

HB3297



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3297

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

705 ILCS 505/8

from Ch. 37, par. 439.8

Amends the Court of Claims Act. Provides that for a claim against the State for damages in cases sounding in tort, if a like cause of action would lie against a private person or corporation in a civil suit, and all like claims sounds in tort against certain entities, all awards shall be paid from the funds appropriated by the General Assembly for the purpose of paying the awards and not by the entity against whom the case is brought.

LRB101 10707 LNS 55819 b

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 Section 8 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) All claims against the State for time unjustly served
22 in prisons of this State when the person imprisoned received a
23 pardon from the governor stating that such pardon is issued on

1 the ground of innocence of the crime for which he or she was
2 imprisoned or he or she received a certificate of innocence
3 from the Circuit Court as provided in Section 2-702 of the Code
4 of Civil Procedure; provided, the amount of the award is at the
5 discretion of the court; and provided, the court shall make no
6 award in excess of the following amounts: for imprisonment of 5
7 years or less, not more than \$85,350; for imprisonment of 14
8 years or less but over 5 years, not more than \$170,000; for
9 imprisonment of over 14 years, not more than \$199,150; and
10 provided further, the court shall fix attorney's fees not to
11 exceed 25% of the award granted. On or after the effective date
12 of this amendatory Act of the 95th General Assembly, the court
13 shall annually adjust the maximum awards authorized by this
14 subsection (c) to reflect the increase, if any, in the Consumer
15 Price Index For All Urban Consumers for the previous calendar
16 year, as determined by the United States Department of Labor,
17 except that no annual increment may exceed 5%. For the annual
18 adjustments, if the Consumer Price Index decreases during a
19 calendar year, there shall be no adjustment for that calendar
20 year. The transmission by the Prisoner Review Board or the
21 clerk of the circuit court of the information described in
22 Section 11(b) to the clerk of the Court of Claims is conclusive
23 evidence of the validity of the claim. The changes made by this
24 amendatory Act of the 95th General Assembly apply to all claims
25 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 \$2,000,000 to or for the
17 benefit of any claimant. Awards shall be paid from the funds
18 appropriated by the General Assembly for the purpose of paying
19 the awards and not by the entity against whom the case is
20 brought. The \$2,000,000 limit prescribed by this Section does
21 not apply to an award of damages in any case sounding in tort
22 arising out of the operation by a State employee of a vehicle
23 owned, leased or controlled by the State. The defense that the
24 State or the Medical Center Commission or the Board of Trustees
25 of the University of Illinois, the Board of Trustees of
26 Southern Illinois University, the Board of Trustees of Chicago

1 State University, the Board of Trustees of Eastern Illinois
2 University, the Board of Trustees of Governors State
3 University, the Board of Trustees of Illinois State University,
4 the Board of Trustees of Northeastern Illinois University, the
5 Board of Trustees of Northern Illinois University, the Board of
6 Trustees of Western Illinois University, or the Board of
7 Trustees of the Illinois Mathematics and Science Academy is not
8 liable for the negligence of its officers, agents, and
9 employees in the course of their employment is not applicable
10 to the hearing and determination of such claims. The changes to
11 this Section made by this amendatory Act of the 100th General
12 Assembly apply only to claims filed on or after July 1, 2015.

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

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

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

1 (g) All claims filed pursuant to the Crime Victims
2 Compensation Act.

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

7 (i) All claims authorized by subsection (a) of Section
8 10-55 of the Illinois Administrative Procedure Act for the
9 expenses incurred by a party in a contested case on the
10 administrative level.

11 (Source: P.A. 100-1124, eff. 11-27-18.)