

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-905 as follows:

(705 ILCS 405/5-905)

Sec. 5-905. Law enforcement records.

(1) Law Enforcement Records. Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been investigated, arrested, or taken into custody before the minor's 18th birthday shall be restricted to the following and when necessary for the discharge of their official duties:

(a) A judge of the circuit court and members of the staff of the court designated by the judge;

(b) Law enforcement officers, probation officers or prosecutors or their staff, or, when necessary for the discharge of its official duties in connection with a particular investigation of the conduct of a law enforcement officer, an independent agency or its staff created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers;

(c) The minor, the minor's parents or legal guardian and their attorneys, but only when the juvenile has been charged with an offense;

(d) Adult and Juvenile Prisoner Review Boards;

(e) Authorized military personnel;

(f) Persons engaged in bona fide research, with the permission of the judge of juvenile court and the chief executive of the agency that prepared the particular recording: provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record;

(g) Individuals responsible for supervising or providing temporary or permanent care and custody of minors pursuant to orders of the juvenile court or directives from officials of the Department of Children and Family Services or the Department of Human Services who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court;

(h) The appropriate school official only if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds.

(A) Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official or officials whom the school has

determined to have a legitimate educational or safety interest by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses:

(i) any violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012;

(ii) a violation of the Illinois Controlled Substances Act;

(iii) a violation of the Cannabis Control Act;

(iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;

(v) a violation of the Methamphetamine Control and Community Protection Act;

(vi) a violation of Section 1-2 of the Harassing and Obscene Communications Act;

(vii) a violation of the Hazing Act; or

(viii) a violation of Section 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of 1961 or the Criminal Code of

2012.

The information derived from the law enforcement records shall be kept separate from and shall not become a part of the official school record of that child and shall not be a public record. The information shall be used solely by the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. If the designated law enforcement and school officials deem it to be in the best interest of the minor, the student may be referred to in-school or community based social services if those services are available. "Rehabilitation services" may include interventions by school support personnel, evaluation for eligibility for special education, referrals to community-based agencies such as youth services, behavioral healthcare service providers, drug and alcohol prevention or treatment programs, and other interventions as deemed appropriate for the student.

(B) Any information provided to appropriate school officials whom the school has determined to have a legitimate educational or safety interest by local law enforcement officials about a minor who is the subject

of a current police investigation that is directly related to school safety shall consist of oral information only, and not written law enforcement records, and shall be used solely by the appropriate school official or officials to protect the safety of students and employees in the school and aid in the proper rehabilitation of the child. The information derived orally from the local law enforcement officials shall be kept separate from and shall not become a part of the official school record of the child and shall not be a public record. This limitation on the use of information about a minor who is the subject of a current police investigation shall in no way limit the use of this information by prosecutors in pursuing criminal charges arising out of the information disclosed during a police investigation of the minor. For purposes of this paragraph, "investigation" means an official systematic inquiry by a law enforcement agency into actual or suspected criminal activity;

(i) The president of a park district. Inspection and copying shall be limited to law enforcement records transmitted to the president of the park district by the Illinois State Police under Section 8-23 of the Park District Code or Section 16a-5 of the Chicago Park District Act concerning a person who is seeking employment

with that park district and who has been adjudicated a juvenile delinquent for any of the offenses listed in subsection (c) of Section 8-23 of the Park District Code or subsection (c) of Section 16a-5 of the Chicago Park District Act.

(2) Information identifying victims and alleged victims of sex offenses, shall not be disclosed or open to public inspection under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing this identity.

(2.5) If the minor is a victim of aggravated battery, battery, attempted first degree murder, or other non-sexual violent offense, the identity of the victim may be disclosed to appropriate school officials, for the purpose of preventing foreseeable future violence involving minors, by a local law enforcement agency pursuant to an agreement established between the school district and a local law enforcement agency subject to the approval by the presiding judge of the juvenile court.

(3) Relevant information, reports and records shall be made available to the Department of Juvenile Justice when a juvenile offender has been placed in the custody of the Department of Juvenile Justice.

(4) Nothing in this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the

inspection or disclosure is conducted in the presence of a law enforcement officer for purposes of identification or apprehension of any person in the course of any criminal investigation or prosecution.

(5) The records of law enforcement officers, or of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, concerning all minors under 18 years of age must be maintained separate from the records of adults and may not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceedings has been permitted under Section 5-130 or 5-805 or required under Section 5-130 or 5-805 or such a person has been convicted of a crime and is the subject of pre-sentence investigation or when provided by law.

(6) Except as otherwise provided in this subsection (6), law enforcement officers, and personnel of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor. Any victim or parent or legal guardian of a victim may petition the court to disclose the name and address of the minor and the minor's parents or legal guardian, or both. Upon

a finding by clear and convincing evidence that the disclosure is either necessary for the victim to pursue a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the minor, then the court may order the disclosure of the information to the victim or to the parent or legal guardian of the victim only for the purpose of the victim pursuing a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the minor.

(7) Nothing contained in this Section shall prohibit law enforcement agencies when acting in their official capacity from communicating with each other by letter, memorandum, teletype or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 18 years of age. The information provided under this subsection (7) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(8) No person shall disclose information under this Section except when acting in the person's official capacity and as provided by law or order of court.

(9) The changes made to this Section by Public Act 98-61 apply to law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(10) Nothing contained in this Section shall prohibit law

enforcement agencies from disclosing law enforcement reports and records to the Attorney General for the purposes of complying with the Crime Victims Compensation Act.

(Source: P.A. 103-22, eff. 8-8-23.)

Section 10. The Crime Victims Compensation Act is amended by changing Sections 2, 2.5, 4.1, 4.2, 5.1, 6.1, 7.1, 8.1, 10.1, and 18.5 as follows:

(740 ILCS 45/2)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Applicant" means any of the following claiming compensation under this Act: ~~a victim, a person who was a dependent of a deceased victim of a crime of violence for the person's support at the time of the death of that victim, a person who legally assumes the obligation or who voluntarily pays the medical or the funeral or burial expenses incurred as a direct result of the crime, and any other person the Court of Claims or the Attorney General finds is entitled to compensation, including the guardian of a minor or of a person under legal disability.~~

(1) A victim.

(2) If the victim was a guardian or primary caregiver to an adult who is physically or mentally incapacitated, that adult who is physically or mentally incapacitated.

(3) A guardian of a minor or of a person under legal disability.

(4) A person who, at the time the crime occurred, resided in the same dwelling as the victim, solely for the purpose of compensating for any of the following:

(A) Pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime.

(B) Loss of earnings under paragraph (14.5) of subsection (h) for time off from work necessary to provide full time care for the injured victim.

(C) Relocation expenses.

(5) A person who assumes a legal obligation or voluntarily pays for a victim's medical or funeral or burial expenses.

(6) Any other person the Court of Claims or the Attorney General finds is entitled to compensation.

The changes made to this subsection by Public Act 101-652 apply to actions commenced or pending on or after January 1, 2022.

(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, ~~11-19.2~~, 11-20.1, ~~11-20.1B~~, ~~11-20.3~~, 11-23, 11-23.5,

12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-3.4, ~~12-4, 12-4.1, 12-4.2, 12-4.3~~, 12-5, 12-7.1, 12-7.3, 12-7.4, ~~12-13, 12-14, 12-14.1, 12-15, 12-16~~, 12-20.5, ~~12-30~~, 20-1 or 20-1.1, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or subdivision (a)(4) of Section 11-14.4, of the Criminal Code of 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act, Section 125 of the Stalking No Contact Order Act, Section 219 of the Civil No Contact Order Act, driving under the influence as defined in Section 11-501 of the Illinois Vehicle Code, a violation of Section 11-401 of the Illinois Vehicle Code, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact, and a violation of Section 11-204.1 of the Illinois Vehicle Code; so long as the offense did not occur during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or crash involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse, parent, or child

of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, or anyone living in the dwelling household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.05) a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime, (5.1) ~~solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the~~ grandparent, grandchild, brother, sister, half brother, or half sister of a person killed or injured in this State as a result of a crime of violence, applying solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the

crime, loss of earnings under paragraph (14.5) of subsection (h) for time off from work necessary to provide full time care for the injured victim, or relocation if the crime occurred within the dwelling of the applicant, (5.2) any person who was in a dating relationship with a person killed in this State as a result of a crime of violence, solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible, (7) the parent, spouse, or child of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, ~~or~~ (8) (blank), or (9) an individual who is injured or killed in an incident in which a law enforcement officer's use of force caused bodily harm or death to that individual.

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

(f) "Relative" means a spouse, parent, grandparent,

stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle, aunt, or anyone living in the dwelling household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child.

(g) "Child" means a son or daughter and includes a stepchild, an adopted child or a child born out of wedlock.

(h) "Pecuniary loss" means:

(1) in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto;

(2) transportation expenses to and from medical and counseling treatment facilities;

(3) prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime;

(4) expenses incurred for the towing and storage of a victim's vehicle in connection with a crime of violence, to a maximum of \$1,000;

(5) costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure; for victims of offenses defined in Section 10-9 of the Criminal Code of 2012, the victim shall submit a statement under oath on a form prescribed by the Attorney General attesting that the removed tattoo was applied in connection with the commission of the offense;

(6) replacement costs for clothing and bedding used as evidence;

(7) costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first 2 months' 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;

(8) locks, doors, or windows necessary or damaged as a result of the crime;

(9) the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; "real and personal property" includes, but is not limited to, vehicles, houses, apartments, townhouses, or condominiums;

(10) the costs of appropriate crime scene clean-up;

(11) replacement services loss, to a maximum of \$1,250 per month, with this amount to be divided in proportion to the amount of the actual loss among those entitled to compensation;

(12) dependents replacement services loss, to a maximum of \$1,250 per month, with this amount to be divided in proportion to the amount of the actual loss among those entitled to compensation;

(13) loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her;

(14) loss of earnings, loss of future earnings because of disability resulting from the injury. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work the victim was capable of performing but unreasonably failed to undertake; loss of earnings and loss of future earnings shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on \$2,400 per month, whichever is less, or, in cases where

the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed \$2,400 per month;

(14.5) loss of earnings for applicants or loss of future earnings for applicants. The applicant must demonstrate that the loss of earnings is a direct result of circumstances attributed to the crime including, but not limited to, court appearances, funeral preparation and bereavement, receipt of medical or psychological care; loss of earnings and loss of future earnings shall be determined on the basis of the applicant's average net monthly earnings for the 6 months immediately preceding the date of the injury or on \$2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed \$2,400 per month;

(15) loss of support of the dependents of the victim. Loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on \$2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6

months immediately preceding the date of the first absence, not to exceed \$2,400 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Loss of support for minors shall be divided in proportion to the amount of the actual loss among those entitled to such compensation;

(16) in the case of death, expenses for reasonable funeral, burial, headstone, cremation, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may be awarded up to a maximum of \$10,000 for each victim. Other individuals that have paid or become obligated to pay funeral, cremation, or burial expenses, including a headstone, for the deceased shall share a maximum award of \$10,000, with the award divided in proportion to the amount of the actual loss among those entitled to compensation; ~~and~~

(17) in the case of dismemberment or desecration of a body, expenses for reasonable funeral, ~~and~~ burial, headstone, and cremation, all of which may be awarded up

to a maximum of \$10,000 for each victim. Other individuals that have paid or become obligated to pay funeral, cremation, or burial expenses, including a headstone, for the deceased shall share a maximum award of \$10,000, with the award divided in proportion to the amount of the actual loss among those entitled to compensation; ~~and-~~

(19) legal fees resulting from proceedings that became necessary solely because of the crime, including, but not limited to, establishing a legal guardian for the minor victim or the minor child of a victim, or obtaining a restraining order, no contact order, or order of protection, awarded up to a maximum of \$3,500.

"Pecuniary loss" does not include pain and suffering or property loss or damage.

The changes made to this subsection by Public Act 101-652 apply to actions commenced or pending on or after January 1, 2022.

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

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents or private legal guardians of minor dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim

would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, stepfather, stepmother, child, brother, sister, or spouse.

(l) "Parent" means a natural parent, adopted parent, stepparent, or permanent legal guardian of another person.

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

(n) "Dwelling" means a person's primary home. A person may be required to provide verification or proof of residence including, but not limited to, a lease agreement, utility bill, license registration, document showing the mailing address, pay stub, tax form, or notarized statement.

(o) "Dating relationship" means a current, continuous, romantic, courtship, or engagement relationship, often characterized by actions of an intimate or sexual nature or an expectation of affection. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization between persons in a business or social context.

(p) "Medical facility" means a facility for the delivery of health services. "Medical facility" includes, but is not limited to, a hospital, public health center, outpatient medical facility, federally qualified health center, migrant health center, community health center, or State correctional institution.

(q) "Mental health provider" means a licensed clinical psychologist, a licensed clinical social worker, a licensed professional counselor, or a licensed clinical professional counselor as defined in the Mental Health and Developmental Disabilities Code.

(r) "Independent medical evaluation" means an assessment by a mental health provider who is not currently providing treatment to the applicant and will not seek reimbursement from the program for continuing treatment after the assessment. A provider may seek reimbursement for the assessment.

(Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-564, eff. 11-17-23.)

(740 ILCS 45/2.5)

Sec. 2.5. Felony status ~~Felon as victim.~~ A victim's criminal history or felony status shall not automatically prevent compensation to that victim or the victim's family. No compensation may be granted to an applicant under this Act while the applicant is held in a correctional institution. An applicant who is held in a correctional institution may apply for assistance under this Act at any time, but no award of compensation may be considered until the applicant meets the requirements of this Section. ~~However, no compensation may be granted to a victim or applicant under this Act while the~~

~~applicant or victim is held in a correctional institution. For purposes of this Section, 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.~~

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

~~The changes made to this Section by this amendatory Act of the 96th General Assembly apply to actions commenced or pending on or after the effective date of this amendatory Act of the 96th General Assembly.~~

(Source: P.A. 101-652, eff. 7-1-21.)

(740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

Sec. 4.1. In addition to other powers and duties set forth in this Act and other powers exercised by the Attorney General, the Attorney General shall:

(1) investigate all claims and prepare and present an investigatory report and a draft award determination to the Court of Claims for a review period of 28 business days;

(2) upon conclusion of the review by the Court of Claims, provide the applicant with a compensation determination letter;

(3) prescribe and furnish all applications and other

forms required to be filed in the office of the Attorney General by the terms of this Act; ~~and~~

(4) represent the interests of the State of Illinois in any hearing before the Court of Claims; ~~and~~

(5) upon failure to comply with Section 4.2, the Attorney General's office shall have the power to issue subpoenas to compel the production of law enforcement reports maintained by law enforcement agencies.

The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022.

(Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

(740 ILCS 45/4.2)

Sec. 4.2. ~~Cooperation in review of crime victims compensation applications.~~ A law enforcement agency ~~in this State~~ shall, within 15 days of receipt of a written request for a police report made to verify that the requirements of a crime victims compensation application under Section 6.1 of this Act have been met, provide the Attorney General's office with the law enforcement agency's full written report of the investigation of the crime for which an application for compensation has been filed. The law enforcement agency may redact the following from the report: names of confidential sources and informants; locations from which law enforcement conduct surveillance; and information related to issues of

national security the law enforcement agency provided to or received from the United States Department of Homeland Security or another federal law enforcement agency. The Attorney General's office and a law enforcement agency may agree to the redaction of other information in the report or to the provision of necessary information in another format. Within 15 days of receipt of the request, a law enforcement agency shall respond to a written request from the Attorney General's office for additional information necessary to assist the Attorney General's office in making a recommendation for compensation.

An applicant may obtain and provide a law enforcement report to the Attorney General and the Attorney General may proceed with the review of the application. If the copy of the law enforcement report provided by the applicant does not contain all the information the Attorney General needs to move forward with the review of the application, the Attorney General may proceed with requesting from the law enforcement agency the full written report of the investigation.

Records that are obtained by the Attorney General's office from a law enforcement agency under this Section for purposes of investigating an application for crime victim compensation shall not be disclosed to the public, including the applicant, by the Attorney General's office. Law enforcement reports or other documentation obtained by the Attorney General's office from an applicant, victim, or third party under this Act for

the purposes of investigating an application for crime victim compensation shall not be disclosed to the public or any individual or entity, not including the individual who supplied the report or documentation, by the Attorney General's office. Any ~~The~~ records obtained by the Attorney General's office to process the application, including but not limited to applications, documents, and photographs, ~~while in the possession of the Attorney General's office,~~ shall be exempt from disclosure by the Attorney General's office under the Freedom of Information Act.

(Source: P.A. 100-690, eff. 1-1-19.)

(740 ILCS 45/5.1) (from Ch. 70, par. 75.1)

Sec. 5.1. (a) Every hospital licensed under the laws of this State shall display prominently in its emergency room posters giving notification of the existence and general provisions of this Act. The posters may be displayed by physical or electronic means. ~~Such posters shall be provided by the Attorney General.~~

(b) Any law enforcement agency that investigates an offense committed in this State shall inform the victim or any potential applicant contacted during the course of an investigation or arrest regarding ~~of the offense or his dependents concerning~~ the Crime Victims Compensation Program, ~~availability of an award of compensation~~ and advise such persons that any information concerning this Act and the

filing of a claim may be obtained from the office of the Attorney General.

(c) The Office of the Attorney General shall make available on its website applications, forms, posters, and general information that law enforcement agencies and hospitals may use to comply with this Section.

(Source: P.A. 102-4, eff. 4-27-21.)

(740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

Sec. 6.1. Right to compensation. A person is entitled to compensation under this Act if:

(a) Timing. Within 5 years of the occurrence of the crime, or within one year after a criminal charge of a person for an offense, upon which the claim is based, the applicant presents an application, under oath, to the Attorney General that is filed with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or is determined by a court to be under a legal disability as a result of the occurrence, he or she may present the application required by this subsection within 3 years after he or she attains the age of 18 years or the disability is removed, as the case may be. Legal disability includes a diagnosis of posttraumatic stress

disorder.

(a-1) The Attorney General and the Court of Claims may accept an application presented after the period provided in subsection (a) if the Attorney General determines that the applicant had good cause for a delay.

(b) Notification. ~~The For all crimes of violence, except those listed in subsection (b 1) of this Section, the~~ appropriate law enforcement officials were notified within 72 hours of the perpetration of the crime allegedly causing the death or injury to the victim ~~or, in the event such notification was made more than 72 hours after the perpetration of the crime, the applicant establishes that such notice was timely under the circumstances.~~ If the notification was made more than 72 hours after the perpetration of the crime and the applicant establishes that the notice was timely under the circumstances, the Attorney General and the Court of Claims may extend the time for reporting to law enforcement.

For victims of offenses defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, and 12-14 of the Criminal Code of 1961 or the Criminal Code of 2012, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, if the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that

the notice was timely under the circumstances.

(b-1) If, in lieu of a law enforcement report, ~~For~~ ~~victims of offenses defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, in the event that the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances.~~ If the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented ~~himself or herself~~ to a medical facility ~~hospital~~ for medical care or sexual assault evidence collection, has presented to a mental health provider for an independent medical evaluation, or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking or law enforcement use of force, such action shall constitute appropriate notification under this ~~subsection (b-1) or subsection (b) of this~~ Section.

(b-2) For purposes of notification under this Act, a victim who presents to a medical facility shall provide information sufficient to fulfill the requirements of this Section, except that the victim shall not be required to

identify the offender to the medical provider.

(b-3) An applicant who is filing a claim that a law enforcement officer's use of force caused injury or death, may fulfill the notification requirement by complying with subsection (b), filing a complaint with the Illinois Law Enforcement Training Standards Board, filing a lawsuit against a law enforcement officer or department, or presenting evidence that the victim has obtained a settlement or a verdict in a civil suit. An application filed by an individual presenting evidence of a verdict in a civil suit must be filed within one year after the resolution of the civil suit.

(b-4) An applicant may provide notification to a mental health provider regarding physical injuries of the victim or for victims of offenses defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14.4, 12-3.2, 12-3.3, 12-3.4, 12-7.3, 12-7.4 of the Criminal Code of 2012, psychological injuries resulting from the commission of the crime for which the applicant is filing an application. The provider shall perform an independent medical evaluation and provide the provider's professional opinion as to whether the injuries claimed are consistent with having resulted from the commission of the crime for which the applicant is filing an application.

Upon completion of the independent medical evaluation,

the mental health provider shall complete a certification form, signed under oath. The form shall be provided by the Office of the Attorney General and contain the following:

(1) The provider's name, title, license number and place of employment.

(2) Contact information for the provider.

(3) The provider's relationship with the applicant.

(4) The date the crime was reported to the provider.

(5) The reported crime.

(6) The date and location of the crime.

(7) If there are physical injuries, what injuries that the mental health provider can attest to being present on the day of the reporting if they are consistent with the crime reported to the provider.

(8) If there are psychological injuries, whether the provider in his or her professional opinion believes that the injuries presented on the day of the reporting are consistent with the crime reported to the provider.

(9) A detailed summary of the incident, as reported.

(10) Any documentation or photos that relate to the crime of violence for which the applicant is seeking reimbursement.

(c) Cooperation. The applicant has cooperated with law enforcement officials in the apprehension and prosecution of the assailant. If the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented ~~himself or herself~~ to a medical facility ~~hospital~~ for medical care or sexual assault evidence collection, obtained an independent medical examination from a mental health provider as described in subsection (b-4), has taken any of the actions described in subsection (b-3), or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking, such action shall constitute cooperation under this subsection (c). If the victim is under 18 years of age at the time of the commission of the offense, the following shall constitute cooperation under this subsection (c):

(1) the applicant or the victim files a police report with a law enforcement agency;

(2) a mandated reporter reports the crime to law enforcement; or

(3) a person with firsthand knowledge of the crime reports the crime to law enforcement.

In evaluating cooperation, the Attorney General and Court of Claims may consider the victim's age, physical condition, psychological state, cultural or linguistic barriers, and compelling health and safety concerns,

including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family, and giving due consideration to the degree of cooperation that the victim or derivative victim is capable of in light of the presence of any of these factors, or any other factor the Attorney General considers relevant.

(d) If the ~~The~~ applicant is not barred from receiving compensation under Section 10.1 ~~the offender or an accomplice of the offender and the award would not unjustly benefit the offender or his accomplice.~~

(e) (Blank).

(f) (Blank). ~~For victims of offenses defined in Section 10-9 of the Criminal Code of 2012, the victim submits a statement under oath on a form prescribed by the Attorney General attesting that the removed tattoo was applied in connection with the commission of the offense.~~

(g) (Blank). ~~In determining whether cooperation has been reasonable, the Attorney General and Court of Claims may consider the victim's age, physical condition, psychological state, cultural or linguistic barriers, and compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family, and giving due consideration to the degree of cooperation that the victim or derivative victim~~

~~is capable of in light of the presence of any of these factors, or any other factor the Attorney General considers relevant.~~

The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022.

(Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

(740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

Sec. 7.1. (a) The application shall set out:

(1) the name and address of the victim;

(2) if the victim is deceased, the name and address of the applicant and his or her relationship to the victim, the names and addresses of other persons dependent on the victim for their support and the extent to which each is so dependent, and other persons who may be entitled to compensation for a pecuniary loss;

(3) the date and nature of the crime on which the application for compensation is based;

(4) the date and place where notification under Section 6.1 was given and to whom, or the date and place of issuance of an order of protection, no contact order, evidence of a legal proceeding involving human trafficking, or in cases of a law enforcement officer's use of force, another form of documentation allowable under Section 6.1 and the law enforcement officials to

~~whom notification of the crime was given;~~

(4.5) if the victim is providing supplemental forms of documentation, that documentation, the date the victim obtained that other form of documentation and the type of documentation;

(5) the nature and extent of the injuries sustained by the victim, and the names and addresses of those giving medical and hospitalization treatment to the victim;

(6) the pecuniary loss to the applicant and to such other persons as are specified under item (2) resulting from the injury or death;

(7) the amount of benefits, payments, or awards, if any, payable under:

- (a) the Workers' Compensation Act,
- (b) the Dram Shop Act,
- (c) any claim, demand, or cause of action based upon the crime-related injury or death,
- (d) the Federal Medicare program,
- (e) the State Public Aid program,
- (f) Social Security Administration burial benefits,
- (g) Veterans administration burial benefits,
- (h) life, health, accident, vehicle, towing, or liability insurance,
- (i) the Criminal Victims' Escrow Account Act,
- (j) the Sexual Assault Survivors Emergency

Treatment Act,

(k) restitution, or

(l) any other source;

(8) releases authorizing the surrender to the Court of Claims or Attorney General of reports, documents and other information relating to the matters specified under this Act and rules promulgated in accordance with the Act;

(9) such other information as the Court of Claims or the Attorney General reasonably requires.

(b) The Attorney General may require that materials substantiating the facts stated in the application be submitted with that application.

(b-5) The victim or applicant may provide to the Attorney General a sworn statement by the victim or applicant that attests to the victim's or applicant's experience of a crime or crimes of violence, in addition to documentation required under this Act. If the victim or applicant has additional corroborating evidence beyond those described in this Act, the victim or applicant may provide the following documents: law enforcement report; medical records; confirmation of sexual assault evidence collection; order of protection; civil no contact order, stalking no contact order; photographs; letter from a service provider who serves victims of crime; affidavit from a witness of the crime of violence; court record; military record; or any other corroborating evidence. Such documentation or statement may be used to supplement required

documentation to verify the incident but is not required. If an applicant is seeking an exception under subsection (b) or (c-1) of Section 6.1, the applicant shall provide any additional documentation, information, or statement that substantiates the facts stated in the application.

(c) An applicant, on his or her own motion, may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the original application has been disposed of by the Court of Claims or the Attorney General. In either case, the filing of additional information or of an amended application shall be considered for the purpose of this Act to have been filed at the same time as the original application.

For claims submitted on or after January 1, 2022, an amended application or additional substantiating materials to correct inadvertent errors or omissions may be filed at any time before the original application is disposed of by the Attorney General or the Court of Claims.

(d) Determinations submitted by the Attorney General to the Court of Claims shall be available to the Court of Claims for review. The Attorney General shall provide the sources and evidence relied upon as a basis for a compensation determination.

(e) The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022.

(Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21; 102-905, eff. 1-1-23.)

(740 ILCS 45/8.1) (from Ch. 70, par. 78.1)

Sec. 8.1. If an applicant does not submit all materials substantiating his or her claim as requested of him or her by the Attorney General, the Attorney General shall notify the applicant in writing of the specific additional items of information or materials required and that he or she has 45 days in which to furnish those items to the Attorney General. The Attorney General shall report an applicant's failure to comply within 45 days of the foregoing notice to the Court of Claims. No award of compensation shall be made for any portion of the applicant's claim that is not substantiated by the applicant. An applicant may request an extension of time from the Attorney General prior to the expiration of the 45-day period.

After an application has been filed, an applicant's failure to respond to communication from the Office of the Attorney General or the Court of Claims or a failure to provide necessary documentation to substantiate the request for compensation may result in the claim being closed without compensation. An applicant may submit to have the claim reopened when the applicant is able to provide missing information and communicate regarding the claim.

Failure to update the Office of the Attorney General with

changes to the applicant's contact information after the application is submitted to the Office of the Attorney General may result in applications that are not filed with the Court of Claims or claims that are closed without compensation.

(Source: P.A. 102-27, eff. 1-1-22.)

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

Sec. 10.1. Award of compensation. The awarding of compensation and the amount of compensation to which an applicant and other persons are entitled shall be based on the following factors:

(a) Each victim may be compensated for his or her pecuniary loss up to the maximum amount allowable.

(b) Each dependent may be compensated for loss of support, as provided in paragraph (15) of subsection (h) of Section 2.

(c) Any person, even though not dependent upon the victim for his or her support, may be compensated for reasonable expenses of the victim to the extent to which he or she has paid or become obligated to pay such expenses and only after compensation for reasonable funeral, medical and hospital expenses of the victim have been awarded may compensation be made for reasonable expenses of the victim incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime. Persons that have paid or become obligated to pay

expenses for a victim shall share the maximum award with the amount divided in proportion to the amount of the actual loss among those entitled to compensation.

(d) Except for claims listed under subsection (d-1) of this Section, an ~~An~~ award shall be reduced or denied according to the extent to which the victim's injury or death was caused by provocation or incitement by the victim or the victim assisting, attempting, or committing a criminal act. ~~A denial or reduction shall not automatically bar the survivors of homicide victims from receiving compensation for counseling, crime scene cleanup, relocation, funeral or burial costs, and loss of support if the survivor's actions have not initiated, provoked, or aggravated the suspect into initiating the qualifying crime.~~

(d-1) For claims that a law enforcement officer's use of force resulted in injury or death to a victim, an award shall be reduced or denied to the extent by which the victim's behavior posed an imminent threat of death or serious bodily injury to the law enforcement officer or another person and such behavior of the victim was a direct and proximate cause of the victim's injury or death. If a police report has been made, the police report shall not be the sole factor if the Attorney General or Court of Claims has identified reliable information that conflicts with the police report.

(d-2) A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person shall not be eligible to receive an award with respect to such claim. A member of the family of a person criminally responsible for the crime upon which a claim is based or a member of the family of an accomplice of such person shall be eligible to receive an award, unless the person criminally responsible will receive substantial economic benefit or unjust enrichment from the compensation. In no event shall an applicant be denied compensation solely because of the applicant's or the victim's familial relationship with the offender or because of the sharing of a dwelling by the victim or applicant and the offender.

(d-3) A denial or reduction shall not automatically bar the survivors of homicide victims from receiving compensation for counseling, crime scene cleanup, relocation, funeral or burial costs, and loss of support.

(e) An award shall be reduced by the amount of benefits, payments or awards payable under those sources which are required to be listed under item (7) of Section 7.1(a) and any other sources except annuities, pension plans, Federal Social Security payments payable to dependents of the victim and the net proceeds of the first \$25,000 of life insurance that would inure to the benefit of the applicant, which the applicant or any other person

dependent for the support of a deceased victim, as the case may be, has received or to which he or she is entitled as a result of injury to or death of the victim.

(f) A final award shall not exceed \$10,000 for a crime committed prior to September 22, 1979, \$15,000 for a crime committed on or after September 22, 1979 and prior to January 1, 1986, \$25,000 for a crime committed on or after January 1, 1986 and prior to August 7, 1998, \$27,000 for a crime committed on or after August 7, 1998 and prior to August 7, 2022, or \$45,000 per victim for a crime committed on or after August 7, 2022. For any applicant who is not a victim, if the total pecuniary loss is greater than the maximum amount allowed, the award shall be divided in proportion to the amount of actual loss among those entitled to compensation who are not victims.

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

Crowdfunding resources available to applicants are not considered collateral sources of payment, regardless of any statements made about what expenses the crowdfunding resources will be used to pay.

(Source: P.A. 102-27, eff. 1-1-22; 102-905, eff. 1-1-23; 103-564, eff. 11-17-23.)

(740 ILCS 45/18.5)

Sec. 18.5. Restrictions on collection of debts incurred by crime victims.

(a) Within 10 business days after the filing of a claim, the Office of the Attorney General shall issue an applicant a written notice of the crime victim compensation claim and inform the applicant that the applicant may provide a copy of the written notice to vendors to have debt collection activities cease while the claim is pending.

(b) An applicant may provide a copy of the written notice to a vendor waiting for payment of a related debt. A vendor that receives notice of the filing of a claim under this Act with the Court of Claims or Attorney General must cease all debt collection activities against the applicant for a related debt. A vendor that assists an applicant to complete or submit an application for compensation or a vendor that submits a bill to the Office of the Attorney General has constructive notice of the filing of the claim and must not engage in debt collection activities against the applicant for a related

debt. If the Court of Claims or Attorney General awards compensation for the related debt, a vendor shall not engage in debt collection activities while payment is pending. If the Court of Claims denies compensation for a vendor's bill for the related debt or a portion thereof, the vendor may not engage in debt collection activities until 45 days after the date of notice from the Court of Claims or the Attorney General denying compensation in whole or in part.

(c) A vendor that has notice of a compensation claim may ~~+~~
~~(1)~~ submit a written request to the Attorney General for notification of the Attorney General's decision involving a related debt. The Attorney General shall provide notification of payment or denial of payment within 30 days of its decision ~~+~~
~~(2)~~ ~~submit a bill for a related debt to the Office of the Attorney General;~~ and ~~(3)~~ ~~contact the Office of the Attorney General to inquire about the status of the claim.~~

(d) The statute of limitations for collection of a related debt is tolled upon the filing of the claim with the Court of Claims and all civil actions in court against the applicant for a related debt shall be stayed until 45 days after the Attorney General denies or the Court of Claims enters an order denying compensation for the related debt or portion thereof.

(d-5) Any vendor that violates the provisions of this Section may be held liable to the affected victim or applicant in an action brought in a court of competent jurisdiction for such legal or equitable relief as may be appropriate to

effectuate the purposes of this Section.

(e) As used in this Section:

(1) "Crime victim" means a victim of a violent crime or an applicant as defined in this Act.

(2) "Debt collection activities" means:

(A) communicating with, harassing, or intimidating the crime victim for payment, including, but not limited to:~~;~~

(i) repeatedly calling or writing to the crime victim or applicant or his or her relatives or employers;

(ii) calling or writing to the victim or applicant or his or her relatives or employers after an explicit request to cease contact; and

(iii) threatening to refer the related debt to a debt collection agency or to an attorney for collection, enforcement, or the filing of other process;

(B) contacting a credit ratings agency or distributing information to affect the crime victim's credit rating as a result of the related debt;

(C) referring a bill, or portion thereof, to a collection agency or attorney for collection action against the crime victim; or

(D) taking any other action adverse to the crime victim or his or her family on account of the related

debt.

"Debt collection activities" does not include billing insurance or other government programs, routine inquiries about coverage by private insurance or government programs, or routine billing that indicates that the amount is not due pending resolution of the crime victim compensation claim.

(3) "Related debt" means a debt or expense for hospital, medical, dental, or counseling services incurred by or on behalf of a crime victim as a direct result of the crime.

(4) "Vendor" includes persons, providers of service, vendors' agents, debt collection agencies, and attorneys hired by a vendor.

(Source: P.A. 102-27, eff. 1-1-22.)

Section 99. Effective date. The provisions changing Sections 2, 2.5, 4.2, 5.1, 6.1, 7.1, 8.1, and 10.1 of the Crime Victims Compensation Act take effect January 1, 2025. This Section and the provisions changing Sections 4.1 and 18.5 of the Crime Victims Compensation Act and the Juvenile Court Act of 1987 take effect upon becoming law.