



## Amendments to the Illinois Act (CVCA)

## Crime Victims Compensation

In 2021, Illinois enacted two laws amending the Crime Victims Compensation Act which work together to make significant changes to the CVCA.

**Effective Date:** All amendments to the CVCA will become effective on **January 1, 2022**, except for the **increased cap on total awards**, which will be effective for crimes occurring on or after **August 7, 2022**.

**Changes to Program Administration:** The amendments will change the decision making process for compensation claims, shifting most of the responsibility to the Attorney General.

Under the new system:

1. Applications will be presented to the Attorney General.
2. The Attorney General will investigate claims by gathering necessary documentation.
3. The Attorney General will file a draft award determination and investigatory report with the Court of Claims.
4. The Court of Claims will have 28 business days to review the draft award determination and issue an order altering the determination.
5. After the review period ends, the Attorney General will notify the applicant of its decision with a compensation determination letter.
6. If compensation is awarded, the Illinois Comptroller will issue payment.

The Court of Claims can still make compensation decisions following a hearing and review final determinations by applicant request.

### **New Compensation Limits:**

Expense	Current Cap	New Cap
Funeral and Burial Expenses	\$7,500	\$10,000
Lost Wages	\$1,250	\$2,400
Loss of Dependent Support	\$1,250	\$2,400
Emergency Compensation	\$2,000	--
<b>Total Award</b>	<b>\$27,000</b>	<b>\$45,000</b>

### **Applicant Eligibility:**

The following individuals will become eligible for full compensation under the amended CVCA:

- The child of a person killed or injured in Illinois as a result of a violent crime.
  - To qualify, the child does not need to be a minor or unmarried.
- A household member whose relationship to a person killed or injured in Illinois as a result of a violent crime is substantially similar to that of a parent, spouse, or child.

**Application Window:** The time period for filing an application will be expanded.

Status at the time of the crime	Current Window	New Window
Adult without a disability	<b>Two years</b> from the date of the crime	<b>Five years</b> from the date of the crime
Minor	<b>Two years</b> from the turning 18	<b>Three years</b> from turning 18
Adult with a disability	<b>Two years</b> from removal of the disability	<b>Three years</b> from removal of the disability

Applications submitted outside the prescribed eligibility window may be accepted if the Attorney General determines that the applicant had good cause for a delay.

Applicants will have 45 days to submit information missing from their application.

**Law Enforcement Cooperation:** The Attorney General will consider any factors it deems relevant when determining whether a victim’s level of cooperation is reasonable.

The following will satisfy the existing law enforcement notification and cooperation requirements:

- Receiving medical care from a hospital; or
- Having a sexual assault evidence collection kit performed.

**Criminal History:** Under the amended CVCA, a victim’s criminal history or felony status will not automatically prevent them or their loved ones from receiving compensation.

- A victim who is on probation or mandatory supervised release for a felony conviction may receive compensation.
- A victim who is in jail or prison for a felony conviction must wait until she or he is discharged from custody before compensation may be granted.

Prior criminal history that contributes indirectly to causation will not cause reduction or denial.

**Victim Complicity:** A survivor of a homicide victim who contributed to or provoked their own death may receive compensation for certain expenses if the survivor did not initiate, provoke, or aggravate the suspect into initiating the crime.

**For more information, contact the Crime Victim Assistance Line at 1-800-228-3368.**