

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 Sections 8, 16, 18, 21, and 24 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 of
11 the State of Illinois or upon any regulation adopted thereunder
12 by an executive or administrative officer or agency; provided,
13 however, the court shall not have jurisdiction (i) to hear or
14 determine claims arising under the Workers' Compensation Act or
15 the Workers' Occupational Diseases Act, or claims for expenses
16 in civil litigation, or (ii) to review administrative decisions
17 for which a statute provides that review shall be in the
18 circuit or appellate court.

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

21 (c) All claims against the State for time unjustly served
22 in prisons of this State when the person imprisoned received a
23 pardon from the governor stating that such pardon is issued on

1 the ground of innocence of the crime for which he or she was
2 imprisoned or he or she received a certificate of innocence
3 from the Circuit Court as provided in Section 2-702 of the Code
4 of Civil Procedure; provided, the amount of the award is at the
5 discretion of the court; and provided, the court shall make no
6 award in excess of the following amounts: for imprisonment of 5
7 years or less, not more than \$85,350; for imprisonment of 14
8 years or less but over 5 years, not more than \$170,000; for
9 imprisonment of over 14 years, not more than \$199,150; and
10 provided further, the court shall fix attorney's fees not to
11 exceed 25% of the award granted. On or after the effective date
12 of this amendatory Act of the 95th General Assembly, the court
13 shall annually adjust the maximum awards authorized by this
14 subsection (c) to reflect the increase, if any, in the Consumer
15 Price Index For All Urban Consumers for the previous calendar
16 year, as determined by the United States Department of Labor,
17 except that no annual increment may exceed 5%. For the annual
18 adjustments, if the Consumer Price Index decreases during a
19 calendar year, there shall be no adjustment for that calendar
20 year. The transmission by the Prisoner Review Board or the
21 clerk of the circuit court of the information described in
22 Section 11(b) to the clerk of the Court of Claims is conclusive
23 evidence of the validity of the claim. The changes made by this
24 amendatory Act of the 95th General Assembly apply to all claims
25 pending on or filed on or after the effective date.

26 (d) All claims against the State for damages in cases

1 sounding in tort, if a like cause of action would lie against a
2 private person or corporation in a civil suit, and all like
3 claims sounding in tort against the Medical Center Commission,
4 the Board of Trustees of the University of Illinois, the Board
5 of Trustees of Southern Illinois University, the Board of
6 Trustees of Chicago State University, the Board of Trustees of
7 Eastern Illinois University, the Board of Trustees of Governors
8 State University, the Board of Trustees of Illinois State
9 University, the Board of Trustees of Northeastern Illinois
10 University, the Board of Trustees of Northern Illinois
11 University, the Board of Trustees of Western Illinois
12 University, or the Board of Trustees of the Illinois
13 Mathematics and Science Academy; provided, that an award for
14 damages in a case sounding in tort, other than certain cases
15 involving the operation of a State vehicle described in this
16 paragraph, shall not exceed the sum of \$500,000 ~~\$100,000~~ to or
17 for the benefit of any claimant. The \$500,000 ~~\$100,000~~ limit
18 prescribed by this Section does not apply to an award of
19 damages in any case sounding in tort arising out of the
20 operation by a State employee of a vehicle owned, leased, or
21 controlled by the State. An award for damages in any case
22 sounding in tort arising out of the operation by a State
23 employee of a vehicle owned, leased, or controlled by the State
24 shall not exceed the sum of \$2,000,000. The defense that the
25 State or the Medical Center Commission or the Board of Trustees
26 of the University of Illinois, the Board of Trustees of

1 Southern Illinois University, the Board of Trustees of Chicago
2 State University, the Board of Trustees of Eastern Illinois
3 University, the Board of Trustees of Governors State
4 University, the Board of Trustees of Illinois State University,
5 the Board of Trustees of Northeastern Illinois University, the
6 Board of Trustees of Northern Illinois University, the Board of
7 Trustees of Western Illinois University, or the Board of
8 Trustees of the Illinois Mathematics and Science Academy is not
9 liable for the negligence of its officers, agents, and
10 employees in the course of their employment is not applicable
11 to the hearing and determination of such claims.

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

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

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

20 (h) All claims pursuant to the Illinois National
21 Guardsman's Compensation Act. A claim under that Act must be
22 heard and determined within one year after the application for
23 that claim is filed with the Court as 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 (j) The changes made to this Section by this amendatory Act
3 of the 99th General Assembly apply only to claims filed on or
4 after the effective date of this amendatory Act of the 99th
5 General Assembly.

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

7 (705 ILCS 505/16) (from Ch. 37, par. 439.16)

8 Sec. 16. Concurrence of judges. Concurrence of 4 judges is
9 necessary to the decision of any case, except that the
10 signature of one judge is binding if a decision is entered in a
11 lapsed appropriation claim in which a motion or stipulation has
12 been filed or a decision is entered on a Crime Victims
13 Compensation Act claim. ~~The; provided, however, the~~ court in
14 its discretion may assign any case to a commissioner for
15 hearing and final decision, subject to whatever right of review
16 the court by rule may choose to exercise. ~~In matters involving~~
17 ~~the award of emergency funds under the Crime Victims~~
18 ~~Compensation Act, the decision of one judge is necessary to~~
19 ~~award emergency funds.~~

20 The changes made to this Section by this amendatory Act of
21 the 99th General Assembly apply only to claims filed on or
22 after the effective date of this amendatory Act of the 99th
23 General Assembly.

24 (Source: P.A. 92-286, eff. 1-1-02.)

1 (705 ILCS 505/18) (from Ch. 37, par. 439.18)

2 Sec. 18. The court shall provide, by rule, for the
3 maintenance of separate records of claims which arise solely
4 due to lapsed appropriations and for claims for which amount of
5 recovery sought is less than \$50,000 ~~\$5,000~~. In all other
6 cases, the court or Commissioner as the case may be, shall file
7 with its clerk a written opinion in each case upon final
8 disposition thereof. All opinions shall be compiled and
9 published annually by the clerk of the court. The changes made
10 to this Section by this amendatory Act of the 99th General
11 Assembly apply only to claims filed on or after the effective
12 date of this amendatory Act of the 99th General Assembly.

13 (Source: P.A. 90-492, eff. 8-17-97.)

14 (705 ILCS 505/21) (from Ch. 37, par. 439.21)

15 Sec. 21. The court is authorized to impose, by uniform
16 rules, a fee of \$15 for the filing of a petition in any case in
17 which the award sought is ~~more than \$50~~ and less than \$1,000
18 and \$35 in any case in which the award sought is \$1,000 or
19 more; and to charge and collect for copies of opinions or other
20 documents filed in the Court of Claims such fees as may be
21 prescribed by the rules of the Court. All fees and charges so
22 collected shall be forthwith paid into the State Treasury.

23 A petitioner who is a prisoner in an Illinois Department of
24 Corrections facility who files a pleading, motion, or other
25 filing that purports to be a legal document against the State,

1 the Illinois Department of Corrections, the Prisoner Review
2 Board, or any of their officers or employees in which the court
3 makes a specific finding that it is frivolous shall pay all
4 filing fees and court costs in the manner provided in Article
5 XXII of the Code of Civil Procedure.

6 In claims based upon lapsed appropriations or lost warrant
7 or in claims filed under the Line of Duty Compensation Act, the
8 Illinois National Guardsman's Compensation Act, or the Crime
9 Victims Compensation Act or in claims filed by medical vendors
10 for medical services rendered by the claimant to persons
11 eligible for Medical Assistance under programs administered by
12 the Department of Healthcare and Family Services, no filing fee
13 shall be required.

14 The changes made to this Section by this amendatory Act of
15 the 99th General Assembly apply only to claims filed on or
16 after the effective date of this amendatory Act of the 99th
17 General Assembly.

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

20 Sec. 24. Payment of awards.

21 (1) From funds appropriated by the General Assembly for the
22 purposes of this Section the Court may direct immediate payment
23 of:

24 (a) All claims arising solely as a result of the
25 lapsing of an appropriation out of which the obligation

1 could have been paid.

2 (b) All claims pursuant to the Line of Duty
3 Compensation Act.

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

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

9 (d-5) All claims against the State for unjust
10 imprisonment as provided in subsection (c) of Section 8 of
11 this Act.

12 (e) All other claims wherein the amount of the award of
13 the Court is less than \$50,000 ~~\$5,000~~.

14 (1.5) The court may direct payment of claims founded upon a
15 contract entered into with the State without regard to whether
16 sufficient funds remained available in the appropriation by
17 which the contract was originally to be paid. This subsection
18 does not apply to claims arising solely as a result of the
19 lapsing of an appropriation out of which the obligation could
20 have been paid.

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

1 appropriation from the fund from which the liability originally
2 accrued in reimbursement of the General Revenue Fund.

3 (3) In directing payment of a claim pursuant to the Line of
4 Duty Compensation Act, the Court must direct the Comptroller to
5 add an interest penalty if payment of a claim is not made
6 within 6 months after a claim is filed in accordance with
7 Section 3 of the Line of Duty Compensation Act and all
8 information has been submitted as required under Section 4 of
9 the Line of Duty Compensation Act. If payment is not issued
10 within the 6-month period, an interest penalty of 1% of the
11 amount of the award shall be added for each month or fraction
12 thereof after the end of the 6-month period, until final
13 payment is made. This interest penalty shall be added
14 regardless of whether the payment is not issued within the
15 6-month period because of the appropriation process, the
16 consideration of the matter by the Court, or any other reason.

17 (3.5) The interest penalty payment provided for in
18 subsection (3) shall be added to all claims for which benefits
19 were not paid as of the effective date of P.A. 95-928. The
20 interest penalty shall be calculated starting from the
21 effective date of P.A. 95-928, provided that the effective date
22 of P.A. 95-928 is at least 6 months after the date on which the
23 claim was filed in accordance with Section 3 of the Line of
24 Duty Compensation Act. In the event that the date 6 months
25 after the date on which the claim was filed is later than the
26 effective date of P.A. 95-928, the Court shall calculate the

1 interest payment penalty starting from the date 6 months after
2 the date on which the claim was filed in accordance with
3 Section 3 of the Line of Duty Compensation Act. This subsection
4 (3.5) of this amendatory Act of the 96th General Assembly is
5 declarative of existing law.

6 (3.6) In addition to the interest payments provided for in
7 subsections (3) and (3.5), the Court shall direct the
8 Comptroller to add a "catch-up" payment to the claims of
9 eligible claimants. For the purposes of this subsection (3.6),
10 an "eligible claimant" is a claimant whose claim is not paid in
11 the year in which it was filed. For purposes of this subsection
12 (3.6), "'catch-up' payment" is defined as the difference
13 between the amount paid to claimants whose claims were filed in
14 the year in which the eligible claimant's claim is paid and the
15 amount paid to claimants whose claims were filed in the year in
16 which the eligible claimant filed his or her claim. The
17 "catch-up" payment is payable simultaneously with the claim
18 award.

19 (4) From funds appropriated by the General Assembly for the
20 purposes of paying claims under paragraph (c) of Section 8, the
21 court must direct payment of each claim and the payment must be
22 received by the claimant within 60 days after the date that the
23 funds are appropriated for that purpose.

24 (5) The changes made to this Section by this amendatory Act
25 of the 99th General Assembly apply only to claims filed on or
26 after the effective date of this amendatory Act of the 99th

1 General Assembly.

2 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;

3 96-328, eff. 8-11-09; 96-539, eff. 1-1-10.)