



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1177

Introduced 1/24/2025, by Sen. Michael W. Halpin

#### SYNOPSIS AS INTRODUCED:

705 ILCS 505/2	from Ch. 37, par. 439.2
705 ILCS 505/4	from Ch. 37, par. 439.4
705 ILCS 505/6	from Ch. 37, par. 439.6
705 ILCS 505/9	from Ch. 37, par. 439.9
705 ILCS 505/13	from Ch. 37, par. 439.13
705 ILCS 505/21	from Ch. 37, par. 439.21
705 ILCS 505/22	from Ch. 37, par. 439.22

Amends Court of Claims Act. Provides that judges appointed by the Governor with the advice and consent of the Senate under the Act shall hold office for a term of 6 years and until their successors are appointed and qualified. Provides that each judge shall receive an annual salary as set by the Compensation Review Board. Authorizes the court to hold sessions and take evidence remotely as it deems necessary to expedite the business of the court. Authorizes the court to adopt administrative rules to provide for remote or electronic filing of a claim or other motion, participation in any capacity before the court, taking of evidence or testimony, conducting any business of the court, or payment of any fees to the court. Authorizes the court to adopt rules determining the form and manner of all filing fees and other charges due the court. Provides that all claims arising under the Act must be filed within 5 years (instead of one year) of the crime on which a claim is based under the Crime Victims Compensation Act.

LRB104 06299 JRC 16334 b

1 AN ACT concerning government.

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 2, 4, 6, 9, 13, 21, and 22 as follows:

6 (705 ILCS 505/2) (from Ch. 37, par. 439.2)

7 Sec. 2. Terms and Appointment of Successor Judges. Judges  
8 appointed by the Governor with the advice and consent of the  
9 Senate under Section 1 of this Act shall hold office for a term  
10 of 6 years and until their successors are appointed and  
11 qualified. ~~Upon the expiration of the terms of office of the~~  
12 ~~incumbent judges the Governor shall appoint their successors~~  
13 ~~by and with the consent of the Senate for terms of 2, 4 and 6~~  
14 ~~years commencing on the third Monday in January of the year~~  
15 ~~1953. Of the 2 new members first appointed after the effective~~  
16 ~~date of this amendatory Act of 1983, one shall be appointed to~~  
17 ~~an initial term ending the third Monday in January, 1986, and~~  
18 ~~one shall be appointed to an initial term ending on the third~~  
19 ~~Monday in January, 1988. Of the 2 members first appointed~~  
20 ~~after the effective date of this amendatory Act of 1986, one~~  
21 ~~shall be appointed to an initial term ending the third Monday~~  
22 ~~in January, 1989, and one shall be appointed to an initial term~~  
23 ~~ending on the third Monday in January, 1991. After the~~

1 ~~expiration of the terms of the judges first appointed, each of~~  
2 ~~their respective successors shall hold office for a term of 6~~  
3 ~~years and until their successors are appointed and qualified.~~

4 (Source: P.A. 84-1240.)

5 (705 ILCS 505/4) (from Ch. 37, par. 439.4)

6 Sec. 4. ~~Each judge shall receive an annual salary of: Each~~  
7 ~~judge shall receive an annual salary as set by the~~  
8 ~~Compensation Review Board. \$20,900 from the third Monday in~~  
9 ~~January, 1979 to the third Monday in January, 1980; \$22,100~~  
10 ~~from the third Monday in January, 1980 to the third Monday in~~  
11 ~~January, 1981; \$23,400 from the third Monday in January, 1981~~  
12 ~~to the third Monday in January, 1982, and \$25,000 thereafter,~~  
13 ~~or as set by the Compensation Review Board, whichever is~~  
14 ~~greater, payable in equal monthly installments.~~

15 (Source: P.A. 83-1177.)

16 (705 ILCS 505/6) (from Ch. 37, par. 439.6)

17 Sec. 6. The court shall hold sessions at such places or  
18 remotely as it deems necessary to expedite the business of the  
19 court.

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

21 (705 ILCS 505/9) (from Ch. 37, par. 439.9)

22 Sec. 9. The court may: A. Establish rules for its  
23 government and for the regulation of practice therein; appoint

1 commissioners to assist the court in such manner as it directs  
2 and discharge them at will; and exercise such powers as are  
3 necessary to carry into effect the powers granted in this  
4 Section. Any Commissioner appointed shall be an attorney  
5 licensed to practice law in the State of Illinois. The rules  
6 established hereunder shall not be waived, and any extension  
7 of time authorized by such rules shall only be allowed on  
8 motion duly filed within the time limitation for which the  
9 extension is requested.

10 B. Issue subpoenas through the Chief Justice or one of its  
11 judges or commissioners to require the attendance of witnesses  
12 for the purpose of testifying before it, or before any judge of  
13 the court, or before any notary public, or any of its  
14 commissioners, and to require the production of any books,  
15 records, papers or documents that may be material or relevant  
16 as evidence in any matter pending before it. In case any person  
17 refuses to comply with any subpoena issued in the name of the  
18 chief justice, or one of the judges or commissioners, attested  
19 by the clerk, with the seal of the court attached, and served  
20 upon the person named therein as a summons in a civil action is  
21 served, the circuit court of the proper county, on application  
22 of the party at whose instance the subpoena was issued, shall  
23 compel obedience by attachment proceedings, as for contempt,  
24 as in a case of a disobedience of the requirements of a  
25 subpoena from such court on a refusal to testify therein.

26 C. The court may adopt administrative rules to provide for

1 remote or electronic filing of a claim or other motion,  
2 participation in any capacity before the court, taking of  
3 evidence or testimony, conducting any business of the court,  
4 or payment of any fees to the court.

5 (Source: P.A. 83-865.)

6 (705 ILCS 505/13) (from Ch. 37, par. 439.13)

7 Sec. 13. Any judge or commissioner of the court may sit at  
8 any place within the State or may remotely ~~to~~ take evidence in  
9 or conduct any case in the court.

10 (Source: Laws 1945, p. 660.)

11 (705 ILCS 505/21) (from Ch. 37, par. 439.21)

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

22 A petitioner who is a prisoner in an Illinois Department  
23 of 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  
13 fee shall be required.

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

15 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

16 Sec. 22. Every claim cognizable by the court and not  
17 otherwise sooner barred by law shall be forever barred from  
18 prosecution therein unless it is filed with the clerk of the  
19 court within the time set forth as follows:

20 (a) All claims arising out of a contract must be filed  
21 within 5 years after it first accrues, saving to minors,  
22 and persons under legal disability at the time the claim  
23 accrues, in which cases the claim must be filed within 5  
24 years from the time the disability ceases.

25 (b) All claims cognizable against the State by vendors

1 of goods or services under the Illinois Public Aid Code  
2 must be filed within one year after the accrual of the  
3 cause of action, as provided in Section 11-13 of that  
4 Code.

5 (c) All claims arising under paragraph (c) of Section  
6 8 of this Act must be automatically heard by the court  
7 within 120 days after the person asserting such claim is  
8 either issued a certificate of innocence from the circuit  
9 court as provided in Section 2-702 of the Code of Civil  
10 Procedure, or is granted a pardon by the Governor,  
11 whichever occurs later, without the person asserting the  
12 claim being required to file a petition under Section 11  
13 of this Act, except as otherwise provided by the Crime  
14 Victims Compensation Act. Any claims filed by the claimant  
15 under paragraph (c) of Section 8 of this Act must be filed  
16 within 2 years after the person asserting such claim is  
17 either issued a certificate of innocence as provided in  
18 Section 2-702 of the Code of Civil Procedure, or is  
19 granted a pardon by the Governor, whichever occurs later.

20 (d) All claims arising under paragraph (f) of Section  
21 8 of this Act must be filed within the time set forth in  
22 Section 3 of the Line of Duty Compensation Act.

23 (e) All claims arising under paragraph (h) of Section  
24 8 of this Act must be filed within one year of the date of  
25 the death of the guardsman or militiaman as provided in  
26 Section 3 of the Illinois National Guardsman's

1 Compensation Act.

2 (f) All claims arising under paragraph (g) of Section  
3 8 of this Act must be filed within 5 years ~~one year~~ of the  
4 crime on which a claim is based as provided in Section 6.1  
5 of the Crime Victims Compensation Act.

6 (g) All claims arising from the Comptroller's refusal  
7 to issue a replacement warrant pursuant to Section 10.10  
8 of the State Comptroller Act must be filed within 5 years  
9 after the date of the Comptroller's refusal.

10 (h) All other claims must be filed within 2 years  
11 after it first accrues, saving to minors, and persons  
12 under legal disability at the time the claim accrues, in  
13 which case the claim must be filed within 2 years from the  
14 time the disability ceases.

15 (i) ~~The changes made by Public Act 86-458 apply to all~~  
16 ~~warrants issued within the 5-year period preceding August~~  
17 ~~31, 1989 (the effective date of Public Act 86-458).~~ The  
18 changes made to this Section by Public Act 100-1124 apply  
19 to claims pending on November 27, 2018 (the effective date  
20 of Public Act 100-1124) and to claims filed thereafter.

21 (j) All time limitations established under this Act  
22 and the rules promulgated under this Act shall be binding  
23 and jurisdictional, except upon extension authorized by  
24 law or rule and granted pursuant to a motion timely filed.

25 (Source: P.A. 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)