



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0086

Introduced 1/14/2021, 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.

LRB102 03685 LNS 13698 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
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,
17 or (ii) to review administrative decisions for which a
18 statute provides that review shall be in the circuit or
19 appellate court.

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

22 (c) Except as provided in subsection (c-5), all ~~All~~
23 claims against the State for time unjustly served in

1 prisons of this State when the person imprisoned received
2 a pardon from the Governor stating that such pardon is
3 issued on the ground of innocence of the crime for which he
4 or she was imprisoned or he or she received a certificate
5 of innocence from the Circuit Court as provided in Section
6 2-702 of the Code of Civil Procedure. ~~The, provided, the~~
7 amount of the award is at the discretion of the court;
8 however ~~and provided,~~ the court shall make no award in
9 excess of the following amounts: for imprisonment of 5
10 years or less, not more than \$85,350; for imprisonment of
11 14 years or less but over 5 years, not more than \$170,000;
12 for imprisonment of over 14 years, not more than \$199,150.
13 ~~The, and provided further,~~ the court shall fix attorney's
14 fees not to exceed 25% of the award granted. On or after
15 September 22, 2008 (the effective date of Public Act
16 95-970) ~~this amendatory Act of the 95th General Assembly,~~
17 the court shall annually adjust the maximum awards
18 authorized by this subsection (c) to reflect the increase,
19 if any, in the Consumer Price Index For All Urban
20 Consumers for the previous calendar year, as determined by
21 the United States Department of Labor, except that no
22 annual increment may exceed 5%. For the annual
23 adjustments, if the Consumer Price Index decreases during
24 a calendar year, there shall be no adjustment for that
25 calendar year. The transmission by the Prisoner Review
26 Board or the clerk of the circuit court of the information

1 described in Section 11(b) to the clerk of the Court of
2 Claims is conclusive evidence of the validity of the
3 claim. The changes made by Public Act 95-970 ~~this~~
4 ~~amendatory Act of the 95th General Assembly~~ apply to all
5 claims pending on or filed on or after September 22, 2008
6 (the effective date of Public Act 95-970).

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

1 shall be no adjustment for that calendar year. The changes
2 made by this amendatory Act of the 102nd General Assembly
3 apply to all claims pending on or filed on or after the
4 effective date.

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

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

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

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

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

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

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

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.