

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 Sections 8, 18, 22, 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  
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 when the person imprisoned received a  
23 pardon from the governor stating that such pardon is issued on

1 the ground of innocence of the crime for which he or she was  
2 imprisoned or he or she received a certificate of innocence  
3 from the Circuit Court as provided in Section 2-702 of the Code  
4 of Civil Procedure; provided, the amount of the award is at the  
5 discretion of the court; and provided, the court shall make no  
6 award in excess of the following amounts: for imprisonment of 5  
7 years or less, not more than \$85,350; for imprisonment of 14  
8 years or less but over 5 years, not more than \$170,000; for  
9 imprisonment of over 14 years, not more than \$199,150; and  
10 provided further, the court shall fix attorney's fees not to  
11 exceed 25% of the award granted. On or after the effective date  
12 of this amendatory Act of the 95th General Assembly, the court  
13 shall annually adjust the maximum awards authorized by this  
14 subsection (c) to reflect the increase, if any, in the Consumer  
15 Price Index For All Urban Consumers for the previous calendar  
16 year, as determined by the United States Department of Labor,  
17 except that no annual increment may exceed 5%. For the annual  
18 adjustments, if the Consumer Price Index decreases during a  
19 calendar year, there shall be no adjustment for that calendar  
20 year. The transmission by the Prisoner Review Board or the  
21 clerk of the circuit court of the information described in  
22 Section 11(b) to the clerk of the Court of Claims is conclusive  
23 evidence of the validity of the claim. The changes made by this  
24 amendatory Act of the 95th General Assembly apply to all claims  
25 pending on or filed on or after the effective date.

26 (d) All claims against the State for damages in cases

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

1 University, the Board of Trustees of Illinois State University,  
2 the Board of Trustees of Northeastern Illinois University, the  
3 Board of Trustees of Northern Illinois University, the Board of  
4 Trustees of Western Illinois University, or the Board of  
5 Trustees of the Illinois Mathematics and Science Academy is not  
6 liable for the negligence of its officers, agents, and  
7 employees in the course of their employment is not applicable  
8 to the hearing and determination of such claims. The changes to  
9 this Section made by this amendatory Act of the 100th General  
10 Assembly apply only to claims filed on or after July 1, 2015.

11 The court shall annually adjust the maximum awards  
12 authorized by this subsection to reflect the increase, if any,  
13 in the Consumer Price Index For All Urban Consumers for the  
14 previous calendar year, as determined by the United States  
15 Department of Labor. The Comptroller shall make the new amount  
16 resulting from each annual adjustment available to the public  
17 via the Comptroller's official website by January 31 of every  
18 year.

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

10 (705 ILCS 505/18) (from Ch. 37, par. 439.18)

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

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

20 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

21 Sec. 22. Every claim cognizable by the Court and not  
22 otherwise sooner barred by law shall be forever barred from  
23 prosecution therein unless it is filed with the Clerk of the  
24 Court within the time set forth as follows:

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

6           (b) All claims cognizable against the State by vendors of  
7 goods or services under "The Illinois Public Aid Code",  
8 approved April 11, 1967, as amended, must file within one year  
9 after the accrual of the cause of action, as provided in  
10 Section 11-13 of that Code.

11           (c) All claims arising under paragraph (c) of Section 8 of  
12 this Act must be automatically heard by the court within 120  
13 days after the person asserting such claim is either issued a  
14 certificate of innocence from the Circuit Court as provided in  
15 Section 2-702 of the Code of Civil Procedure, or is granted a  
16 pardon by the Governor, whichever occurs later, without the  
17 person asserting the claim being required to file a petition  
18 under Section 11 of this Act, except as otherwise provided by  
19 the Crime Victims Compensation Act. Any claims filed by the  
20 claimant under paragraph (c) of Section 8 of this Act must be  
21 filed within 2 years after the person asserting such claim is  
22 either issued a certificate of innocence as provided in Section  
23 2-702 of the Code of Civil Procedure, or is granted a pardon by  
24 the Governor, whichever occurs later.

25           (d) All claims arising under paragraph (f) of Section 8 of  
26 this Act must be filed within the time set forth in Section 3

1 of the Line of Duty Compensation Act.

2 (e) All claims arising under paragraph (h) of Section 8 of  
3 this Act must be filed within one year of the date of the death  
4 of the guardsman or militiaman as provided in Section 3 of the  
5 "Illinois National Guardsman's and Naval Militiaman's  
6 Compensation Act", approved August 12, 1971, as amended.

7 (f) All claims arising under paragraph (g) of Section 8 of  
8 this Act must be filed within one year of the crime on which a  
9 claim is based as provided in Section 6.1 of the "Crime Victims  
10 Compensation Act", approved August 23, 1973, as amended.

11 (g) All claims arising from the Comptroller's refusal to  
12 issue a replacement warrant pursuant to Section 10.10 of the  
13 State Comptroller Act must be filed within 5 years after the  
14 date of the Comptroller's refusal ~~issue date of such warrant~~.

15 (h) All other claims must be filed within 2 years after it  
16 first accrues, saving to minors, and persons under legal  
17 disability at the time the claim accrues, in which case the  
18 claim must be filed within 2 years from the time the disability  
19 ceases.

20 (i) The changes made by Public Act 86-458 ~~this amendatory~~  
21 ~~Act of 1989 shall~~ apply to all warrants issued within the 5  
22 year period preceding August 31, 1989 (the effective date of  
23 Public Act 86-458) ~~this amendatory Act of 1989~~. The changes  
24 made to this Section by this amendatory Act of the 100th  
25 General Assembly apply to claims pending on the effective date  
26 of this amendatory Act of the 100th General Assembly and to

1 claims filed thereafter.

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

6 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;  
7 96-328, eff. 8-11-09.)

8 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

9 Sec. 24. Payment of awards.

10 (1) From funds appropriated by the General Assembly for the  
11 purposes of this Section the Court may direct immediate payment  
12 of:

13 (a) All claims arising solely as a result of the  
14 lapsing of an appropriation out of which the obligation  
15 could have been paid.

16 (b) All claims pursuant to the Line of Duty  
17 Compensation Act.

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

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

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



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

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

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

25          (3.5) The interest penalty payment provided for in  
26          subsection (3) shall be added to all claims for which benefits

1 were not paid as of the effective date of P.A. 95-928. The  
2 interest penalty shall be calculated starting from the  
3 effective date of P.A. 95-928, provided that the effective date  
4 of P.A. 95-928 is at least 6 months after the date on which the  
5 claim was filed in accordance with Section 3 of the Line of  
6 Duty Compensation Act. In the event that the date 6 months  
7 after the date on which the claim was filed is later than the  
8 effective date of P.A. 95-928, the Court shall calculate the  
9 interest payment penalty starting from the date 6 months after  
10 the date on which the claim was filed in accordance with  
11 Section 3 of the Line of Duty Compensation Act. This subsection  
12 (3.5) of this amendatory Act of the 96th General Assembly is  
13 declarative of existing law.

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

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

6           (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;  
7 96-328, eff. 8-11-09; 96-539, eff. 1-1-10.)

8           Section 97. Severability. The provisions of this Act are  
9 severable under Section 1.31 of the Statute on Statutes.

10           Section 99. Effective date. This Act takes effect upon  
11 becoming law.