

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 Public Employment Office Act is amended by
5 changing Section 2 as follows:

6 (20 ILCS 1015/2)

7 Sec. 2. Persons unjustly imprisoned; job search and
8 placement services. Each local office of the Department shall
9 provide each person to whom this Section applies with job
10 search and placement services, including assessment, resume
11 assistance, interview preparation, occupational and labor
12 market information, referral to employers with job openings to
13 which the person is suited and referral to such job training
14 and education program providers as may be appropriate and
15 available through the partnering agencies with which the local
16 office is affiliated. This Section applies to a person who has
17 been discharged from a prison of this State if the person
18 received a pardon from the Governor stating that such pardon is
19 issued on the ground of innocence of the crime for which he or
20 she was imprisoned or he or she has received a certificate of
21 innocence from the Circuit Court under ~~as provided in~~ Section
22 2-702 or 2-702.5 of the Code of Civil Procedure.

23 (Source: P.A. 95-970, eff. 9-22-08.)

1 Section 10. The Court of Claims Act is amended by changing
2 Sections 8, 11, and 22 as follows:

3 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

4 Sec. 8. Court of Claims jurisdiction; deliberation
5 periods. The court shall have exclusive jurisdiction to hear
6 and determine the following matters:

7 (a) All claims against the State founded upon any law of
8 the State of Illinois or upon any regulation adopted thereunder
9 by an executive or administrative officer or agency; provided,
10 however, the court shall not have jurisdiction (i) to hear or
11 determine claims arising under the Workers' Compensation Act or
12 the Workers' Occupational Diseases Act, or claims for expenses
13 in civil litigation, or (ii) to review administrative decisions
14 for which a statute provides that review shall be in the
15 circuit or appellate court.

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

18 (c) All claims against the State for time unjustly served
19 in prisons of this State when the person imprisoned received a
20 pardon from the governor stating that such pardon is issued on
21 the ground of innocence of the crime for which he or she was
22 imprisoned or he or she received a certificate of innocence
23 from the Circuit Court under ~~as provided in~~ Section 2-702 or
24 2-702.5 of the Code of Civil Procedure; provided, the amount of

1 the award is at the discretion of the court; and provided, the
2 court shall make no award in excess of the following amounts:
3 for imprisonment of 5 years or less, not more than \$85,350; for
4 imprisonment of 14 years or less but over 5 years, not more
5 than \$170,000; for imprisonment of over 14 years, not more than
6 \$199,150; and provided further, the court shall fix attorney's
7 fees not to exceed 25% of the award granted. On or after the
8 effective date of this amendatory Act of the 95th General
9 Assembly, the court shall annually adjust the maximum awards
10 authorized by this subsection (c) to reflect the increase, if
11 any, in the Consumer Price Index For All Urban Consumers for
12 the previous calendar year, as determined by the United States
13 Department of Labor, except that no annual increment may exceed
14 5%. For the annual adjustments, if the Consumer Price Index
15 decreases during a calendar year, there shall be no adjustment
16 for that calendar year. The transmission by the Prisoner Review
17 Board or the clerk of the circuit court of the information
18 described in Section 11(b) to the clerk of the Court of Claims
19 is conclusive evidence of the validity of the claim. The
20 changes made by this amendatory Act of the 95th General
21 Assembly apply to all claims pending on or filed on or after
22 the effective date.

23 (d) All claims against the State for damages in cases
24 sounding in tort, if a like cause of action would lie against a
25 private person or corporation in a civil suit, and all like
26 claims sounding in tort against the Medical Center Commission,

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

1 University, or the Board of Trustees of the Illinois
2 Mathematics and Science Academy is not liable for the
3 negligence of its officers, agents, and employees in the course
4 of their employment is not applicable to the hearing and
5 determination of such claims.

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

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

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

22 (Source: P.A. 95-970, eff. 9-22-08; 96-80, eff. 7-27-09.)

23 (705 ILCS 505/11) (from Ch. 37, par. 439.11)
24 Sec. 11. Filing claims.

25 (a) Except as otherwise provided in subsection (b) of this

1 Section and subsection (4) of Section 24, the claimant shall in
2 all cases set forth fully in his petition the claim, the action
3 thereon, if any, on behalf of the State, what persons are
4 owners thereof or interested therein, when and upon what
5 consideration such persons became so interested; that no
6 assignment or transfer of the claim or any part thereof or
7 interest therein has been made, except as stated in the
8 petition; that the claimant is justly entitled to the amount
9 therein claimed from the State of Illinois, after allowing all
10 just credits; and that claimant believes the facts stated in
11 the petition to be true. The petition shall be verified, as to
12 statements of facts, by the affidavit of the claimant, his
13 agent, or attorney.

14 (b) Whenever a person has served a term of imprisonment and
15 has received a pardon by the Governor stating that such pardon
16 was issued on the ground of innocence of the crime for which he
17 or she was imprisoned, the Prisoner Review Board shall transmit
18 this information to the clerk of the Court of Claims, together
19 with the claimant's current address. Whenever a person has
20 served a term of imprisonment and has received a certificate of
21 innocence from the Circuit Court under ~~as provided in~~ Section
22 2-702 or 2-702.5 of the Code of Civil Procedure, the clerk of
23 the issuing Circuit Court shall transmit this information to
24 the clerk of the Court of Claims, together with the claimant's
25 current address. The clerk of the Court of Claims shall
26 immediately docket the case for consideration by the Court of

1 Claims, and shall provide notice to the claimant of such
2 docketing together with all hearing dates and applicable
3 deadlines. The Court of Claims shall hear the case and render a
4 decision within 90 days after its docketing.

5 (Source: P.A. 95-970, eff. 9-22-08; 96-328, eff. 8-11-09.)

6 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

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

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

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

21 (c) All claims arising under paragraph (c) of Section 8 of
22 this Act must be automatically heard by the court within 120
23 days after the person asserting such claim is either issued a
24 certificate of innocence from the Circuit Court under ~~as~~
25 ~~provided in~~ Section 2-702 or 2-702.5 of the Code of Civil

1 Procedure, or is granted a pardon by the Governor, whichever
2 occurs later, without the person asserting the claim being
3 required to file a petition under Section 11 of this Act,
4 except as otherwise provided by the Crime Victims Compensation
5 Act. Any claims filed by the claimant under paragraph (c) of
6 Section 8 of this Act must be filed within 2 years after the
7 person asserting such claim is either issued a certificate of
8 innocence under ~~as provided in~~ Section 2-702 or 2-702.5 of the
9 Code of Civil Procedure, or is granted a pardon by the
10 Governor, whichever occurs later.

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

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

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

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

1 (h) All other claims must be filed within 2 years after it
2 first accrues, saving to minors, and persons under legal
3 disability at the time the claim accrues, in which case the
4 claim must be filed within 2 years from the time the disability
5 ceases.

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

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

13 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
14 96-328, eff. 8-11-09.)

15 Section 15. The Unified Code of Corrections is amended by
16 changing Section 3-1-2 as follows:

17 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

18 Sec. 3-1-2. Definitions.

19 (a) "Chief Administrative Officer" means the person
20 designated by the Director to exercise the powers and duties of
21 the Department of Corrections in regard to committed persons
22 within a correctional institution or facility, and includes the
23 superintendent of any juvenile institution or facility.

24 (a-5) "Sex offense" for the purposes of paragraph (16) of

1 subsection (a) of Section 3-3-7, paragraph (10) of subsection
2 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
3 Section 5-6-3.1 only means:

4 (i) A violation of any of the following Sections of the
5 Criminal Code of 1961 or the Criminal Code of 2012: 10-7
6 (aiding or abetting child abduction under Section
7 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
8 solicitation of a child), 11-6.5 (indecent solicitation of
9 an adult), 11-14.4 (promoting juvenile prostitution),
10 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
11 (keeping a place of juvenile prostitution), 11-18.1
12 (patronizing a juvenile prostitute), 11-19.1 (juvenile
13 pimping), 11-19.2 (exploitation of a child), 11-20.1
14 (child pornography), 11-20.1B or 11-20.3 (aggravated child
15 pornography), 11-1.40 or 12-14.1 (predatory criminal
16 sexual assault of a child), or 12-33 (ritualized abuse of a
17 child). An attempt to commit any of these offenses.

18 (ii) A violation of any of the following Sections of
19 the Criminal Code of 1961 or the Criminal Code of 2012:
20 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
21 12-14 (aggravated criminal sexual assault), 11-1.60 or
22 12-16 (aggravated criminal sexual abuse), and subsection
23 (a) of Section 11-1.50 or subsection (a) of Section 12-15
24 (criminal sexual abuse). An attempt to commit any of these
25 offenses.

26 (iii) A violation of any of the following Sections of

1 the Criminal Code of 1961 or the Criminal Code of 2012 when
2 the defendant is not a parent of the victim:

3 10-1 (kidnapping),
4 10-2 (aggravated kidnapping),
5 10-3 (unlawful restraint),
6 10-3.1 (aggravated unlawful restraint).

7 An attempt to commit any of these offenses.

8 (iv) A violation of any former law of this State
9 substantially equivalent to any offense listed in this
10 subsection (a-5).

11 An offense violating federal law or the law of another
12 state that is substantially equivalent to any offense listed in
13 this subsection (a-5) shall constitute a sex offense for the
14 purpose of this subsection (a-5). A finding or adjudication as
15 a sexually dangerous person under any federal law or law of
16 another state that is substantially equivalent to the Sexually
17 Dangerous Persons Act shall constitute an adjudication for a
18 sex offense for the purposes of this subsection (a-5).

19 (b) "Commitment" means a judicially determined placement
20 in the custody of the Department of Corrections on the basis of
21 delinquency or conviction.

22 (c) "Committed Person" is a person committed to the
23 Department, however a committed person shall not be considered
24 to be an employee of the Department of Corrections for any
25 purpose, including eligibility for a pension, benefits, or any
26 other compensation or rights or privileges which may be

1 provided to employees of the Department.

2 (c-5) "Computer scrub software" means any third-party
3 added software, designed to delete information from the
4 computer unit, the hard drive, or other software, which would
5 eliminate and prevent discovery of browser activity, including
6 but not limited to Internet history, address bar or bars, cache
7 or caches, and/or cookies, and which would over-write files in
8 a way so as to make previous computer activity, including but
9 not limited to website access, more difficult to discover.

10 (d) "Correctional Institution or Facility" means any
11 building or part of a building where committed persons are kept
12 in a secured manner.

13 (e) In the case of functions performed before the effective
14 date of this amendatory Act of the 94th General Assembly,
15 "Department" means the Department of Corrections of this State.
16 In the case of functions performed on or after the effective
17 date of this amendatory Act of the 94th General Assembly,
18 "Department" has the meaning ascribed to it in subsection
19 (f-5).

20 (f) In the case of functions performed before the effective
21 date of this amendatory Act of the 94th General Assembly,
22 "Director" means the Director of the Department of Corrections.
23 In the case of functions performed on or after the effective
24 date of this amendatory Act of the 94th General Assembly,
25 "Director" has the meaning ascribed to it in subsection (f-5).

26 (f-5) In the case of functions performed on or after the

1 effective date of this amendatory Act of the 94th General
2 Assembly, references to "Department" or "Director" refer to
3 either the Department of Corrections or the Director of
4 Corrections or to the Department of Juvenile Justice or the
5 Director of Juvenile Justice unless the context is specific to
6 the Department of Juvenile Justice or the Director of Juvenile
7 Justice.

8 (g) "Discharge" means the final termination of a commitment
9 to the Department of Corrections.

10 (h) "Discipline" means the rules and regulations for the
11 maintenance of order and the protection of persons and property
12 within the institutions and facilities of the Department and
13 their enforcement.

14 (i) "Escape" means the intentional and unauthorized
15 absence of a committed person from the custody of the
16 Department.

17 (j) "Furlough" means an authorized leave of absence from
18 the Department of Corrections for a designated purpose and
19 period of time.

20 (k) "Parole" means the conditional and revocable release of
21 a committed person under the supervision of a parole officer.

22 (l) "Prisoner Review Board" means the Board established in
23 Section 3-3-1(a), independent of the Department, to review
24 rules and regulations with respect to good time credits, to
25 hear charges brought by the Department against certain
26 prisoners alleged to have violated Department rules with

1 respect to good time credits, to set release dates for certain
2 prisoners sentenced under the law in effect prior to the
3 effective date of this Amendatory Act of 1977, to hear requests
4 and make recommendations to the Governor with respect to
5 pardon, reprieve or commutation, to set conditions for parole
6 and mandatory supervised release and determine whether
7 violations of those conditions justify revocation of parole or
8 release, and to assume all other functions previously exercised
9 by the Illinois Parole and Pardon Board.

10 (m) Whenever medical treatment, service, counseling, or
11 care is referred to in this Unified Code of Corrections, such
12 term may be construed by the Department or Court, within its
13 discretion, to include treatment, service or counseling by a
14 Christian Science practitioner or nursing care appropriate
15 therewith whenever request therefor is made by a person subject
16 to the provisions of this Act.

17 (n) "Victim" shall have the meaning ascribed to it in
18 subsection (a) of Section 3 of the Bill of Rights for Victims
19 and Witnesses of Violent Crime Act.

20 (o) "Wrongfully imprisoned person" means a person who has
21 been discharged from a prison of this State and has received:

22 (1) a pardon from the Governor stating that such pardon
23 is issued on the ground of innocence of the crime for which
24 he or she was imprisoned; or

25 (2) a certificate of innocence from the Circuit Court
26 under ~~as provided in~~ Section 2-702 or 702.5 of the Code of

1 Civil Procedure.

2 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;
3 96-1000, eff. 7-2-10; 96-1550, eff. 7-1-11; 96-1551, eff.
4 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

5 Section 20. The Code of Civil Procedure is amended by
6 adding Section 2-702.5 as follows:

7 (735 ILCS 5/2-702.5 new)

8 Sec. 2-702.5. Automatic issuance of certificate of
9 innocence.

10 (a) If a person is released from prison after his or her
11 judgment of conviction was reversed or vacated, and the
12 indictment or information dismissed or, if a new trial was
13 ordered, either he or she was found not guilty at the new trial
14 or he or she was not retried and the indictment or information
15 dismissed; or the statute, or application thereof, on which the
16 indictment or information was based violated the Constitution
17 of the United States or the Constitution of the State of
18 Illinois; the court shall sua sponte enter a certificate of
19 innocence finding that the petitioner was innocent of all
20 offenses for which he or she was incarcerated.

21 (b) A certificate of innocence issued under this Section
22 shall be provided to an eligible person upon his or her release
23 from prison, or shall be made available for pickup from the
24 clerk of the circuit court within a reasonable time after the

1 person's release from prison.

2 (c) Upon entry of the certificate of innocence: (1) the
3 clerk of the court shall transmit a copy of the certificate of
4 innocence to the clerk of the Court of Claims, together with
5 the claimant's current address; and (2) the court shall enter
6 an order expunging or sealing the record of arrest from the
7 official records of the arresting authority and directing that
8 the records of the clerk of the circuit court and Department of
9 State Police be sealed until further order of the court upon
10 good cause shown or as otherwise provided by law, and that the
11 name of the defendant be obliterated from the official index
12 requested to be kept by the circuit court clerk under Section
13 16 of the Clerks of Courts Act in connection with the arrest
14 and conviction for the offense, but the order shall not affect
15 any index issued by the circuit court clerk before the entry of
16 the order.

17 (d) Nothing in this Section may be construed as preventing
18 a person from filing a petition under Section 2-702 of this
19 Code.

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 1015/2

4 705 ILCS 505/8 from Ch. 37, par. 439.8

5 705 ILCS 505/11 from Ch. 37, par. 439.11

6 705 ILCS 505/22 from Ch. 37, par. 439.22

7 730 ILCS 5/3-1-2 from Ch. 38, par. 1003-1-2

8 735 ILCS 5/2-702.5 new