

1 AN ACT concerning crime victims.

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
5 by changing Sections 2 and 10.1 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
12 a minor or of a person under legal disability. It includes
13 any person who was a dependent of a deceased victim of a
14 crime of violence for his or her support at the time of the
15 death of that victim.

16 (b) "Court of Claims" means the Court of Claims created
17 by 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,
20 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4,
21 12-4.1, 12-4.2, 12-4.3, 12-5, 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
24 liquor or narcotic drugs as defined in Section 11-501 of the
25 Illinois Vehicle Code, if none of the said offenses occurred
26 during a civil riot, insurrection or rebellion. "Crime of
27 violence" does not include any other offense or accident
28 involving a motor vehicle except those vehicle offenses
29 specifically provided for in this paragraph. "Crime of
30 violence" does include all of the offenses specifically
31 provided for in this paragraph that occur within this State

1 but are subject to federal jurisdiction and crimes involving
2 terrorism as defined in 18 U.S.C. 2331.

3 (d) "Victim" means (1) a person killed or injured in
4 this State as a result of a crime of violence perpetrated or
5 attempted against him or her, (2) the parent of a child
6 killed or injured in this State as a result of a crime of
7 violence perpetrated or attempted against the child, (3) a
8 person killed or injured in this State while attempting to
9 assist a person against whom a crime of violence is being
10 perpetrated or attempted, if that attempt of assistance would
11 be expected of a reasonable man under the circumstances, (4)
12 a person killed or injured in this State while assisting a
13 law enforcement official apprehend a person who has
14 perpetrated a crime of violence or prevent the perpetration
15 of any such crime if that assistance was in response to the
16 express request of the law enforcement official, (5) a person
17 ~~under--the-age-of-18~~ who personally witnessed a violent crime
18 ~~perpetrated-or-attempted-against-a-relative~~, (5.1) solely for
19 the purpose of compensating for pecuniary loss incurred for
20 psychological treatment of a mental or emotional condition
21 caused or aggravated by the crime, any other person under the
22 age of 18 who is the brother, sister, half brother, half
23 sister, child, or stepchild of a person killed or injured in
24 this State as a result of a crime of violence, or (6) an
25 Illinois resident who is a victim of a "crime of violence" as
26 defined in this Act except, if the crime occurred outside
27 this State, the resident has the same rights under this Act
28 as if the crime had occurred in this State upon a showing
29 that the state, territory, country, or political subdivision
30 of a country in which the crime occurred does not have a
31 compensation of victims of crimes law for which that Illinois
32 resident is eligible.

33 (e) "Dependent" means a relative of a deceased victim
34 who was wholly or partially dependent upon the victim's

1 income at the time of his or her death and shall include the
2 child of a victim born after his or her death.

3 (f) "Relative" means a spouse, parent, grandparent,
4 stepfather, stepmother, child, grandchild, brother,
5 brother-in-law, sister, sister-in-law, half brother, half
6 sister, spouse's parent, nephew, niece, uncle or aunt.

7 (g) "Child" means an unmarried son or daughter who is
8 under 18 years of age and includes a stepchild, an adopted
9 child or an illegitimate child.

10 (h) "Pecuniary loss" means, in the case of injury,
11 appropriate medical expenses and hospital expenses including
12 expenses of medical examinations, rehabilitation, medically
13 required nursing care expenses, appropriate psychiatric care
14 or psychiatric counseling expenses, expenses for care or
15 counseling by a licensed clinical psychologist or licensed
16 clinical social worker and expenses for treatment by
17 Christian Science practitioners and nursing care appropriate
18 thereto; prosthetic appliances, eyeglasses, and hearing aids
19 necessary or damaged as a result of the crime; replacement
20 costs for clothing and bedding used as evidence; costs
21 associated with temporary lodging or relocation necessary as
22 a result of the crime; locks or windows necessary or damaged
23 as a result of the crime; the purchase, lease, or rental of
24 equipment necessary to create usability of and accessibility
25 to the victim's real and personal property, or the real and
26 personal property which is used by the victim, necessary as a
27 result of the crime; the costs of appropriate crime scene
28 clean-up; replacement services loss, to a maximum of \$1000
29 per month; dependents replacement services loss, to a maximum
30 of \$1000 per month; loss of tuition paid to attend grammar
31 school or high school when the victim had been enrolled as a
32 full-time student prior to the injury, or college or graduate
33 school when the victim had been enrolled as a full-time day
34 or night student prior to the injury when the victim becomes

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

30 (i) "Replacement services loss" means expenses
31 reasonably incurred in obtaining ordinary and necessary
32 services in lieu of those the permanently injured person
33 would have performed, not for income, but for the benefit of
34 himself or herself or his or her family, if he or she had not

1 been permanently injured.

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

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

9 (Source: P.A. 90-136, eff. 1-1-98; 90-492, eff. 8-17-97;
10 90-655, eff. 7-30-98; 90-708, eff. 8-7-98; 91-258, eff.
11 1-1-00; 91-445, eff. 1-1-00; 91-892, eff. 7-6-00.)

12 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

13 Sec. 10.1. Amount of compensation. The amount of
14 compensation to which an applicant and other persons is
15 entitled shall be based on the following factors:

16 (a) a victim may be compensated for his or her pecuniary
17 loss;

18 (b) a dependent may be compensated for loss of support;

19 (c) any person ~~related-to-the-victim~~, even though not
20 dependent upon the victim for his or her support, may be
21 compensated for reasonable funeral, medical and hospital
22 expenses of the victim to the extent to which he or she has
23 paid or become obligated to pay such expenses and only after
24 compensation for reasonable funeral, medical and hospital
25 expenses of the victim have been awarded may compensation be
26 made for reasonable expenses of the victim incurred for
27 psychological treatment of a mental or emotional condition
28 caused or aggravated by the crime;

29 (d) an award shall be reduced or denied according to the
30 extent to which the victim's acts or conduct provoked or
31 contributed to his or her injury or death, or the extent to
32 which any prior criminal conviction or conduct of the victim
33 may have directly or indirectly contributed to the injury or

1 death of the victim;

2 (e) an award shall be reduced by the amount of benefits,
3 payments or awards payable under those sources which are
4 required to be listed under item (7) of Section 7.1(a) and
5 any other sources except annuities, pension plans, Federal
6 Social Security payments payable to dependents of the victim
7 and the net proceeds of the first \$25,000 of life insurance
8 that would inure to the benefit of the applicant, which the
9 applicant or any other person dependent for the support of a
10 deceased victim, as the case may be, has received or to which
11 he or she is entitled as a result of injury to or death of
12 the victim.

13 (f) A final award shall not exceed \$10,000 for a crime
14 committed prior to September 22, 1979, \$15,000 for a crime
15 committed on or after September 22, 1979 and prior to January
16 1, 1986, \$25,000 for a crime committed on or after January 1,
17 1986 and prior to the effective date of this amendatory Act
18 of 1998, or \$27,000 for a crime committed on or after the
19 effective date of this amendatory Act of 1998. If the total
20 pecuniary loss is greater than the maximum amount allowed,
21 the award shall be divided in proportion to the amount of
22 actual loss among those entitled to compensation;

23 (g) compensation under this Act is a secondary source of
24 compensation and the applicant must show that he or she has
25 exhausted the benefits reasonably available under the
26 Criminal Victims' Escrow Account Act or any governmental or
27 medical or health insurance programs, including, but not
28 limited to Workers' Compensation, the Federal Medicare
29 program, the State Public Aid program, Social Security
30 Administration burial benefits, Veterans Administration
31 burial benefits, and life, health, accident or liability
32 insurance.

33 (Source: P.A. 90-708, eff. 8-7-98.)