



Sen. Omar Aquino

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1 AMENDMENT TO SENATE BILL 2936

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2936 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 and 22 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  
11 of the State of Illinois or upon any regulation adopted  
12 thereunder by an executive or administrative officer or  
13 agency; provided, however, the court shall not have  
14 jurisdiction (i) to hear or determine claims arising under  
15 the Workers' Compensation Act or the Workers' Occupational  
16 Diseases Act, or claims for expenses in civil litigation,

1 or (ii) to review administrative decisions for which a  
2 statute provides that review shall be in the circuit or  
3 appellate court.

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

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

1 exceed 5%. For the annual adjustments, if the Consumer  
2 Price Index decreases during a calendar year, there shall  
3 be no adjustment for that calendar year. The transmission  
4 by the Prisoner Review Board or the clerk of the circuit  
5 court of the information described in Section 11(b) to the  
6 clerk of the Court of Claims is conclusive evidence of the  
7 validity of the claim. The changes made by this amendatory  
8 Act of the 95th General Assembly apply to all claims  
9 pending on or filed on or after the effective date.

10 (d) All claims against the State for damages in cases  
11 sounding in tort, if a like cause of action would lie  
12 against a private person or corporation in a civil suit,  
13 and all like claims sounding in tort against the Medical  
14 Center Commission, the Board of Trustees of the University  
15 of Illinois, the Board of Trustees of Southern Illinois  
16 University, the Board of Trustees of Chicago State  
17 University, the Board of Trustees of Eastern Illinois  
18 University, the Board of Trustees of Governors State  
19 University, the Board of Trustees of Illinois State  
20 University, the Board of Trustees of Northeastern Illinois  
21 University, the Board of Trustees of Northern Illinois  
22 University, the Board of Trustees of Western Illinois  
23 University, or the Board of Trustees of the Illinois  
24 Mathematics and Science Academy; provided, that an award  
25 for damages in a case sounding in tort, other than certain  
26 cases involving the operation of a State vehicle described

1 in this paragraph, shall not exceed the sum of \$2,000,000  
2 to or for the benefit of any claimant. The \$2,000,000 limit  
3 prescribed by this Section does not apply to an award of  
4 damages in any case sounding in tort arising out of the  
5 operation by a State employee of a vehicle owned, leased or  
6 controlled by the State. The defense that the State or the  
7 Medical Center Commission or the Board of Trustees of the  
8 University of Illinois, the Board of Trustees of Southern  
9 Illinois University, the Board of Trustees of Chicago State  
10 University, the Board of Trustees of Eastern Illinois  
11 University, the Board of Trustees of Governors State  
12 University, the Board of Trustees of Illinois State  
13 University, the Board of Trustees of Northeastern Illinois  
14 University, the Board of Trustees of Northern Illinois  
15 University, the Board of Trustees of Western Illinois  
16 University, or the Board of Trustees of the Illinois  
17 Mathematics and Science Academy is not liable for the  
18 negligence of its officers, agents, and employees in the  
19 course of their employment is not applicable to the hearing  
20 and determination of such claims. The changes to this  
21 Section made by this amendatory Act of the 100th General  
22 Assembly apply only to claims filed on or after July 1,  
23 2015.

24 The court shall annually adjust the maximum awards  
25 authorized by this subsection to reflect the increase, if  
26 any, in the Consumer Price Index For All Urban Consumers

1 for the previous calendar year, as determined by the United  
2 States Department of Labor. The Comptroller shall make the  
3 new amount resulting from each annual adjustment available  
4 to the public via the Comptroller's official website by  
5 January 31 of every year.

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

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

12 (g) All claims filed pursuant to the Crime Victims  
13 Compensation Act.

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

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

23 (j) All quantum meruit claims by medical vendors for  
24 medical services rendered by the claimant pursuant to  
25 Section 5-5.01a of the Illinois Public Aid Code to a person  
26 eligible for medical assistance under programs

1 administered by the Department of Healthcare and Family  
2 Services if:

3 (1) the services or goods were provided between  
4 January 1, 2015 and June 30, 2019;

5 (2) at the time the services or goods were  
6 provided, the vendor was certified by Medicaid to  
7 provide medical services to a person eligible for  
8 medical assistance under programs administered by the  
9 Department of Healthcare and Family Services;

10 (3) the State accepted the services or goods  
11 provided;

12 (4) the State has been unjustly enriched or  
13 benefited from the services or goods; and

14 (5) the claim was filed with the Court of Claims  
15 before March 31, 2020.

16 The existence of a vendor agreement between a vendor  
17 and the State shall not be a bar, defense, or otherwise  
18 defeat a quantum meruit claim under this subsection. The  
19 amount due to a vendor under this subsection shall not  
20 exceed the Medicaid fee-for-service rates that would have  
21 otherwise been paid to the vendor for a valid claim at the  
22 time the services were rendered.

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

24 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

25 Sec. 22. Every claim cognizable by the court ~~Court~~ and not

1 otherwise sooner barred by law shall be forever barred from  
2 prosecution therein unless it is filed with the clerk of the  
3 court ~~Clerk of the Court~~ within the time set forth as follows:

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

9 (b) All claims cognizable against the State by vendors  
10 of goods or services under the ~~"The~~ Illinois Public Aid  
11 Code", ~~approved April 11, 1967, as amended,~~ must file  
12 within one year after the accrual of the cause of action,  
13 as provided in Section 11-13 of that Code. This restriction  
14 shall not apply to claims made pursuant to subsection (j)  
15 of Section 8.

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

1           2 years after the person asserting such claim is either  
2           issued a certificate of innocence as provided in Section  
3           2-702 of the Code of Civil Procedure, or is granted a  
4           pardon by the Governor, whichever occurs later.

5           (d) All claims arising under paragraph (f) of Section 8  
6           of this Act must be filed within the time set forth in  
7           Section 3 of the Line of Duty Compensation Act.

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

14          (f) All claims arising under paragraph (g) of Section 8  
15          of this Act must be filed within one year of the crime on  
16          which a claim is based as provided in Section 6.1 of the  
17          ~~"Crime Victims Compensation Act", approved August 23,  
18          1973, as amended.~~

19          (g) All claims arising from the Comptroller's refusal  
20          to issue a replacement warrant pursuant to Section 10.10 of  
21          the State Comptroller Act must be filed within 5 years  
22          after the date of the Comptroller's refusal.

23          (h) All other claims must be filed within 2 years after  
24          it first accrues, saving to minors, and persons under legal  
25          disability at the time the claim accrues, in which case the  
26          claim must be filed within 2 years from the time the



1           disability ceases.

2           (i) The changes made by Public Act 86-458 apply to all  
3           warrants issued within the 5-year ~~5-year~~ period preceding  
4           August 31, 1989 (the effective date of Public Act 86-458).  
5           The changes made to this Section by Public Act 100-1124  
6           ~~this amendatory Act of the 100th General Assembly~~ apply to  
7           claims pending on November 27, 2018 (the effective date of  
8           Public Act 100-1124) ~~this amendatory Act of the 100th~~  
9           ~~General Assembly~~ and to claims filed thereafter.

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

14           (Source: P.A. 100-1124, eff. 11-27-18; revised 7-16-19.)

15           Section 99. Effective date. This Act takes effect upon  
16           becoming law."