



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2191

Introduced 2/26/2021, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

705 ILCS 505/8

from Ch. 37, par. 439.8

Amends the Court of Claims Act. Deletes language regarding the amount a court shall award to a person for time unjustly served in prison when the person imprisoned received a pardon on the ground of innocence of the crime for which he or she was imprisoned or he or she received a certificate of innocence. Provides instead that the court shall award \$50,000 per year during which the person was wrongfully imprisoned and shall prorate that amount for a fraction of a year that the person was wrongfully imprisoned, including the number of years the person was awaiting trial. Provides that the court shall award attorney's fees in an amount not to exceed 25% of the award granted. Provides that the changes made by the amendatory Act apply to all claims pending or filed on or after the effective date.

LRB102 15318 LNS 20674 b

1 AN ACT concerning courts.

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
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) All claims against the State for time unjustly
23 served in prisons of this State when the person imprisoned

1 received a pardon from the Governor stating that such
2 pardon is issued on the ground of innocence of the crime
3 for which he or she was imprisoned or he or she received a
4 certificate of innocence from the Circuit Court as
5 provided in Section 2-702 of the Code of Civil Procedure.
6 The court shall award \$50,000 per year during which the
7 person was wrongfully imprisoned and shall prorate that
8 amount for a fraction of a year that the person was
9 wrongfully imprisoned. The court shall award attorney's
10 fees in an amount not to exceed 25% of the award granted.
11 In its determination of the award, the court shall include
12 the number of years the person was imprisoned while
13 awaiting trial. The ~~;~~ provided, the amount of the award is
14 at the discretion of the court; and provided, the court
15 shall make no award in excess of the following amounts:
16 for imprisonment of 5 years or less, not more than
17 \$85,350; for imprisonment of 14 years or less but over 5
18 years, not more than \$170,000; for imprisonment of over 14
19 years, not more than \$199,150; and provided further, the
20 court shall fix attorney's fees not to exceed 25% of the
21 award granted. On or after the effective date of this
22 amendatory Act of the 95th General Assembly, the court
23 shall annually adjust the maximum awards authorized by
24 this subsection (c) to reflect the increase, if any, in
25 the Consumer Price Index For All Urban Consumers for the
26 previous calendar year, as determined by the United States

1 Department of Labor, except that no annual increment may
2 exceed 5%. For the annual adjustments, if the Consumer
3 Price Index decreases during a calendar year, there shall
4 be no adjustment for that calendar year. The transmission
5 by the Prisoner Review Board or the clerk of the circuit
6 court of the information described in Section 11(b) to the
7 clerk of the Court of Claims is conclusive evidence of the
8 validity of the claim. The changes made by Public Act
9 95-970 ~~this amendatory Act of the 95th General Assembly~~
10 apply to all claims pending on or filed on or after
11 September 22, 2008 (the effective date of Public Act
12 95-970). The changes made by this amendatory Act of the
13 102nd General Assembly apply to all claims pending on or
14 filed on or after the effective date.

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

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

1 amendatory Act of the 100th General Assembly apply only to
2 claims filed on or after July 1, 2015.

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

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

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

17 (g) All claims filed pursuant to the Crime Victims
18 Compensation Act.

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

24 (i) All claims authorized by subsection (a) of Section
25 10-55 of the Illinois Administrative Procedure Act for the
26 expenses incurred by a party in a contested case on the

1 administrative level.

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