



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5306

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.855 new
705 ILCS 505/8

from Ch. 37, par. 439.8

Amends the Court of Claims Act. Provides that in claims against the State for time unjustly served in prison, the court shall make an award of \$50,000 per year the person was wrongfully imprisoned. Provides that the court shall include years the person was imprisoned awaiting trial in its determination of the award and it shall prorate years partially imprisoned. Provides that the court shall include an additional \$25,000 for each year served on parole, probation, or registered as a sex offender after imprisonment. Deletes language providing that the award amount is in the discretion of the judge, within certain parameters. Creates the Compensation for the Wrongfully Imprisoned Fund, a special fund in the State treasury. Provides that the Fund shall hold sufficient funds, appropriated by the General Assembly, to immediately pay the compensation awards to unjustly imprisoned persons as granted by the Court of Claims. Makes a corresponding change in the State Finance Act.

LRB098 18593 HEP 53734 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 State Finance Act is amended by adding
5 Section 5.855 as follows:

6 (30 ILCS 105/5.855 new)

7 Sec. 5.855. The Compensation for the Wrongfully Imprisoned
8 Fund.

9 Section 10. The Court of Claims Act is amended by changing
10 Section 8 as follows:

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

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

1 for which a statute provides that review shall be in the
2 circuit or appellate court.

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

5 (c) All claims against the State for time unjustly served
6 in prisons of this State when the person imprisoned received a
7 pardon from the governor stating that such pardon is issued on
8 the ground of innocence of the crime for which he or she was
9 imprisoned or he or she received a certificate of innocence
10 from the Circuit Court as provided in Section 2-702 of the Code
11 of Civil Procedure. The court shall make an award of \$50,000
12 per year the person was wrongfully imprisoned and shall prorate
13 that amount for a fraction of a year that the person was
14 wrongfully imprisoned. The ; provided, the amount of the award
15 is at the discretion of the court; and provided, the court
16 shall make no award in excess of the following amounts: for
17 imprisonment of 5 years or less, not more than \$85,350; for
18 imprisonment of 14 years or less but over 5 years, not more
19 than \$170,000; for imprisonment of over 14 years, not more than
20 \$199,150; and provided further, the court shall fix attorney's
21 fees not to exceed 25% of the award granted. The court shall
22 include years the person was imprisoned awaiting trial in its
23 determination of the award. The court shall include an
24 additional \$25,000 for each year served on parole, probation,
25 or registered as a sex offender after imprisonment. The ~~On or~~
26 after the effective date of this amendatory Act of the 95th

1 ~~General Assembly, the~~ court shall annually adjust the maximum
2 awards authorized by this subsection (c) 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 transmission
9 by the Prisoner Review Board or the clerk of the circuit court
10 of the information described in Section 11(b) to the clerk of
11 the Court of Claims is conclusive evidence of the validity of
12 the claim. ~~The changes made by this amendatory Act of the 95th~~
13 ~~General Assembly apply to all claims pending on or filed on or~~
14 ~~after the effective date.~~

15 The Compensation for the Wrongfully Imprisoned Fund is
16 created as a special fund in the State treasury. The
17 Compensation for the Wrongfully Imprisoned Fund shall hold
18 sufficient funds, appropriated by the General Assembly, to
19 immediately pay the compensation awards as granted by the Court
20 of Claims. The appropriated funds in the Fund shall be paid out
21 only to persons holding an award for compensation granted by
22 the Court of Claims under this subsection (c).

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.)