

HB6632



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB6632

by Rep. Thomas Holbrook

SYNOPSIS AS INTRODUCED:

705 ILCS 505/8

from Ch. 37, par. 439.8

Amends the Court of Claims Act. Provides that the jurisdiction of the Court of Claims is expanded to include all claims against local public entities and public employees sounding in tort that allege willful, wanton, or intentional misconduct.

LRB095 21029 AJ0 50206 b

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 Court of Claims Act is amended by changing
5 Section 8 as follows:

6 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

7 Sec. 8. Court of Claims jurisdiction. The court shall have
8 exclusive jurisdiction to hear and determine the following
9 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 where the persons imprisoned shall
23 receive a pardon from the governor stating that such pardon is

1 issued on the ground of innocence of the crime for which they
2 were imprisoned; provided, the court shall make no award in
3 excess of the following amounts: for imprisonment of 5 years or
4 less, not more than \$15,000; for imprisonment of 14 years or
5 less but over 5 years, not more than \$30,000; for imprisonment
6 of over 14 years, not more than \$35,000; and provided further,
7 the court shall fix attorney's fees not to exceed 25% of the
8 award granted. On December 31, 1996, the court shall make a
9 one-time adjustment in the maximum awards authorized by this
10 subsection (c), to reflect the increase in the cost of living
11 from the year in which these maximum awards were last adjusted
12 until 1996, but with no annual increment exceeding 5%.
13 Thereafter, the court shall annually adjust the maximum awards
14 authorized by this subsection (c) to reflect the increase, if
15 any, in the Consumer Price Index For All Urban Consumers for
16 the previous calendar year, as determined by the United States
17 Department of Labor, except that no annual increment may exceed
18 5%. For both the one-time adjustment and the subsequent annual
19 adjustments, if the Consumer Price Index decreases during a
20 calendar year, there shall be no adjustment for that calendar
21 year. The changes made by Public Act 89-689 apply to all claims
22 filed on or after January 1, 1995 that are pending on December
23 31, 1996 and all claims filed on or after December 31, 1996.

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

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

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

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

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

11 (g) All claims filed pursuant to the Crime Victims
12 Compensation Act.

13 (h) All claims pursuant to the Illinois National
14 Guardsman's Compensation Act.

15 (i) All claims authorized by subsection (a) of Section
16 10-55 of the Illinois Administrative Procedure Act for the
17 expenses incurred by a party in a contested case on the
18 administrative level.

19 (j) All claims against local public entities and public
20 employees sounding in tort that allege willful, wanton, or
21 intentional misconduct.

22 (Source: P.A. 93-1047, eff. 10-18-04.)