



Sen. Michael E. Hastings

Filed: 4/6/2018

10000SB2481sam001

LRB100 17648 HEP 37914 a

1 AMENDMENT TO SENATE BILL 2481

2 AMENDMENT NO. _____. Amend Senate Bill 2481 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Court of Claims Act is amended by changing
5 Sections 8, 16, 18, 21, 22, and 24 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

1 for which a statute provides that review shall be in the
2 circuit or appellate court.

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

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

1 year. The transmission by the Prisoner Review Board or the
2 clerk of the circuit court of the information described in
3 Section 11(b) to the clerk of the Court of Claims is conclusive
4 evidence of the validity of the claim. The changes made by this
5 amendatory Act of the 95th General Assembly apply to all claims
6 pending on or filed on or after the effective date.

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

1 operation by a State employee of a vehicle owned, leased or
2 controlled by the State. The defense that the State or the
3 Medical Center Commission or the Board of Trustees of the
4 University of Illinois, the Board of Trustees of Southern
5 Illinois University, the Board of Trustees of Chicago State
6 University, the Board of Trustees of Eastern Illinois
7 University, the Board of Trustees of Governors State
8 University, the Board of Trustees of Illinois State University,
9 the Board of Trustees of Northeastern Illinois University, the
10 Board of Trustees of Northern Illinois University, the Board of
11 Trustees of Western Illinois University, or the Board of
12 Trustees of the Illinois Mathematics and Science Academy is not
13 liable for the negligence of its officers, agents, and
14 employees in the course of their employment is not applicable
15 to the hearing and determination of such claims. The changes to
16 this Section made by this amendatory Act of the 100th General
17 Assembly apply only to claims filed on or after July 1, 2015.

18 The court shall annually adjust the maximum awards
19 authorized by this subsection to reflect the increase, if any,
20 in the Consumer Price Index For All Urban Consumers for the
21 previous calendar year, as determined by the United States
22 Department of Labor. The Comptroller shall make the new amount
23 resulting from each annual adjustment available to the public
24 via the Comptroller's official website by January 31 of every
25 year.

26 (e) All claims for recoupment made by the State of Illinois

1 against any claimant.

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

6 (g) All claims filed pursuant to the Crime Victims
7 Compensation Act.

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

12 (i) All claims authorized by subsection (a) of Section
13 10-55 of the Illinois Administrative Procedure Act for the
14 expenses incurred by a party in a contested case on the
15 administrative level.

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

17 (705 ILCS 505/16) (from Ch. 37, par. 439.16)

18 Sec. 16. Concurrence of judges. Concurrence of 4 judges is
19 necessary to the decision of any case, except that the
20 signature of one judge is binding if a decision is entered in a
21 lapsed appropriation claim in which a motion or stipulation has
22 been filed or a decision is entered on a Crime Victims
23 Compensation Act claim. ~~The; provided, however, the~~ court in
24 its discretion may assign any case to a commissioner for
25 hearing and final decision, subject to whatever right of review

1 the court by rule may choose to exercise. ~~In matters involving~~
2 ~~the award of emergency funds under the Crime Victims~~
3 ~~Compensation Act, the decision of one judge is necessary to~~
4 ~~award emergency funds.~~

5 (Source: P.A. 92-286, eff. 1-1-02.)

6 (705 ILCS 505/18) (from Ch. 37, par. 439.18)

7 Sec. 18. The court shall provide, by rule, for the
8 maintenance of separate records of claims which arise solely
9 due to lapsed appropriations and for claims for which amount of
10 recovery sought is less than \$50,000 ~~\$5,000~~. In all other
11 cases, the court or Commissioner as the case may be, shall file
12 with its clerk a written opinion in each case upon final
13 disposition thereof. All opinions shall be compiled and
14 published annually by the clerk of the court.

15 (Source: P.A. 90-492, eff. 8-17-97.)

16 (705 ILCS 505/21) (from Ch. 37, par. 439.21)

17 Sec. 21. The court is authorized to impose, by uniform
18 rules, a fee of \$15 for the filing of a petition in any case in
19 which the award sought is ~~more than \$50 and~~ less than \$1,000
20 and \$35 in any case in which the award sought is \$1,000 or
21 more; and to charge and collect for copies of opinions or other
22 documents filed in the Court of Claims such fees as may be
23 prescribed by the rules of the Court. All fees and charges so
24 collected shall be forthwith paid into the State Treasury.

1 A petitioner who is a prisoner in an Illinois Department of
2 Corrections facility who files a pleading, motion, or other
3 filing that purports to be a legal document against the State,
4 the Illinois Department of Corrections, the Prisoner Review
5 Board, or any of their officers or employees in which the court
6 makes a specific finding that it is frivolous shall pay all
7 filing fees and court costs in the manner provided in Article
8 XXII of the Code of Civil Procedure.

9 In claims based upon lapsed appropriations or lost warrant
10 or in claims filed under the Line of Duty Compensation Act, the
11 Illinois National Guardsman's Compensation Act, or the Crime
12 Victims Compensation Act or in claims filed by medical vendors
13 for medical services rendered by the claimant to persons
14 eligible for Medical Assistance under programs administered by
15 the Department of Healthcare and Family Services, no filing fee
16 shall be required.

17 The changes made to this Section by this amendatory Act of
18 the 100th General Assembly apply only to claims filed on or
19 after the effective date of this amendatory Act of the 100th
20 General Assembly.

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

23 Sec. 22. Every claim cognizable by the Court and not
24 otherwise sooner barred by law shall be forever barred from
25 prosecution therein unless it is filed with the Clerk of the

1 Court within the time set forth as follows:

2 (a) All claims arising out of a contract must be filed
3 within 5 years after it first accrues, saving to minors, and
4 persons under legal disability at the time the claim accrues,
5 in which cases the claim must be filed within 5 years from the
6 time the disability ceases.

7 (b) All claims cognizable against the State by vendors of
8 goods or services under "The Illinois Public Aid Code",
9 approved April 11, 1967, as amended, must file within one year
10 after the accrual of the cause of action, as provided in
11 Section 11-13 of that Code.

12 (c) All claims arising under paragraph (c) of Section 8 of
13 this Act must be automatically heard by the court within 120
14 days after the person asserting such claim is either issued a
15 certificate of innocence from the Circuit Court as provided in
16 Section 2-702 of the Code of Civil Procedure, or is granted a
17 pardon by the Governor, whichever occurs later, without the
18 person asserting the claim being required to file a petition
19 under Section 11 of this Act, except as otherwise provided by
20 the Crime Victims Compensation Act. Any claims filed by the
21 claimant under paragraph (c) of Section 8 of this Act must be
22 filed within 2 years after the person asserting such claim is
23 either issued a certificate of innocence as provided in Section
24 2-702 of the Code of Civil Procedure, or is granted a pardon by
25 the Governor, whichever occurs later.

26 (d) All claims arising under paragraph (f) of Section 8 of

1 this Act must be filed within the time set forth in Section 3
2 of the Line of Duty Compensation Act.

3 (e) All claims arising under paragraph (h) of Section 8 of
4 this Act must be filed within one year of the date of the death
5 of the guardsman or militiaman as provided in Section 3 of the
6 "Illinois National Guardsman's and Naval Militiaman's
7 Compensation Act", approved August 12, 1971, as amended.

8 (f) All claims arising under paragraph (g) of Section 8 of
9 this Act must be filed within one year of the crime on which a
10 claim is based as provided in Section 6.1 of the "Crime Victims
11 Compensation Act", approved August 23, 1973, as amended.

12 (g) All claims arising from the Comptroller's refusal to
13 issue a replacement warrant pursuant to Section 10.10 of the
14 State Comptroller Act must be filed within 5 years after the
15 date of the Comptroller's refusal ~~issue date of such warrant~~.

16 (h) All other claims must be filed within 2 years after it
17 first accrues, saving to minors, and persons under legal
18 disability at the time the claim accrues, in which case the
19 claim must be filed within 2 years from the time the disability
20 ceases.

21 (i) The changes made by Public Act 86-458 ~~this amendatory~~
22 ~~Act of 1989 shall~~ apply to all warrants issued within the 5
23 year period preceding August 31, 1989 (the effective date of
24 Public Act 86-458) ~~this amendatory Act of 1989~~. The changes
25 made to this Section by this amendatory Act of the 100th
26 General Assembly apply to claims pending on the effective date

1 of this amendatory Act of the 100th General Assembly and to
2 claims filed thereafter.

3 (j) All time limitations established under this Act and the
4 rules promulgated under this Act shall be binding and
5 jurisdictional, except upon extension authorized by law or rule
6 and granted pursuant to a motion timely filed.

7 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
8 96-328, eff. 8-11-09.)

9 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

10 Sec. 24. Payment of awards.

11 (1) From funds appropriated by the General Assembly for the
12 purposes of this Section the Court may direct immediate payment
13 of:

14 (a) All claims arising solely as a result of the
15 lapsing of an appropriation out of which the obligation
16 could have been paid.

17 (b) All claims pursuant to the Line of Duty
18 Compensation Act.

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

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

24 (d-5) All claims against the State for unjust
25 imprisonment as provided in subsection (c) of Section 8 of

1 this Act.

2 (e) All other claims wherein the amount of the award of
3 the Court is less than \$50,000 ~~\$5,000~~.

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

12 (3) In directing payment of a claim pursuant to the Line of
13 Duty Compensation Act, the Court must direct the Comptroller to
14 add an interest penalty if payment of a claim is not made
15 within 6 months after a claim is filed in accordance with
16 Section 3 of the Line of Duty Compensation Act and all
17 information has been submitted as required under Section 4 of
18 the Line of Duty Compensation Act. If payment is not issued
19 within the 6-month period, an interest penalty of 1% of the
20 amount of the award shall be added for each month or fraction
21 thereof after the end of the 6-month period, until final
22 payment is made. This interest penalty shall be added
23 regardless of whether the payment is not issued within the
24 6-month period because of the appropriation process, the
25 consideration of the matter by the Court, or any other reason.

26 (3.5) The interest penalty payment provided for in

1 subsection (3) shall be added to all claims for which benefits
2 were not paid as of the effective date of P.A. 95-928. The
3 interest penalty shall be calculated starting from the
4 effective date of P.A. 95-928, provided that the effective date
5 of P.A. 95-928 is at least 6 months after the date on which the
6 claim was filed in accordance with Section 3 of the Line of
7 Duty Compensation Act. In the event that the date 6 months
8 after the date on which the claim was filed is later than the
9 effective date of P.A. 95-928, the Court shall calculate the
10 interest payment penalty starting from the date 6 months after
11 the date on which the claim was filed in accordance with
12 Section 3 of the Line of Duty Compensation Act. This subsection
13 (3.5) of this amendatory Act of the 96th General Assembly is
14 declarative of existing law.

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

1 award.

2 (4) From funds appropriated by the General Assembly for the
3 purposes of paying claims under paragraph (c) of Section 8, the
4 court must direct payment of each claim and the payment must be
5 received by the claimant within 60 days after the date that the
6 funds are appropriated for that purpose.

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

9 Section 97. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."