



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4679

Introduced 1/12/2006, by Rep. Roger Jenisch

SYNOPSIS AS INTRODUCED:

740 ILCS 45/6.1

from Ch. 70, par. 76.1

Amends the Crime Victims Compensation Act. Provides an alternative time for filling a claim: that a crime victim may file a claim within one year after the criminal indictment of a person for a crime upon which the claim is based (now, within 2 years of the crime).

LRB094 17757 AJO 53056 b

FISCAL NOTE ACT
MAY APPLY

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

22 (b) For all crimes of violence, except those listed in
23 subsection (b-1) of this Section, the appropriate law
24 enforcement officials were notified within 72 hours of the
25 perpetration of the crime allegedly causing the death or
26 injury to the victim or, in the event such notification was
27 made more than 72 hours after the perpetration of the
28 crime, the applicant establishes that such notice was
29 timely under the circumstances.

30 (b-1) For victims of offenses defined in Sections
31 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal
32 Code of 1961, the appropriate law enforcement officials

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

12 (c) The applicant has cooperated with law enforcement
13 officials in the apprehension and prosecution of the
14 assailant. ~~(c-1)~~ If the applicant has obtained an order of
15 protection or a civil no contact order or has presented
16 himself or herself to a hospital for sexual assault
17 evidence collection and medical care, such action shall
18 constitute cooperation under this subsection (c) ~~of this~~
19 Section.

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

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

26 (Source: P.A. 94-192, eff. 1-1-06; revised 8-16-05.)