



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1993

Introduced 2/10/2017, by Sen. Donne E. Trotter

SYNOPSIS AS INTRODUCED:

705 ILCS 505/24

from Ch. 37, par. 439.24

Amends the Court of Claims Act. Absent an enacted appropriation in any State fiscal year, makes a continuing appropriation to the Court of Claims of all amounts necessary for the purposes of paying claims for time unjustly served in prisons of this State. Provides that if an appropriation for claims for unjust imprisonment is enacted on or after July 1 of any calendar year, the continuing appropriation shall discontinue for that State fiscal year, and the enacted appropriation shall supersede. Provides that the appropriation authority granted in the amendatory Act is valid for State fiscal years beginning on or after July 1, 2017.

LRB100 10121 HEP 20295 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

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 Section 24 as follows:

6 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

7 Sec. 24. Payment of awards.

8 (1) From funds appropriated by the General Assembly for the
9 purposes of this Section the Court may direct immediate payment
10 of:

11 (a) All claims arising solely as a result of the
12 lapsing of an appropriation out of which the obligation
13 could have been paid.

14 (b) All claims pursuant to the Line of Duty
15 Compensation Act.

16 (c) All claims pursuant to the "Illinois National
17 Guardsman's and Naval Militiaman's Compensation Act",
18 approved August 12, 1971, as amended.

19 (d) All claims pursuant to the "Crime Victims
20 Compensation Act", approved August 23, 1973, as amended.

21 (e) All other claims wherein the amount of the award of
22 the Court is less than \$5,000.

23 (2) The court may, from funds specifically appropriated

1 from the General Revenue Fund for this purpose, direct the
2 payment of awards less than \$50,000 solely as a result of the
3 lapsing of an appropriation originally made from any fund held
4 by the State Treasurer. For any such award paid from the
5 General Revenue Fund, the court shall thereafter seek an
6 appropriation from the fund from which the liability originally
7 accrued in reimbursement of the General Revenue Fund.

8 (3) In directing payment of a claim pursuant to the Line of
9 Duty Compensation Act, the Court must direct the Comptroller to
10 add an interest penalty if payment of a claim is not made
11 within 6 months after a claim is filed in accordance with
12 Section 3 of the Line of Duty Compensation Act and all
13 information has been submitted as required under Section 4 of
14 the Line of Duty Compensation Act. If payment is not issued
15 within the 6-month period, an interest penalty of 1% of the
16 amount of the award shall be added for each month or fraction
17 thereof after the end of the 6-month period, until final
18 payment is made. This interest penalty shall be added
19 regardless of whether the payment is not issued within the
20 6-month period because of the appropriation process, the
21 consideration of the matter by the Court, or any other reason.

22 (3.5) The interest penalty payment provided for in
23 subsection (3) shall be added to all claims for which benefits
24 were not paid as of the effective date of P.A. 95-928. The
25 interest penalty shall be calculated starting from the
26 effective date of P.A. 95-928, provided that the effective date

1 of P.A. 95-928 is at least 6 months after the date on which the
2 claim was filed in accordance with Section 3 of the Line of
3 Duty Compensation Act. In the event that the date 6 months
4 after the date on which the claim was filed is later than the
5 effective date of P.A. 95-928, the Court shall calculate the
6 interest payment penalty starting from the date 6 months after
7 the date on which the claim was filed in accordance with
8 Section 3 of the Line of Duty Compensation Act. This subsection
9 (3.5) of this amendatory Act of the 96th General Assembly is
10 declarative of existing law.

11 (3.6) In addition to the interest payments provided for in
12 subsections (3) and (3.5), the Court shall direct the
13 Comptroller to add a "catch-up" payment to the claims of
14 eligible claimants. For the purposes of this subsection (3.6),
15 an "eligible claimant" is a claimant whose claim is not paid in
16 the year in which it was filed. For purposes of this subsection
17 (3.6), "'catch-up' payment" is defined as the difference
18 between the amount paid to claimants whose claims were filed in
19 the year in which the eligible claimant's claim is paid and the
20 amount paid to claimants whose claims were filed in the year in
21 which the eligible claimant filed his or her claim. The
22 "catch-up" payment is payable simultaneously with the claim
23 award.

24 (4) From funds appropriated by the General Assembly for the
25 purposes of paying claims under paragraph (c) of Section 8, the
26 court must direct payment of each claim and the payment must be

1 received by the claimant within 60 days after the date that the
2 funds are appropriated for that purpose. Absent an enacted
3 appropriation in any State fiscal year, this subsection shall
4 constitute a continuing appropriation to the Court of Claims of
5 all amounts necessary for the purposes of paying claims under
6 paragraph (c) of Section 8. If an appropriation to the Court of
7 Claims of the amounts directed under this subsection (4) is
8 enacted on or after July 1 of any calendar year, the continuing
9 appropriation shall discontinue for that State fiscal year, and
10 the enacted appropriation shall supersede. The appropriation
11 authority granted in this amendatory Act of the 100th General
12 Assembly is valid for State fiscal years beginning on or after
13 July 1, 2017.

14 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
15 96-328, eff. 8-11-09; 96-539, eff. 1-1-10.)