



Sen. Robert Peters

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LRB103 37601 JRC 70961 a

1 AMENDMENT TO SENATE BILL 3713

2 AMENDMENT NO. _____. Amend Senate Bill 3713 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-905 as follows:

6 (705 ILCS 405/5-905)

7 Sec. 5-905. Law enforcement records.

8 (1) Law Enforcement Records. Inspection and copying of law
9 enforcement records maintained by law enforcement agencies
10 that relate to a minor who has been investigated, arrested, or
11 taken into custody before the minor's 18th birthday shall be
12 restricted to the following and when necessary for the
13 discharge of their official duties:

14 (a) A judge of the circuit court and members of the
15 staff of the court designated by the judge;

16 (b) Law enforcement officers, probation officers or

1 prosecutors or their staff, or, when necessary for the
2 discharge of its official duties in connection with a
3 particular investigation of the conduct of a law
4 enforcement officer, an independent agency or its staff
5 created by ordinance and charged by a unit of local
6 government with the duty of investigating the conduct of
7 law enforcement officers;

8 (c) The minor, the minor's parents or legal guardian
9 and their attorneys, but only when the juvenile has been
10 charged with an offense;

11 (d) Adult and Juvenile Prisoner Review Boards;

12 (e) Authorized military personnel;

13 (f) Persons engaged in bona fide research, with the
14 permission of the judge of juvenile court and the chief
15 executive of the agency that prepared the particular
16 recording: provided that publication of such research
17 results in no disclosure of a minor's identity and
18 protects the confidentiality of the record;

19 (g) Individuals responsible for supervising or
20 providing temporary or permanent care and custody of
21 minors pursuant to orders of the juvenile court or
22 directives from officials of the Department of Children
23 and Family Services or the Department of Human Services
24 who certify in writing that the information will not be
25 disclosed to any other party except as provided under law
26 or order of court;

1 (h) The appropriate school official only if the agency
2 or officer believes that there is an imminent threat of
3 physical harm to students, school personnel, or others who
4 are present in the school or on school grounds.

5 (A) Inspection and copying shall be limited to
6 law enforcement records transmitted to the appropriate
7 school official or officials whom the school has
8 determined to have a legitimate educational or safety
9 interest by a local law enforcement agency under a
10 reciprocal reporting system established and maintained
11 between the school district and the local law
12 enforcement agency under Section 10-20.14 of the
13 School Code concerning a minor enrolled in a school
14 within the school district who has been arrested or
15 taken into custody for any of the following offenses:

16 (i) any violation of Article 24 of the
17 Criminal Code of 1961 or the Criminal Code of
18 2012;

19 (ii) a violation of the Illinois Controlled
20 Substances Act;

21 (iii) a violation of the Cannabis Control Act;

22 (iv) a forcible felony as defined in Section
23 2-8 of the Criminal Code of 1961 or the Criminal
24 Code of 2012;

25 (v) a violation of the Methamphetamine Control
26 and Community Protection Act;

1 (vi) a violation of Section 1-2 of the
2 Harassing and Obscene Communications Act;

3 (vii) a violation of the Hazing Act; or

4 (viii) a violation of Section 12-1, 12-2,
5 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
6 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
7 Criminal Code of 1961 or the Criminal Code of
8 2012.

9 The information derived from the law enforcement
10 records shall be kept separate from and shall not
11 become a part of the official school record of that
12 child and shall not be a public record. The
13 information shall be used solely by the appropriate
14 school official or officials whom the school has
15 determined to have a legitimate educational or safety
16 interest to aid in the proper rehabilitation of the
17 child and to protect the safety of students and
18 employees in the school. If the designated law
19 enforcement and school officials deem it to be in the
20 best interest of the minor, the student may be
21 referred to in-school or community based social
22 services if those services are available.
23 "Rehabilitation services" may include interventions by
24 school support personnel, evaluation for eligibility
25 for special education, referrals to community-based
26 agencies such as youth services, behavioral healthcare

1 service providers, drug and alcohol prevention or
2 treatment programs, and other interventions as deemed
3 appropriate for the student.

4 (B) Any information provided to appropriate school
5 officials whom the school has determined to have a
6 legitimate educational or safety interest by local law
7 enforcement officials about a minor who is the subject
8 of a current police investigation that is directly
9 related to school safety shall consist of oral
10 information only, and not written law enforcement
11 records, and shall be used solely by the appropriate
12 school official or officials to protect the safety of
13 students and employees in the school and aid in the
14 proper rehabilitation of the child. The information
15 derived orally from the local law enforcement
16 officials shall be kept separate from and shall not
17 become a part of the official school record of the
18 child and shall not be a public record. This
19 limitation on the use of information about a minor who
20 is the subject of a current police investigation shall
21 in no way limit the use of this information by
22 prosecutors in pursuing criminal charges arising out
23 of the information disclosed during a police
24 investigation of the minor. For purposes of this
25 paragraph, "investigation" means an official
26 systematic inquiry by a law enforcement agency into

1 actual or suspected criminal activity;

2 (i) The president of a park district. Inspection and
3 copying shall be limited to law enforcement records
4 transmitted to the president of the park district by the
5 Illinois State Police under Section 8-23 of the Park
6 District Code or Section 16a-5 of the Chicago Park
7 District Act concerning a person who is seeking employment
8 with that park district and who has been adjudicated a
9 juvenile delinquent for any of the offenses listed in
10 subsection (c) of Section 8-23 of the Park District Code
11 or subsection (c) of Section 16a-5 of the Chicago Park
12 District Act.

13 (2) Information identifying victims and alleged victims of
14 sex offenses, shall not be disclosed or open to public
15 inspection under any circumstances. Nothing in this Section
16 shall prohibit the victim or alleged victim of any sex offense
17 from voluntarily disclosing this identity.

18 (2.5) If the minor is a victim of aggravated battery,
19 battery, attempted first degree murder, or other non-sexual
20 violent offense, the identity of the victim may be disclosed
21 to appropriate school officials, for the purpose of preventing
22 foreseeable future violence involving minors, by a local law
23 enforcement agency pursuant to an agreement established
24 between the school district and a local law enforcement agency
25 subject to the approval by the presiding judge of the juvenile
26 court.

1 (3) Relevant information, reports and records shall be
2 made available to the Department of Juvenile Justice when a
3 juvenile offender has been placed in the custody of the
4 Department of Juvenile Justice.

5 (4) Nothing in this Section shall prohibit the inspection
6 or disclosure to victims and witnesses of photographs
7 contained in the records of law enforcement agencies when the
8 inspection or disclosure is conducted in the presence of a law
9 enforcement officer for purposes of identification or
10 apprehension of any person in the course of any criminal
11 investigation or prosecution.

12 (5) The records of law enforcement officers, or of an
13 independent agency created by ordinance and charged by a unit
14 of local government with the duty of investigating the conduct
15 of law enforcement officers, concerning all minors under 18
16 years of age must be maintained separate from the records of
17 adults and may not be open to public inspection or their
18 contents disclosed to the public except by order of the court
19 or when the institution of criminal proceedings has been
20 permitted under Section 5-130 or 5-805 or required under
21 Section 5-130 or 5-805 or such a person has been convicted of a
22 crime and is the subject of pre-sentence investigation or when
23 provided by law.

24 (6) Except as otherwise provided in this subsection (6),
25 law enforcement officers, and personnel of an independent
26 agency created by ordinance and charged by a unit of local

1 government with the duty of investigating the conduct of law
2 enforcement officers, may not disclose the identity of any
3 minor in releasing information to the general public as to the
4 arrest, investigation or disposition of any case involving a
5 minor. Any victim or parent or legal guardian of a victim may
6 petition the court to disclose the name and address of the
7 minor and the minor's parents or legal guardian, or both. Upon
8 a finding by clear and convincing evidence that the disclosure
9 is either necessary for the victim to pursue a civil remedy
10 against the minor or the minor's parents or legal guardian, or
11 both, or to protect the victim's person or property from the
12 minor, then the court may order the disclosure of the
13 information to the victim or to the parent or legal guardian of
14 the victim only for the purpose of the victim pursuing a civil
15 remedy against the minor or the minor's parents or legal
16 guardian, or both, or to protect the victim's person or
17 property from the minor.

18 (7) Nothing contained in this Section shall prohibit law
19 enforcement agencies when acting in their official capacity
20 from communicating with each other by letter, memorandum,
21 teletype or intelligence alert bulletin or other means the
22 identity or other relevant information pertaining to a person
23 under 18 years of age. The information provided under this
24 subsection (7) shall remain confidential and shall not be
25 publicly disclosed, except as otherwise allowed by law.

26 (8) No person shall disclose information under this

1 Section except when acting in the person's official capacity
2 and as provided by law or order of court.

3 (9) The changes made to this Section by Public Act 98-61
4 apply to law enforcement records of a minor who has been
5 arrested or taken into custody on or after January 1, 2014 (the
6 effective date of Public Act 98-61).

7 (10) Nothing contained in this Section shall prohibit law
8 enforcement agencies from disclosing law enforcement reports
9 and records to the Attorney General for the purposes of
10 complying with the Crime Victims Compensation Act.

11 (Source: P.A. 103-22, eff. 8-8-23.)

12 Section 10. The Crime Victims Compensation Act is amended
13 by changing Sections 2, 2.5, 4.1, 4.2, 5.1, 6.1, 7.1, 8.1,
14 10.1, and 18.5 as follows:

15 (740 ILCS 45/2)

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

18 (a) "Applicant" means any of the following claiming
19 compensation under this Act: ~~a victim, a person who was a~~
20 ~~dependent of a deceased victim of a crime of violence for the~~
21 ~~person's support at the time of the death of that victim, a~~
22 ~~person who legally assumes the obligation or who voluntarily~~
23 ~~pays the medical or the funeral or burial expenses incurred as~~
24 ~~a direct result of the crime, and any other person the Court of~~

1 ~~Claims or the Attorney General finds is entitled to~~
2 ~~compensation, including the guardian of a minor or of a person~~
3 ~~under legal disability.~~

4 (1) A victim.

5 (2) If the victim was a guardian or primary caregiver
6 to an adult who is physically or mentally incapacitated,
7 that adult who is physically or mentally incapacitated.

8 (3) A guardian of a minor or of a person under legal
9 disability.

10 (4) A person who, at the time the crime occurred,
11 resided in the same dwelling as the victim, solely for the
12 purpose of compensating for any of the following:

13 (A) Pecuniary loss incurred for psychological
14 treatment of a mental or emotional condition caused or
15 aggravated by the crime.

16 (B) Loss of earnings under paragraph (14.5) of
17 subsection (h) for time off from work necessary to
18 provide full time care for the injured victim.

19 (C) Relocation expenses.

20 (5) A person who assumes a legal obligation or
21 voluntarily pays for a victim's medical or funeral or
22 burial expenses.

23 (6) Any other person the Court of Claims or the
24 Attorney General finds is entitled to compensation.

25 The changes made to this subsection by Public Act 101-652
26 apply to actions commenced or pending on or after January 1,

1 2022.

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

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

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

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

1 ~~emotional condition caused or aggravated by the crime,~~ any
2 ~~other~~ person ~~under the age of 18~~ who is the grandparent,
3 grandchild, 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, applying solely for the purpose of compensating
6 for pecuniary loss incurred for psychological treatment of a
7 mental or emotional condition caused or aggravated by the
8 crime, loss of earnings under paragraph (14.5) of subsection
9 (h) for time off from work necessary to provide full time care
10 for the injured victim, or relocation if the crime occurred
11 within the dwelling of the applicant, (5.2) any person who was
12 in a dating relationship with a person killed in this State as
13 a result of a crime of violence, solely for the purpose of
14 compensating for pecuniary loss incurred for psychological
15 treatment of a mental or emotional condition caused or
16 aggravated by the crime, (6) an Illinois resident who is a
17 victim of a "crime of violence" as defined in this Act except,
18 if the crime occurred outside this State, the resident has the
19 same rights under this Act as if the crime had occurred in this
20 State upon a showing that the state, territory, country, or
21 political subdivision of a country in which the crime occurred
22 does not have a compensation of victims of crimes law for which
23 that Illinois resident is eligible, (7) the parent, spouse, or
24 child of a deceased person whose body is dismembered or whose
25 remains are desecrated as the result of a crime of violence, ~~or~~
26 (8) (blank), or (9) an individual who is injured or killed in

1 an incident in which a law enforcement officer's use of force
2 caused bodily harm or death to that individual.

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

7 (f) "Relative" means a spouse, parent, grandparent,
8 stepfather, stepmother, child, grandchild, brother,
9 brother-in-law, sister, sister-in-law, half brother, half
10 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
11 living in the dwelling household of a person killed or injured
12 in a relationship that is substantially similar to that of a
13 parent, spouse, or child.

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

16 (h) "Pecuniary loss" means:

17 (1) in the case of injury, appropriate medical
18 expenses and hospital expenses including expenses of
19 medical examinations, rehabilitation, medically required
20 nursing care expenses, appropriate psychiatric care or
21 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
26 and nursing care appropriate thereto;

1 (2) transportation expenses to and from medical and
2 counseling treatment facilities;

3 (3) prosthetic appliances, eyeglasses, and hearing
4 aids necessary or damaged as a result of the crime;

5 (4) expenses incurred for the towing and storage of a
6 victim's vehicle in connection with a crime of violence,
7 to a maximum of \$1,000;

8 (5) costs associated with trafficking tattoo removal
9 by a person authorized or licensed to perform the specific
10 removal procedure; for victims of offenses defined in
11 Section 10-9 of the Criminal Code of 2012, the victim
12 shall submit a statement under oath on a form prescribed
13 by the Attorney General attesting that the removed tattoo
14 was applied in connection with the commission of the
15 offense;

16 (6) replacement costs for clothing and bedding used as
17 evidence;

18 (7) costs associated with temporary lodging or
19 relocation necessary as a result of the crime, including,
20 but not limited to, the first 2 months' rent and security
21 deposit of the dwelling that the claimant relocated to and
22 other reasonable relocation expenses incurred as a result
23 of the violent crime;

24 (8) locks, doors, or windows necessary or damaged as a
25 result of the crime;

26 (9) the purchase, lease, or rental of equipment

1 necessary to create usability of and accessibility to the
2 victim's real and personal property, or the real and
3 personal property which is used by the victim, necessary
4 as a result of the crime; "real and personal property"
5 includes, but is not limited to, vehicles, houses,
6 apartments, townhouses, or condominiums;

7 (10) the costs of appropriate crime scene clean-up;

8 (11) replacement services loss, to a maximum of \$1,250
9 per month, with this amount to be divided in proportion to
10 the amount of the actual loss among those entitled to
11 compensation;

12 (12) dependents replacement services loss, to a
13 maximum of \$1,250 per month, with this amount to be
14 divided in proportion to the amount of the actual loss
15 among those entitled to compensation;

16 (13) loss of tuition paid to attend grammar school or
17 high school when the victim had been enrolled as a student
18 prior to the injury, or college or graduate school when
19 the victim had been enrolled as a day or night student
20 prior to the injury when the victim becomes unable to
21 continue attendance at school as a result of the crime of
22 violence perpetrated against him or her;

23 (14) loss of earnings, loss of future earnings because
24 of disability resulting from the injury. Loss of future
25 earnings shall be reduced by any income from substitute
26 work actually performed by the victim or by income the

1 victim would have earned in available appropriate
2 substitute work the victim was capable of performing but
3 unreasonably failed to undertake; loss of earnings and
4 loss of future earnings shall be determined on the basis
5 of the victim's average net monthly earnings for the 6
6 months immediately preceding the date of the injury or on
7 \$2,400 per month, whichever is less, or, in cases where
8 the absences commenced more than 3 years from the date of
9 the crime, on the basis of the net monthly earnings for the
10 6 months immediately preceding the date of the first
11 absence, not to exceed \$2,400 per month;

12 (14.5) loss of earnings for applicants or loss of
13 future earnings for applicants. The applicant must
14 demonstrate that the loss of earnings is a direct result
15 of circumstances attributed to the crime including, but
16 not limited to, court appearances, funeral preparation and
17 bereavement, receipt of medical or psychological care;
18 loss of earnings and loss of future earnings shall be
19 determined on the basis of the applicant's average net
20 monthly earnings for the 6 months immediately preceding
21 the date of the injury or on \$2,400 per month, whichever is
22 less, or, in cases where the absences commenced more than
23 3 years from the date of the crime, on the basis of the net
24 monthly earnings for the 6 months immediately preceding
25 the date of the first absence, not to exceed \$2,400 per
26 month;

1 (15) loss of support of the dependents of the victim.
2 Loss of support shall be determined on the basis of the
3 victim's average net monthly earnings for the 6 months
4 immediately preceding the date of the injury or on \$2,400
5 per month, whichever is less, or, in cases where the
6 absences commenced more than 3 years from the date of the
7 crime, on the basis of the net monthly earnings for the 6
8 months immediately preceding the date of the first
9 absence, not to exceed \$2,400 per month. If a divorced or
10 legally separated applicant is claiming loss of support
11 for a minor child of the deceased, the amount of support
12 for each child shall be based either on the amount of
13 support pursuant to the judgment prior to the date of the
14 deceased victim's injury or death, or, if the subject of
15 pending litigation filed by or on behalf of the divorced
16 or legally separated applicant prior to the injury or
17 death, on the result of that litigation. Loss of support
18 for minors shall be divided in proportion to the amount of
19 the actual loss among those entitled to such compensation;

20 (16) in the case of death, expenses for reasonable
21 funeral, burial, headstone, cremation, and travel and
22 transport for survivors of homicide victims to secure
23 bodies of deceased victims and to transport bodies for
24 burial all of which may be awarded up to a maximum of
25 \$10,000 for each victim. Other individuals that have paid
26 or become obligated to pay funeral, cremation, or burial

1 expenses, including a headstone, for the deceased shall
2 share a maximum award of \$10,000, with the award divided
3 in proportion to the amount of the actual loss among those
4 entitled to compensation; ~~and~~

5 (17) in the case of dismemberment or desecration of a
6 body, expenses for reasonable funeral, ~~and~~ burial,
7 headstone, and cremation, all of which may be awarded up
8 to a maximum of \$10,000 for each victim. Other individuals
9 that have paid or become obligated to pay funeral, ~~and~~
10 cremation, or burial expenses, including a headstone, for
11 the deceased shall share a maximum award of \$10,000, with
12 the award divided in proportion to the amount of the
13 actual loss among those entitled to compensation; ~~and~~

14 (19) legal fees resulting from proceedings that became
15 necessary solely because of the crime, including, but not
16 limited to, establishing a legal guardian for the minor
17 victim or the minor child of a victim, or obtaining a
18 restraining order, no contact order, or order of
19 protection, awarded up to a maximum of \$3,500.

20 "Pecuniary loss" does not include pain and suffering or
21 property loss or damage.

22 The changes made to this subsection by Public Act 101-652
23 apply to actions commenced or pending on or after January 1,
24 2022.

25 (i) "Replacement services loss" means expenses reasonably
26 incurred in obtaining ordinary and necessary services in lieu

1 of those the injured person would have performed, not for
2 income, but for the benefit of himself or herself or his or her
3 family, if he or she had not been injured.

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

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

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

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

17 (n) "Dwelling" means a person's primary home. A person may
18 be required to provide verification or proof of residence
19 including, but not limited to, a lease agreement, utility
20 bill, license registration, document showing the mailing
21 address, pay stub, tax form, or notarized statement.

22 (o) "Dating relationship" means a current, continuous,
23 romantic, courtship, or engagement relationship, often
24 characterized by actions of an intimate or sexual nature or an
25 expectation of affection. "Dating relationship" does not
26 include a casual acquaintanceship or ordinary fraternization

1 between persons in a business or social context.

2 (p) "Medical facility" means a facility for the delivery
3 of health services. "Medical facility" includes, but is not
4 limited to, a hospital, public health center, outpatient
5 medical facility, federally qualified health center, migrant
6 health center, community health center, or State correctional
7 institution.

8 (q) "Mental health provider" means a licensed clinical
9 psychologist, a licensed clinical social worker, a licensed
10 professional counselor, or a licensed clinical professional
11 counselor as defined in the Mental Health and Developmental
12 Disabilities Code.

13 (r) "Independent medical evaluation" means an assessment
14 by a mental health provider who is not currently providing
15 treatment to the applicant and will not seek reimbursement
16 from the program for continuing treatment after the
17 assessment. A provider may seek reimbursement for the
18 assessment.

19 (Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23;
20 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-564, eff.
21 11-17-23.)

22 (740 ILCS 45/2.5)

23 Sec. 2.5. Felony status ~~Felon as victim~~. A victim's
24 criminal history or felony status shall not ~~automatically~~
25 prevent compensation to that victim or the victim's family. No

1 compensation may be granted to an applicant under this Act
2 while the applicant is held in a correctional institution. An
3 applicant who is held in a correctional institution may apply
4 for assistance under this Act at any time, but no award of
5 compensation may be considered until the applicant meets the
6 requirements of this Section. ~~However, no compensation may be~~
7 ~~granted to a victim or applicant under this Act while the~~
8 ~~applicant or victim is held in a correctional institution. For~~
9 ~~purposes of this Section, the death of a felon who is serving a~~
10 ~~term of parole, probation, or mandatory supervised release~~
11 ~~shall be considered a discharge from that sentence.~~

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. 101-652, eff. 7-1-21.)

21 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

22 Sec. 4.1. In addition to other powers and duties set forth
23 in this Act and other powers exercised by the Attorney
24 General, the Attorney General shall:

25 (1) investigate all claims and prepare and present an

1 investigatory report and a draft award determination to
2 the Court of Claims for a review period of 28 business
3 days;

4 (2) upon conclusion of the review by the Court of
5 Claims, provide the applicant with a compensation
6 determination letter;

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

10 (4) represent the interests of the State of Illinois
11 in any hearing before the Court of Claims; ~~and-~~

12 (5) upon failure to comply with Section 4.2, the
13 Attorney General's office shall have the power to issue
14 subpoenas to compel the production of law enforcement
15 reports maintained by law enforcement agencies.

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

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

20 (740 ILCS 45/4.2)

21 Sec. 4.2. ~~Cooperation in review of crime victims~~
22 ~~compensation applications.~~ A law enforcement agency ~~in this~~
23 ~~State~~ shall, within 15 days of receipt of a written request for
24 a police report made to verify that the requirements of a crime
25 victims compensation application under Section 6.1 of this Act

1 have been met, provide the Attorney General's office with the
2 law enforcement agency's full written report of the
3 investigation of the crime for which an application for
4 compensation has been filed. The law enforcement agency may
5 redact the following from the report: names of confidential
6 sources and informants; locations from which law enforcement
7 conduct surveillance; and information related to issues of
8 national security the law enforcement agency provided to or
9 received from the United States Department of Homeland
10 Security or another federal law enforcement agency. The
11 Attorney General's office and a law enforcement agency may
12 agree to the redaction of other information in the report or to
13 the provision of necessary information in another format.
14 Within 15 days of receipt of the request, a law enforcement
15 agency shall respond to a written request from the Attorney
16 General's office for additional information necessary to
17 assist the Attorney General's office in making a
18 recommendation for compensation.

19 An applicant may obtain and provide a law enforcement
20 report to the Attorney General and the Attorney General may
21 proceed with the review of the application. If the copy of the
22 law enforcement report provided by the applicant does not
23 contain all the information the Attorney General needs to move
24 forward with the review of the application, the Attorney
25 General may proceed with requesting from the law enforcement
26 agency the full written report of the investigation.

1 Records that are obtained by the Attorney General's office
2 from a law enforcement agency under this Section for purposes
3 of investigating an application for crime victim compensation
4 shall not be disclosed to the public, including the applicant,
5 by the Attorney General's office. Law enforcement reports or
6 other documentation obtained by the Attorney General's office
7 from an applicant, victim, or third party under this Act for
8 the purposes of investigating an application for crime victim
9 compensation shall not be disclosed to the public or any
10 individual or entity, not including the individual who
11 supplied the report or documentation, by the Attorney
12 General's office. Any ~~The~~ records obtained by the Attorney
13 General's office to process the application, including but not
14 limited to applications, documents, and photographs, ~~while in~~
15 ~~the possession of the Attorney General's office,~~ shall be
16 exempt from disclosure by the Attorney General's office under
17 the Freedom of Information Act.

18 (Source: P.A. 100-690, eff. 1-1-19.)

19 (740 ILCS 45/5.1) (from Ch. 70, par. 75.1)

20 Sec. 5.1. (a) Every hospital licensed under the laws of
21 this State shall display prominently in its emergency room
22 posters giving notification of the existence and general
23 provisions of this Act. The posters may be displayed by
24 physical or electronic means. ~~Such posters shall be provided~~
25 ~~by the Attorney General.~~

1 (b) Any law enforcement agency that investigates an
2 offense committed in this State shall inform the victim or any
3 potential applicant contacted during the course of an
4 investigation or arrest regarding ~~of the offense or his~~
5 ~~dependents concerning~~ the Crime Victims Compensation Program,
6 ~~availability of an award of compensation~~ and advise such
7 persons that any information concerning this Act and the
8 filing of a claim may be obtained from the office of the
9 Attorney General.

10 (c) The Office of the Attorney General shall make
11 available on its website applications, forms, posters, and
12 general information that law enforcement agencies and
13 hospitals may use to comply with this Section.

14 (Source: P.A. 102-4, eff. 4-27-21.)

15 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

16 Sec. 6.1. Right to compensation. A person is entitled to
17 compensation under this Act if:

18 (a) Timing. Within 5 years of the occurrence of the
19 crime, or within one year after a criminal charge of a
20 person for an offense, upon which the claim is based, the
21 applicant presents an application, under oath, to the
22 Attorney General that is filed with the Court of Claims
23 and on a form prescribed in accordance with Section 7.1
24 furnished by the Attorney General. If the person entitled
25 to compensation is under 18 years of age or under other

1 legal disability at the time of the occurrence or is
2 determined by a court to be under a legal disability as a
3 result of the occurrence, he or she may present the
4 application required by this subsection within 3 years
5 after he or she attains the age of 18 years or the
6 disability is removed, as the case may be. Legal
7 disability includes a diagnosis of posttraumatic stress
8 disorder.

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

13 (b) Notification. ~~The For all crimes of violence,~~
14 ~~except those listed in subsection (b 1) of this Section,~~
15 ~~the~~ appropriate law enforcement officials were notified
16 within 72 hours of the perpetration of the crime allegedly
17 causing the death or injury to the victim ~~or, in the event~~
18 ~~such notification was made more than 72 hours after the~~
19 ~~perpetration of the crime, the applicant establishes that~~
20 ~~such notice was timely under the circumstances. If the~~
21 ~~notification was made more than 72 hours after the~~
22 ~~perpetration of the crime and the applicant establishes~~
23 ~~that the notice was timely under the circumstances, the~~
24 ~~Attorney General and the Court of Claims may extend the~~
25 ~~time for reporting to law enforcement.~~

26 For victims of offenses defined in Sections 10-9,

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, and
2 12-14 of the Criminal Code of 1961 or the Criminal Code of
3 2012, the appropriate law enforcement officials were
4 notified within 7 days of the perpetration of the crime
5 allegedly causing death or injury to the victim or, if the
6 notification was made more than 7 days after the
7 perpetration of the crime, the applicant establishes that
8 the notice was timely under the circumstances.

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

1 trafficking or law enforcement use of force, such action
2 shall constitute appropriate notification under this
3 ~~subsection (b-1) or subsection (b) of this Section.~~

4 (b-2) For purposes of notification under this Act, a
5 victim who presents to a medical facility shall provide
6 information sufficient to fulfill the requirements of this
7 Section, except that the victim shall not be required to
8 identify the offender to the medical provider.

9 (b-3) An applicant who is filing a claim that a law
10 enforcement officer's use of force caused injury or death,
11 may fulfill the notification requirement by complying with
12 subsection (b), filing a complaint with the Illinois Law
13 Enforcement Training Standards Board, filing a lawsuit
14 against a law enforcement officer or department, or
15 presenting evidence that the victim has obtained a
16 settlement or a verdict in a civil suit. An application
17 filed by an individual presenting evidence of a verdict in
18 a civil suit must be filed within one year after the
19 resolution of the civil suit.

20 (b-4) An applicant may provide notification to a
21 mental health provider regarding physical injuries of the
22 victim or for victims of offenses defined in Sections
23 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
24 11-14.4, 12-3.2, 12-3.3, 12-3.4, 12-7.3, 12-7.4 of the
25 Criminal Code of 2012, psychological injuries resulting
26 from the commission of the crime for which the applicant

1 is filing an application. The provider shall perform an
2 independent medical evaluation and provide the provider's
3 professional opinion as to whether the injuries claimed
4 are consistent with having resulted from the commission of
5 the crime for which the applicant is filing an
6 application.

7 Upon completion of the independent medical evaluation,
8 the mental health provider shall complete a certification
9 form, signed under oath. The form shall be provided by the
10 Office of the Attorney General and contain the following:

11 (1) The provider's name, title, license number and
12 place of employment.

13 (2) Contact information for the provider.

14 (3) The provider's relationship with the
15 applicant.

16 (4) The date the crime was reported to the
17 provider.

18 (5) The reported crime.

19 (6) The date and location of the crime.

20 (7) If there are physical injuries, what injuries
21 that the mental health provider can attest to being
22 present on the day of the reporting if they are
23 consistent with the crime reported to the provider.

24 (8) If there are psychological injuries, whether
25 the provider in his or her professional opinion
26 believes that the injuries presented on the day of the

1 reporting are consistent with the crime reported to
2 the provider.

3 (9) A detailed summary of the incident, as
4 reported.

5 (10) Any documentation or photos that relate to
6 the crime of violence for which the applicant is
7 seeking reimbursement.

8 (c) Cooperation. The applicant has cooperated with law
9 enforcement officials in the apprehension and prosecution
10 of the assailant. If the applicant or victim has obtained
11 an order of protection, a civil no contact order, or a
12 stalking no contact order, has presented ~~himself or~~
13 ~~herself~~ to a medical facility ~~hospital~~ for medical care or
14 sexual assault evidence collection, obtained an
15 independent medical examination from a mental health
16 provider as described in subsection (b-4), has taken any
17 of the actions described in subsection (b-3), or is
18 engaged in a legal proceeding involving a claim that the
19 applicant or victim is a victim of human trafficking, such
20 action shall constitute cooperation under this subsection
21 (c). If the victim is under 18 years of age at the time of
22 the commission of the offense, the following shall
23 constitute cooperation under this subsection (c):

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

26 (2) a mandated reporter reports the crime to law

1 enforcement; or

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

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

15 (d) If the ~~The~~ applicant is not barred from receiving
16 compensation under Section 10.1 ~~the offender or an~~
17 ~~accomplice of the offender and the award would not~~
18 ~~unjustly benefit the offender or his accomplice.~~

19 (e) (Blank).

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

25 (g) (Blank). ~~In determining whether cooperation has~~
26 ~~been reasonable, the Attorney General and Court of Claims~~

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

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

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

15 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

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

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

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

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

1 (4) the date and place where notification under
2 Section 6.1 was given and to whom, or the date and place of
3 issuance of an order of protection, no contact order,
4 evidence of a legal proceeding involving human
5 trafficking, or in cases of a law enforcement officer's
6 use of force, another form of documentation allowable
7 under Section 6.1 and the law enforcement officials to
8 whom notification of the crime was given;

9 (4.5) if the victim is providing supplemental forms of
10 documentation, that documentation, the date the victim
11 obtained that other form of documentation and the type of
12 documentation;

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

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

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

21 (a) the Workers' Compensation Act,

22 (b) the Dram Shop Act,

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

25 (d) the Federal Medicare program,

26 (e) the State Public Aid program,

1 (f) Social Security Administration burial
2 benefits,

3 (g) Veterans administration burial benefits,

4 (h) life, health, accident, vehicle, towing, or
5 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 (b-5) The victim or applicant may provide to the Attorney
21 General a sworn statement by the victim or applicant that
22 attests to the victim's or applicant's experience of a crime
23 or crimes of violence, in addition to documentation required
24 under this Act. If the victim or applicant has additional
25 corroborating evidence beyond those described in this Act, the
26 victim or applicant may provide the following documents: law

1 enforcement report; medical records; confirmation of sexual
2 assault evidence collection; order of protection; civil no
3 contact order, stalking no contact order; photographs; letter
4 from a service provider who serves victims of crime; affidavit
5 from a witness of the crime of violence; court record;
6 military record; or any other corroborating evidence. Such
7 documentation or statement may be used to supplement required
8 documentation to verify the incident but is not required. If
9 an applicant is seeking an exception under subsection (b) or
10 (c-1) of Section 6.1, the applicant shall provide any
11 additional documentation, information, or statement that
12 substantiates the facts stated in the application.

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

21 For claims submitted on or after January 1, 2022, an
22 amended application or additional substantiating materials to
23 correct inadvertent errors or omissions may be filed at any
24 time before the original application is disposed of by the
25 Attorney General or the Court of Claims.

26 (d) Determinations submitted by the Attorney General to

1 the Court of Claims shall be available to the Court of Claims
2 for review. The Attorney General shall provide the sources and
3 evidence relied upon as a basis for a compensation
4 determination.

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

8 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21;
9 102-905, eff. 1-1-23.)

10 (740 ILCS 45/8.1) (from Ch. 70, par. 78.1)

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

24 After an application has been filed, an applicant's
25 failure to respond to communication from the Office of the

1 Attorney General or the Court of Claims or a failure to provide
2 necessary documentation to substantiate the request for
3 compensation may result in the claim being closed without
4 compensation. An applicant may submit to have the claim
5 reopened when the applicant is able to provide missing
6 information and communicate regarding the claim.

7 Failure to update the Office of the Attorney General with
8 changes to the applicant's contact information after the
9 application is submitted to the Office of the Attorney General
10 may result in applications that are not filed with the Court of
11 Claims or claims that are closed without compensation.

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

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

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

18 (a) Each victim may be compensated for his or her
19 pecuniary loss up to the maximum amount allowable.

20 (b) Each dependent may be compensated for loss of
21 support, as provided in paragraph (15) of subsection (h)
22 of Section 2.

23 (c) Any person, even though not dependent upon the
24 victim for his or her support, may be compensated for
25 reasonable expenses of the victim to the extent to which

1 he or she has paid or become obligated to pay such expenses
2 and only after compensation for reasonable funeral,
3 medical and hospital expenses of the victim have been
4 awarded may compensation be made for reasonable expenses
5 of the victim incurred for psychological treatment of a
6 mental or emotional condition caused or aggravated by the
7 crime. Persons that have paid or become obligated to pay
8 expenses for a victim shall share the maximum award with
9 the amount divided in proportion to the amount of the
10 actual loss among those entitled to compensation.

11 (d) Except for claims listed under subsection (d-1) of
12 this Section, an ~~An~~ award shall be reduced or denied
13 according to the extent to which the victim's injury or
14 death was caused by provocation or incitement by the
15 victim or the victim assisting, attempting, or committing
16 a criminal act. ~~A denial or reduction shall not~~
17 ~~automatically bar the survivors of homicide victims from~~
18 ~~receiving compensation for counseling, crime scene~~
19 ~~cleanup, relocation, funeral or burial costs, and loss of~~
20 ~~support if the survivor's actions have not initiated,~~
21 ~~provoked, or aggravated the suspect into initiating the~~
22 ~~qualifying crime.~~

23 (d-1) For claims that a law enforcement officer's use
24 of force resulted in injury or death to a victim, an award
25 shall be reduced or denied to the extent by which the
26 victim's behavior posed an imminent threat of death or

1 serious bodily injury to the law enforcement officer or
2 another person and such behavior of the victim was a
3 direct and proximate cause of the victim's injury or
4 death. If a police report has been made, the police report
5 shall not be the sole factor if the Attorney General or
6 Court of Claims has identified reliable information that
7 conflicts with the police report.

8 (d-2) A person who is criminally responsible for the
9 crime upon which a claim is based or an accomplice of such
10 person shall not be eligible to receive an award with
11 respect to such claim. A member of the family of a person
12 criminally responsible for the crime upon which a claim is
13 based or a member of the family of an accomplice of such
14 person shall be eligible to receive an award, unless the
15 person criminally responsible will receive substantial
16 economic benefit or unjust enrichment from the
17 compensation. In no event shall an applicant be denied
18 compensation solely because of the applicant's or the
19 victim's familial relationship with the offender or
20 because of the sharing of a dwelling by the victim or
21 applicant and the offender.

22 (d-3) A denial or reduction shall not automatically
23 bar the survivors of homicide victims from receiving
24 compensation for counseling, crime scene cleanup,
25 relocation, funeral or burial costs, and loss of support.

26 (e) An award shall be reduced by the amount of

1 benefits, payments or awards payable under those sources
2 which are required to be listed under item (7) of Section
3 7.1(a) and any other sources except annuities, pension
4 plans, Federal Social Security payments payable to
5 dependents of the victim and the net proceeds of the first
6 \$25,000 of life insurance that would inure to the benefit
7 of the applicant, which the applicant or any other person
8 dependent for the support of a deceased victim, as the
9 case may be, has received or to which he or she is entitled
10 as a result of injury to or death of the victim.

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

23 (g) Compensation under this Act is a secondary source
24 of compensation and the applicant must show that he or she
25 has exhausted the benefits reasonably available under the
26 Criminal Victims' Escrow Account Act or any governmental

1 or medical or health insurance programs, including, but
2 not limited to, Workers' Compensation, the Federal
3 Medicare program, the State Public Aid program, Social
4 Security Administration burial benefits, and Veterans
5 Administration burial benefits, and life, health,
6 accident, full vehicle coverage (including towing
7 insurance, if available), or liability insurance.
8 Crowdfunding resources available to applicants are not
9 considered collateral sources of payment, regardless of
10 any statements made about what expenses the crowdfunding
11 resources will be used to pay.

12 (Source: P.A. 102-27, eff. 1-1-22; 102-905, eff. 1-1-23;
13 103-564, eff. 11-17-23.)

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
5 bill to the Office of the Attorney General has constructive
6 notice of the filing of the claim and must not engage in debt
7 collection activities against the applicant for a related
8 debt. If the Court of Claims or Attorney General awards
9 compensation for the related debt, a vendor shall not engage
10 in debt collection activities while payment is pending. If the
11 Court of Claims denies compensation for a vendor's bill for
12 the related debt or a portion thereof, the vendor may not
13 engage in debt collection activities until 45 days after the
14 date of notice from 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 for~~
18 ~~notification of the Attorney General's decision involving a~~
19 ~~related debt. The Attorney General shall provide notification~~
20 ~~of payment or denial of payment within 30 days of its decision+
21 (2) submit a bill for a related debt to the Office of the~~
22 ~~Attorney General; and (3) contact the Office of the Attorney~~
23 ~~General to inquire about the status of the claim.~~

24 (d) The statute of limitations for collection of a related
25 debt is tolled upon the filing of the claim with the Court of
26 Claims and all civil actions in court against the applicant

1 for a related debt shall be stayed until 45 days after the
2 Attorney General denies or the Court of Claims enters an order
3 denying compensation for the related debt or portion thereof.

4 (d-5) Any vendor that violates the provisions of this
5 Section may be held liable to the affected victim or applicant
6 in an action brought in a court of competent jurisdiction for
7 such legal or equitable relief as may be appropriate to
8 effectuate the purposes of this Section.

9 (e) As used in this Section:

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

12 (2) "Debt collection activities" means:

13 (A) communicating with, harassing, or intimidating
14 the crime victim for payment, including, but not
15 limited to:7

16 (i) repeatedly calling or writing to the crime
17 victim or applicant or his or her relatives or
18 employers;

19 (ii) calling or writing to the victim or
20 applicant or his or her relatives or employers
21 after an explicit request to cease contact; and

22 (iii) threatening to refer the related debt to
23 a debt collection agency or to an attorney for
24 collection, enforcement, or the filing of other
25 process;

26 (B) contacting a credit ratings agency or

1 distributing information to affect the crime victim's
2 credit rating as a result of the related debt;

3 (C) referring a bill, or portion thereof, to a
4 collection agency or attorney for collection action
5 against the crime victim; or

6 (D) taking any other action adverse to the crime
7 victim or his or her family on account of the related
8 debt.

9 "Debt collection activities" does not include billing
10 insurance or other government programs, routine inquiries
11 about coverage by private insurance or government
12 programs, or routine billing that indicates that the
13 amount is not due pending resolution of the crime victim
14 compensation claim.

15 (3) "Related debt" means a debt or expense for
16 hospital, medical, dental, or counseling services incurred
17 by or on behalf of a crime victim as a direct result of the
18 crime.

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

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

23 Section 99. Effective date. The provisions changing
24 Sections 2, 2.5, 4.2, 5.1, 6.1, 7.1, 8.1, and 10.1 of the Crime
25 Victims Compensation Act take effect January 1, 2025. This

1 Section and the provisions changing Sections 4.1 and 18.5 of
2 the Crime Victims Compensation Act and the Juvenile Court Act
3 of 1987 take effect upon becoming law."