



Rep. Jehan Gordon-Booth

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09900HB5472ham001

LRB099 17592 JLS 47181 a

1 AMENDMENT TO HOUSE BILL 5472

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5472 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Crime Victims Compensation Act is amended  
5 by 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

1 the Court of Claims Act.

2 (c) "Crime of violence" means and includes any offense  
3 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,  
4 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
5 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3,  
6 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3,  
7 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15,  
8 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05  
9 except for subdivision (a) (4) or (g) (1), or subdivision (a) (4)  
10 of Section 11-14.4, of the Criminal Code of 1961 or the  
11 Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery  
12 Protection Act, Section 125 of the Stalking No Contact Order  
13 Act, Section 219 of the Civil No Contact Order Act, driving  
14 under the influence as defined in Section 11-501 of the  
15 Illinois Vehicle Code, a violation of Section 11-401 of the  
16 Illinois Vehicle Code, provided the victim was a pedestrian or  
17 was operating a vehicle moved solely by human power or a  
18 mobility device at the time of contact, and a violation of  
19 Section 11-204.1 of the Illinois Vehicle Code; so long as the  
20 offense did not occur during a civil riot, insurrection or  
21 rebellion. "Crime of violence" does not include any other  
22 offense or accident involving a motor vehicle except those  
23 vehicle offenses specifically provided for in this paragraph.  
24 "Crime of violence" does include all of the offenses  
25 specifically provided for in this paragraph that occur within  
26 this State but are subject to federal jurisdiction and crimes

1 involving terrorism as defined in 18 U.S.C. 2331.

2 (d) "Victim" means (1) a person killed or injured in this  
3 State as a result of a crime of violence perpetrated or  
4 attempted against him or her, (2) the spouse or parent of a  
5 person killed or injured in this State as a result of a crime  
6 of violence perpetrated or attempted against the person, (3) a  
7 person killed or injured in this State while attempting to  
8 assist a person against whom a crime of violence is being  
9 perpetrated or attempted, if that attempt of assistance would  
10 be expected of a reasonable person under the circumstances, (4)  
11 a person killed or injured in this State while assisting a law  
12 enforcement official apprehend a person who has perpetrated a  
13 crime of violence or prevent the perpetration of any such crime  
14 if that assistance was in response to the express request of  
15 the law enforcement official, (5) a person who personally  
16 witnessed a violent crime, (5.05) a person who will be called  
17 as a witness by the prosecution to establish a necessary nexus  
18 between the offender and the violent crime, (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, (6) an Illinois  
25 resident who is a victim of a "crime of violence" as defined in  
26 this Act except, if the crime occurred outside this State, the

1 resident has the same rights under this Act as if the crime had  
2 occurred in this State upon a showing that the state,  
3 territory, country, or political subdivision of a country in  
4 which the crime occurred does not have a compensation of  
5 victims of crimes law for which that Illinois resident is  
6 eligible, (7) a deceased person whose body is dismembered or  
7 whose remains are desecrated as the result of a crime of  
8 violence, or (8) solely for the purpose of compensating for  
9 pecuniary loss incurred for psychological treatment of a mental  
10 or emotional condition caused or aggravated by the crime, any  
11 parent, spouse, or child under the age of 18 of a deceased  
12 person whose body is dismembered or whose remains are  
13 desecrated as the result of a crime of violence.

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

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

22 (g) "Child" means an unmarried son or daughter who is under  
23 18 years of age and includes a stepchild, an adopted child or a  
24 child born out of wedlock.

25 (h) "Pecuniary loss" means, in the case of injury,  
26 appropriate medical expenses and hospital expenses including

1 expenses of medical examinations, rehabilitation, medically  
2 required nursing care expenses, appropriate psychiatric care  
3 or psychiatric counseling expenses, expenses for care or  
4 counseling by a licensed clinical psychologist, licensed  
5 clinical social worker, licensed professional counselor, or  
6 licensed clinical professional counselor and expenses for  
7 treatment by Christian Science practitioners and nursing care  
8 appropriate thereto; transportation expenses to and from  
9 medical and counseling treatment facilities; prosthetic  
10 appliances, eyeglasses, and hearing aids necessary or damaged  
11 as a result of the crime; costs associated with trafficking  
12 tattoo removal by a person authorized or licensed to perform  
13 the specific removal procedure; replacement costs for clothing  
14 and bedding used as evidence; costs associated with temporary  
15 lodging or relocation necessary as a result of the crime,  
16 including, but not limited to, the first month's rent and  
17 security deposit of the dwelling that the claimant relocated to  
18 and other reasonable relocation expenses incurred as a result  
19 of the violent crime; locks or windows necessary or damaged as  
20 a result of the crime; the purchase, lease, or rental of  
21 equipment necessary to create usability of and accessibility to  
22 the victim's real and personal property, or the real and  
23 personal property which is used by the victim, necessary as a  
24 result of the crime; the costs of appropriate crime scene  
25 clean-up; replacement services loss, to a maximum of \$1,250 per  
26 month; dependents replacement services loss, to a maximum of

1 \$1,250 per month; loss of tuition paid to attend grammar school  
2 or high school when the victim had been enrolled as a student  
3 prior to the injury, or college or graduate school when the  
4 victim had been enrolled as a day or night student prior to the  
5 injury when the victim becomes unable to continue attendance at  
6 school as a result of the crime of violence perpetrated against  
7 him or her; loss of earnings, loss of future earnings because  
8 of disability resulting from the injury, and, in addition, in  
9 the case of death, expenses for funeral, burial, and travel and  
10 transport for survivors of homicide victims to secure bodies of  
11 deceased victims and to transport bodies for burial all of  
12 which may not exceed a maximum of \$7,500 and loss of support of  
13 the dependents of the victim; in the case of dismemberment or  
14 desecration of a body, expenses for funeral and burial, all of  
15 which may not exceed a maximum of \$7,500. Loss of future  
16 earnings shall be reduced by any income from substitute work  
17 actually performed by the victim or by income he or she would  
18 have earned in available appropriate substitute work he or she  
19 was capable of performing but unreasonably failed to undertake.  
20 Loss of earnings, loss of future earnings and loss of support  
21 shall be determined on the basis of the victim's average net  
22 monthly earnings for the 6 months immediately preceding the  
23 date of the injury or on \$1,250 per month, whichever is less  
24 or, in cases where the absences commenced more than 3 years  
25 from the date of the crime, on the basis of the net monthly  
26 earnings for the 6 months immediately preceding the date of the

1 first absence, not to exceed \$1,250 per month. If a divorced or  
2 legally separated applicant is claiming loss of support for a  
3 minor child of the deceased, the amount of support for each  
4 child shall be based either on the amount of support pursuant  
5 to the judgment prior to the date of the deceased victim's  
6 injury or death, or, if the subject of pending litigation filed  
7 by or on behalf of the divorced or legally separated applicant  
8 prior to the injury or death, on the result of that litigation.  
9 Real and personal property includes, but is not limited to,  
10 vehicles, houses, apartments, town houses, or condominiums.  
11 Pecuniary loss does not include pain and suffering or property  
12 loss or damage.

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

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

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

26 (l) "Parent" means a natural parent, adopted parent,

1 step-parent, or permanent legal guardian of another person.

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

5 (Source: P.A. 97-817, eff. 1-1-13; 97-1109, eff. 1-1-13;  
6 97-1150, eff. 1-25-13; 98-435, eff. 1-1-14.)".