims of offenses defined in Section 10-9 of
3 the Criminal Code of 2012, the victim submits a statement
4 under oath on a form prescribed by the Attorney General
5 attesting that the removed tattoo was applied in
6 connection with the commission of the offense.

7 (g) In determining whether cooperation has been
8 reasonable, the Attorney General and Court of Claims may
9 consider the victim's age, physical condition,
10 psychological state, cultural or linguistic barriers, and
11 compelling health and safety concerns, including, but not
12 limited to, a reasonable fear of retaliation or harm that
13 would jeopardize the well-being of the victim or the
14 victim's family, and giving due consideration to the
15 degree of cooperation that the victim or derivative victim
16 is capable of in light of the presence of any of these
17 factors, or any other factor the Attorney General
18 considers relevant.

19 (h) The person provides certification from a law
20 enforcement agency that the applicant supplied video or
21 audio footage from the person's residential security
22 camera that contributed to the apprehension and
23 prosecution of an assailant; such an applicant is entitled
24 to compensation in the amount of \$100.

25 The changes made to this Section by this amendatory Act of
26 the 101st General Assembly apply to actions commenced or

1 pending on or after January 1, 2022.

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