

HB4534



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4534

by Rep. Al Riley

SYNOPSIS AS INTRODUCED:

705 ILCS 505/8

from Ch. 37, par. 439.8

Provides that the amendatory Act may be referred to as the Commitment to Justice Act and includes legislative findings. Amends the Court of Claims Act. Removes the \$100,000 limit on awards in tort cases. Provides that the changes apply to cases filed on or after July 1, 2015. Effective immediately.

LRB100 17647 HEP 32818 b

FISCAL NOTE ACT
MAY APPLY

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 1. References to Act; legislative findings and
5 purpose.

6 (a) This Act may be referred to as the Commitment to
7 Justice Act.

8 (b) The General Assembly finds and declares that:

9 (1) Since July of 2015, there have been 3 outbreaks of
10 Legionnaires' disease at the Illinois Veterans Home in
11 Quincy.

12 (2) Since July of 2015, 61 residents and staff have
13 been afflicted with this disease.

14 (3) Since July of 2015, 13 resident veterans have died
15 as a result of contracting Legionnaires' disease at the
16 Quincy Veterans Home.

17 (4) At least 11 veterans' families have brought suit at
18 the Court of Claims seeking redress for the loss of their
19 loved ones resulting from these Legionnaires' outbreaks.

20 (5) Illinois' veterans are heroes that risk their
21 lives, some of whom pay the ultimate price, protecting
22 their fellow Illinoisans' constitutionally-enshrined
23 access to justice, and are owed justice for their service.

24 (6) The Court of Claims Act has jurisdiction over cases

1 brought against the State, and has had in place for 46
2 years an arbitrary, inequitable, and unjust limit of
3 \$100,000 on tort claims.

4 (7) This \$100,000 limit currently ranks among the
5 lowest of the 50 states, more than one-third of which have
6 no limit.

7 (8) This limit has been imposed upon Illinois victims
8 and their families at least 6 times since 2014, and would
9 be applicable to the victims of the Legionnaires' outbreaks
10 at the Quincy Veterans Home and their families.

11 (9) Victims and families harmed by the negligence of
12 the State of Illinois in veterans homes, correctional
13 facilities, Illinois roadways, or other places in which the
14 State conducts business deserve equal access to justice
15 under the law.

16 (10) This limit must be removed from Illinois law to
17 allow victims and their families adequate access to
18 justice.

19 Section 5. The Court of Claims Act is amended by changing
20 Section 8 as follows:

21 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

22 Sec. 8. Court of Claims jurisdiction; deliberation
23 periods. The court shall have exclusive jurisdiction to hear
24 and determine the following matters:

1 (a) All claims against the State founded upon any law of
2 the State of Illinois or upon any regulation adopted thereunder
3 by an executive or administrative officer or agency; provided,
4 however, the court shall not have jurisdiction (i) to hear or
5 determine claims arising under the Workers' Compensation Act or
6 the Workers' Occupational Diseases Act, or claims for expenses
7 in civil litigation, or (ii) to review administrative decisions
8 for which a statute provides that review shall be in the
9 circuit or appellate court.

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

12 (c) All claims against the State for time unjustly served
13 in prisons of this State when the person imprisoned received a
14 pardon from the governor stating that such pardon is issued on
15 the ground of innocence of the crime for which he or she was
16 imprisoned or he or she received a certificate of innocence
17 from the Circuit Court as provided in Section 2-702 of the Code
18 of Civil Procedure; provided, the amount of the award is at the
19 discretion of the court; and provided, the court shall make no
20 award in excess of the following amounts: for imprisonment of 5
21 years or less, not more than \$85,350; for imprisonment of 14
22 years or less but over 5 years, not more than \$170,000; for
23 imprisonment of over 14 years, not more than \$199,150; and
24 provided further, the court shall fix attorney's fees not to
25 exceed 25% of the award granted. On or after the effective date
26 of this amendatory Act of the 95th General Assembly, the court

1 shall annually adjust the maximum awards authorized by this
2 subsection (c) to reflect the increase, if any, in the Consumer
3 Price Index For All Urban Consumers for the previous calendar
4 year, as determined by the United States Department of Labor,
5 except that no annual increment may exceed 5%. For the annual
6 adjustments, if the Consumer Price Index decreases during a
7 calendar year, there shall be no adjustment for that calendar
8 year. The transmission by the Prisoner Review Board or the
9 clerk of the circuit court of the information described in
10 Section 11(b) to the clerk of the Court of Claims is conclusive
11 evidence of the validity of the claim. The changes made by this
12 amendatory Act of the 95th General Assembly apply to all claims
13 pending on or filed on or after the effective date.

14 (d) All claims against the State for damages in cases
15 sounding in tort, if a like cause of action would lie against a
16 private person or corporation in a civil suit, and all like
17 claims sounding in tort against the Medical Center Commission,
18 the Board of Trustees of the University of Illinois, the Board
19 of Trustees of Southern Illinois University, the Board of
20 Trustees of Chicago State University, the Board of Trustees of
21 Eastern Illinois University, the Board of Trustees of Governors
22 State University, the Board of Trustees of Illinois State
23 University, the Board of Trustees of Northeastern Illinois
24 University, the Board of Trustees of Northern Illinois
25 University, the Board of Trustees of Western Illinois
26 University, or the Board of Trustees of the Illinois

1 ~~Mathematics and Science Academy; provided, that an award for~~
2 ~~damages in a case sounding in tort, other than certain cases~~
3 ~~involving the operation of a State vehicle described in this~~
4 ~~paragraph, shall not exceed the sum of \$100,000 to or for the~~
5 ~~benefit of any claimant. The \$100,000 limit prescribed by this~~
6 ~~Section does not apply to an award of damages in any case~~
7 ~~sounding in tort arising out of the operation by a State~~
8 ~~employee of a vehicle owned, leased or controlled by the State.~~

9 The defense that the State or the Medical Center Commission or
10 the Board of Trustees of the University of Illinois, the Board
11 of Trustees of Southern Illinois University, the Board of
12 Trustees of Chicago State University, the Board of Trustees of
13 Eastern Illinois University, the Board of Trustees of Governors
14 State University, the Board of Trustees of Illinois State
15 University, the Board of Trustees of Northeastern Illinois
16 University, the Board of Trustees of Northern Illinois
17 University, the Board of Trustees of Western Illinois
18 University, or the Board of Trustees of the Illinois
19 Mathematics and Science Academy is not liable for the
20 negligence of its officers, agents, and employees in the course
21 of their employment is not applicable to the hearing and
22 determination of such claims. The changes to this Section made
23 by this amendatory Act of the 100th General Assembly apply to
24 cases filed on or after July 1, 2015.

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

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

5 (g) All claims filed pursuant to the Crime Victims
6 Compensation Act.

7 (h) All claims pursuant to the Illinois National
8 Guardsman's Compensation Act. A claim under that Act must be
9 heard and determined within one year after the application for
10 that claim is filed with the Court as provided in that Act.

11 (i) All claims authorized by subsection (a) of Section
12 10-55 of the Illinois Administrative Procedure Act for the
13 expenses incurred by a party in a contested case on the
14 administrative level.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.