



Rep. Mary E. Flowers

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10200HB0086ham001

LRB102 03685 LNS 22994 a

1 AMENDMENT TO HOUSE BILL 86

2 AMENDMENT NO. _____. Amend House Bill 86 by replacing
3 everything after the enacting clause with the following:

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; 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
11 of 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,

1 or (ii) to review administrative decisions for which a
2 statute provides that review shall be in the circuit or
3 appellate court.

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

6 (c) All claims against the State for time unjustly
7 served in prisons of this State when the person imprisoned
8 received a pardon from the Governor stating that such
9 pardon is issued on the ground of innocence of the crime
10 for which he or she was imprisoned or he or she received a
11 certificate of innocence from the Circuit Court as
12 provided in Section 2-702 of the Code of Civil Procedure.
13 The court shall award \$50,000 per year during which the
14 person was wrongfully imprisoned and shall prorate that
15 amount for a fraction of a year that the person was
16 wrongfully imprisoned. The court shall award attorney's
17 fees in an amount not to exceed 25% of the award granted.
18 In its determination of the award, the court shall include
19 the number of years the person was imprisoned while
20 awaiting trial. The ~~; provided, the amount of the award is~~
21 ~~at the discretion of the court; and provided, the court~~
22 ~~shall make no award in excess of the following amounts:~~
23 ~~for imprisonment of 5 years or less, not more than~~
24 ~~\$85,350; for imprisonment of 14 years or less but over 5~~
25 ~~years, not more than \$170,000; for imprisonment of over 14~~
26 ~~years, not more than \$199,150; and provided further, the~~

1 ~~court shall fix attorney's fees not to exceed 25% of the~~
2 ~~award granted. On or after the effective date of this~~
3 ~~amendatory Act of the 95th General Assembly,~~ the court
4 shall annually adjust the maximum awards authorized by
5 this subsection (c) to reflect the increase, if any, in
6 the Consumer Price Index For All Urban Consumers for the
7 previous calendar year, as determined by the United States
8 Department of Labor, except that no annual increment may
9 exceed 5%. For the annual adjustments, if the Consumer
10 Price Index decreases during a calendar year, there shall
11 be no adjustment for that calendar year. The transmission
12 by the Prisoner Review Board or the clerk of the circuit
13 court of the information described in Section 11(b) to the
14 clerk of the Court of Claims is conclusive evidence of the
15 validity of the claim. The changes made by Public Act
16 95-970 ~~this amendatory Act of the 95th General Assembly~~
17 apply to all claims pending on or filed on or after
18 September 22, 2008 (the effective date of Public Act
19 95-970). The changes made by this amendatory Act of the
20 102nd General Assembly apply to all claims pending on or
21 filed on or after the effective date.

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

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

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

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

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

20 (f) All claims pursuant to the Line of Duty
21 Compensation Act. A claim under that Act must be heard and
22 determined within one year after the application for that
23 claim is filed with the Court as provided in that Act.

24 (g) All claims filed pursuant to the Crime Victims
25 Compensation Act.

26 (h) All claims pursuant to the Illinois National

1 Guardsman's Compensation Act. A claim under that Act must
2 be heard and determined within one year after the
3 application for that claim is filed with the Court as
4 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. 100-1124, eff. 11-27-18.)".