



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1134

Introduced 02/08/05, by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

740 ILCS 45/2

from Ch. 70, par. 72

Amends the Crime Victims Compensation Act. Adds expenses for care and counseling by licensed clinical professional counselors to the definition of "pecuniary loss".

LRB094 10411 LCB 40681 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 by
5 changing Section 2 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, 9-2, 9-3, 10-1, 10-2, 11-11, 11-19.2,
20 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1,
21 12-4.2, 12-4.3, 12-5, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1,
22 12-15, 12-16, 12-30, 20-1 or 20-1.1 of the Criminal Code of
23 1961, and driving under the influence of intoxicating liquor or
24 narcotic drugs as defined in Section 11-501 of the Illinois
25 Vehicle Code, if none of the said offenses occurred during a
26 civil riot, insurrection or rebellion. "Crime of violence" does
27 not include any other offense or accident involving a motor
28 vehicle except those vehicle offenses specifically provided
29 for in this paragraph. "Crime of violence" does include all of
30 the offenses specifically provided for in this paragraph that
31 occur within this State but are subject to federal jurisdiction
32 and crimes involving terrorism as defined in 18 U.S.C. 2331.

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

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

33 (f) "Relative" means a spouse, parent, grandparent,
34 stepfather, stepmother, child, grandchild, brother,
35 brother-in-law, sister, sister-in-law, half brother, half
36 sister, spouse's parent, nephew, niece, uncle or aunt.

1 (g) "Child" means an unmarried son or daughter who is under
2 18 years of age and includes a stepchild, an adopted child or
3 an illegitimate child.

4 (h) "Pecuniary loss" means, in the case of injury,
5 appropriate medical expenses and hospital expenses including
6 expenses of medical examinations, rehabilitation, medically
7 required nursing care expenses, appropriate psychiatric care
8 or psychiatric counseling expenses, expenses for care or
9 counseling by a licensed clinical psychologist, ~~or~~ licensed
10 clinical social worker, or licensed clinical professional
11 counselor and expenses for treatment by Christian Science
12 practitioners and nursing care appropriate thereto; prosthetic
13 appliances, eyeglasses, and hearing aids necessary or damaged
14 as a result of the crime; replacement costs for clothing and
15 bedding used as evidence; costs associated with temporary
16 lodging or relocation necessary as a result of the crime; locks
17 or windows necessary or damaged as a result of the crime; the
18 purchase, lease, or rental of equipment necessary to create
19 usability of and accessibility to the victim's real and
20 personal property, or the real and personal property which is
21 used by the victim, necessary as a result of the crime; the
22 costs of appropriate crime scene clean-up; replacement
23 services loss, to a maximum of \$1000 per month; dependents
24 replacement services loss, to a maximum of \$1000 per month;
25 loss of tuition paid to attend grammar school or high school
26 when the victim had been enrolled as a full-time student prior
27 to the injury, or college or graduate school when the victim
28 had been enrolled as a full-time day or night student prior to
29 the injury when the victim becomes unable to continue
30 attendance at school as a result of the crime of violence
31 perpetrated against him or her; loss of earnings, loss of
32 future earnings because of disability resulting from the
33 injury, and, in addition, in the case of death, expenses for
34 funeral, burial, and travel and transport for survivors of
35 homicide victims to secure bodies of deceased victims and to
36 transport bodies for burial all of which may not exceed a

1 maximum of \$5,000 and loss of support of the dependents of the
2 victim. Loss of future earnings shall be reduced by any income
3 from substitute work actually performed by the victim or by
4 income he or she would have earned in available appropriate
5 substitute work he or she was capable of performing but
6 unreasonably failed to undertake. Loss of earnings, loss of
7 future earnings and loss of support shall be determined on the
8 basis of the victim's average net monthly earnings for the 6
9 months immediately preceding the date of the injury or on \$1000
10 per month, whichever is less. If a divorced or legally
11 separated applicant is claiming loss of support for a minor
12 child of the deceased, the amount of support for each child
13 shall be based either on the amount of support pursuant to the
14 judgment prior to the date of the deceased victim's injury or
15 death, or, if the subject of pending litigation filed by or on
16 behalf of the divorced or legally separated applicant prior to
17 the injury or death, on the result of that litigation. Real and
18 personal property includes, but is not limited to, vehicles,
19 houses, apartments, town houses, or condominiums. Pecuniary
20 loss does not include pain and suffering or property loss or
21 damage.

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

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

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

35 (Source: P.A. 91-258, eff. 1-1-00; 91-445, eff. 1-1-00; 91-892,
36 eff. 7-6-00; 92-427, eff. 1-1-02.)