



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0177

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.

LRB101 04701 LNS 49710 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 September 22, 2008 (the effective date of Public Act
14 95-970) ~~this amendatory Act of the 95th General Assembly,~~ the
15 court shall annually adjust the maximum awards authorized by
16 this subsection (c) to reflect the increase, if any, in the
17 Consumer Price Index For All Urban Consumers for the previous
18 calendar year, as determined by the United States Department of
19 Labor, except that no annual increment may exceed 5%. For the
20 annual adjustments, if the Consumer Price Index decreases
21 during a calendar year, there shall be no adjustment for that
22 calendar year. The transmission by the Prisoner Review Board or
23 the clerk of the circuit court of the information described in
24 Section 11(b) to the clerk of the Court of Claims is conclusive
25 evidence of the validity of the claim. The changes made by
26 Public Act 95-970 ~~this amendatory Act of the 95th General~~

1 ~~Assembly~~ apply to all claims pending on or filed on or after
2 September 22, 2008 (the effective date of Public Act 95-970).

3 (c-5) If a person who has received a pardon from the
4 Governor or a certificate of innocence from the Circuit Court
5 as provided in Section 2-702 of the Code of Civil Procedure
6 establishes that he or she plead guilty to the crime for which
7 he or she was convicted due to a coerced confession, the court
8 shall make an award of \$50,000 per year the person was
9 wrongfully imprisoned and shall prorate that amount for a
10 fraction of a year that the person was wrongfully imprisoned.
11 The court shall fix attorney's fees not to exceed 25% of the
12 award granted. The court shall include the number of years the
13 person was imprisoned awaiting trial in its determination of
14 the award. The court shall include an additional \$25,000 for
15 each year served on parole, probation, or registered as a sex
16 offender after imprisonment. The court shall annually adjust
17 the awards authorized by this subsection (c-5) to reflect the
18 increase, if any, in the Consumer Price Index For All Urban
19 Consumers for the previous calendar year, as determined by the
20 United States Department of Labor, except that no annual
21 increment may exceed 5%. For the annual adjustments, if the
22 Consumer Price Index decreases during a calendar year, there
23 shall be no adjustment for that calendar year. The changes made
24 by this amendatory Act of the 101st General Assembly apply to
25 all claims pending on or filed on or after the effective date.

26 (d) All claims against the State for damages in cases

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

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

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

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

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

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

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

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.