

1 AN ACT concerning crime victims.

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

4 Section 5. The Court of Claims Act is amended by  
5 changing Section 16 as follows:

6 (705 ILCS 505/16) (from Ch. 37, par. 439.16)

7 Sec. 16. Concurrence of judges. Concurrence of 4 judges  
8 is necessary to the decision of any case; provided, however,  
9 the court in its discretion may assign any case to a  
10 commissioner for hearing and final decision, subject to  
11 whatever right of review the court by rule may choose to  
12 exercise. In matters involving the award of emergency funds  
13 under the Crime Victims Compensation Act, the decision of one  
14 judge is necessary to award emergency funds.

15 (Source: P.A. 84-1240.)

16 Section 10. The Violent Crime Victims Assistance Act is  
17 amended by changing Sections 4 and 5 as follows:

18 (725 ILCS 240/4) (from Ch. 70, par. 504)

19 Sec. 4. Advisory Commission created. There is created a  
20 Violent Crimes Advisory Commission, hereinafter called the  
21 Advisory Commission, consisting of 18 ~~16~~ members: the  
22 Attorney General, or his or her designee who shall serve as  
23 Chairperson; the Illinois Secretary of State or his or her  
24 designee; the Chief Justice of the Court of Claims or his or  
25 her designee; the Director of Children and Family Services; 2  
26 members of the House of Representatives, 1 to be appointed by  
27 the Speaker of the House and 1 to be appointed by the  
28 Minority Leader of the House; 2 members of the Senate, 1 to  
29 be appointed by the President of the Senate and 1 to be

1 appointed by the Minority Leader of the Senate; and the  
2 following to be appointed by the Attorney General: 1 police  
3 officer; 1 State's Attorney from a county in Illinois; 1  
4 health services professional possessing experience and  
5 expertise in dealing with the victims of violent crime; one  
6 person who is employed as an administrator at a public or  
7 private institution of higher education; one person who is  
8 enrolled as a student at a public or private institution of  
9 higher education; and 5 members of the public, one of whom  
10 shall be a senior citizen age 60 or over, possessing  
11 experience and expertise in dealing with victims of violent  
12 crime, including experience with victims of domestic and  
13 sexual violence. The members of the Advisory Commission  
14 shall be appointed biennially for terms expiring on July 1 of  
15 each succeeding odd-numbered year and shall serve until their  
16 respective successors are appointed or until termination of  
17 their legislative service, whichever first occurs. The  
18 members of the Commission shall receive no compensation for  
19 their services but shall be reimbursed for necessary expenses  
20 incurred in the performance of their duties. Vacancies  
21 occurring because of death or resignation shall be filled by  
22 the appointing authority for the group in which the vacancy  
23 occurs.

24 Nine ~~Eight~~ members of the Advisory Commission shall  
25 constitute a quorum for the transaction of business, and the  
26 concurrence of at least 9 ~~8~~ members shall be necessary to  
27 render a determination, decision or recommendation by the  
28 Advisory Committee. In addition to the Attorney General, who  
29 shall serve as Chairperson, the Advisory Commission may  
30 select such other officers as it deems necessary.

31 (Source: P.A. 90-762, eff. 8-14-98.)

32 (725 ILCS 240/5) (from Ch. 70, par. 505)

33 Sec. 5. Advisory Commission - General responsibilities.

1 (a) The Advisory Commission shall have the following  
2 responsibilities:

3 (1) To study the operation of all Illinois laws,  
4 practices, agencies and organizations which affect victims of  
5 crime including but not limited to the Crime Victims  
6 Compensation Act;

7 (2) To promote and conduct studies, research, analysis  
8 and investigation of matters affecting the interests of crime  
9 victims;

10 (3) To recommend legislation to develop and improve  
11 policies which promote the recognition of the legitimate  
12 rights, needs and interests of crime victims;

13 (4) To serve as a clearinghouse for public information  
14 relating to crime victims' problems and programs;

15 (5) To coordinate, monitor and evaluate the activities  
16 of programs operating under this Act;

17 (6) To make any necessary outreach efforts to encourage  
18 the development and maintenance of services throughout the  
19 State, with special attention to the regions and  
20 neighborhoods with the greatest need for victim assistance  
21 services;

22 (7) To perform other activities, in cooperation with the  
23 Attorney General, which the Advisory Commission considers  
24 useful to the furtherance of the stated legislative intent;

25 (8) To make an annual report to the General Assembly.

26 (b) The Advisory Committee may also perform any of the  
27 functions enumerated in subparagraph (a) of this section  
28 relative to witnesses to crime.

29 (Source: P.A. 83-908.)

30 Section 15. The Criminal Code of 1961 is amended by  
31 adding Section 17-5.5 as follows:

32 (720 ILCS 5/17-5.5 new)

1       Sec. 17-5.5. Unlawful attempt to collect compensated  
2       debt against a crime victim.

3       (a) As used in this Section, "crime victim" means a  
4       victim of a violent crime or applicant as defined in the  
5       Crime Victims Compensation Act.

6       "Compensated debt" means a debt incurred by or on behalf  
7       of a crime victim and approved for payment by the Court of  
8       Claims under the Crime Victims Compensation Act.

9       (b) A person or a vendor commits the offense of unlawful  
10       attempt to collect a compensated debt against a crime victim  
11       when, with intent to collect funds for a debt incurred by or  
12       on behalf of a crime victim, which debt has been approved for  
13       payment by the Court of Claims under the Crime Victims  
14       Compensation Act, but the funds are involuntarily withheld  
15       from the person or vendor by the Comptroller by virtue of an  
16       outstanding obligation owed by the person or vendor to the  
17       State under the Uncollected State Claims Act, the person or  
18       vendor:

19               (1) communicates with, harasses, or intimidates the  
20               crime victim for payment;

21               (2) contacts or distributes information to affect  
22               the compensated crime victim's credit rating as a result  
23               of the compensated debt; or

24               (3) takes any other action adverse to the crime  
25               victim or his or her family on account of the compensated  
26               debt.

27       (c) Unlawful attempt to collect a compensated debt  
28       against a crime victim is a Class A misdemeanor.

29       (d) Nothing in this Act prevents the attempt to collect  
30       an uncompensated debt or an uncompensated portion of a  
31       compensated debt incurred by or on behalf of a crime victim  
32       and not covered under the Crime Victims Compensation Act.

33       Section 20. The Crime Victims Compensation Act is

1 amended by changing Sections 6.1, 17, and 18, and adding  
2 Section 10.2 as follows:

3 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

4 Sec. 6.1. Right to compensation. A person is entitled  
5 to compensation under this Act if:

6 (a) Within 2 years ~~one-year~~ of the occurrence of the  
7 crime upon which the claim is based, he files an application,  
8 under oath, with the Court of Claims and on a form prescribed  
9 in accordance with Section 7.1 furnished by the Attorney  
10 General. If the person entitled to compensation is under 18  
11 years of age or under other legal disability at the time of  
12 the occurrence or becomes legally disabled as a result of the  
13 occurrence, he may file the application required by this  
14 subsection within 2 years ~~one-year~~ after he attains the age  
15 of 18 years or the disability is removed, as the case may be.  
16 ~~Upon good cause shown, the Court of Claims may extend the~~  
17 ~~time for filing the application for a period not exceeding~~  
18 ~~one year. The Court of Claims may by general orders provide~~  
19 ~~for the extensions of time to file applications.~~

20 (b) The appropriate law enforcement officials were  
21 notified within 72 hours of the perpetration of the crime  
22 allegedly causing the death or injury to the victim or, in  
23 the event such notification was made more than 72 hours after  
24 the perpetration of the crime, the applicant establishes that  
25 such notice was timely under the circumstances.

26 (c) The applicant has cooperated fully with law  
27 enforcement officials in the apprehension and prosecution of  
28 the assailant.

29 (d) The applicant is not the offender or an accomplice  
30 of the offender and the award would not unjustly benefit the  
31 offender or his accomplice.

32 (e) The injury to or death of the victim was not  
33 substantially attributable to his own wrongful act and was

1 not substantially provoked by the victim.

2 (Source: P.A. 86-1009; 86-1221.)

3 (740 ILCS 45/10.2 new)

4 Sec. 10.2. Emergency awards.

5 (a) If it appears, prior to taking action on an  
6 application, that the claim is one for which compensation is  
7 probable, and undue hardship will result to the applicant if  
8 immediate payment is not made, the Attorney General may  
9 recommend and the Court may make an emergency award of  
10 compensation to the applicant, pending a final decision in  
11 the case, provided the amount of emergency compensation does  
12 not exceed \$2,000. The amount of emergency compensation for  
13 funeral and burial expenses may not exceed \$1,000. The amount  
14 of emergency compensation shall be deducted from any final  
15 award made as a result of the claim. The full amount of the  
16 emergency award if no final award is made shall be repaid by  
17 the applicant to the State of Illinois.

18 (b) Emergency award applicants must satisfy all  
19 requirements under Section 6.1 of this Act.

20 (740 ILCS 45/17) (from Ch. 70, par. 87)

21 Sec. 17. (a) Subrogation. The Court of Claims may award  
22 compensation on the condition that the applicant subrogate to  
23 the State his rights to collect damages from the assailant or  
24 any third party who may be liable in damages to the  
25 applicant. In such a case the Attorney General may, on  
26 behalf of the State, bring an action against an assailant or  
27 third party for money damages, but must first notify the  
28 applicant and give him an opportunity to participate in the  
29 prosecution of the action. The excess of the amount  
30 recovered in such action over the amount of the compensation  
31 offered and accepted or awarded under this Act plus costs of  
32 the action and attorneys' fees actually incurred shall be

1 paid to the applicant.

2 (b) Nothing in this Act affects the right of the  
3 applicant to seek civil damages from the assailant and any  
4 other party, but that applicant must give written notice to  
5 the Attorney General of the making of a claim or the filing  
6 of an action for such damages. Failure to notify the Attorney  
7 General of such claims and actions at the time they are  
8 instituted or at the time an application is filed is a  
9 willful omission of fact and the applicant thereby becomes  
10 subject to the provisions of Section 20 of this Act.

11 (c) The State has a charge for the amount of  
12 compensation paid under this Act upon all claims or causes of  
13 action against an assailant and any other party to recover  
14 for the injuries or death of a victim which were the basis  
15 for that payment of compensation. At the time compensation  
16 is ordered to be paid under this Act, the Court of Claims  
17 shall give written notice of this charge to the applicant.  
18 The charge attaches to any verdict or judgment entered and to  
19 any money or property which is recovered on account of the  
20 claim or cause of action against the assailant or any other  
21 party after the notice is given. On petition filed by the  
22 Attorney General on behalf of the State or by the applicant,  
23 the circuit court, on written notice to all interested  
24 parties, shall adjudicate the right of the parties and  
25 enforce the charge. This subsection does not affect the  
26 priority of a lien under "AN ACT creating attorney's lien and  
27 for enforcement of same", filed June 16, 1909, as amended.

28 (d) Where compensation is awarded under this Act and the  
29 person receiving same also receives any sum required to be,  
30 and that has not been deducted under Section 10.1, he shall  
31 refund to the State the amount of compensation paid to him  
32 which would have been deducted at the time the award was  
33 made.

34 (e) An amount not to exceed 25% of all money recovered

1 under subsections (b) or (c) of this Section shall be placed  
 2 in the Violent Crime Victims Assistance Fund to assist with  
 3 costs related to recovery efforts. "Recovery efforts" means  
 4 those activities that are directly attributable to obtaining  
 5 restitution, civil suit recoveries, and other reimbursements.  
 6 (Source: P.A. 84-545.)

7 (740 ILCS 45/18) (from Ch. 70, par. 88)

8 Sec. 18. Claims against awards.

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

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

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

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

25 (c) The court may order that all or a portion of an  
 26 award be paid jointly to the applicant and another person or  
 27 solely and directly to another person to the extent that such  
 28 other person has provided products, services or  
 29 accommodations, the costs of which are included in the award.  
 30 The provisions of this amendatory Act of 1994 apply to all  
 31 pending claims in existence on the effective date of this  
 32 amendatory Act of 1994.

33 (d) If an award under subsection (c) of this Section is



1 offset by the Comptroller, pursuant to the Uncollected State  
2 Claims Act, the intended individual or entity must credit the  
3 applicant's or victim's account for the amount ordered by the  
4 Court of Claims, and the intended individual or entity is  
5 prohibited from pursuing payment from the applicant or victim  
6 for any portion that is offset. The Comptroller shall  
7 provide notice as provided in Section 10.05 of the State  
8 Comptroller Act.

9 (Source: P.A. 88-601, eff. 1-1-95.)