



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB1782

by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

705 ILCS 505/8

from Ch. 37, par. 439.8

Amends the Court of Claims Act. Provides that if a person who has been granted a pardon or issued a certificate of innocence establishes that he or she plead guilty due to a forced confession, the Court of Claims shall make an award of \$50,000 per year the person was wrongfully imprisoned and attorney's fees not exceeding 25% of the award granted. Provides that the court shall include the number of years the person was imprisoned awaiting trial in its determination of the award and that the court shall include an additional \$25,000 for each year served on parole, probation, or registered as a sex offender after imprisonment. Provides that the court shall annually adjust the awards authorized by the new provisions to reflect the increase, if any, in the Consumer Price Index For All Urban Consumers for the previous calendar year, as determined by the United States Department of Labor, except that no annual increment may exceed 5%. Makes corresponding changes. Effective immediately.

LRB100 06932 HEP 16983 b

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 Court of Claims Act is amended by changing  
5 Sections 8 and 11 as follows:

6 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

7 Sec. 8. Court of Claims jurisdiction; deliberation  
8 periods. The court shall have exclusive jurisdiction to hear  
9 and determine the following matters:

10 (a) All claims against the State founded upon any law of  
11 the State of Illinois or upon any regulation adopted thereunder  
12 by an executive or administrative officer or agency; provided,  
13 however, the court shall not have jurisdiction (i) to hear or  
14 determine claims arising under the Workers' Compensation Act or  
15 the Workers' Occupational Diseases Act, or claims for expenses  
16 in civil litigation, or (ii) to review administrative decisions  
17 for which a statute provides that review shall be in the  
18 circuit or appellate court.

19 (b) All claims against the State founded upon any contract  
20 entered into with the State of Illinois.

21 (c) Except as provided in subsection (c-5), all ~~All~~ claims  
22 against the State for time unjustly served in prisons of this  
23 State when the person imprisoned received a pardon from the

1 governor stating that such pardon is issued on the ground of  
2 innocence of the crime for which he or she was imprisoned or he  
3 or she received a certificate of innocence from the Circuit  
4 Court as provided in Section 2-702 of the Code of Civil  
5 Procedure. The ~~, provided, the~~ amount of the award is at the  
6 discretion of the court; however ~~and provided,~~ the court shall  
7 make no award in excess of the following amounts: for  
8 imprisonment of 5 years or less, not more than \$85,350; for  
9 imprisonment of 14 years or less but over 5 years, not more  
10 than \$170,000; for imprisonment of over 14 years, not more than  
11 \$199,150. The ~~, and provided further, the~~ court shall fix  
12 attorney's fees not to exceed 25% of the award granted. On or  
13 after the effective date of this amendatory Act of the 95th  
14 General Assembly, the court shall annually adjust the maximum  
15 awards authorized by this subsection (c) to reflect the  
16 increase, if any, in the Consumer Price Index For All Urban  
17 Consumers for the previous calendar year, as determined by the  
18 United States Department of Labor, except that no annual  
19 increment may exceed 5%. For the annual adjustments, if the  
20 Consumer Price Index decreases during a calendar year, there  
21 shall be no adjustment for that calendar year. The transmission  
22 by the Prisoner Review Board or the clerk of the circuit court  
23 of the information described in Section 11(b) to the clerk of  
24 the Court of Claims is conclusive evidence of the validity of  
25 the claim. The changes made by this amendatory Act of the 95th  
26 General Assembly apply to all claims pending on or filed on or

1 after the effective date.

2 (c-5) If a person who has received a pardon from the  
3 Governor or a certificate of innocence from the Circuit Court  
4 as provided in Section 2-702 of the Code of Civil Procedure  
5 establishes that he or she plead guilty to the crime for which  
6 he or she was convicted due to a coerced confession, the court  
7 shall make an award of \$50,000 per year the person was  
8 wrongfully imprisoned and shall prorate that amount for a  
9 fraction of a year that the person was wrongfully imprisoned.  
10 The court shall fix attorney's fees not to exceed 25% of the  
11 award granted. The court shall include the number of years the  
12 person was imprisoned awaiting trial in its determination of  
13 the award. The court shall include an additional \$25,000 for  
14 each year served on parole, probation, or registered as a sex  
15 offender after imprisonment. The court shall annually adjust  
16 the awards authorized by this subsection (c-5) to reflect the  
17 increase, if any, in the Consumer Price Index For All Urban  
18 Consumers for the previous calendar year, as determined by the  
19 United States Department of Labor, except that no annual  
20 increment may exceed 5%. For the annual adjustments, if the  
21 Consumer Price Index decreases during a calendar year, there  
22 shall be no adjustment for that calendar year. The changes made  
23 by this amendatory Act of the 100th General Assembly apply to  
24 all claims pending on or filed on or after the effective date.

25 (d) All claims against the State for damages in cases  
26 sounding in tort, if a like cause of action would lie against a

1 private person or corporation in a civil suit, and all like  
2 claims sounding in tort against the Medical Center Commission,  
3 the Board of Trustees of the University of Illinois, the Board  
4 of Trustees of Southern Illinois University, the Board of  
5 Trustees of Chicago State University, the Board of Trustees of  
6 Eastern Illinois University, the Board of Trustees of Governors  
7 State University, the Board of Trustees of Illinois State  
8 University, the Board of Trustees of Northeastern Illinois  
9 University, the Board of Trustees of Northern Illinois  
10 University, the Board of Trustees of Western Illinois  
11 University, or the Board of Trustees of the Illinois  
12 Mathematics and Science Academy; provided, that an award for  
13 damages in a case sounding in tort, other than certain cases  
14 involving the operation of a State vehicle described in this  
15 paragraph, shall not exceed the sum of \$100,000 to or for the  
16 benefit of any claimant. The \$100,000 limit prescribed by this  
17 Section does not apply to an award of damages in any case  
18 sounding in tort arising out of the operation by a State  
19 employee of a vehicle owned, leased or controlled by the State.  
20 The defense that the State or the Medical Center Commission or  
21 the Board of Trustees of the University of Illinois, the Board  
22 of Trustees of Southern Illinois University, the Board of  
23 Trustees of Chicago State University, the Board of Trustees of  
24 Eastern Illinois University, the Board of Trustees of Governors  
25 State University, the Board of Trustees of Illinois State  
26 University, the Board of Trustees of Northeastern Illinois

1 University, the Board of Trustees of Northern Illinois  
2 University, the Board of Trustees of Western Illinois  
3 University, or the Board of Trustees of the Illinois  
4 Mathematics and Science Academy is not liable for the  
5 negligence of its officers, agents, and employees in the course  
6 of their employment is not applicable to the hearing and  
7 determination of such claims.

8 (e) All claims for recoupment made by the State of Illinois  
9 against any claimant.

10 (f) All claims pursuant to the Line of Duty Compensation  
11 Act. A claim under that Act must be heard and determined within  
12 one year after the application for that claim is filed with the  
13 Court as provided in that Act.

14 (g) All claims filed pursuant to the Crime Victims  
15 Compensation Act.

16 (h) All claims pursuant to the Illinois National  
17 Guardsman's Compensation Act. A claim under that Act must be  
18 heard and determined within one year after the application for  
19 that claim is filed with the Court as provided in that Act.

20 (i) All claims authorized by subsection (a) of Section  
21 10-55 of the Illinois Administrative Procedure Act for the  
22 expenses incurred by a party in a contested case on the  
23 administrative level.

24 (Source: P.A. 95-970, eff. 9-22-08; 96-80, eff. 7-27-09.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.