

SB0416



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0416

Introduced 2/16/2005, by Sen. Kwame Raoul - Kirk W. Dillard -
Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

740 ILCS 45/2

from Ch. 70, par. 72

Amends the Crime Victims Compensation Act. Provides that the definition of "pecuniary loss" includes the first month's rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime.

LRB094 10578 LCB 40878 b

A BILL FOR

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 and expenses for treatment by Christian
11 Science practitioners and nursing care appropriate thereto;
12 prosthetic appliances, eyeglasses, and hearing aids necessary
13 or damaged as a result of the crime; replacement costs for
14 clothing and bedding used as evidence; costs associated with
15 temporary lodging or relocation necessary as a result of the
16 crime, including, but not limited to, the first month's rent
17 and security deposit of the dwelling that the claimant
18 relocated to and other reasonable relocation expenses incurred
19 as a result of the violent crime; locks or windows necessary or
20 damaged as a result of the crime; the purchase, lease, or
21 rental of equipment necessary to create usability of and
22 accessibility to the victim's real and personal property, or
23 the real and personal property which is used by the victim,
24 necessary as a result of the crime; the costs of appropriate
25 crime scene clean-up; replacement services loss, to a maximum
26 of \$1000 per month; dependents replacement services loss, to a
27 maximum of \$1000 per month; loss of tuition paid to attend
28 grammar school or high school when the victim had been enrolled
29 as a full-time student prior to the injury, or college or
30 graduate school when the victim had been enrolled as a
31 full-time day or night student prior to the injury when the
32 victim becomes unable to continue attendance at school as a
33 result of the crime of violence perpetrated against him or her;
34 loss of earnings, loss of future earnings because of disability
35 resulting from the injury, and, in addition, in the case of
36 death, expenses for funeral, burial, and travel and transport

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

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

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

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

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