



Rep. Mary E. Flowers

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10200HB0087ham001

LRB102 03670 LNS 23780 a

1 AMENDMENT TO HOUSE BILL 87

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 87 by replacing  
3 everything after the enacting clause with the following:

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  
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) Except as provided in subsection (c-5), all ~~All~~  
7 claims against the State for time unjustly served in  
8 prisons of this State when the person imprisoned received  
9 a pardon from the Governor stating that such pardon is  
10 issued on the ground of innocence of the crime for which he  
11 or she was imprisoned or he or she received a certificate  
12 of innocence from the Circuit Court as provided in Section  
13 2-702 of the Code of Civil Procedure. The ~~; provided, the~~  
14 amount of the award is at the discretion of the court;  
15 however ~~and provided,~~ the court shall make no award in  
16 excess of the following amounts: for imprisonment of 5  
17 years or less, not more than \$85,350; for imprisonment of  
18 14 years or less but over 5 years, not more than \$170,000;  
19 for imprisonment of over 14 years, not more than \$199,150.  
20 The ~~; and provided further, the~~ court shall fix attorney's  
21 fees not to exceed 25% of the award granted. On or after  
22 September 22, 2008 (the effective date of Public Act  
23 95-970) ~~this amendatory Act of the 95th General Assembly,~~  
24 the court shall annually adjust the maximum awards  
25 authorized by this subsection (c) to reflect the increase,  
26 if any, in the Consumer Price Index For All Urban

1 Consumers for the previous calendar year, as determined by  
2 the United States Department of Labor, except that no  
3 annual increment may exceed 5%. For the annual  
4 adjustments, if the Consumer Price Index decreases during  
5 a calendar year, there shall be no adjustment for that  
6 calendar year. The transmission by the Prisoner Review  
7 Board or the clerk of the circuit court of the information  
8 described in Section 11(b) to the clerk of the Court of  
9 Claims is conclusive evidence of the validity of the  
10 claim. The changes made by Public Act 95-970 ~~this~~  
11 ~~amendatory Act of the 95th General Assembly~~ apply to all  
12 claims pending on or filed on or after September 22, 2008  
13 (the effective date of Public Act 95-970).

14 (c-5) If a person who has received a pardon from the  
15 Governor or a certificate of innocence from the Circuit Court  
16 as provided in Section 2-702 of the Code of Civil Procedure  
17 establishes that he or she plead guilty to the crime for which  
18 he or she was convicted due to a coerced confession, the court  
19 shall make an award of \$50,000 per year the person was  
20 wrongfully imprisoned and shall prorate that amount for a  
21 fraction of a year that the person was wrongfully imprisoned.  
22 The court shall fix attorney's fees not to exceed 25% of the  
23 award granted. The court shall include the number of years the  
24 person was imprisoned awaiting trial in its determination of  
25 the award. The court shall include an additional \$25,000 for  
26 each year served on parole, probation, or registered as a sex

1 offender after imprisonment. The court shall annually adjust  
2 the awards authorized by this subsection (c-5) to reflect the  
3 increase, if any, in the Consumer Price Index For All Urban  
4 Consumers for the previous calendar year, as determined by the  
5 United States Department of Labor, except that no annual  
6 increment may exceed 5%. For the annual adjustments, if the  
7 Consumer Price Index decreases during a calendar year, there  
8 shall be no adjustment for that calendar year. The changes  
9 made by this amendatory Act of the 102nd General Assembly  
10 apply to all claims pending on or filed on or after the  
11 effective date.

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

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

26 The court shall annually adjust the maximum awards

1 authorized by this subsection to reflect the increase, if  
2 any, in the Consumer Price Index For All Urban Consumers  
3 for the previous calendar year, as determined by the  
4 United States Department of Labor. The Comptroller shall  
5 make the new amount resulting from each annual adjustment  
6 available to the public via the Comptroller's official  
7 website by January 31 of every year.

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

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

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

16 (h) All claims pursuant to the Illinois National  
17 Guardsman's Compensation Act. A claim under that Act must  
18 be heard and determined within one year after the  
19 application for that claim is filed with the Court as  
20 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. 100-1124, eff. 11-27-18.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".