

**SB0031**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB0031**

Introduced 1/31/2007, by Sen. John J. Millner

**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 filing 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).

LRB095 04779 AJO 24838 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 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

1 enforcement officials were notified within 72 hours of the  
2 perpetration of the crime allegedly causing the death or  
3 injury to the victim or, in the event such notification was  
4 made more than 72 hours after the perpetration of the  
5 crime, the applicant establishes that such notice was  
6 timely under the circumstances.

7 (b-1) For victims of offenses defined in Sections  
8 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal  
9 Code of 1961, the appropriate law enforcement officials  
10 were notified within 7 days of the perpetration of the  
11 crime allegedly causing death or injury to the victim or,  
12 in the event that the notification was made more than 7  
13 days after the perpetration of the crime, the applicant  
14 establishes that the notice was timely under the  
15 circumstances. ~~(b-2)~~ If the applicant has obtained an order  
16 of protection or a civil no contact order or has presented  
17 himself or herself to a hospital for sexual assault  
18 evidence collection and medical care, such action shall  
19 constitute appropriate notification under this subsection  
20 (b-1) or subsection (b) ~~or (b-1)~~ of this Section.

21 (c) The applicant has cooperated with law enforcement  
22 officials in the apprehension and prosecution of the  
23 assailant. ~~(c-1)~~ If the applicant has obtained an order of  
24 protection or a civil no contact order or has presented  
25 himself or herself to a hospital for sexual assault  
26 evidence collection and medical care, such action shall

1           constitute cooperation under this subsection (c) ~~of this~~  
2           ~~Section.~~

3           (d) The applicant is not the offender or an accomplice  
4           of the offender and the award would not unjustly benefit  
5           the offender or his accomplice.

6           (e) The injury to or death of the victim was not  
7           substantially attributable to his own wrongful act and was  
8           not substantially provoked by the victim.

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