



Rep. Eva Dina Delgado

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10200HB1100ham004

LRB102 03114 LNS 38762 a

1 AMENDMENT TO HOUSE BILL 1100

2 AMENDMENT NO. _____. Amend House Bill 1100, AS AMENDED,
3 by replacing Section 35 with the following:

4 "Section 35. The Crime Victims Compensation Act is amended
5 by changing Sections 2, 7.1, and 10.1 as follows:

6 (740 ILCS 45/2) (from Ch. 70, par. 72)

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

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

16 The changes made to this subsection by this amendatory Act

1 of the 101st General Assembly apply to actions commenced or
2 pending on or after January 1, 2022.

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

5 (c) "Crime of violence" means and includes any offense
6 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
7 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
8 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
9 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
10 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
11 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
12 or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or
13 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of
14 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
15 the Cemetery Protection Act, Section 125 of the Stalking No
16 Contact Order Act, Section 219 of the Civil No Contact Order
17 Act, driving under the influence as defined in Section 11-501
18 of the Illinois Vehicle Code, a violation of Section 11-401 of
19 the Illinois Vehicle Code, provided the victim was a
20 pedestrian or was operating a vehicle moved solely by human
21 power or a mobility device at the time of contact, and a
22 violation of Section 11-204.1 of the Illinois Vehicle Code; so
23 long as the offense did not occur during a civil riot,
24 insurrection or rebellion. "Crime of violence" does not
25 include any other offense or accident involving a motor
26 vehicle except those vehicle offenses specifically provided

1 for in this paragraph. "Crime of violence" does include all of
2 the offenses specifically provided for in this paragraph that
3 occur within this State but are subject to federal
4 jurisdiction and crimes involving terrorism as defined in 18
5 U.S.C. 2331.

6 (d) "Victim" means (1) a person killed or injured in this
7 State as a result of a crime of violence perpetrated or
8 attempted against him or her, (2) the spouse, parent, or child
9 of a person killed or injured in this State as a result of a
10 crime of violence perpetrated or attempted against the person,
11 or anyone living in the household of a person killed or injured
12 in a relationship that is substantially similar to that of a
13 parent, spouse, or child, (3) a person killed or injured in
14 this State while attempting to assist a person against whom a
15 crime of violence is being perpetrated or attempted, if that
16 attempt of assistance would be expected of a reasonable person
17 under the circumstances, (4) a person killed or injured in
18 this State while assisting a law enforcement official
19 apprehend a person who has perpetrated a crime of violence or
20 prevent the perpetration of any such crime if that assistance
21 was in response to the express request of the law enforcement
22 official, (5) a person who personally witnessed a violent
23 crime, (5.05) a person who will be called as a witness by the
24 prosecution to establish a necessary nexus between the
25 offender and the violent crime, (5.1) solely for the purpose
26 of compensating for pecuniary loss incurred for psychological

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

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

25 (f) "Relative" means a spouse, parent, grandparent,
26 stepfather, stepmother, child, grandchild, brother,

1 brother-in-law, sister, sister-in-law, half brother, half
2 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
3 living in the household of a person killed or injured in a
4 relationship that is substantially similar to that of a
5 parent, spouse, or child.

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

8 (h) "Pecuniary loss" means, in the case of injury,
9 appropriate medical expenses and hospital expenses including
10 expenses of medical examinations, rehabilitation, medically
11 required nursing care expenses, appropriate psychiatric care
12 or psychiatric counseling expenses, appropriate expenses for
13 care or counseling by a licensed clinical psychologist,
14 licensed clinical social worker, licensed professional
15 counselor, or licensed clinical professional counselor and
16 expenses for treatment by Christian Science practitioners and
17 nursing care appropriate thereto; transportation expenses to
18 and from medical and counseling treatment facilities;
19 prosthetic appliances, eyeglasses, and hearing aids necessary
20 or damaged as a result of the crime; expenses incurred for the
21 towing of a victim's vehicle in connection with a crime of
22 violence, to a maximum of \$1,000; costs associated with
23 trafficking tattoo removal by a person authorized or licensed
24 to perform the specific removal procedure; replacement costs
25 for clothing and bedding used as evidence; costs associated
26 with temporary lodging or relocation necessary as a result of

1 the crime, including, but not limited to, the first month's
2 rent and security deposit of the dwelling that the claimant
3 relocated to and other reasonable relocation expenses incurred
4 as a result of the violent crime; locks or windows necessary or
5 damaged as a result of the crime; the purchase, lease, or
6 rental of equipment necessary to create usability of and
7 accessibility to the victim's real and personal property, or
8 the real and personal property which is used by the victim,
9 necessary as a result of the crime; the costs of appropriate
10 crime scene clean-up; replacement services loss, to a maximum
11 of \$1,250 per month; dependents replacement services loss, to
12 a maximum of \$1,250 per month; loss of tuition paid to attend
13 grammar school or high school when the victim had been
14 enrolled as a student prior to the injury, or college or
15 graduate school when the victim had been enrolled as a day or
16 night student prior to the injury when the victim becomes
17 unable to continue attendance at school as a result of the
18 crime of violence perpetrated against him or her; loss of
19 earnings, loss of future earnings because of disability
20 resulting from the injury, and, in addition, in the case of
21 death, expenses for funeral, burial, and travel and transport
22 for survivors of homicide victims to secure bodies of deceased
23 victims and to transport bodies for burial all of which may be
24 awarded up to a maximum of \$10,000 and loss of support of the
25 dependents of the victim; in the case of dismemberment or
26 desecration of a body, expenses for funeral and burial, all of

1 which may be awarded up to a maximum of \$10,000. Loss of future
2 earnings shall be reduced by any income from substitute work
3 actually performed by the victim or by income he or she would
4 have earned in available appropriate substitute work he or she
5 was capable of performing but unreasonably failed to
6 undertake. Loss of earnings, loss of future earnings and loss
7 of support shall be determined on the basis of the victim's
8 average net monthly earnings for the 6 months immediately
9 preceding the date of the injury or on \$2,400 per month,
10 whichever is less or, in cases where the absences commenced
11 more than 3 years from the date of the crime, on the basis of
12 the net monthly earnings for the 6 months immediately
13 preceding the date of the first absence, not to exceed \$2,400
14 per month. If a divorced or legally separated applicant is
15 claiming loss of support for a minor child of the deceased, the
16 amount of support for each child shall be based either on the
17 amount of support pursuant to the judgment prior to the date of
18 the deceased victim's injury or death, or, if the subject of
19 pending litigation filed by or on behalf of the divorced or
20 legally separated applicant prior to the injury or death, on
21 the result of that litigation. Real and personal property
22 includes, but is not limited to, vehicles, houses, apartments,
23 town houses, or condominiums. Pecuniary loss does not include
24 pain and suffering or property loss or damage.

25 The changes made to this subsection by this amendatory Act
26 of the 101st General Assembly apply to actions commenced or

1 pending on or after January 1, 2022.

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

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

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

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

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

20 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
21 102-27, eff. 6-25-21.)

22 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

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

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

25 (2) if the victim is deceased, the name and address of

1 the applicant and his or her relationship to the victim,
2 the names and addresses of other persons dependent on the
3 victim for their support and the extent to which each is so
4 dependent, and other persons who may be entitled to
5 compensation for a pecuniary loss;

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

8 (4) the date and place where and the law enforcement
9 officials to whom notification of the crime was given;

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

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

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

18 (a) the Workers' Compensation Act,

19 (b) the Dram Shop Act,

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

22 (d) the Federal Medicare program,

23 (e) the State Public Aid program,

24 (f) Social Security Administration burial
25 benefits,

26 (g) Veterans administration burial benefits,

1 (h) life, health, accident, vehicle, towing, or
2 liability insurance,

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

4 (j) the Sexual Assault Survivors Emergency
5 Treatment Act,

6 (k) restitution, or

7 (l) any other source;

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

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

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

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

25 For claims submitted on or after January 1, 2022, an
26 amended application or additional substantiating materials to

1 correct inadvertent errors or omissions may be filed at any
2 time before the original application is disposed of by the
3 Attorney General or the Court of Claims.

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

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

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

13 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

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

17 (a) A victim may be compensated for his or her pecuniary
18 loss.

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

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

1 made for reasonable expenses of the victim incurred for
2 psychological treatment of a mental or emotional condition
3 caused or aggravated by the crime.

4 (d) An award shall be reduced or denied according to the
5 extent to which the victim's injury or death was caused by
6 provocation or incitement by the victim or the victim
7 assisting, attempting, or committing a criminal act. A denial
8 or reduction shall not automatically bar the survivors of
9 homicide victims from receiving compensation for counseling,
10 crime scene cleanup, relocation, funeral or burial costs, and
11 loss of support if the survivor's actions have not initiated,
12 provoked, or aggravated the suspect into initiating the
13 qualifying crime.

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

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

1 1, 1986, \$25,000 for a crime committed on or after January 1,
2 1986 and prior to August 7, 1998, \$27,000 for a crime committed
3 on or after August 7, 1998 and prior to August 7, 2022, or
4 \$45,000 for a crime committed on or after August 7, 2022. If
5 the total pecuniary loss is greater than the maximum amount
6 allowed, the award shall be divided in proportion to the
7 amount of actual loss 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, and Veterans Administration burial benefits, and
16 life, health, accident, full vehicle coverage (including
17 towing insurance, if available), or liability insurance.

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