

1 AMENDMENT TO HOUSE BILL 1814

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1814 by replacing  
3 everything after the enacting clause with the following:

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

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

33 Nine ~~Eight~~ members of the Advisory Commission shall  
34 constitute a quorum for the transaction of business, and the

1 concurrence of at least 9 8 members shall be necessary to  
2 render a determination, decision or recommendation by the  
3 Advisory Committee. In addition to the Attorney General, who  
4 shall serve as Chairperson, the Advisory Commission may  
5 select such other officers as it deems necessary.

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

7 (725 ILCS 240/5) (from Ch. 70, par. 505)

8 Sec. 5. Advisory Commission - General responsibilities.

9 (a) The Advisory Commission shall have the following  
10 responsibilities:

11 (1) To study the operation of all Illinois laws,  
12 practices, agencies and organizations which affect victims of  
13 crime including but not limited to the Crime Victims  
14 Compensation Act;

15 (2) To promote and conduct studies, research, analysis  
16 and investigation of matters affecting the interests of crime  
17 victims;

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

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

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

25 (6) To make any necessary outreach efforts to encourage  
26 the development and maintenance of services throughout the  
27 State, with special attention to the regions and  
28 neighborhoods with the greatest need for victim assistance  
29 services;

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

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

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

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

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

7 (720 ILCS 5/17-5.5 new)

8 Sec. 17-5.5. Unlawful attempt to collect compensated  
9 debt against a crime victim.

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

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

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

26 (1) communicates with, harasses, or intimidates the  
27 crime victim for payment;

28 (2) contacts or distributes information to affect  
29 the compensated crime victim's credit rating as a result  
30 of the compensated debt; or

31 (3) takes any other action adverse to the crime  
32 victim or his or her family on account of the compensated

1 debt.

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

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

8 Section 20. The Crime Victims Compensation Act is  
9 amended by changing Sections 6.1, 17, and 18, and adding  
10 Section 10.2 as follows:

11 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

12 Sec. 6.1. Right to compensation. A person is entitled  
13 to compensation under this Act if:

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

28 (b) The appropriate law enforcement officials were  
29 notified within 72 hours of the perpetration of the crime  
30 allegedly causing the death or injury to the victim or, in  
31 the event such notification was made more than 72 hours after  
32 the perpetration of the crime, the applicant establishes that

1 such notice was timely under the circumstances.

2 (c) The applicant has cooperated fully with law  
3 enforcement officials in the apprehension and prosecution of  
4 the assailant.

5 (d) The applicant is not the offender or an accomplice  
6 of the offender and the award would not unjustly benefit the  
7 offender or his accomplice.

8 (e) The injury to or death of the victim was not  
9 substantially attributable to his own wrongful act and was  
10 not substantially provoked by the victim.

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

12 (740 ILCS 45/10.2 new)

13 Sec. 10.2. Emergency awards.

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

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

29 (740 ILCS 45/17) (from Ch. 70, par. 87)

30 Sec. 17. (a) Subrogation. The Court of Claims may award  
31 compensation on the condition that the applicant subrogate to  
32 the State his rights to collect damages from the assailant or

1 any third party who may be liable in damages to the  
2 applicant. In such a case the Attorney General may, on  
3 behalf of the State, bring an action against an assailant or  
4 third party for money damages, but must first notify the  
5 applicant and give him an opportunity to participate in the  
6 prosecution of the action. The excess of the amount  
7 recovered in such action over the amount of the compensation  
8 offered and accepted or awarded under this Act plus costs of  
9 the action and attorneys' fees actually incurred shall be  
10 paid to the applicant.

11 (b) Nothing in this Act affects the right of the  
12 applicant to seek civil damages from the assailant and any  
13 other party, but that applicant must give written notice to  
14 the Attorney General of the making of a claim or the filing  
15 of an action for such damages. Failure to notify the Attorney  
16 General of such claims and actions at the time they are  
17 instituted or at the time an application is filed is a  
18 willful omission of fact and the applicant thereby becomes  
19 subject to the provisions of Section 20 of this Act.

20 (c) The State has a charge for the amount of  
21 compensation paid under this Act upon all claims or causes of  
22 action against an assailant and any other party to recover  
23 for the injuries or death of a victim which were the basis  
24 for that payment of compensation. At the time compensation  
25 is ordered to be paid under this Act, the Court of Claims  
26 shall give written notice of this charge to the applicant.  
27 The charge attaches to any verdict or judgment entered and to  
28 any money or property which is recovered on account of the  
29 claim or cause of action against the assailant or any other  
30 party after the notice is given. On petition filed by the  
31 Attorney General on behalf of the State or by the applicant,  
32 the circuit court, on written notice to all interested  
33 parties, shall adjudicate the right of the parties and  
34 enforce the charge. This subsection does not affect the

1 priority of a lien under "AN ACT creating attorney's lien and  
2 for enforcement of same", filed June 16, 1909, as amended.

3 (d) Where compensation is awarded under this Act and the  
4 person receiving same also receives any sum required to be,  
5 and that has not been deducted under Section 10.1, he shall  
6 refund to the State the amount of compensation paid to him  
7 which would have been deducted at the time the award was  
8 made.

9 (e) An amount not to exceed 25% of all money recovered  
10 under subsections (b), (c), or (d) of this Section shall be  
11 placed in the Violent Crime Victims Assistance Fund to assist  
12 with costs related to recovery efforts. "Recovery efforts"  
13 means those activities that are directly attributable to  
14 obtaining restitution, civil suit recoveries, and other  
15 reimbursements.

16 (Source: P.A. 84-545.)

17 (740 ILCS 45/18) (from Ch. 70, par. 88)

18 Sec. 18. Claims against awards.

19 (a) An award is not subject to enforcement, attachment,  
20 garnishment, or other process, except that an award is not  
21 exempt from a claim of a creditor to the extent that he or  
22 she provided products, services, or accommodations the costs  
23 of which are included in the award.

24 (b) An assignment or agreement to assign a right to  
25 compensation for loss accruing in the future is  
26 unenforceable, except:

27 (1) an assignment of a right to compensation for  
28 work loss to secure payment of maintenance or child  
29 support; or

30 (2) an assignment of a right to compensation to the  
31 extent of the cost of products, services, or  
32 accommodations necessitated by the injury or death on  
33 which the claim is based and are provided or to be



1 provided by the assignee.

2 (c) The court may order that all or a portion of an  
3 award be paid jointly to the applicant and another person or  
4 solely and directly to another person to the extent that such  
5 other person has provided products, services or  
6 accommodations, the costs of which are included in the award.  
7 The provisions of this amendatory Act of 1994 apply to all  
8 pending claims in existence on the effective date of this  
9 amendatory Act of 1994.

10 (d) If an award under subsection (c) of this Section is  
11 offset by the Comptroller, pursuant to the Uncollected State  
12 Claims Act, the intended individual or entity must credit the  
13 applicant's or victim's account for the amount ordered by the  
14 Court of Claims, and the intended individual or entity is  
15 prohibited from pursuing payment from the applicant or victim  
16 for any portion that is offset. The Comptroller shall notify  
17 both the Office of the Attorney General and the Court of  
18 Claims of all awards that are offset under this Section.

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