

SB2151



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2151

Introduced 7/14/2015, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

740 ILCS 45/10.1

from Ch. 70, par. 80.1

Amends the Crime Victims Compensation Act. Provides that a crime victim or another person may be compensated for legal expenses and court costs related to the enforcement of the crime victim's rights.

LRB099 13057 HEP 36938 b

FISCAL NOTE ACT
MAY APPLY

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 by
5 changing Section 10.1 as follows:

6 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

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

10 (a) A victim may be compensated for his or her pecuniary
11 loss, including but not limited to legal expenses and court
12 costs related to the enforcement of the crime victim's rights.

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

14 (c) Any person, even though not dependent upon the victim
15 for his or her support, may be compensated for reasonable
16 expenses of the victim to the extent to which he or she has
17 paid or become obligated to pay such expenses, including but
18 not limited to legal expenses and court costs related to the
19 enforcement of the crime victim's rights, and only after
20 compensation for reasonable funeral, medical and hospital
21 expenses of the victim have been awarded may compensation be
22 made for reasonable expenses of the victim incurred for
23 psychological treatment of a mental or emotional condition

1 caused or aggravated by the crime.

2 (d) An award shall be reduced or denied according to the
3 extent to which the victim's acts or conduct provoked or
4 contributed to his or her injury or death, or the extent to
5 which any prior criminal conviction or conduct of the victim
6 may have directly or indirectly contributed to the injury or
7 death of the victim.

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

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

1 (g) Compensation under this Act is a secondary source of
2 compensation and the applicant must show that he or she has
3 exhausted the benefits reasonably available under the Criminal
4 Victims' Escrow Account Act or any governmental or medical or
5 health insurance programs, including but not limited to
6 Workers' Compensation, the Federal Medicare program, the State
7 Public Aid program, Social Security Administration burial
8 benefits, Veterans Administration burial benefits, and life,
9 health, accident or liability insurance.

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