



Sen. John J. Cullerton

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1 AMENDMENT TO SENATE BILL 543

2 AMENDMENT NO. _____. Amend Senate Bill 543 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 100th General Assembly apply only to claims filed on or
11 after the effective date of this amendatory Act of the 100th
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 (Source: P.A. 92-286, eff. 1-1-02.)

3 (705 ILCS 505/18) (from Ch. 37, par. 439.18)

4 Sec. 18. The court shall provide, by rule, for the
5 maintenance of separate records of claims which arise solely
6 due to lapsed appropriations and for claims for which amount of
7 recovery sought is less than \$50,000 ~~\$5,000~~. In all other
8 cases, the court or Commissioner as the case may be, shall file
9 with its clerk a written opinion in each case upon final
10 disposition thereof. All opinions shall be compiled and
11 published annually by the clerk of the court.

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

13 (705 ILCS 505/21) (from Ch. 37, par. 439.21)

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

22 A petitioner who is a prisoner in an Illinois Department of
23 Corrections facility who files a pleading, motion, or other
24 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 100th General Assembly apply only to claims filed on or
16 after the effective date of this amendatory Act of the 100th
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 (2) The court may, from funds specifically appropriated
15 from the General Revenue Fund for this purpose, direct the
16 payment of awards less than \$50,000 solely as a result of the
17 lapsing of an appropriation originally made from any fund held
18 by the State Treasurer. For any such award paid from the
19 General Revenue Fund, the court shall thereafter seek an
20 appropriation from the fund from which the liability originally
21 accrued in reimbursement of the General Revenue Fund.

22 (3) In directing payment of a claim pursuant to the Line of
23 Duty Compensation Act, the Court must direct the Comptroller to
24 add an interest penalty if payment of a claim is not made
25 within 6 months after a claim is filed in accordance with
26 Section 3 of the Line of Duty Compensation Act and all

1 information has been submitted as required under Section 4 of
2 the Line of Duty Compensation Act. If payment is not issued
3 within the 6-month period, an interest penalty of 1% of the
4 amount of the award shall be added for each month or fraction
5 thereof after the end of the 6-month period, until final
6 payment is made. This interest penalty shall be added
7 regardless of whether the payment is not issued within the
8 6-month period because of the appropriation process, the
9 consideration of the matter by the Court, or any other reason.

10 (3.5) The interest penalty payment provided for in
11 subsection (3) shall be added to all claims for which benefits
12 were not paid as of the effective date of P.A. 95-928. The
13 interest penalty shall be calculated starting from the
14 effective date of P.A. 95-928, provided that the effective date
15 of P.A. 95-928 is at least 6 months after the date on which the
16 claim was filed in accordance with Section 3 of the Line of
17 Duty Compensation Act. In the event that the date 6 months
18 after the date on which the claim was filed is later than the
19 effective date of P.A. 95-928, the Court shall calculate the
20 interest payment penalty starting from the date 6 months after
21 the date on which the claim was filed in accordance with
22 Section 3 of the Line of Duty Compensation Act. This subsection
23 (3.5) of this amendatory Act of the 96th General Assembly is
24 declarative of existing law.

25 (3.6) In addition to the interest payments provided for in
26 subsections (3) and (3.5), the Court shall direct the

1 Comptroller to add a "catch-up" payment to the claims of
2 eligible claimants. For the purposes of this subsection (3.6),
3 an "eligible claimant" is a claimant whose claim is not paid in
4 the year in which it was filed. For purposes of this subsection
5 (3.6), "'catch-up' payment" is defined as the difference
6 between the amount paid to claimants whose claims were filed in
7 the year in which the eligible claimant's claim is paid and the
8 amount paid to claimants whose claims were filed in the year in
9 which the eligible claimant filed his or her claim. The
10 "catch-up" payment is payable simultaneously with the claim
11 award.

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

17 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
18 96-328, eff. 8-11-09; 96-539, eff. 1-1-10.)".