

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, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
20 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
21 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3,
22 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3,
23 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15,

1 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05
2 except for subdivision (a) (4) or (g) (1), or subdivision (a) (4)
3 of Section 11-14.4, of the Criminal Code of 1961 or the
4 Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery
5 Protection Act, Section 125 of the Stalking No Contact Order
6 Act, Section 219 of the Civil No Contact Order Act, driving
7 under the influence as defined in Section 11-501 of the
8 Illinois Vehicle Code, a violation of Section 11-401 of the
9 Illinois Vehicle Code, provided the victim was a pedestrian or
10 was operating a vehicle moved solely by human power or a
11 mobility device at the time of contact, and a violation of
12 Section 11-204.1 of the Illinois Vehicle Code; so long as the
13 offense did not occur during a civil riot, insurrection or
14 rebellion. "Crime of violence" does not include any other
15 offense or accident involving a motor vehicle except those
16 vehicle offenses specifically provided for in this paragraph.
17 "Crime of violence" does include all of the offenses
18 specifically provided for in this paragraph that occur within
19 this State but are subject to federal jurisdiction and crimes
20 involving terrorism as defined in 18 U.S.C. 2331.

21 (d) "Victim" means (1) a person killed or injured in this
22 State as a result of a crime of violence perpetrated or
23 attempted against him or her, (2) the spouse or parent of a
24 person killed or injured in this State as a result of a crime
25 of violence perpetrated or attempted against the person, (3) a
26 person killed or injured in this State while attempting to

1 assist a person against whom a crime of violence is being
2 perpetrated or attempted, if that attempt of assistance would
3 be expected of a reasonable person under the circumstances, (4)
4 a person killed or injured in this State while assisting a law
5 enforcement official apprehend a person who has perpetrated a
6 crime of violence or prevent the perpetration of any such crime
7 if that assistance was in response to the express request of
8 the law enforcement official, (5) a person who personally
9 witnessed a violent crime, (5.05) a person who will be called
10 as a witness by the prosecution to establish a necessary nexus
11 between the offender and the violent crime, (5.1) solely for
12 the purpose of compensating for pecuniary loss incurred for
13 psychological treatment of a mental or emotional condition
14 caused or aggravated by the crime, any other person under the
15 age of 18 who is the brother, sister, half brother, half
16 sister, child, or stepchild of a person killed or injured in
17 this State as a result of a crime of violence, (6) an Illinois
18 resident who is a victim of a "crime of violence" as defined in
19 this Act except, if the crime occurred outside this State, the
20 resident has the same rights under this Act as if the crime had
21 occurred in this State upon a showing that the state,
22 territory, country, or political subdivision of a country in
23 which the crime occurred does not have a compensation of
24 victims of crimes law for which that Illinois resident is
25 eligible, (7) a deceased person whose body is dismembered or
26 whose remains are desecrated as the result of a crime of

1 violence, or (8) solely for the purpose of compensating for
2 pecuniary loss incurred for psychological treatment of a mental
3 or emotional condition caused or aggravated by the crime, any
4 parent, spouse, or child under the age of 18 of a deceased
5 person whose body is dismembered or whose remains are
6 desecrated as the result of a crime of violence.

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

11 (f) "Relative" means a spouse, parent, grandparent,
12 stepfather, stepmother, child, grandchild, brother,
13 brother-in-law, sister, sister-in-law, half brother, half
14 sister, spouse's parent, nephew, niece, uncle or aunt.

15 (g) "Child" means an unmarried son or daughter who is under
16 18 years of age and includes a stepchild, an adopted child or a
17 child born out of wedlock.

18 (h) "Pecuniary loss" means, in the case of injury,
19 appropriate medical expenses and hospital expenses including
20 expenses of medical examinations, rehabilitation, medically
21 required nursing care expenses, appropriate psychiatric care
22 or psychiatric counseling expenses, expenses for care or
23 counseling by a licensed clinical psychologist, licensed
24 clinical social worker, licensed professional counselor, or
25 licensed clinical professional counselor and expenses for
26 treatment by Christian Science practitioners and nursing care

1 appropriate thereto; transportation expenses to and from
2 medical and counseling treatment facilities; prosthetic
3 appliances, eyeglasses, and hearing aids necessary or damaged
4 as a result of the crime; costs associated with trafficking
5 tattoo removal by a person authorized or licensed to perform
6 the specific removal procedure; replacement costs for clothing
7 and bedding used as evidence; costs associated with temporary
8 lodging or relocation necessary as a result of the crime,
9 including, but not limited to, the first month's rent and
10 security deposit of the dwelling that the claimant relocated to
11 and other reasonable relocation expenses incurred as a result
12 of the violent crime; locks or windows necessary or damaged as
13 a result of the crime; the purchase, lease, or rental of
14 equipment necessary to create usability of and accessibility to
15 the victim's real and personal property, or the real and
16 personal property which is used by the victim, necessary as a
17 result of the crime; the costs of appropriate crime scene
18 clean-up; replacement services loss, to a maximum of \$1,250 per
19 month; dependents replacement services loss, to a maximum of
20 \$1,250 per month; loss of tuition paid to attend grammar school
21 or high school when the victim had been enrolled as a student
22 prior to the injury, or college or graduate school when the
23 victim had been enrolled as a day or night student prior to the
24 injury when the victim becomes unable to continue attendance at
25 school as a result of the crime of violence perpetrated against
26 him or her; loss of earnings, loss of future earnings because

1 of disability resulting from the injury, and, in addition, in
2 the case of death, expenses for funeral, burial, and travel and
3 transport for survivors of homicide victims to secure bodies of
4 deceased victims and to transport bodies for burial all of
5 which may not exceed a maximum of \$7,500 and loss of support of
6 the dependents of the victim; in the case of dismemberment or
7 desecration of a body, expenses for funeral and burial, all of
8 which may not exceed a maximum of \$7,500. Loss of future
9 earnings shall be reduced by any income from substitute work
10 actually performed by the victim or by income he or she would
11 have earned in available appropriate substitute work he or she
12 was capable of performing but unreasonably failed to undertake.
13 Loss of earnings, loss of future earnings and loss of support
14 shall be determined on the basis of the victim's average net
15 monthly earnings for the 6 months immediately preceding the
16 date of the injury or on \$1,250 per month, whichever is less
17 or, in cases where the absences commenced more than 3 years
18 from the date of the crime, on the basis of the net monthly
19 earnings for the 6 months immediately preceding the date of the
20 first absence, not to exceed \$1,250 per month. If a divorced or
21 legally separated applicant is claiming loss of support for a
22 minor child of the deceased, the amount of support for each
23 child shall be based either on the amount of support pursuant
24 to the judgment prior to the date of the deceased victim's
25 injury or death, or, if the subject of pending litigation filed
26 by or on behalf of the divorced or legally separated applicant

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

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

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

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

19 (l) "Parent" means a natural parent, adopted parent,
20 step-parent, or permanent legal guardian of another person.

21 (m) "Trafficking tattoo" is a tattoo which is applied to a
22 victim in connection with the commission of a violation of
23 Section 10-9 of the Criminal Code of 2012.

24 (Source: P.A. 97-817, eff. 1-1-13; 97-1109, eff. 1-1-13;
25 97-1150, eff. 1-25-13; 98-435, eff. 1-1-14.)