



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5243

by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

See Index

Amends the Crime Victims Compensation Act. Deletes language providing that a victim does not include a person who is convicted of a felony until that person is discharged from probation or released from a correctional institution and has been discharged from parole or mandatory supervised release. Provides instead that a victim's criminal history or felony status shall not automatically prevent compensation to that victim. Expands the powers and duties of the Attorney General. Changes the amount of time a person entitled to compensation under the Act has to present an application to the Attorney General to 3 (rather than 2) years. Provides considerations for the Attorney General to consider in determining whether cooperation of the applicant has been reasonable. Provides that an award shall be reduced or denied according to the extent to which the victim's acts or conduct instigated or aggravated (rather than contributed) his or her injury or death and the victim's actions reasonably led to him or her being victimized (rather than the extent to which any prior criminal conviction or conduct of the victim may have directly or indirectly contributed to the injury or death of the victim). Provides that a denial or reduction shall not automatically bar the survivors of homicide victims from receiving specified services if the survivor's actions have not initiated, provoked, or aggravated the suspect into initiating the qualifying crime. Provides that emergency awards may be issued for the purpose of paying funeral and burial expenses and any relocation expenses incurred by the applicant. Provides that certain changes in the Act apply to actions commenced or pending on or after January 1, 2021. Makes other changes. Amends the Sexual Assault Survivors Emergency Treatment Act. Removes references to the Crime Victim Services Division. Effective immediately.

LRB101 20485 LNS 70066 b

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 Sexual Assault Survivors Emergency
5 Treatment Act is amended by changing Section 7.5 as follows:

6 (410 ILCS 70/7.5)

7 Sec. 7.5. Prohibition on billing sexual assault survivors
8 directly for certain services; written notice; billing
9 protocols.

10 (a) A hospital, approved pediatric health care facility,
11 health care professional, ambulance provider, laboratory, or
12 pharmacy furnishing medical forensic services, transportation,
13 follow-up healthcare, or medication to a sexual assault
14 survivor shall not:

15 (1) charge or submit a bill for any portion of the
16 costs of the services, transportation, or medications to
17 the sexual assault survivor, including any insurance
18 deductible, co-pay, co-insurance, denial of claim by an
19 insurer, spenddown, or any other out-of-pocket expense;

20 (2) communicate with, harass, or intimidate the sexual
21 assault survivor for payment of services, including, but
22 not limited to, repeatedly calling or writing to the sexual
23 assault survivor and threatening to refer the matter to a

1 debt collection agency or to an attorney for collection,
2 enforcement, or filing of other process;

3 (3) refer a bill to a collection agency or attorney for
4 collection action against the sexual assault survivor;

5 (4) contact or distribute information to affect the
6 sexual assault survivor's credit rating; or

7 (5) take any other action adverse to the sexual assault
8 survivor or his or her family on account of providing
9 services to the sexual assault survivor.

10 (b) Nothing in this Section precludes a hospital, health
11 care provider, ambulance provider, laboratory, or pharmacy
12 from billing the sexual assault survivor or any applicable
13 health insurance or coverage for inpatient services.

14 (c) Every hospital and approved pediatric health care
15 facility providing treatment services to sexual assault
16 survivors in accordance with a plan approved under Section 2 of
17 this Act shall provide a written notice to a sexual assault
18 survivor. The written notice must include, but is not limited
19 to, the following:

20 (1) a statement that the sexual assault survivor should
21 not be directly billed by any ambulance provider providing
22 transportation services, or by any hospital, approved
23 pediatric health care facility, health care professional,
24 laboratory, or pharmacy for the services the sexual assault
25 survivor received as an outpatient at the hospital or
26 approved pediatric health care facility;

1 (2) a statement that a sexual assault survivor who is
2 admitted to a hospital may be billed for inpatient services
3 provided by a hospital, health care professional,
4 laboratory, or pharmacy;

5 (3) a statement that prior to leaving the hospital or
6 approved pediatric health care facility, the hospital or
7 approved pediatric health care facility will give the
8 sexual assault survivor a sexual assault services voucher
9 for follow-up healthcare if the sexual assault survivor is
10 eligible to receive a sexual assault services voucher;

11 (4) the definition of "follow-up healthcare" as set
12 forth in Section 1a of this Act;

13 (5) a phone number the sexual assault survivor may call
14 should the sexual assault survivor receive a bill from the
15 hospital or approved pediatric health care facility for
16 medical forensic services;

17 (6) the toll-free phone number of the Office of the
18 Illinois Attorney General, ~~Crime Victim Services Division,~~
19 which the sexual assault survivor may call should the
20 sexual assault survivor receive a bill from an ambulance
21 provider, approved pediatric health care facility, a
22 health care professional, a laboratory, or a pharmacy.

23 This subsection (c) shall not apply to hospitals that
24 provide transfer services as defined under Section 1a of this
25 Act.

26 (d) Within 60 days after the effective date of this

1 amendatory Act of the 99th General Assembly, every health care
2 professional, except for those employed by a hospital or
3 hospital affiliate, as defined in the Hospital Licensing Act,
4 or those employed by a hospital operated under the University
5 of Illinois Hospital Act, who bills separately for medical or
6 forensic services must develop a billing protocol that ensures
7 that no survivor of sexual assault will be sent a bill for any
8 medical forensic services and submit the billing protocol to
9 the ~~Crime Victim Services Division of the~~ Office of the
10 Attorney General for approval. Within 60 days after the
11 commencement of the provision of medical forensic services,
12 every health care professional, except for those employed by a
13 hospital or hospital affiliate, as defined in the Hospital
14 Licensing Act, or those employed by a hospital operated under
15 the University of Illinois Hospital Act, who bills separately
16 for medical or forensic services must develop a billing
17 protocol that ensures that no survivor of sexual assault is
18 sent a bill for any medical forensic services and submit the
19 billing protocol to the ~~Crime Victim Services Division of the~~
20 Office of the Attorney General for approval. Health care
21 professionals who bill as a legal entity may submit a single
22 billing protocol for the billing entity.

23 Within 60 days after the Department's approval of a
24 treatment plan, an approved pediatric health care facility and
25 any health care professional employed by an approved pediatric
26 health care facility must develop a billing protocol that

1 ensures that no survivor of sexual assault is sent a bill for
2 any medical forensic services and submit the billing protocol
3 to ~~the Crime Victim Services Division of~~ the Office of the
4 Attorney General for approval.

5 The billing protocol must include at a minimum:

6 (1) a description of training for persons who prepare
7 bills for medical and forensic services;

8 (2) a written acknowledgement signed by a person who
9 has completed the training that the person will not bill
10 survivors of sexual assault;

11 (3) prohibitions on submitting any bill for any portion
12 of medical forensic services provided to a survivor of
13 sexual assault to a collection agency;

14 (4) prohibitions on taking any action that would
15 adversely affect the credit of the survivor of sexual
16 assault;

17 (5) the termination of all collection activities if the
18 protocol is violated; and

19 (6) the actions to be taken if a bill is sent to a
20 collection agency or the failure to pay is reported to any
21 credit reporting agency.

22 The ~~Crime Victim Services Division of~~ the Office of the
23 Attorney General may provide a sample acceptable billing
24 protocol upon request.

25 The Office of the Attorney General shall approve a proposed
26 protocol if it finds that the implementation of the protocol

1 would result in no survivor of sexual assault being billed or
2 sent a bill for medical forensic services.

3 If the Office of the Attorney General determines that
4 implementation of the protocol could result in the billing of a
5 survivor of sexual assault for medical forensic services, the
6 Office of the Attorney General shall provide the health care
7 professional or approved pediatric health care facility with a
8 written statement of the deficiencies in the protocol. The
9 health care professional or approved pediatric health care
10 facility shall have 30 days to submit a revised billing
11 protocol addressing the deficiencies to the Office of the
12 Attorney General. The health care professional or approved
13 pediatric health care facility shall implement the protocol
14 upon approval by the ~~Crime Victim Services Division of the~~
15 Office of the Attorney General.

16 The health care professional or approved pediatric health
17 care facility shall submit any proposed revision to or
18 modification of an approved billing protocol to the ~~Crime~~
19 ~~Victim Services Division of the~~ Office of the Attorney General
20 for approval. The health care professional or approved
21 pediatric health care facility shall implement the revised or
22 modified billing protocol upon approval by the ~~Crime Victim~~
23 ~~Services Division of the~~ Office of the Illinois Attorney
24 General.

25 (Source: P.A. 99-454, eff. 1-1-16; 100-775, eff. 1-1-19.)

1 Section 10. The Crime Victims Compensation Act is amended
2 by changing Sections 2, 2.5, 4.1, 6.1, 7.1, 8.1, 9.1, 10.1,
3 10.2, 12, 12.1, 13.1, 15, 16, 18, 18.5, and 20 as follows:

4 (740 ILCS 45/2) (from Ch. 70, par. 72)

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

7 (a) "Applicant" means any person who applies for
8 compensation under this Act or any person the Court of Claims
9 or the Attorney General finds is entitled to compensation,
10 including the guardian of a minor or of a person under legal
11 disability. It includes any person who was a dependent of a
12 deceased victim of a crime of violence for his or her support
13 at the time of the death of that victim.

14 The changes made to this subsection by this amendatory Act
15 of the 101st General Assembly apply to actions commenced or
16 pending on or after January 1, 2021.

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

19 (c) "Crime of violence" means and includes any offense
20 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
21 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
22 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
23 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1,
24 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14,
25 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or

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

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

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

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

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

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

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

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

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

1 injury, and, in addition, in the case of death, expenses for
2 funeral, burial, and travel and transport for survivors of
3 homicide victims to secure bodies of deceased victims and to
4 transport bodies for burial all of which may be awarded up to
5 ~~not exceed~~ a maximum of \$10,000 ~~\$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 be awarded up to ~~not exceed~~ a maximum of \$10,000
9 ~~\$7,500~~. Loss of future earnings shall be reduced by any income
10 from substitute work actually performed by the victim or by
11 income he or she would have earned in available appropriate
12 substitute work he or she was capable of performing but
13 unreasonably failed to undertake. Loss of earnings, loss of
14 future earnings and loss of support shall be determined on the
15 basis of the victim's average net monthly earnings for the 6
16 months immediately preceding the date of the injury or on
17 \$2,400 ~~\$1,250~~ per month, whichever is less or, in cases where
18 the absences commenced more than 3 years from the date of the
19 crime, on the basis of the net monthly earnings for the 6
20 months immediately preceding the date of the first absence, not
21 to exceed \$2,400 ~~\$1,250~~ per month. If a divorced or legally
22 separated applicant is claiming loss of support for a minor
23 child of the deceased, the amount of support for each child
24 shall be based either on the amount of support pursuant to the
25 judgment prior to the date of the deceased victim's injury or
26 death, or, if the subject of pending litigation filed by or on

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

7 The changes made to this subsection by this amendatory Act
8 of the 101st General Assembly apply to actions commenced or
9 pending on or after January 1, 2021.

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

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

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

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

25 (m) "Trafficking tattoo" is a tattoo which is applied to a
26 victim in connection with the commission of a violation of

1 Section 10-9 of the Criminal Code of 2012.

2 (Source: P.A. 100-690, eff. 1-1-19; 101-81, eff. 7-12-19.)

3 (740 ILCS 45/2.5)

4 Sec. 2.5. Felon as victim. A victim's criminal history or
5 felony status shall not automatically prevent compensation to
6 that victim or the victim's family. However, no compensation
7 may be granted to a victim or applicant under this Act while
8 the applicant or victim is held in a correctional institution
9 or is on parole, probation, or mandatory supervised release.
10 ~~Notwithstanding paragraph (d) of Section 2, "victim" does not~~
11 ~~include a person who is convicted of a felony until that person~~
12 ~~is discharged from probation or is released from a correctional~~
13 ~~institution and has been discharged from parole or mandatory~~
14 ~~supervised release, if any. For purposes of this Section, the~~
15 ~~death of a felon who is serving a term of parole, probation, or~~
16 ~~mandatory supervised release shall be considered a discharge~~
17 ~~from that sentence. No compensation may be granted to an~~
18 ~~applicant under this Act during a period of time that the~~
19 ~~applicant is held in a correctional institution.~~

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

24 The changes made to this Section by this amendatory Act of
25 the 96th General Assembly apply to actions commenced or pending

1 on or after the effective date of this amendatory Act of the
2 96th General Assembly.

3 (Source: P.A. 96-267, eff. 8-11-09.)

4 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

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

8 (1) investigate all claims and prepare and present an
9 investigatory report and a draft award determination ~~a~~
10 ~~report of each applicant's claim~~ to the Court of Claims for
11 a review period of 28 business days; prior to the issuance
12 ~~of an order by the Court of Claims,~~

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

16 (3) prescribe and furnish all applications and other
17 forms required to be filed in the office of the Attorney
18 General by the terms of this Act; and

19 (4) represent the interests of the State of Illinois in
20 any hearing before the Court of Claims.

21 The changes made to this Section by this amendatory Act of
22 the 101st General Assembly apply to actions commenced or
23 pending on or after January 1, 2021.

24 (Source: P.A. 97-817, eff. 1-1-13.)

1 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

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

4 (a) Within 3 ~~2~~ years of the occurrence of the crime, or
5 within one year after a criminal charge of a person for an
6 offense, upon which the claim is based, the applicant
7 presents ~~he files~~ an application, under oath, to the
8 Attorney General that is filed with the Court of Claims and
9 on a form prescribed in accordance with Section 7.1
10 furnished by the Attorney General. If the person entitled
11 to compensation is under 18 years of age or under other
12 legal disability at the time of the occurrence or is
13 determined by a court to be under a legal disability as a
14 result of the occurrence, he or she may present ~~file~~ the
15 application required by this subsection within 3 ~~2~~ years
16 after he or she attains the age of 18 years or the
17 disability is removed, as the case may be. Legal disability
18 includes a diagnosis of posttraumatic stress disorder.

19 (b) For all crimes of violence, except those listed in
20 subsection (b-1) of this Section, the appropriate law
21 enforcement officials were notified within 72 hours of the
22 perpetration of the crime allegedly causing the death or
23 injury to the victim or, in the event such notification was
24 made more than 72 hours after the perpetration of the
25 crime, the applicant establishes that such notice was
26 timely under the circumstances.

1 (b-1) For victims of offenses defined in Sections 10-9,
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
3 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or
4 the Criminal Code of 2012, the appropriate law enforcement
5 officials were notified within 7 days of the perpetration
6 of the crime allegedly causing death or injury to the
7 victim or, in the event that the notification was made more
8 than 7 days after the perpetration of the crime, the
9 applicant establishes that the notice was timely under the
10 circumstances. If the applicant or victim has obtained an
11 order of protection, a civil no contact order, or a
12 stalking no contact order, has presented himself or herself
13 to a hospital for medical care or sexual assault evidence
14 collection ~~and medical care~~, or is engaged in a legal
15 proceeding involving a claim that the applicant or victim
16 is a victim of human trafficking, such action shall
17 constitute appropriate notification under this subsection
18 (b-1) or subsection (b) of this Section.

19 (c) The applicant has cooperated with law enforcement
20 officials in the apprehension and prosecution of the
21 assailant. If the applicant or victim has obtained an order
22 of protection, a civil no contact order, or a stalking no
23 contact order, has presented himself or herself to a
24 hospital for medical care or sexual assault evidence
25 collection ~~and medical care~~, or is engaged in a legal
26 proceeding involving a claim that the applicant or victim

1 is a victim of human trafficking, such action shall
2 constitute cooperation under this subsection (c). If the
3 victim is under 18 years of age at the time of the
4 commission of the offense, the following shall constitute
5 cooperation under this subsection (c):

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

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

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

12 (d) The applicant is not the offender or an accomplice
13 of the offender and the award would not unjustly benefit
14 the offender or his accomplice.

15 (e) (Blank). ~~The injury to or death of the victim was~~
16 ~~not substantially attributable to his own wrongful act and~~
17 ~~was not substantially provoked by the victim.~~

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

23 (g) In determining whether cooperation has been
24 reasonable, the Attorney General and Court of Claims may
25 consider the victim's age, physical condition,
26 psychological state, cultural or linguistic barriers, and

1 compelling health and safety concerns, including, but not
2 limited to, a reasonable fear of retaliation or harm that
3 would jeopardize the well-being of the victim or the
4 victim's family, and giving due consideration to the degree
5 of cooperation that the victim or derivative victim is
6 capable of in light of the presence of any of these
7 factors, or any other factor the Attorney General considers
8 relevant.

9 The changes made to this Section by this amendatory Act of
10 the 101st General Assembly apply to actions commenced or
11 pending on or after January 1, 2021.

12 (Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18;
13 100-1037, eff. 1-1-19.)

14 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

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

16 (1) the name and address of the victim;

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

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

25 (4) the date and place where and the law enforcement

1 officials to whom notification of the crime was given;

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

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

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

10 (a) the Workers' Compensation Act,

11 (b) the Dram Shop Act,

12 (c) any claim, demand, or cause of action based
13 upon the crime-related injury or death,

14 (d) the Federal Medicare program,

15 (e) the State Public Aid program,

16 (f) Social Security Administration burial
17 benefits,

18 (g) Veterans administration burial benefits,

19 (h) life, health, accident or liability insurance,

20 (i) the Criminal Victims' Escrow Account Act,

21 (j) the Sexual Assault Survivors Emergency
22 Treatment Act,

23 (k) restitution, or

24 (l) any other source;

25 (8) releases authorizing the surrender to the Court of
26 Claims or Attorney General of reports, documents and other

1 information relating to the matters specified under this
2 Act and rules promulgated in accordance with the Act;

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

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

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

16 For claims submitted on or after January 1, 2021, an
17 amended application or additional substantiating materials to
18 correct inadvertent errors or omissions may be filed at any
19 time before the original application is disposed of by the
20 Attorney General or the Court of Claims.

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

26 (e) The changes made to this Section by this amendatory Act

1 of the 101st General Assembly apply to actions commenced or
2 pending on or after January 1, 2021.

3 (Source: P.A. 97-817, eff. 1-1-13; 98-463, eff. 8-16-13.)

4 (740 ILCS 45/8.1) (from Ch. 70, par. 78.1)

5 Sec. 8.1. If an applicant does not submit all materials
6 substantiating his or her claim as requested of him or her by
7 the Attorney General, the Attorney General shall notify the
8 applicant in writing of the specific additional items of
9 information or materials required and that he or she has 45 ~~30~~
10 days in which to furnish those items to the Attorney General.
11 The Attorney General shall report an applicant's failure to
12 comply within 45 ~~30~~ days of the foregoing notice to the Court
13 of Claims. No award of compensation shall be made for any
14 portion of the applicant's claim that is not substantiated by
15 the applicant. An applicant may request an extension of time
16 from the Attorney General prior to the expiration of the 45-day
17 ~~30-day~~ period.

18 (Source: P.A. 81-1013.)

19 (740 ILCS 45/9.1) (from Ch. 70, par. 79.1)

20 Sec. 9.1. In determining whether an applicant is entitled
21 to compensation, the Attorney General and Court of Claims shall
22 consider the facts stated in the application and other material
23 and information. However, the Attorney General and Court of
24 Claims need not consider whether the alleged assailant has been

1 apprehended. In reviewing a determination by the Attorney
2 General, the Court of Claims shall consider the facts stated in
3 the application and other material and information submitted
4 and the report of the Attorney General. ~~However, the Court of~~
5 ~~Claims need not consider whether or not the alleged assailant~~
6 ~~has been apprehended.~~

7 The changes made to this Section by this amendatory Act of
8 the 101st General Assembly apply to actions commenced or
9 pending on or after January 1, 2021.

10 (Source: P.A. 81-1013.)

11 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

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

15 (a) A victim may be compensated for his or her pecuniary
16 loss.

17 (b) A dependent may be compensated for loss of support.

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

1 caused or aggravated by the crime.

2 (d) An award shall be reduced or denied according to the
3 extent to which the victim's acts or conduct instigated or
4 aggravated ~~provoked or contributed to~~ his or her injury or
5 death and the victim's actions reasonably led to him or her
6 being victimized. A denial or reduction shall not automatically
7 bar the survivors of homicide victims from receiving
8 compensation for counseling, crime scene cleanup, relocation,
9 funeral or burial costs, and loss of support if the survivor's
10 actions have not initiated, provoked, or aggravated the suspect
11 into initiating the qualifying crime, or the extent to which
12 any prior criminal conviction or conduct of the victim may have
13 directly or indirectly contributed to the injury or death of
14 the victim.

15 (e) An award shall be reduced by the amount of benefits,
16 payments or awards payable under those sources which are
17 required to be listed under item (7) of Section 7.1(a) and any
18 other sources except annuities, pension plans, Federal Social
19 Security payments payable to dependents of the victim and the
20 net proceeds of the first \$25,000 of life insurance that would
21 inure to the benefit of the applicant, which the applicant or
22 any other person dependent for the support of a deceased
23 victim, as the case may be, has received or to which he or she
24 is entitled as a result of injury to or death of the victim.

25 (f) A final award shall not exceed \$10,000 for a crime
26 committed prior to September 22, 1979, \$15,000 for a crime

1 committed on or after September 22, 1979 and prior to January
2 1, 1986, \$25,000 for a crime committed on or after January 1,
3 1986 and prior to August 7, 1998, or \$27,000 for a crime
4 committed on or after August 7, 1998. If the total pecuniary
5 loss is greater than the maximum amount allowed, the award
6 shall be divided in proportion to the amount of actual loss
7 among those entitled to compensation.

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

17 (Source: P.A. 97-817, eff. 1-1-13.)

18 (740 ILCS 45/10.2)

19 Sec. 10.2. Emergency awards.

20 (a) If it appears, prior to taking action on an
21 application, that the claim is one for which compensation is
22 probable, and undue hardship will result to the applicant if
23 immediate payment is not made, the Attorney General may
24 recommend and the Court may make an emergency award of
25 compensation to the applicant, pending a final decision in the

1 case, ~~provided the amount of emergency compensation does not~~
2 ~~exceed \$2,000.~~ Emergency awards may be issued to the applicant
3 for the purpose of paying funeral and burial expenses directly
4 to a funeral home and for relocation expenses incurred by an
5 applicant. The amount of emergency compensation shall be
6 deducted from any final award made as a result of the claim.
7 The full amount of the emergency award if no final award is
8 made shall be repaid by the applicant to the State of Illinois.

9 (b) Emergency award applicants must satisfy all
10 requirements under Section 6.1 of this Act.

11 (Source: P.A. 97-817, eff. 1-1-13.)

12 (740 ILCS 45/12) (from Ch. 70, par. 82)

13 Sec. 12. No fee may be charged to the applicant in any
14 proceeding under this Act except as provided in this Act. If
15 the applicant is represented by counsel or some other duly
16 authorized agent in making application under this Act or in any
17 further proceedings provided for in this Act, that counsel or
18 agent may receive no payment for his or her services in
19 preparing or presenting the application before the Court of
20 Claims or the Attorney General. He or she may, however, charge
21 fees to the applicant for representing him or her at a hearing
22 provided for in this Act but only in such an amount as the
23 Court of Claims or the Attorney General determines to be
24 reasonable.

25 The changes made to this Section by this amendatory Act of

1 the 101st General Assembly apply to actions commenced or
2 pending on or after January 1, 2021.

3 (Source: P.A. 78-359.)

4 (740 ILCS 45/12.1) (from Ch. 70, par. 82.1)

5 Sec. 12.1. The Court of Claims may, after ~~without~~ a
6 hearing, make an award to a person who has filed an application
7 or any other person it finds is entitled to compensation,
8 including the guardian or conservator of a minor or
9 incompetent, based upon the application, the other information
10 and materials submitted with the application, and the report of
11 the Attorney General.

12 The changes made to this Section by this amendatory Act of
13 the 101st General Assembly apply to actions commenced or
14 pending on or after January 1, 2021.

15 (Source: P.A. 81-1013.)

16 (740 ILCS 45/13.1) (from Ch. 70, par. 83.1)

17 Sec. 13.1. (a) A hearing before a Commissioner of the Court
18 of Claims shall be held for those claims in which:

19 (1) the Court of Claims on its own motion sets a
20 hearing;

21 (2) the Attorney General petitions the Court of Claims
22 for a hearing;

23 (3) a claim has been disposed of without a hearing and
24 an applicant has been denied compensation or has been

1 awarded compensation which he or she thinks is inadequate
2 and he or she petitions the Court of Claims for a hearing
3 within 30 days of the date of issuance of the determination
4 ~~order~~ sought to be reviewed. The petition shall set forth
5 the reasons for which review is sought and a recitation of
6 any additional evidence the applicant desires to present to
7 the Court. A copy of the petition shall be provided to the
8 Attorney General. Documentation to be presented at a
9 hearing of the Court of Claims must be submitted to the
10 Attorney General at least 10 working days before the
11 hearing date. Failure to do so may result in a continuance
12 of the hearing.

13 (b) At hearings held under this Act before Commissioners of
14 the Court of Claims, any statement, document, information or
15 matter may be received in evidence if in the opinion of the
16 Court or its Commissioner such evidence would contribute to
17 reaching a decision on ~~a determination of~~ the claim, regardless
18 of whether such evidence would be admissible in a court of law.

19 (c) Petition for rehearing.

20 (1) The Court of Claims may order a rehearing of a
21 matter decided after a hearing, if, in reaching its
22 decision:

23 (A) the court has overlooked, misapplied, or
24 failed to consider a statute, decision, or directly
25 controlling principle;

26 (B) the court has overlooked or misconceived some

1 material fact or proposition of law; or

2 (C) the court has overlooked or misconceived a
3 material question in the case.

4 (2) A rehearing may not be granted if it is sought
5 merely for the purpose of obtaining a reargument on and
6 reconsideration of matters which have already been fully
7 considered by the court.

8 (3) The petition shall specify which of the grounds in
9 paragraph (1) of this subsection (c) exists and shall
10 specifically designate that portion of the opinion, or the
11 record, or that particular authority, which the petitioner
12 wishes the court to consider. A copy of the petition shall
13 be served on the opposing party. No petition for rehearing
14 shall exceed 10 typewritten pages. No memoranda or briefs
15 in support of a petition for rehearing, and no response to
16 a petition for rehearing, shall be received unless
17 requested by the court.

18 The changes made to this Section by this amendatory Act of
19 the 101st General Assembly apply to actions commenced or
20 pending on or after January 1, 2021.

21 (Source: P.A. 97-817, eff. 1-1-13.)

22 (740 ILCS 45/15) (from Ch. 70, par. 85)

23 Sec. 15. At ~~When disposition is made without a hearing or~~
24 ~~at~~ the conclusion of a hearing held under this Act, the Court
25 of Claims shall enter an order stating (1) its findings of

1 fact, (2) its decision as to whether or not compensation is due
2 under this Act, (3) the amount of compensation, if any, which
3 is due under this Act, (4) whether disbursement of the
4 compensation awarded is to be made in a lump sum or in periodic
5 payments, and (5) the person or persons to whom the
6 compensation should be paid.

7 The changes made to this Section by this amendatory Act of
8 the 101st General Assembly apply to actions commenced or
9 pending on or after January 1, 2021.

10 (Source: P.A. 81-1013.)

11 (740 ILCS 45/16) (from Ch. 70, par. 86)

12 Sec. 16. The Court of Claims, on its own motion or upon the
13 written request of any applicant, may modify an award of
14 compensation made under this Act or reconsider a denial of
15 compensation. No hearing need be held, however, unless the
16 written request states facts which were not known to the
17 applicant or by the exercise of reasonable diligence could not
18 have been ascertained by him or her at the time of the entry of
19 the order or determination sought to be modified and which
20 would have directly affected ~~the determination of~~ whether or
21 not compensation should be awarded and, if so, the amount of
22 that compensation.

23 The changes made to this Section by this amendatory Act of
24 the 101st General Assembly apply to actions commenced or
25 pending on or after January 1, 2021.

1 (Source: P.A. 81-1013.)

2 (740 ILCS 45/18) (from Ch. 70, par. 88)

3 Sec. 18. Claims against awards.

4 (a) An award is not subject to enforcement, attachment,
5 garnishment, or other process, except that an award is not
6 exempt from a claim of a creditor to the extent that he or she
7 provided products, services, or accommodations the costs of
8 which are included in the award.

9 (b) An assignment or agreement to assign a right to
10 compensation for loss accruing in the future is unenforceable,
11 except:

12 (1) an assignment of a right to compensation for work
13 loss to secure payment of maintenance or child support; or

14 (2) an assignment of a right to compensation to the
15 extent of the cost of products, services, or accommodations
16 necessitated by the injury or death on which the claim is
17 based and are provided or to be provided by the assignee.

18 (c) The Attorney General may determine or the court may
19 order that all or a portion of an award be paid jointly to the
20 applicant and another person or solely and directly to another
21 person to the extent that such other person has provided
22 products, services or accommodations, the costs of which are
23 included in the award, or to another person to the extent that
24 such other person paid or became obligated to pay expenses
25 incurred by the victim or applicant.

1 (d) If an award under subsection (c) of this Section is
2 offset by the Comptroller, pursuant to the Uncollected State
3 Claims Act, the intended individual or entity must credit the
4 applicant's or victim's account for the amount ordered by the
5 Court of Claims, and the intended individual or entity is
6 prohibited from pursuing payment from the applicant or victim
7 for any portion that is offset. The Comptroller shall provide
8 notice as provided in Section 10.05 of the State Comptroller
9 Act.

10 The changes made to this Section by this amendatory Act of
11 the 101st General Assembly apply to actions commenced or
12 pending on or after January 1, 2021.

13 (Source: P.A. 97-817, eff. 1-1-13.)

14 (740 ILCS 45/18.5)

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

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

23 (b) An applicant may provide a copy of the written notice
24 to a vendor waiting for payment of a related debt. A vendor
25 that receives notice of the filing of a claim under this Act

1 with the Court of Claims or Attorney General must cease all
2 debt collection activities against the applicant for a related
3 debt. A vendor that assists an applicant to complete or submit
4 an application for compensation or a vendor that submits a bill
5 to the Office of the Attorney General has constructive notice
6 of the filing of the claim and must not engage in debt
7 collection activities against the applicant for a related debt.
8 If the Court of Claims or Attorney General awards compensation
9 for the related debt, a vendor shall not engage in debt
10 collection activities while payment is pending. If the Court of
11 Claims denies compensation for a vendor's bill for the related
12 debt or a portion thereof, the vendor may not engage in debt
13 collection activities until 45 days after the date of notice
14 from ~~an order of~~ the Court of Claims or the Attorney General
15 denying compensation in whole or in part.

16 (c) A vendor that has notice of a compensation claim may:

17 (1) submit a written request to the Attorney General
18 ~~Court of Claims~~ for notification of the Attorney General's
19 ~~Court's~~ decision involving a related debt. The Attorney
20 General ~~Court of Claims~~ shall provide notification of
21 payment or denial of payment within 30 days of its
22 decision;

23 (2) submit a bill for a related debt to the Office of
24 the Attorney General; and

25 (3) contact the Office of the Attorney General to
26 inquire about the status of the claim.

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

7 (e) As used in this Section:

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

10 (2) "Debt collection activities" means:

11 (A) communicating with, harassing, or intimidating
12 the crime victim for payment, including, but not
13 limited to, repeatedly calling or writing to the crime
14 victim and threatening to refer the related debt to a
15 debt collection agency or to an attorney for
16 collection, enforcement, or the filing of other
17 process;

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

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

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

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

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

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

14 (f) The changes made to this Section by this amendatory Act
15 of the 101st General Assembly apply to actions commenced or
16 pending on or after January 1, 2021.

17 (Source: P.A. 99-444, eff. 1-1-16.)

18 (740 ILCS 45/20) (from Ch. 70, par. 90)

19 Sec. 20. (a) In addition to any other civil liability or
20 criminal penalties provided by law, a person who the Court of
21 Claims or the Attorney General finds has willfully misstated or
22 omitted facts relevant to the determination of whether
23 compensation is due under this Act or of the amount of that
24 compensation, whether in making application for compensation
25 or in the further proceedings provided for in this Act, shall

1 be denied compensation under this Act.

2 (b) A person who is convicted of having willfully misstated
3 or omitted facts relevant to the determination of whether
4 compensation is due under this Act or of the amount of that
5 compensation, whether in making application for compensation
6 or in the further proceedings provided for in this Act, shall
7 be guilty of a Class A misdemeanor.

8 (Source: P.A. 81-1013.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.

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