



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2245

Introduced 2/18/2009, by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

740 ILCS 45/2
740 ILCS 45/2.5

from Ch. 70, par. 72

Amends the Crime Victims Compensation Act. Includes in the definition of "crime of violence" leaving the scene of a motor vehicle accident involving death or personal injury if the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact. Provides that the death of a felon who is serving a term of parole, probation, or mandatory supervised release shall be considered a discharge from that sentence (making the felon eligible to be a victim under the Act). Effective immediately.

LRB096 09476 RLC 19633 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 2 and 2.5 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

1 liquor or narcotic drugs as defined in Section 11-501 of the
2 Illinois Vehicle Code, and a violation of Section 11-401 of the
3 Illinois Vehicle Code, provided the victim was a pedestrian or
4 was operating a vehicle moved solely by human power or a
5 mobility device at the time of contact; so long as the offense
6 did not occur ~~if none of the said offenses occurred~~ during a
7 civil riot, insurrection or rebellion. "Crime of violence" does
8 not include any other offense or accident involving a motor
9 vehicle except those vehicle offenses specifically provided
10 for in this paragraph. "Crime of violence" does include all of
11 the offenses specifically provided for in this paragraph that
12 occur within this State but are subject to federal jurisdiction
13 and crimes involving terrorism as defined in 18 U.S.C. 2331.

14 (d) "Victim" means (1) a person killed or injured in this
15 State as a result of a crime of violence perpetrated or
16 attempted against him or her, (2) the parent of a person killed
17 or injured in this State as a result of a crime of violence
18 perpetrated or attempted against the person, (3) a person
19 killed or injured in this State while attempting to assist a
20 person against whom a crime of violence is being perpetrated or
21 attempted, if that attempt of assistance would be expected of a
22 reasonable man under the circumstances, (4) a person killed or
23 injured in this State while assisting a law enforcement
24 official apprehend a person who has perpetrated a crime of
25 violence or prevent the perpetration of any such crime if that
26 assistance was in response to the express request of the law

1 enforcement official, (5) a person who personally witnessed a
2 violent crime, (5.1) solely for the purpose of compensating for
3 pecuniary loss incurred for psychological treatment of a mental
4 or emotional condition caused or aggravated by the crime, any
5 other person under the age of 18 who is the brother, sister,
6 half brother, half sister, child, or stepchild of a person
7 killed or injured in this State as a result of a crime of
8 violence, or (6) an Illinois resident who is a victim of a
9 "crime of violence" as defined in this Act except, if the crime
10 occurred outside this State, the resident has the same rights
11 under this Act as if the crime had occurred in this State upon
12 a showing that the state, territory, country, or political
13 subdivision of a country in which the crime occurred does not
14 have a compensation of victims of crimes law for which that
15 Illinois resident is eligible.

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

20 (f) "Relative" means a spouse, parent, grandparent,
21 stepfather, stepmother, child, grandchild, brother,
22 brother-in-law, sister, sister-in-law, half brother, half
23 sister, spouse's parent, nephew, niece, uncle or aunt.

24 (g) "Child" means an unmarried son or daughter who is under
25 18 years of age and includes a stepchild, an adopted child or a
26 child born out of wedlock.

1 (h) "Pecuniary loss" means, in the case of injury,
2 appropriate medical expenses and hospital expenses including
3 expenses of medical examinations, rehabilitation, medically
4 required nursing care expenses, appropriate psychiatric care
5 or psychiatric counseling expenses, expenses for care or
6 counseling by a licensed clinical psychologist, licensed
7 clinical social worker, or licensed clinical professional
8 counselor and expenses for treatment by Christian Science
9 practitioners and nursing care appropriate thereto;
10 transportation expenses to and from medical and treatment
11 facilities; prosthetic appliances, eyeglasses, and hearing
12 aids necessary or damaged as a result of the crime; replacement
13 costs for clothing and bedding used as evidence; costs
14 associated with temporary lodging or relocation necessary as a
15 result of the crime, including, but not limited to, the first
16 month's rent and security deposit of the dwelling that the
17 claimant relocated to and other reasonable relocation expenses
18 incurred as a result of the violent crime; locks or windows
19 necessary or damaged as a result of the crime; the purchase,
20 lease, or rental of equipment necessary to create usability of
21 and accessibility to the victim's real and personal property,
22 or the real and personal property which is used by the victim,
23 necessary as a result of the crime; the costs of appropriate
24 crime scene clean-up; replacement services loss, to a maximum
25 of \$1000 per month; dependents replacement services loss, to a
26 maximum of \$1000 per month; loss of tuition paid to attend

1 grammar school or high school when the victim had been enrolled
2 as a student prior to the injury, or college or graduate school
3 when the victim had been enrolled as a day or night student
4 prior to the injury when the victim becomes unable to continue
5 attendance at school as a result of the crime of violence
6 perpetrated against him or her; loss of earnings, loss of
7 future earnings because of disability resulting from the
8 injury, and, in addition, in the case of death, expenses for
9 funeral, burial, and travel and transport for survivors of
10 homicide victims to secure bodies of deceased victims and to
11 transport bodies for burial all of which may not exceed a
12 maximum of \$5,000 and loss of support of the dependents of the
13 victim. Loss of future earnings shall be reduced by any income
14 from substitute work actually performed by the victim or by
15 income he or she would have earned in available appropriate
16 substitute work he or she was capable of performing but
17 unreasonably failed to undertake. Loss of earnings, loss of
18 future earnings and loss of support shall be determined on the
19 basis of the victim's average net monthly earnings for the 6
20 months immediately preceding the date of the injury or on \$1000
21 per month, whichever is less. If a divorced or legally
22 separated applicant is claiming loss of support for a minor
23 child of the deceased, the amount of support for each child
24 shall be based either on the amount of support pursuant to the
25 judgment prior to the date of the deceased victim's injury or
26 death, or, if the subject of pending litigation filed by or on

1 behalf of the divorced or legally separated applicant prior to
2 the injury or death, on the result of that litigation. Real and
3 personal property includes, but is not limited to, vehicles,
4 houses, apartments, town houses, or condominiums. Pecuniary
5 loss does not include pain and suffering or property loss or
6 damage.

7 (i) "Replacement services loss" means expenses reasonably
8 incurred in obtaining ordinary and necessary services in lieu
9 of those the injured person would have performed, not for
10 income, but for the benefit of himself or herself or his or her
11 family, if he or she had not been injured.

12 (j) "Dependents replacement services loss" means loss
13 reasonably incurred by dependents or private legal guardians of
14 minor dependents after a victim's death in obtaining ordinary
15 and necessary services in lieu of those the victim would have
16 performed, not for income, but for their benefit, if he or she
17 had not been fatally injured.

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

20 (Source: P.A. 94-229, eff. 1-1-06; 94-399, eff. 1-1-06; 94-400,
21 eff. 1-1-06; 94-877, eff. 1-1-07.)

22 (740 ILCS 45/2.5)

23 Sec. 2.5. Felon as victim. Notwithstanding paragraph (d) of
24 Section 2, "victim" does not include a person who is convicted
25 of a felony until that person is discharged from probation or

1 is released from a correctional institution and has been
2 discharged from parole or mandatory supervised release, if any.
3 For purposes of this Section, the death of a felon who is
4 serving a term of parole, probation, or mandatory supervised
5 release shall be considered a discharge from that sentence. No
6 compensation may be granted to an applicant under this Act
7 during a period of time that the applicant is held in a
8 correctional institution.

9 A victim who has been convicted of a felony may apply for
10 assistance under this Act at any time but no award of
11 compensation may be considered until the applicant meets the
12 requirements of this Section.

13 (Source: P.A. 91-892, eff. 7-6-00.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.