

1 AN ACT in relation to corrections.

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 and adding Section 8.5 as follows:

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

7 Sec. 8. Court of Claims jurisdiction. The court shall
8 have exclusive jurisdiction to hear and determine the
9 following matters:

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

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

22 (c) All claims against the State for time unjustly
23 served in prisons of this State where the persons imprisoned
24 shall receive a pardon from the governor stating that such
25 pardon is issued on the ground of innocence of the crime for
26 which they were imprisoned; provided, the court shall make no
27 award in excess of the following amounts: for imprisonment of
28 5 years or less, not more than \$15,000; for imprisonment of
29 14 years or less but over 5 years, not more than \$30,000; for
30 imprisonment of over 14 years, not more than \$35,000; and
31 provided further, the court shall fix attorney's fees not to

1 exceed 25% of the award granted. On December 31, 1996, the
2 court shall make a one-time adjustment in the maximum awards
3 authorized by this subsection (c), to reflect the increase in
4 the cost of living from the year in which these maximum
5 awards were last adjusted until 1996, but with no annual
6 increment exceeding 5%. Thereafter, the court shall annually
7 adjust the maximum awards authorized by this subsection (c)
8 to reflect the increase, if any, in the Consumer Price Index
9 For All Urban Consumers for the previous calendar year, as
10 determined by the United States Department of Labor, except
11 that no annual increment may exceed 5%. For both the
12 one-time adjustment and the subsequent annual adjustments, if
13 the Consumer Price Index decreases during a calendar year,
14 there shall be no adjustment for that calendar year. The
15 changes made by Public Act 89-689 apply to all claims filed
16 on or after January 1, 1995 that are pending on December 31,
17 1996 and all claims filed on or after December 31, 1996.

18 (d) All claims against the State for damages in cases
19 sounding in tort, if a like cause of action would lie against
20 a private person or corporation in a civil suit, and all like
21 claims sounding in tort against the Medical Center
22 Commission, the Board of Trustees of the University of
23 Illinois, the Board of Trustees of Southern Illinois
24 University, the Board of Trustees of Chicago State
25 University, the Board of Trustees of Eastern Illinois
26 University, the Board of Trustees of Governors State
27 University, the Board of Trustees of Illinois State
28 University, the Board of Trustees of Northeastern Illinois
29 University, the Board of Trustees of Northern Illinois
30 University, the Board of Trustees of Western Illinois
31 University, or the Board of Trustees of the Illinois
32 Mathematics and Science Academy; provided, that an award for
33 damages in a case sounding in tort, other than certain cases
34 involving the operation of a State vehicle described in this

1 paragraph, shall not exceed the sum of \$100,000 to or for the
2 benefit of any claimant. The \$100,000 limit prescribed by
3 this Section does not apply to an award of damages in any
4 case sounding in tort arising out of the operation by a State
5 employee of a vehicle owned, leased or controlled by the
6 State. The defense that the State or the Medical Center
7 Commission or the Board of Trustees of the University of
8 Illinois, the Board of Trustees of Southern Illinois
9 University, the Board of Trustees of Chicago State
10 University, the Board of Trustees of Eastern Illinois
11 University, the Board of Trustees of Governors State
12 University, the Board of Trustees of Illinois State
13 University, the Board of Trustees of Northeastern Illinois
14 University, the Board of Trustees of Northern Illinois
15 University, the Board of Trustees of Western Illinois
16 University, or the Board of Trustees of the Illinois
17 Mathematics and Science Academy is not liable for the
18 negligence of its officers, agents, and employees in the
19 course of their employment is not applicable to the hearing
20 and determination of such claims.

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

23 (f) All claims pursuant to the Law Enforcement Officers,
24 Civil Defense Workers, Civil Air Patrol Members, Paramedics,
25 Firemen, Chaplains, and State Employees Compensation Act.

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

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

30 (i) All claims authorized by subsection (a) of Section
31 10-55 of the Illinois Administrative Procedure Act for the
32 expenses incurred by a party in a contested case on the
33 administrative level.

34 (j) All claims filed under Section 8.5.

1 (Source: P.A. 89-4, eff. 1-1-96; 89-689, eff. 12-31-96;
2 90-492, eff. 8-17-97.)

3 (705 ILCS 505/8.5 new)

4 Sec. 8.5. Claim by subcontractor against Department of
5 Corrections.

6 (a) A person who has a lien under Section 3-6-8 of the
7 Unified Code of Corrections may maintain an action in the
8 Court of Claims for an amount not exceeding 50% of the amount
9 due the person from a contractor as defined in that Section.

10 (b) Before filing a claim under this Section, a person
11 must exhaust all available remedies in seeking enforcement of
12 the his or her lien under Section 3-6-8 of the Unified Code
13 of Corrections.

14 (c) In order to recover under this Section, a claimant
15 must establish that the amount of his or her claim is a "bad
16 debt" for purposes of the Internal Revenue Code.

17 Section 10. The Unified Code of Corrections is amended by
18 adding Section 3-6-8 as follows:

19 (730 ILCS 5/3-6-8 new)

20 Sec. 3-6-8. Person furnishing services, labor, or
21 material; lien.

22 (a) In this Section, "contractor" means a person who
23 contracts with the Department to provide medical services,
24 food services, or other basic necessary life, health, or
25 safety services required to be provided by the Department to
26 incarcerated persons in the Department's custody.
27 "Contractor" does not include a person who provides services
28 to the Department in violation of the Private Correctional
29 Facility Moratorium Act.

30 (b) If a person furnishes services, labor, or material
31 to a contractor for the purpose of enabling the contractor to

1 perform the contract with the Department, the person
2 furnishing the services, labor, or material has a lien
3 against the moneys due the contractor from the State under
4 the contract. The lien shall be for the value of the
5 services, labor, or material provided.

6 (c) The holder of a lien under this Section may enforce
7 the lien in the same manner as provided for the enforcement
8 of a subcontractor's lien under the Mechanics Lien Act, and
9 shall be deemed a subcontractor for purposes of that Act.

10 (d) If a lienholder is unable to recover the full amount
11 of the lien under subsection (c), the lienholder may file a
12 petition in the Court of Claims as provided in Section 8.5 of
13 the Court of Claims Act.