



Sen. James F. Clayborne, Jr.

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1 AMENDMENT TO SENATE BILL 186

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 186 by replacing  
3 everything after the enacting clause with the following:

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

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; provided, the amount of the award is at the  
12 discretion of the court; and provided, the court shall make no  
13 award in excess of the following amounts: for imprisonment of 5  
14 years or less, not more than \$85,350; for imprisonment of 14  
15 years or less but over 5 years, not more than \$170,000; for  
16 imprisonment of over 14 years, not more than \$199,150; and  
17 provided further, the court shall fix attorney's fees not to  
18 exceed 25% of the award granted. On or after the effective date  
19 of this amendatory Act of the 95th General Assembly, the court  
20 shall annually adjust the maximum awards authorized by this  
21 subsection (c) to reflect the increase, if any, in the Consumer  
22 Price Index For All Urban Consumers for the previous calendar  
23 year, as determined by the United States Department of Labor,  
24 except that no annual increment may exceed 5%. For the annual  
25 adjustments, if the Consumer Price Index decreases during a  
26 calendar year, there shall be no adjustment for that calendar

1 year. The transmission by the Prisoner Review Board or the  
2 clerk of the circuit court of the information described in  
3 Section 11(b) to the clerk of the Court of Claims is conclusive  
4 evidence of the validity of the claim. The changes made by this  
5 amendatory Act of the 95th General Assembly apply to all claims  
6 pending on or filed on or after the effective date.

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

1 operation by a State employee of a vehicle owned, leased, or  
2 controlled by the State. An award for damages in any case  
3 sounding in tort arising out of the operation by a State  
4 employee of a vehicle owned, leased, or controlled by the State  
5 shall not exceed the sum of \$2,000,000. The defense that the  
6 State or the Medical Center Commission or the Board of Trustees  
7 of the University of Illinois, the Board of Trustees of  
8 Southern Illinois University, the Board of Trustees of Chicago  
9 State University, the Board of Trustees of Eastern Illinois  
10 University, the Board of Trustees of Governors State  
11 University, the Board of Trustees of Illinois State University,  
12 the Board of Trustees of Northeastern Illinois University, the  
13 Board of Trustees of Northern Illinois University, the Board of  
14 Trustees of Western Illinois University, or the Board of  
15 Trustees of the Illinois Mathematics and Science Academy is not  
16 liable for the negligence of its officers, agents, and  
17 employees in the course of their employment is not applicable  
18 to the hearing and determination of such claims.

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

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

25 (g) All claims filed pursuant to the Crime Victims  
26 Compensation Act.

1 (h) All claims pursuant to the Illinois National  
2 Guardsman's Compensation Act. A claim under that Act must be  
3 heard and determined within one year after the application for  
4 that claim is filed with the Court as provided in that Act.

5 (i) All claims authorized by subsection (a) of Section  
6 10-55 of the Illinois Administrative Procedure Act for the  
7 expenses incurred by a party in a contested case on the  
8 administrative level.

9 (j) The changes made to this Section by this amendatory Act  
10 of the 99th General Assembly apply only to claims filed on or  
11 after the effective date of this amendatory Act of the 99th  
12 General Assembly.

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

14 (705 ILCS 505/16) (from Ch. 37, par. 439.16)

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

1 ~~award emergency funds.~~

2 The changes made to this Section by this amendatory Act of  
3 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. 92-286, eff. 1-1-02.)

7 (705 ILCS 505/18) (from Ch. 37, par. 439.18)

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

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

20 (705 ILCS 505/21) (from Ch. 37, par. 439.21)

21 Sec. 21. The court is authorized to impose, by uniform  
22 rules, a fee of \$15 for the filing of a petition in any case in  
23 which the award sought is ~~more than \$50 and~~ less than \$1,000  
24 and \$35 in any case in which the award sought is \$1,000 or

1 more; and to charge and collect for copies of opinions or other  
2 documents filed in the Court of Claims such fees as may be  
3 prescribed by the rules of the Court. All fees and charges so  
4 collected shall be forthwith paid into the State Treasury.

5 A petitioner who is a prisoner in an Illinois Department of  
6 Corrections facility who files a pleading, motion, or other  
7 filing that purports to be a legal document against the State,  
8 the Illinois Department of Corrections, the Prisoner Review  
9 Board, or any of their officers or employees in which the court  
10 makes a specific finding that it is frivolous shall pay all  
11 filing fees and court costs in the manner provided in Article  
12 XXII of the Code of Civil Procedure.

13 In claims based upon lapsed appropriations or lost warrant  
14 or in claims filed under the Line of Duty Compensation Act, the  
15 Illinois National Guardsman's Compensation Act, or the Crime  
16 Victims Compensation Act or in claims filed by medical vendors  
17 for medical services rendered by the claimant to persons  
18 eligible for Medical Assistance under programs administered by  
19 the Department of Healthcare and Family Services, no filing fee  
20 shall be required.

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

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

1 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

2 Sec. 24. Payment of awards.

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

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

9 (b) All claims pursuant to the Line of Duty  
10 Compensation Act.

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

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

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

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

21 (1.5) The court may direct payment of claims founded upon a  
22 contract entered into with the State without regard to whether  
23 sufficient funds remained available in the appropriation by  
24 which the contract was originally to be paid. This subsection  
25 does not apply to claims arising solely as a result of the  
26 lapsing of an appropriation out of which the obligation could



1 have been paid.

2 (2) The court may, from funds specifically appropriated  
3 from the General Revenue Fund for this purpose, direct the  
4 payment of awards less than \$50,000 solely as a result of the  
5 lapsing of an appropriation originally made from any fund held  
6 by the State Treasurer. For any such award paid from the  
7 General Revenue Fund, the court shall thereafter seek an  
8 appropriation from the fund from which the liability originally  
9 accrued in reimbursement of the General Revenue Fund.

10 (3) In directing payment of a claim pursuant to the Line of  
11 Duty Compensation Act, the Court must direct the Comptroller to  
12 add an interest penalty if payment of a claim is not made  
13 within 6 months after a claim is filed in accordance with  
14 Section 3 of the Line of Duty Compensation Act and all  
15 information has been submitted as required under Section 4 of  
16 the Line of Duty Compensation Act. If payment is not issued  
17 within the 6-month period, an interest penalty of 1% of the  
18 amount of the award shall be added for each month or fraction  
19 thereof after the end of the 6-month period, until final  
20 payment is made. This interest penalty shall be added  
21 regardless of whether the payment is not issued within the  
22 6-month period because of the appropriation process, the  
23 consideration of the matter by the Court, or any other reason.

24 (3.5) The interest penalty payment provided for in  
25 subsection (3) shall be added to all claims for which benefits  
26 were not paid as of the effective date of P.A. 95-928. The

1 interest penalty shall be calculated starting from the  
2 effective date of P.A. 95-928, provided that the effective date  
3 of P.A. 95-928 is at least 6 months after the date on which the  
4 claim was filed in accordance with Section 3 of the Line of  
5 Duty Compensation Act. In the event that the date 6 months  
6 after the date on which the claim was filed is later than the  
7 effective date of P.A. 95-928, the Court shall calculate the  
8 interest payment penalty starting from the date 6 months after  
9 the date on which the claim was filed in accordance with  
10 Section 3 of the Line of Duty Compensation Act. This subsection  
11 (3.5) of this amendatory Act of the 96th General Assembly is  
12 declarative of existing law.

13 (3.6) In addition to the interest payments provided for in  
14 subsections (3) and (3.5), the Court shall direct the  
15 Comptroller to add a "catch-up" payment to the claims of  
16 eligible claimants. For the purposes of this subsection (3.6),  
17 an "eligible claimant" is a claimant whose claim is not paid in  
18 the year in which it was filed. For purposes of this subsection  
19 (3.6), "'catch-up' payment" is defined as the difference  
20 between the amount paid to claimants whose claims were filed in  
21 the year in which the eligible claimant's claim is paid and the  
22 amount paid to claimants whose claims were filed in the year in  
23 which the eligible claimant filed his or her claim. The  
24 "catch-up" payment is payable simultaneously with the claim  
25 award.

26 (4) From funds appropriated by the General Assembly for the

1 purposes of paying claims under paragraph (c) of Section 8, the  
2 court must direct payment of each claim and the payment must be  
3 received by the claimant within 60 days after the date that the  
4 funds are appropriated for that purpose.

5 (5) The changes made to this Section by this amendatory Act  
6 of the 99th General Assembly apply only to claims filed on or  
7 after the effective date of this amendatory Act of the 99th  
8 General Assembly.

9 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;  
10 96-328, eff. 8-11-09; 96-539, eff. 1-1-10.)".