



Adopted in House Comm. on Apr 12, 2005

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LRB094 06864 LCB 44547 a

1 AMENDMENT TO HOUSE BILL 644

2 AMENDMENT NO. _____. Amend House Bill 644 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Personnel Code is amended by adding Section
5 8b.7-5 as follows:

6 (20 ILCS 415/8b.7-5 new)

7 Sec. 8b.7-5. Unjustly imprisoned preference.

8 (a) A person shall be qualified for a preference in
9 entrance examinations if: (i) he or she has been discharged
10 from a prison of this State; (ii) he or she has been wrongfully
11 accused of a crime for which he or she was imprisoned; and
12 (iii) either a court of competent jurisdiction finds that the
13 evidence that resulted in his or her conviction was erroneous
14 or that new evidence indicates that the person did not commit
15 the crime for which he or she was imprisoned or the accused
16 received a pardon from the Governor stating that such pardon is
17 issued on the ground of innocence of the crime for which he or
18 she was imprisoned.

19 (b) The preference granted under this Section shall be in
20 the form of points added to the final grade of the person if
21 the person otherwise qualifies and is entitled to appear on the
22 list of those eligible for appointments.

23 (c) A person qualified for a preference under this Section
24 shall receive a preference of 5 points.

1 (d) The Department of Central Management Services shall
2 adopt rules and implement procedures to verify that any person
3 seeking a preference under this Section provides documentation
4 or executes any consents or other documents required by the
5 Department of Central Management Services or any other State
6 Department or agency to enable that Department or agency to
7 verify that the person is entitled to the preference.

8 Section 10. The Court of Claims Act is amended by changing
9 Sections 8, 11, 22, and 24 and by adding Section 24.5 as
10 follows:

11 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

12 Sec. 8. Court of Claims jurisdiction. The court shall have
13 exclusive jurisdiction to hear and determine the following
14 matters:

15 (a) All claims against the State founded upon any law of
16 the State of Illinois or upon any regulation adopted thereunder
17 by an executive or administrative officer or agency; provided,
18 however, the court shall not have jurisdiction (i) to hear or
19 determine claims arising under the Workers' Compensation Act or
20 the Workers' Occupational Diseases Act, or claims for expenses
21 in civil litigation, or (ii) to review administrative decisions
22 for which a statute provides that review shall be in the
23 circuit or appellate court.

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

26 (c) All claims against the State for time unjustly served
27 in prisons of this State when ~~where~~ the person ~~persons~~
28 imprisoned (i) was wrongfully accused of the crime for which he
29 or she was imprisoned and a court of competent jurisdiction
30 finds that the evidence that resulted in his or her conviction
31 was erroneous or that new evidence indicates that the person
32 did not commit the crime for which he or she was imprisoned, or

1 (ii) the accused received ~~shall receive~~ a pardon from the
2 governor stating that such pardon is issued on the ground of
3 innocence of the crime for which they were imprisoned;
4 provided, the amount of the award is at the discretion of the
5 court; and provided, the court shall make no award in excess of
6 the following amounts: for imprisonment of 5 years or less, not
7 more than \$85,350 ~~\$15,000~~; for imprisonment of 14 years or less
8 but over 5 years, not more than \$170,000 ~~\$30,000~~; for
9 imprisonment of over 14 years, not more than \$199,150 ~~\$35,000~~;
10 and provided further, the court shall fix attorney's fees not
11 to exceed 25% of the award granted. On or after the effective
12 date of this amendatory Act of the 94th General Assembly, ~~On~~
13 ~~December 31, 1996,~~ the court shall make a one-time adjustment
14 ~~in the maximum awards authorized by this subsection (c), to~~
15 ~~reflect the increase in the cost of living from the year in~~
16 ~~which these maximum awards were last adjusted until 1996, but~~
17 ~~with no annual increment exceeding 5%. Thereafter,~~ the court
18 shall annually adjust the maximum awards authorized by this
19 subsection (c) to reflect the increase, if any, in the Consumer
20 Price Index For All Urban Consumers for the previous calendar
21 year, as determined by the United States Department of Labor,
22 except that no annual increment may exceed 5%. For ~~both~~ the
23 ~~one-time adjustment and the subsequent~~ annual adjustments, if
24 the Consumer Price Index decreases during a calendar year,
25 there shall be no adjustment for that calendar year. The
26 changes made by this amendatory Act of the 94th General
27 Assembly apply to all claims pending on or filed on or after
28 the effective date. ~~The changes made by Public Act 89-689 apply~~
29 ~~to all claims filed on or after January 1, 1995 that are~~
30 ~~pending on December 31, 1996 and all claims filed on or after~~
31 ~~December 31, 1996.~~

32 (d) All claims against the State for damages in cases
33 sounding in tort, if a like cause of action would lie against a
34 private person or corporation in a civil suit, and all like

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

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

1 (f) All claims pursuant to the Line of Duty Compensation
2 Act.

3 (g) All claims filed pursuant to the Crime Victims
4 Compensation Act.

5 (h) All claims pursuant to the Illinois National
6 Guardsman's Compensation 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. 93-1047, eff. 10-18-04.)

12 (705 ILCS 505/11) (from Ch. 37, par. 439.11)

13 Sec. 11. Filing claims.

14 (a) Except as otherwise provided in subsection (b) of this
15 Section and subsection (3) of Section 24, the claimant shall in
16 all cases set forth fully in his petition the claim, the action
17 thereon, if any, on behalf of the State, what persons are
18 owners thereof or interested therein, when and upon what
19 consideration such persons became so interested; that no
20 assignment or transfer of the claim or any part thereof or
21 interest therein has been made, except as stated in the
22 petition; that the claimant is justly entitled to the amount
23 therein claimed from the State of Illinois, after allowing all
24 just credits; and that claimant believes the facts stated in
25 the petition to be true. The petition shall be verified, as to
26 statements of facts, by the affidavit of the claimant, his
27 agent, or attorney.

28 (b) Whenever a person who has served a term of imprisonment
29 and has been discharged from prison because a court of
30 competent jurisdiction has found that the evidence that
31 resulted in the person's conviction was erroneous or that new
32 evidence indicates that the person did not commit the crime for
33 which he or she was convicted, the clerk of the court of

1 competent jurisdiction shall transmit this information to the
2 clerk of the Court of Claims. Whenever a person who has served
3 a term of imprisonment and has received a pardon by the
4 Governor stating that such pardon was issued on the ground of
5 innocence of the crime for which he or she was imprisoned, the
6 Governor shall transmit this information to the clerk of the
7 Court of Claims. The clerk of the Court of Claims shall
8 immediately docket the case for consideration by the Court of
9 Claims. The Court of Claims shall hear the case and render a
10 decision within 90 days after its docketing. The transmission
11 by the clerk of the court of competent jurisdiction or by the
12 Governor of the information described in this subsection (b) to
13 the clerk of the Court of Claims is conclusive evidence of the
14 validity of the claim.

15 (Source: Laws 1945, p. 660.)

16 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

17 Sec. 22. Every claim cognizable by the Court and not
18 otherwise sooner barred by law shall be forever barred from
19 prosecution therein unless it is filed with the Clerk of the
20 Court within the time set forth as follows:

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

26 (b) All claims cognizable against the State by vendors of
27 goods or services under "The Illinois Public Aid Code",
28 approved April 11, 1967, as amended, must file within one year
29 after the accrual of the cause of action, as provided in
30 Section 11-13 of that Code.

31 (c) All claims arising under paragraph (c) of Section 8 of
32 this Act must be automatically heard by the court ~~filed~~ within
33 120 days ~~2 years~~ after the person unjustly imprisoned ~~asserting~~

1 ~~such claim~~ is discharged from prison without the person
2 unjustly imprisoned being required to file a petition under
3 Section 11 of this Act ~~, or is granted a pardon by the~~
4 ~~Governor, whichever occurs later, except as otherwise provided~~
5 ~~by the Crime Victims Compensation Act.~~

6 (d) All claims arising under paragraph (f) of Section 8 of
7 this Act must be filed within one year of the date of the death
8 of the law enforcement officer or fireman as provided in
9 Section 3 of the "Law Enforcement Officers and Firemen
10 Compensation Act", approved September 30, 1969, as amended.

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

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

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

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

29 (i) The changes made by this amendatory Act of 1989 shall
30 apply to all warrants issued within the 5 year period preceding
31 the effective date of this amendatory Act of 1989.

32 (j) All time limitations established under this Act and the
33 rules promulgated under this Act shall be binding and
34 jurisdictional, except upon extension authorized by law or rule

1 and granted pursuant to a motion timely filed.

2 (Source: P.A. 86-458.)

3 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

4 Sec. 24. Payment of awards.

5 (1) From funds appropriated by the General Assembly for the
6 purposes of this Section the Court may direct immediate payment
7 of:

8 (a) All claims arising solely as a result of the
9 lapsing of an appropriation out of which the obligation
10 could have been paid.

11 (b) All claims pursuant to the "Law Enforcement
12 Officers and Firemen Compensation Act", approved September
13 30, 1969, as amended.

14 (c) All claims pursuant to the "Illinois National
15 Guardsman's and Naval Militiaman's Compensation Act",
16 approved August 12, 1971, as amended.

17 (d) All claims pursuant to the "Crime Victims
18 Compensation Act", approved August 23, 1973, as amended.

19 (e) All other claims wherein the amount of the award of
20 the Court is less than \$5,000.

21 (2) The court may, from funds specifically appropriated
22 from the General Revenue Fund for this purpose, direct the
23 payment of awards less than \$50,000 solely as a result of the
24 lapsing of an appropriation originally made from any fund held
25 by the State Treasurer. For any such award paid from the
26 General Revenue Fund, the court shall thereafter seek an
27 appropriation from the fund from which the liability originally
28 accrued in reimbursement of the General Revenue Fund.

29 (3) From funds appropriated by the General Assembly for the
30 purposes of paying claims under paragraph (c) of Section 8, the
31 court must direct payment of each claim and the payment must be
32 received by the claimant within 60 days after the date that the
33 funds are appropriated for that purpose.

1 (Source: P.A. 92-357, eff. 8-15-01.)

2 (705 ILCS 505/24.5 new)

3 Sec. 24.5. Reimbursement by county. Except in cases
4 initiated by the Attorney General, in the case of an unjust
5 imprisonment where a judgment has been rendered against the
6 State under this Act in favor of a person who was unjustly
7 imprisoned, the county where the case for the imprisonment
8 originated shall reimburse the State for the full amount of the
9 judgment.

10 This amendatory Act of the 94th General Assembly shall
11 apply to causes of action filed on or after its effective date.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.".