

1 AN ACT concerning civil law.

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

4 Section 5. If and only if House Bill 3653 of the 101st
5 General Assembly, as amended by Senate Amendment No. 2,
6 becomes law, then the Crime Victims Compensation Act is
7 amended by changing Sections 2, 4.1, 6.1, and 7.1 as follows:

8 (740 ILCS 45/2) (from Ch. 70, par. 72)

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

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

18 The changes made to this subsection by this amendatory Act
19 of the 101st General Assembly apply to actions commenced or
20 pending on or after January 1, 2022 ~~2021~~.

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

23 (c) "Crime of violence" means and includes any offense

1 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
2 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
3 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
4 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
5 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
6 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
7 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or
8 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of
9 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
10 the Cemetery Protection Act, Section 125 of the Stalking No
11 Contact Order Act, Section 219 of the Civil No Contact Order
12 Act, driving under the influence as defined in Section 11-501
13 of the Illinois Vehicle Code, a violation of Section 11-401 of
14 the Illinois Vehicle Code, provided the victim was a
15 pedestrian or was operating a vehicle moved solely by human
16 power or a mobility device at the time of contact, and a
17 violation of Section 11-204.1 of the Illinois Vehicle Code; so
18 long as the offense did not occur during a civil riot,
19 insurrection or rebellion. "Crime of violence" does not
20 include any other offense or accident involving a motor
21 vehicle except those vehicle offenses specifically provided
22 for in this paragraph. "Crime of violence" does include all of
23 the offenses specifically provided for in this paragraph that
24 occur within this State but are subject to federal
25 jurisdiction and crimes involving terrorism as defined in 18
26 U.S.C. 2331.

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

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

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

20 (f) "Relative" means a spouse, parent, grandparent,
21 stepfather, stepmother, child, grandchild, brother,
22 brother-in-law, sister, sister-in-law, half brother, half
23 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
24 living in the household of a person killed or injured in a
25 relationship that is substantially similar to that of a
26 parent, spouse, or child.

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

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

1 the real and personal property which is used by the victim,
2 necessary as a result of the crime; the costs of appropriate
3 crime scene clean-up; replacement services loss, to a maximum
4 of \$1,250 per month; dependents replacement services loss, to
5 a maximum of \$1,250 per month; loss of tuition paid to attend
6 grammar school or high school when the victim had been
7 enrolled as a student prior to the injury, or college or
8 graduate school when the victim had been enrolled as a day or
9 night student prior to the injury when the victim becomes
10 unable to continue attendance at school as a result of the
11 crime of violence perpetrated against him or her; loss of
12 earnings, loss of future earnings because of disability
13 resulting from the injury, and, in addition, in the case of
14 death, expenses for funeral, burial, and travel and transport
15 for survivors of homicide victims to secure bodies of deceased
16 victims and to transport bodies for burial all of which may be
17 awarded up to a maximum of \$10,000 and loss of support of the
18 dependents of the victim; in the case of dismemberment or
19 desecration of a body, expenses for funeral and burial, all of
20 which may be awarded up to a maximum of \$10,000. Loss of future
21 earnings shall be reduced by any income from substitute work
22 actually performed by the victim or by income he or she would
23 have earned in available appropriate substitute work he or she
24 was capable of performing but unreasonably failed to
25 undertake. Loss of earnings, loss of future earnings and loss
26 of support shall be determined on the basis of the victim's

1 average net monthly earnings for the 6 months immediately
2 preceding the date of the injury or on \$2,400 per month,
3 whichever is less or, in cases where the absences commenced
4 more than 3 years from the date of the crime, on the basis of
5 the net monthly earnings for the 6 months immediately
6 preceding the date of the first absence, not to exceed \$2,400
7 per month. If a divorced or legally separated applicant is
8 claiming loss of support for a minor child of the deceased, the
9 amount of support for each child shall be based either on the
10 amount of support pursuant to the judgment prior to the date of
11 the deceased victim's injury or death, or, if the subject of
12 pending litigation filed by or on behalf of the divorced or
13 legally separated applicant prior to the injury or death, on
14 the result of that litigation. Real and personal property
15 includes, but is not limited to, vehicles, houses, apartments,
16 town houses, or condominiums. Pecuniary loss does not include
17 pain and suffering or property loss or damage.

18 The changes made to this subsection by this amendatory Act
19 of the 101st General Assembly apply to actions commenced or
20 pending on or after January 1, 2022 ~~2021~~.

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

26 (j) "Dependents replacement services loss" means loss

1 reasonably incurred by dependents or private legal guardians
2 of minor dependents after a victim's death in obtaining
3 ordinary and necessary services in lieu of those the victim
4 would have performed, not for income, but for their benefit,
5 if he or she had not been fatally injured.

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

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

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

13 (Source: P.A. 100-690, eff. 1-1-19; 101-81, eff. 7-12-19;
14 10100HB3653sam002.)

15 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

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

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

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

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

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

6 The changes made to this Section by this amendatory Act of
7 the 101st General Assembly apply to actions commenced or
8 pending on or after January 1, 2022 ~~2021~~.

9 (Source: P.A. 97-817, eff. 1-1-13; 10100HB3653sam002.)

10 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

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

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

1 as the case may be. Legal disability includes a diagnosis
2 of posttraumatic stress disorder.

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

7 (b) For all crimes of violence, except those listed in
8 subsection (b-1) of this Section, the appropriate law
9 enforcement officials were notified within 72 hours of the
10 perpetration of the crime allegedly causing the death or
11 injury to the victim or, in the event such notification
12 was made more than 72 hours after the perpetration of the
13 crime, the applicant establishes that such notice was
14 timely under the circumstances.

15 (b-1) For victims of offenses defined in Sections
16 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
17 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
18 1961 or the Criminal Code of 2012, the appropriate law
19 enforcement officials were notified within 7 days of the
20 perpetration of the crime allegedly causing death or
21 injury to the victim or, in the event that the
22 notification was made more than 7 days after the
23 perpetration of the crime, the applicant establishes that
24 the notice was timely under the circumstances. If the
25 applicant or victim has obtained an order of protection, a
26 civil no contact order, or a stalking no contact order,

1 has presented himself or herself to a hospital for medical
2 care or sexual assault evidence collection, or is engaged
3 in a legal proceeding involving a claim that the applicant
4 or victim is a victim of human trafficking, such action
5 shall constitute appropriate notification under this
6 subsection (b-1) or subsection (b) of this Section.

7 (c) The applicant has cooperated with law enforcement
8 officials in the apprehension and prosecution of the
9 assailant. If the applicant or victim has obtained an
10 order of protection, a civil no contact order, or a
11 stalking no contact order, has presented himself or
12 herself to a hospital for medical care or sexual assault
13 evidence collection, or is engaged in a legal proceeding
14 involving a claim that the applicant or victim is a victim
15 of human trafficking, such action shall constitute
16 cooperation under this subsection (c). If the victim is
17 under 18 years of age at the time of the commission of the
18 offense, the following shall constitute cooperation under
19 this subsection (c):

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

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

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

26 (d) The applicant is not the offender or an accomplice

1 of the offender and the award would not unjustly benefit
2 the offender or his accomplice.

3 (e) (Blank).

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

9 (g) In determining whether cooperation has been
10 reasonable, the Attorney General and Court of Claims may
11 consider the victim's age, physical condition,
12 psychological state, cultural or linguistic barriers, and
13 compelling health and safety concerns, including, but not
14 limited to, a reasonable fear of retaliation or harm that
15 would jeopardize the well-being of the victim or the
16 victim's family, and giving due consideration to the
17 degree of cooperation that the victim or derivative victim
18 is capable of in light of the presence of any of these
19 factors, or any other factor the Attorney General
20 considers relevant.

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, 2022 ~~2021~~.

24 (Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18;
25 100-1037, eff. 1-1-19; 10100HB3653sam002.)

1 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

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

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

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

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

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

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

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

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

22 (a) the Workers' Compensation Act,

23 (b) the Dram Shop Act,

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

26 (d) the Federal Medicare program,

- 1 (e) the State Public Aid program,
2 (f) Social Security Administration burial
3 benefits,
4 (g) Veterans administration burial benefits,
5 (h) life, health, accident or liability insurance,
6 (i) the Criminal Victims' Escrow Account Act,
7 (j) the Sexual Assault Survivors Emergency
8 Treatment Act,
9 (k) restitution, or
10 (l) any other source;

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

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

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

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

1 the same time as the original application.

2 For claims submitted on or after January 1, 2022 ~~2021~~, an
3 amended application or additional substantiating materials to
4 correct inadvertent errors or omissions may be filed at any
5 time before the original application is disposed of by the
6 Attorney General or the Court of Claims.

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

12 (e) The changes made to this Section by this amendatory
13 Act of the 101st General Assembly apply to actions commenced
14 or pending on or after January 1, 2022 ~~2021~~.

15 (Source: P.A. 97-817, eff. 1-1-13; 98-463, eff. 8-16-13;
16 10100HB3653sam002.)

17 Section 10. The Crime Victims Compensation Act is amended
18 by changing Sections 2.5, 8.1, 9.1, 10.1, 10.2, 12, 12.1,
19 13.1, 15, 16, 18, 18.5, and 20 as follows:

20 (740 ILCS 45/2.5)

21 Sec. 2.5. Felon as victim. A victim's criminal history or
22 felony status shall not automatically prevent compensation to
23 that victim or the victim's family. However, no compensation
24 may be granted to a victim or applicant under this Act while

1 the applicant or victim is held in a correctional institution.
2 ~~Notwithstanding paragraph (d) of Section 2, "victim" does not~~
3 ~~include a person who is convicted of a felony until that person~~
4 ~~is discharged from probation or is released from a~~
5 ~~correctional institution and has been discharged from parole~~
6 ~~or mandatory supervised release, if any.~~ For purposes of this
7 Section, the death of a felon who is serving a term of parole,
8 probation, or mandatory supervised release shall be considered
9 a discharge from that sentence. ~~No compensation may be granted~~
10 ~~to an applicant under this Act during a period of time that the~~
11 ~~applicant is held in a correctional institution.~~

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

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

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

21 (740 ILCS 45/8.1) (from Ch. 70, par. 78.1)

22 Sec. 8.1. If an applicant does not submit all materials
23 substantiating his or her claim as requested of him or her by
24 the Attorney General, the Attorney General shall notify the
25 applicant in writing of the specific additional items of

1 information or materials required and that he or she has 45 ~~30~~
2 days in which to furnish those items to the Attorney General.
3 The Attorney General shall report an applicant's failure to
4 comply within 45 ~~30~~ days of the foregoing notice to the Court
5 of Claims. No award of compensation shall be made for any
6 portion of the applicant's claim that is not substantiated by
7 the applicant. An applicant may request an extension of time
8 from the Attorney General prior to the expiration of the
9 45-day ~~30-day~~ period.

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

11 (740 ILCS 45/9.1) (from Ch. 70, par. 79.1)

12 Sec. 9.1. In determining whether an applicant is entitled
13 to compensation, the Attorney General and Court of Claims
14 shall consider the facts stated in the application and other
15 material and information. However, the Attorney General and
16 Court of Claims need not consider whether the alleged
17 assailant has been apprehended. In reviewing a determination
18 by the Attorney General, the Court of Claims shall consider
19 the facts stated in the application and other material and
20 information submitted and the report of the Attorney General.
21 ~~However, the Court of Claims need not consider whether or not~~
22 ~~the alleged assailant has been apprehended.~~

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

24 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

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

4 (a) A victim may be compensated for his or her pecuniary
5 loss.

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

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

16 (d) An award shall be reduced or denied according to the
17 extent to which the victim's injury or death was caused by
18 provocation or incitement by the victim or the victim
19 assisting, attempting, or committing a criminal act. A denial
20 or reduction shall not automatically bar the survivors of
21 homicide victims from receiving compensation for counseling,
22 crime scene cleanup, relocation, funeral or burial costs, and
23 loss of support if the survivor's actions have not initiated,
24 provoked, or aggravated the suspect into initiating the
25 qualifying crime. ~~acts or conduct provoked or contributed to~~
26 ~~his or her injury or death, or the extent to which any prior~~

1 ~~criminal conviction or conduct of the victim may have directly~~
2 ~~or indirectly contributed to the injury or death of the~~
3 ~~victim.~~

4 (e) An award shall be reduced by the amount of benefits,
5 payments or awards payable under those sources which are
6 required to be listed under item (7) of Section 7.1(a) and any
7 other sources except annuities, pension plans, Federal Social
8 Security payments payable to dependents of the victim and the
9 net proceeds of the first \$25,000 of life insurance that would
10 inure to the benefit of the applicant, which the applicant or
11 any other person dependent for the support of a deceased
12 victim, as the case may be, has received or to which he or she
13 is entitled as a result of injury to or death of the victim.

14 (f) A final award shall not exceed \$10,000 for a crime
15 committed prior to September 22, 1979, \$15,000 for a crime
16 committed on or after September 22, 1979 and prior to January
17 1, 1986, \$25,000 for a crime committed on or after January 1,
18 1986 and prior to August 7, 1998, ~~or~~ \$27,000 for a crime
19 committed on or after August 7, 1998 and prior to August 7,
20 2022, or \$45,000 for a crime committed on or after August 7,
21 2022. If the total pecuniary loss is greater than the maximum
22 amount allowed, the award shall be divided in proportion to
23 the amount of actual loss among those entitled to
24 compensation.

25 (g) Compensation under this Act is a secondary source of
26 compensation and the applicant must show that he or she has

1 exhausted the benefits reasonably available under the Criminal
2 Victims' Escrow Account Act or any governmental or medical or
3 health insurance programs, including but not limited to
4 Workers' Compensation, the Federal Medicare program, the State
5 Public Aid program, Social Security Administration burial
6 benefits, Veterans Administration burial benefits, and life,
7 health, accident or liability insurance.

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

9 (740 ILCS 45/10.2)

10 Sec. 10.2. Emergency awards.

11 (a) If it appears, prior to taking action on an
12 application, that the claim is one for which compensation is
13 probable, and undue hardship will result to the applicant if
14 immediate payment is not made, the Attorney General may
15 recommend and the Court may make an emergency award of
16 compensation to the applicant, pending a final decision in the
17 case, ~~provided the amount of emergency compensation does not~~
18 ~~exceed \$2,000.~~ Emergency awards may be issued to the applicant
19 for the purpose of paying funeral and burial expenses directly
20 to a funeral home and for relocation expenses incurred by an
21 applicant. The amount of emergency compensation shall be
22 deducted from any final award made as a result of the claim.
23 The full amount of the emergency award if no final award is
24 made shall be repaid by the applicant to the State of Illinois.

25 (b) Emergency award applicants must satisfy all

1 requirements under Section 6.1 of this Act.

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

3 (740 ILCS 45/12) (from Ch. 70, par. 82)

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

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

17 (740 ILCS 45/12.1) (from Ch. 70, par. 82.1)

18 Sec. 12.1. The Court of Claims may, after ~~without~~ a
19 hearing, make an award to a person who has filed an application
20 or any other person it finds is entitled to compensation,
21 including the guardian or conservator of a minor or
22 incompetent, based upon the application, the other information
23 and materials submitted with the application, and the report
24 of the Attorney General.

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

2 (740 ILCS 45/13.1) (from Ch. 70, par. 83.1)

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

5 (1) the Court of Claims on its own motion sets a
6 hearing;

7 (2) the Attorney General petitions the Court of Claims
8 for a hearing;

9 (3) a claim has been disposed of without a hearing and
10 an applicant has been denied compensation or has been
11 awarded compensation which he or she thinks is inadequate
12 and he or she petitions the Court of Claims for a hearing
13 within 30 days of the date of issuance of the
14 determination order ~~order~~ sought to be reviewed. The petition
15 shall set forth the reasons for which review is sought and
16 a recitation of any additional evidence the applicant
17 desires to present to the Court. A copy of the petition
18 shall be provided to the Attorney General. Documentation
19 to be presented at a hearing of the Court of Claims must be
20 submitted to the Attorney General at least 10 working days
21 before the hearing date. Failure to do so may result in a
22 continuance of the hearing.

23 (b) At hearings held under this Act before Commissioners
24 of the Court of Claims, any statement, document, information
25 or matter may be received in evidence if in the opinion of the

1 Court or its Commissioner such evidence would contribute to
2 reaching a decision on ~~a determination of~~ the claim,
3 regardless of whether such evidence would be admissible in a
4 court of law.

5 (c) Petition for rehearing.

6 (1) The Court of Claims may order a rehearing of a
7 matter decided after a hearing, if, in reaching its
8 decision:

9 (A) the court has overlooked, misapplied, or
10 failed to consider a statute, decision, or directly
11 controlling principle;

12 (B) the court has overlooked or misconceived some
13 material fact or proposition of law; or

14 (C) the court has overlooked or misconceived a
15 material question in the case.

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

20 (3) The petition shall specify which of the grounds in
21 paragraph (1) of this subsection (c) exists and shall
22 specifically designate that portion of the opinion, or the
23 record, or that particular authority, which the petitioner
24 wishes the court to consider. A copy of the petition shall
25 be served on the opposing party. No petition for rehearing
26 shall exceed 10 typewritten pages. No memoranda or briefs

1 in support of a petition for rehearing, and no response to
2 a petition for rehearing, shall be received unless
3 requested by the court.

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

5 (740 ILCS 45/15) (from Ch. 70, par. 85)

6 Sec. 15. ~~At~~ ~~When disposition is made without a hearing or~~
7 ~~at~~ the conclusion of a hearing held under this Act, the Court
8 of Claims shall enter an order stating (1) its findings of
9 fact, (2) its decision as to whether or not compensation is due
10 under this Act, (3) the amount of compensation, if any, which
11 is due under this Act, (4) whether disbursement of the
12 compensation awarded is to be made in a lump sum or in periodic
13 payments, and (5) the person or persons to whom the
14 compensation should be paid.

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

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

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

1 would have directly affected ~~the determination of~~ whether or
2 not compensation should be awarded and, if so, the amount of
3 that compensation.

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

5 (740 ILCS 45/18) (from Ch. 70, par. 88)

6 Sec. 18. Claims against awards.

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

12 (b) An assignment or agreement to assign a right to
13 compensation for loss accruing in the future is unenforceable,
14 except:

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

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

22 (c) The Attorney General may determine or the court may
23 order that all or a portion of an award be paid jointly to the
24 applicant and another person or solely and directly to another
25 person to the extent that such other person has provided

1 products, services or accommodations, the costs of which are
2 included in the award, or to another person to the extent that
3 such other person paid or became obligated to pay expenses
4 incurred by the victim or applicant.

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

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

15 (740 ILCS 45/18.5)

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

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

24 (b) An applicant may provide a copy of the written notice
25 to a vendor waiting for payment of a related debt. A vendor

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

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

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

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

26 (3) contact the Office of the Attorney General to

1 inquire about the status of the claim.

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

8 (e) As used in this Section:

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

11 (2) "Debt collection activities" means:

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

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

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

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

1 debt.

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

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

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

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

16 (740 ILCS 45/20) (from Ch. 70, par. 90)

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

25 (b) A person who is convicted of having willfully

1 misstated or omitted facts relevant to the determination of
2 whether compensation is due under this Act or of the amount of
3 that compensation, whether in making application for
4 compensation or in the further proceedings provided for in
5 this Act, shall be guilty of a Class A misdemeanor.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law, except for Section 10 which takes effect January
9 1, 2022.