

HB5579



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5579

Introduced 2/9/2024, by Rep. Hoan Huynh

SYNOPSIS AS INTRODUCED:

740 ILCS 45/6.1

from Ch. 70, par. 76.1

Amends the Crime Victims Compensation Act. Deletes the requirement that the victim must report the crime within certain time periods for certain crimes to be eligible to apply for an award under this Act.

LRB103 38148 JRC 68281 b

A BILL FOR

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. The Crime Victims Compensation Act is amended
5 by changing Section 6.1 as follows:

6 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

7 Sec. 6.1. Right to compensation. A person is entitled to
8 compensation under this Act if:

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

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

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

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

1 ~~in a legal proceeding involving a claim that the applicant~~
2 ~~or victim is a victim of human trafficking, such action~~
3 ~~shall constitute appropriate notification under this~~
4 ~~subsection (b-1) or subsection (b) of this Section.~~

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

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

20 (2) a mandated reporter reports the crime to law
21 enforcement; or

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

24 (d) The applicant is not the offender or an accomplice
25 of the offender and the award would not unjustly benefit
26 the offender or his accomplice.

1 (e) (Blank).

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

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

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

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