

AN ACT concerning civil law.

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

Section 5. If and only if House Bill 3653 of the 101st General Assembly, as amended by Senate Amendment No. 2, becomes law, then the Crime Victims Compensation Act is amended by changing Sections 2, 4.1, 6.1, and 7.1 as follows:

(740 ILCS 45/2) (from Ch. 70, par. 72)

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

(a) "Applicant" means any person who applies for compensation under this Act or any person the Court of Claims or the Attorney General finds is entitled to compensation, including the guardian of a minor or of a person under legal disability. It includes any person who was a dependent of a deceased victim of a crime of violence for his or her support at the time of the death of that victim.

The changes made to this subsection by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022 ~~2021~~.

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

(c) "Crime of violence" means and includes any offense

defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or subdivision (a) (4) of Section 11-14.4, of the Criminal Code of 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act, Section 125 of the Stalking No Contact Order Act, Section 219 of the Civil No Contact Order Act, driving under the influence as defined in Section 11-501 of the Illinois Vehicle Code, a violation of Section 11-401 of the Illinois Vehicle Code, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact, and a violation of Section 11-204.1 of the Illinois Vehicle Code; so long as the offense did not occur during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or accident involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse, parent, or child of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.05) a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, or half sister of a person killed or injured in this State as a result of a crime of violence, (6) an Illinois resident who is a victim of a

"crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible, (7) a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, or (8) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any parent, spouse, or child under the age of 18 of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence.

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

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

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

(h) "Pecuniary loss" means, in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto; transportation expenses to and from medical and counseling treatment facilities; prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime; costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure; replacement costs for clothing and bedding used as evidence; costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first month's rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime; locks or windows necessary or damaged as a result of the crime; the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or

the real and personal property which is used by the victim, necessary as a result of the crime; the costs of appropriate crime scene clean-up; replacement services loss, to a maximum of \$1,250 per month; dependents replacement services loss, to a maximum of \$1,250 per month; loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her; loss of earnings, loss of future earnings because of disability resulting from the injury, and, in addition, in the case of death, expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may be awarded up to a maximum of \$10,000 and loss of support of the dependents of the victim; in the case of dismemberment or desecration of a body, expenses for funeral and burial, all of which may be awarded up to a maximum of \$10,000. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's

average net monthly earnings for the 6 months immediately preceding the date of the injury or on \$2,400 per month, whichever is less or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed \$2,400 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums. Pecuniary loss does not include pain and suffering or property loss or damage.

The changes made to this subsection by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022 ~~2021~~.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been injured.

(j) "Dependents replacement services loss" means loss

reasonably incurred by dependents or private legal guardians of minor dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

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

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

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

(Source: P.A. 100-690, eff. 1-1-19; 101-81, eff. 7-12-19; 10100HB3653sam002.)

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

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

(1) investigate all claims and prepare and present an investigatory report and a draft award determination to the Court of Claims for a review period of 28 business days;

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

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

(4) represent the interests of the State of Illinois in any hearing before the Court of Claims.

The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022 ~~2021~~.

(Source: P.A. 97-817, eff. 1-1-13; 10100HB3653sam002.)

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

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

(a) Within 5 years of the occurrence of the crime, or within one year after a criminal charge of a person for an offense, upon which the claim is based, the applicant presents an application, under oath, to the Attorney General that is filed with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or is determined by a court to be under a legal disability as a result of the occurrence, he or she may present the application required by this subsection within 3 years after he or she attains the age of 18 years or the disability is removed,

as the case may be. Legal disability includes a diagnosis of posttraumatic stress disorder.

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

(b) For all crimes of violence, except those listed in subsection (b-1) of this Section, the appropriate law enforcement officials were notified within 72 hours of the perpetration of the crime allegedly causing the death or injury to the victim or, in the event such notification was made more than 72 hours after the perpetration of the crime, the applicant establishes that such notice was timely under the circumstances.

(b-1) For victims of offenses defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, in the event that the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances. If the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order,

has presented himself or herself to a hospital for medical care or sexual assault evidence collection, or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking, such action shall constitute appropriate notification under this subsection (b-1) or subsection (b) of this Section.

(c) The applicant has cooperated with law enforcement officials in the apprehension and prosecution of the assailant. If the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented himself or herself to a hospital for medical care or sexual assault evidence collection, or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking, such action shall constitute cooperation under this subsection (c). If the victim is under 18 years of age at the time of the commission of the offense, the following shall constitute cooperation under this subsection (c):

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

(2) a mandated reporter reports the crime to law enforcement; or

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

(d) The applicant is not the offender or an accomplice

of the offender and the award would not unjustly benefit the offender or his accomplice.

(e) (Blank).

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

(g) In determining whether cooperation has been reasonable, the Attorney General and Court of Claims may consider the victim's age, physical condition, psychological state, cultural or linguistic barriers, and compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family, and giving due consideration to the degree of cooperation that the victim or derivative victim is capable of in light of the presence of any of these factors, or any other factor the Attorney General considers relevant.

The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022 ~~2021~~.

(Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18; 100-1037, eff. 1-1-19; 10100HB3653sam002.)

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

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

- (1) the name and address of the victim;
- (2) if the victim is deceased, the name and address of the applicant and his or her relationship to the victim, the names and addresses of other persons dependent on the victim for their support and the extent to which each is so dependent, and other persons who may be entitled to compensation for a pecuniary loss;
- (3) the date and nature of the crime on which the application for compensation is based;
- (4) the date and place where and the law enforcement officials to whom notification of the crime was given;
- (5) the nature and extent of the injuries sustained by the victim, and the names and addresses of those giving medical and hospitalization treatment to the victim;
- (6) the pecuniary loss to the applicant and to such other persons as are specified under item (2) resulting from the injury or death;
- (7) the amount of benefits, payments, or awards, if any, payable under:
 - (a) the Workers' Compensation Act,
 - (b) the Dram Shop Act,
 - (c) any claim, demand, or cause of action based upon the crime-related injury or death,
 - (d) the Federal Medicare program,

- (e) the State Public Aid program,
- (f) Social Security Administration burial benefits,
- (g) Veterans administration burial benefits,
- (h) life, health, accident or liability insurance,
- (i) the Criminal Victims' Escrow Account Act,
- (j) the Sexual Assault Survivors Emergency Treatment Act,
- (k) restitution, or
- (l) any other source;

(8) releases authorizing the surrender to the Court of Claims or Attorney General of reports, documents and other information relating to the matters specified under this Act and rules promulgated in accordance with the Act;

(9) such other information as the Court of Claims or the Attorney General reasonably requires.

(b) The Attorney General may require that materials substantiating the facts stated in the application be submitted with that application.

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

the same time as the original application.

For claims submitted on or after January 1, 2022 ~~2021~~, an amended application or additional substantiating materials to correct inadvertent errors or omissions may be filed at any time before the original application is disposed of by the Attorney General or the Court of Claims.

(d) Determinations submitted by the Attorney General to the Court of Claims shall be available to the Court of Claims for review. The Attorney General shall provide the sources and evidence relied upon as a basis for a compensation determination.

(e) The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022 ~~2021~~.

(Source: P.A. 97-817, eff. 1-1-13; 98-463, eff. 8-16-13; 10100HB3653sam002.)

Section 10. The Crime Victims Compensation Act is amended by changing Sections 8.1, 9.1, 10.1, 10.2, 12, 12.1, 13.1, 15, 16, 18, 18.5, and 20 as follows:

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

Sec. 8.1. If an applicant does not submit all materials substantiating his or her claim as requested of him or her by the Attorney General, the Attorney General shall notify the applicant in writing of the specific additional items of

information or materials required and that he or she has 45 ~~30~~ days in which to furnish those items to the Attorney General. The Attorney General shall report an applicant's failure to comply within 45 ~~30~~ days of the foregoing notice to the Court of Claims. No award of compensation shall be made for any portion of the applicant's claim that is not substantiated by the applicant. An applicant may request an extension of time from the Attorney General prior to the expiration of the 45-day ~~30-day~~ period.

(Source: P.A. 81-1013.)

(740 ILCS 45/9.1) (from Ch. 70, par. 79.1)

Sec. 9.1. In determining whether an applicant is entitled to compensation, the Attorney General and Court of Claims shall consider the facts stated in the application and other material and information. However, the Attorney General and Court of Claims need not consider whether the alleged assailant has been apprehended. In reviewing a determination by the Attorney General, the Court of Claims shall consider the facts stated in the application and other material and information submitted and the report of the Attorney General. ~~However, the Court of Claims need not consider whether or not the alleged assailant has been apprehended.~~

(Source: P.A. 81-1013.)

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

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

(a) A victim may be compensated for his or her pecuniary loss.

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

(c) Any person, even though not dependent upon the victim for his or her support, may be compensated for reasonable expenses of the victim to the extent to which he or she has paid or become obligated to pay such expenses and only after compensation for reasonable funeral, medical and hospital expenses of the victim have been awarded may compensation be made for reasonable expenses of the victim incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime.

(d) An award shall be reduced or denied according to the extent to which the victim's injury or death was caused by provocation or incitement by the victim or the victim assisting, attempting, or committing a criminal act. A denial or reduction shall not automatically bar the survivors of homicide victims from receiving compensation for counseling, crime scene cleanup, relocation, funeral or burial costs, and loss of support if the survivor's actions have not initiated, provoked, or aggravated the suspect into initiating the qualifying crime. ~~acts or conduct provoked or contributed to his or her injury or death, or the extent to which any prior~~

~~criminal conviction or conduct of the victim may have directly or indirectly contributed to the injury or death of the victim.~~

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

(f) A final award shall not exceed \$10,000 for a crime committed prior to September 22, 1979, \$15,000 for a crime committed on or after September 22, 1979 and prior to January 1, 1986, \$25,000 for a crime committed on or after January 1, 1986 and prior to August 7, 1998, ~~or~~ \$27,000 for a crime committed on or after August 7, 1998 and prior to August 7, 2022, or \$45,000 for a crime committed on or after August 7, 2022. If the total pecuniary loss is greater than the maximum amount allowed, the award shall be divided in proportion to the amount of actual loss among those entitled to compensation.

(g) Compensation under this Act is a secondary source of compensation and the applicant must show that he or she has

exhausted the benefits reasonably available under the Criminal Victims' Escrow Account Act or any governmental or medical or health insurance programs, including but not limited to Workers' Compensation, the Federal Medicare program, the State Public Aid program, Social Security Administration burial benefits, Veterans Administration burial benefits, and life, health, accident or liability insurance.

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

(740 ILCS 45/10.2)

Sec. 10.2. Emergency awards.

(a) If it appears, prior to taking action on an application, that the claim is one for which compensation is probable, and undue hardship will result to the applicant if immediate payment is not made, the Attorney General may recommend and the Court may make an emergency award of compensation to the applicant, pending a final decision in the case, ~~provided the amount of emergency compensation does not exceed \$2,000.~~ Emergency awards may be issued to the applicant for the purpose of paying funeral and burial expenses directly to a funeral home and for relocation expenses incurred by an applicant. The amount of emergency compensation shall be deducted from any final award made as a result of the claim. The full amount of the emergency award if no final award is made shall be repaid by the applicant to the State of Illinois.

(b) Emergency award applicants must satisfy all

requirements under Section 6.1 of this Act.

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

(740 ILCS 45/12) (from Ch. 70, par. 82)

Sec. 12. No fee may be charged to the applicant in any proceeding under this Act except as provided in this Act. If the applicant is represented by counsel or some other duly authorized agent in making application under this Act or in any further proceedings provided for in this Act, that counsel or agent may receive no payment for his or her services in preparing or presenting the application before the Court of Claims or the Attorney General. He or she may, however, charge fees to the applicant for representing him or her at a hearing provided for in this Act but only in such an amount as the Court of Claims or the Attorney General determines to be reasonable.

(Source: P.A. 78-359.)

(740 ILCS 45/12.1) (from Ch. 70, par. 82.1)

Sec. 12.1. The Court of Claims may, after ~~without~~ a hearing, make an award to a person who has filed an application or any other person it finds is entitled to compensation, including the guardian or conservator of a minor or incompetent, based upon the application, the other information and materials submitted with the application, and the report of the Attorney General.

(Source: P.A. 81-1013.)

(740 ILCS 45/13.1) (from Ch. 70, par. 83.1)

Sec. 13.1. (a) A hearing before a Commissioner of the Court of Claims shall be held for those claims in which:

(1) the Court of Claims on its own motion sets a hearing;

(2) the Attorney General petitions the Court of Claims for a hearing;

(3) a claim has been disposed of without a hearing and an applicant has been denied compensation or has been awarded compensation which he or she thinks is inadequate and he or she petitions the Court of Claims for a hearing within 30 days of the date of issuance of the determination order ~~order~~ sought to be reviewed. The petition shall set forth the reasons for which review is sought and a recitation of any additional evidence the applicant desires to present to the Court. A copy of the petition shall be provided to the Attorney General. Documentation to be presented at a hearing of the Court of Claims must be submitted to the Attorney General at least 10 working days before the hearing date. Failure to do so may result in a continuance of the hearing.

(b) At hearings held under this Act before Commissioners of the Court of Claims, any statement, document, information or matter may be received in evidence if in the opinion of the

Court or its Commissioner such evidence would contribute to reaching a decision on ~~a determination of~~ the claim, regardless of whether such evidence would be admissible in a court of law.

(c) Petition for rehearing.

(1) The Court of Claims may order a rehearing of a matter decided after a hearing, if, in reaching its decision:

(A) the court has overlooked, misapplied, or failed to consider a statute, decision, or directly controlling principle;

(B) the court has overlooked or misconceived some material fact or proposition of law; or

(C) the court has overlooked or misconceived a material question in the case.

(2) A rehearing may not be granted if it is sought merely for the purpose of obtaining a reargument on and reconsideration of matters which have already been fully considered by the court.

(3) The petition shall specify which of the grounds in paragraph (1) of this subsection (c) exists and shall specifically designate that portion of the opinion, or the record, or that particular authority, which the petitioner wishes the court to consider. A copy of the petition shall be served on the opposing party. No petition for rehearing shall exceed 10 typewritten pages. No memoranda or briefs

in support of a petition for rehearing, and no response to a petition for rehearing, shall be received unless requested by the court.

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

(740 ILCS 45/15) (from Ch. 70, par. 85)

Sec. 15. ~~At~~ ~~When disposition is made without a hearing or~~ ~~at~~ the conclusion of a hearing held under this Act, the Court of Claims shall enter an order stating (1) its findings of fact, (2) its decision as to whether or not compensation is due under this Act, (3) the amount of compensation, if any, which is due under this Act, (4) whether disbursement of the compensation awarded is to be made in a lump sum or in periodic payments, and (5) the person or persons to whom the compensation should be paid.

(Source: P.A. 81-1013.)

(740 ILCS 45/16) (from Ch. 70, par. 86)

Sec. 16. The Court of Claims, on its own motion or upon the written request of any applicant, may modify an award of compensation made under this Act or reconsider a denial of compensation. No hearing need be held, however, unless the written request states facts which were not known to the applicant or by the exercise of reasonable diligence could not have been ascertained by him or her at the time of the entry of the order or determination sought to be modified and which

would have directly affected ~~the determination of~~ whether or not compensation should be awarded and, if so, the amount of that compensation.

(Source: P.A. 81-1013.)

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

Sec. 18. Claims against awards.

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

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

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

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

(c) The Attorney General may determine or the court may order that all or a portion of an award be paid jointly to the applicant and another person or solely and directly to another person to the extent that such other person has provided

products, services or accommodations, the costs of which are included in the award, or to another person to the extent that such other person paid or became obligated to pay expenses incurred by the victim or applicant.

(d) If an award under subsection (c) of this Section is offset by the Comptroller, pursuant to the Uncollected State Claims Act, the intended individual or entity must credit the applicant's or victim's account for the amount ordered by the Court of Claims, and the intended individual or entity is prohibited from pursuing payment from the applicant or victim for any portion that is offset. The Comptroller shall provide notice as provided in Section 10.05 of the State Comptroller Act.

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

(740 ILCS 45/18.5)

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

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

(b) An applicant may provide a copy of the written notice to a vendor waiting for payment of a related debt. A vendor

that receives notice of the filing of a claim under this Act with the Court of Claims or Attorney General must cease all debt collection activities against the applicant for a related debt. A vendor that assists an applicant to complete or submit an application for compensation or a vendor that submits a bill to the Office of the Attorney General has constructive notice of the filing of the claim and must not engage in debt collection activities against the applicant for a related debt. If the Court of Claims or Attorney General awards compensation for the related debt, a vendor shall not engage in debt collection activities while payment is pending. If the Court of Claims denies compensation for a vendor's bill for the related debt or a portion thereof, the vendor may not engage in debt collection activities until 45 days after the date of notice from ~~an order of~~ the Court of Claims or the Attorney General denying compensation in whole or in part.

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

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

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

(3) contact the Office of the Attorney General to

inquire about the status of the claim.

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

(e) As used in this Section:

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

(2) "Debt collection activities" means:

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

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

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

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

debt.

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

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

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

(Source: P.A. 99-444, eff. 1-1-16.)

(740 ILCS 45/20) (from Ch. 70, par. 90)

Sec. 20. (a) In addition to any other civil liability or criminal penalties provided by law, a person who the Court of Claims or the Attorney General finds has willfully misstated or omitted facts relevant to the determination of whether compensation is due under this Act or of the amount of that compensation, whether in making application for compensation or in the further proceedings provided for in this Act, shall be denied compensation under this Act.

(b) A person who is convicted of having willfully

Public Act 102-0027

HB3295 Enrolled

LRB102 11554 JWD 16888 b

misstated or omitted facts relevant to the determination of whether compensation is due under this Act or of the amount of that compensation, whether in making application for compensation or in the further proceedings provided for in this Act, shall be guilty of a Class A misdemeanor.

(Source: P.A. 81-1013.)

Section 99. Effective date. This Act takes effect upon becoming law, except for Section 10 which takes effect January 1, 2022.