



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3700

Introduced 2/14/2020, by Sen. Jacqueline Y. Collins

#### 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 17351 LNS 70065 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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6	740 ILCS 45/4.1	from Ch. 70, par. 74.1
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8	740 ILCS 45/7.1	from Ch. 70, par. 77.1
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