



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1866

Introduced 2/20/2015, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

740 ILCS 45/18.5 new

Amends the Crime Victims Compensation Act. Provides procedures for providing notice to a vendor waiting for payment of a claim for compensation filed under the Act. Provides that a vendor who has been provided notice of the claim may not engage in debt collection activities against the applicant until the Court of Claims awards compensation for the debt and the payment is processed. Provides that if the court denies compensation, the vendor may not engage in debt collection activities until 45 days after the date the court enters an order denying the compensation. Provides that the vendor may engage in specified activities. Provides that the statute of limitations for collection of a related debt is tolled upon the filing of the claim for compensation and any related civil actions are stayed until 45 days after the Court of Claims enters an order denying the compensation. Defines terms.

LRB099 09072 HEP 29261 b

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 by
5 adding Section 18.5 as follows:

6 (740 ILCS 45/18.5 new)

7 Sec. 18.5. Restrictions on collection of debts incurred by
8 crime victims.

9 (a) Within 10 business days after the filing of a claim,
10 the Office of the Attorney General shall issue an applicant a
11 written notice of the crime victim compensation claim and
12 inform the applicant that the applicant may provide a copy of
13 the written notice to vendors to have debt collection
14 activities cease while the claim is pending.

15 (b) An applicant may provide a copy of the written notice
16 to a vendor waiting for payment of a related debt. A vendor
17 that receives notice of the filing of a claim under this Act
18 with the Court of Claims must cease all debt collection
19 activities against the applicant for a related debt. A vendor
20 that assists an applicant to complete or submit an application
21 for compensation or a vendor that submits a bill to the Office
22 of the Attorney General has constructive notice of the filing
23 of the claim and must not engage in debt collection activities

1 against the applicant for a related debt. If the Court of
2 Claims awards compensation for the related debt, a vendor shall
3 not engage in debt collection activities while payment is
4 pending. If the Court of Claims denies compensation for a
5 vendor's bill for the related debt or a portion thereof, the
6 vendor may not engage in debt collection activities until 45
7 days after the date of an order of the Court of Claims denying
8 compensation in whole or in part.

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

10 (1) submit a written request to the Court of Claims for
11 notification of the Court's decision involving a related
12 debt. The Court of Claims shall provide notification of
13 payment or denial of payment within 30 days of its
14 decision;

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

17 (3) contact the Office of the Attorney General to
18 inquire about the status of the claim.

19 (d) The statute of limitations for collection of a related
20 debt is tolled upon the filing of the claim with the Court of
21 Claims and all civil actions in court against the applicant for
22 a related debt shall be stayed until 45 days after the Court of
23 Claims enters an order denying compensation for the related
24 debt or portion thereof.

25 (e) As used in this Section:

26 (1) "Crime victim" means a victim of a violent crime or

1 an applicant as defined in this Act.

2 (2) "Debt collection activities" means:

3 (A) communicating with, harassing, or intimidating
4 the crime victim for payment, including, but not
5 limited to, repeatedly calling or writing to the crime
6 victim and threatening to refer the related debt to a
7 debt collection agency or to an attorney for
8 collection, enforcement, or the filing of other
9 process;

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

13 (C) referring a bill, or portion thereof, to a
14 collection agency or attorney for collection action
15 against the crime victim; or

16 (D) taking any other action adverse to the crime
17 victim or his or her family on account of the related
18 debt.

19 "Debt collection activities" does not include billing
20 insurance or other government programs, routine billing,
21 or inquiries about the status of a claim for crime victims
22 compensation

23 (3) "Related debt" means a debt or expense for
24 hospital, medical, dental, or counseling services incurred
25 by or on behalf of a crime victim as a direct result of the
26 crime.

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