



Sen. Dan Kotowski

Filed: 4/14/2015

09900SB0184sam001

LRB099 03355 JLS 33941 a

1 AMENDMENT TO SENATE BILL 184

2 AMENDMENT NO. _____. Amend Senate Bill 184 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 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

1 for which a statute provides that review shall be in the
2 circuit or appellate court.

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

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

1 amendatory Act of the 99th ~~95th~~ General Assembly, the court
2 shall annually adjust the maximum awards authorized by this
3 subsection (c) to reflect the increase, if any, in the Consumer
4 Price Index For All Urban Consumers for the previous calendar
5 year, as determined by the United States Department of Labor,
6 except that no annual increment may exceed 5%. For the annual
7 adjustments, if the Consumer Price Index decreases during a
8 calendar year, there shall be no adjustment for that calendar
9 year. The transmission by the Prisoner Review Board or the
10 clerk of the circuit court of the information described in
11 Section 11(b) to the clerk of the Court of Claims is conclusive
12 evidence of the validity of the claim. The changes made by this
13 amendatory Act of the 99th ~~95th~~ General Assembly apply to all
14 claims pending on or filed on or after the effective date.

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

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

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

26 (f) All claims pursuant to the Line of Duty Compensation

1 Act. A claim under that Act must be heard and determined within
2 one year after the application for that claim is filed with the
3 Court as provided in that Act.

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

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

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

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

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