



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4134

Introduced 10/21/05, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

740 ILCS 45/2

from Ch. 70, par. 72

Amends the Crime Victims Compensation Act. Includes hate crime in the definition of "crime of violence". In the definition of "victim", includes the parent of a person (rather than the parent of a child) killed or injured as a result of a crime of violence. Includes the following in the definition of "pecuniary loss": (i) the loss of tuition paid to attend school when the victim had been enrolled as a student (rather than as a full-time student); and (ii) transportation expenses to and from medical and treatment facilities. Changes the definition of "dependents replacement services loss" so that it applies to loss reasonably incurred by private legal guardians of a minor dependent (in addition to loss reasonably incurred by dependents) after a victim's death under specified circumstances. Changes the definition of "replacement services loss" so that it applies to expenses reasonably incurred in obtaining ordinary and necessary services that would have been performed by an injured person (rather than a permanently injured person) under specified circumstances.

LRB094 14606 RLC 49553 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning civil liabilities.

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, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14,
22 12-14.1, 12-15, 12-16, 12-30, 20-1 or 20-1.1 of the Criminal
23 Code of 1961, and driving under the influence of intoxicating
24 liquor or narcotic drugs as defined in Section 11-501 of the
25 Illinois Vehicle Code, if none of the said offenses occurred
26 during a civil riot, insurrection or rebellion. "Crime of
27 violence" does not include any other offense or accident
28 involving a motor vehicle except those vehicle offenses
29 specifically provided for in this paragraph. "Crime of
30 violence" does include all of the offenses specifically
31 provided for in this paragraph that occur within this State but
32 are subject to federal jurisdiction and crimes involving

1 terrorism as defined in 18 U.S.C. 2331.

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

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

34 (f) "Relative" means a spouse, parent, grandparent,
35 stepfather, stepmother, child, grandchild, brother,
36 brother-in-law, sister, sister-in-law, half brother, half

1 sister, spouse's parent, nephew, niece, uncle or aunt.

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

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

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

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

33 (j) "Dependents replacement services loss" means loss
34 reasonably incurred by dependents or private legal guardians of
35 minor dependents after a victim's death in obtaining ordinary
36 and necessary services in lieu of those the victim would have

1 performed, not for income, but for their benefit, if he or she
2 had not been fatally injured.

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

5 (Source: P.A. 94-229, eff. 1-1-06; 94-399, eff. 1-1-06; 94-400,
6 eff. 1-1-06; revised 8-19-05.)