



Rep. Lilian Jiménez

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10400HB4340ham002

LRB104 17556 JRC 36487 a

1 AMENDMENT TO HOUSE BILL 4340

2 AMENDMENT NO. _____. Amend House Bill 4340, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Court of Claims Act is amended by changing
6 Sections 9, 11, 18, 19, and 24 and by adding Section 8.2 as
7 follows:

8 (705 ILCS 505/8.2 new)

9 Sec. 8.2. Contractual claims.

10 (a) A State agency must confirm or reject a claim arising
11 under subsection (b) of Section 8 of this Act that is from a
12 lapsed appropriation and valued at less than \$2,500 within 45
13 calendar days after being notified in writing of the claim by
14 the Attorney General. If the State agency confirms the claim,
15 then the court must enter an award for the claim within 30
16 calendar days of being notified.

1 (b) If the court determines that it is unable to process a
2 claim under this Section because the bill or invoice contains
3 a defect, the court must notify the vendor in writing of the
4 defect no later than 45 calendar days after the bill or invoice
5 was first submitted. The notice must identify the defect and
6 any additional information necessary to correct the defect, if
7 possible. If one or more items on a bill or invoice are
8 disapproved, but not the entire bill or invoice, then the
9 portion that is not disapproved must be transmitted to the
10 Comptroller for payment. For disapproved portions of a claim,
11 the court must allow vendors to submit documentation to amend
12 and cure defects.

13 (c) The Court of Claims may adopt rules to implement this
14 Section.

15 (705 ILCS 505/9) (from Ch. 37, par. 439.9)

16 Sec. 9. Powers and duties. ~~The court may:~~

17 (a) The court shall confirm receipt of claim to the vendor
18 within 30 calendar days for all claims arising under
19 subsection (b) of Section 8 of this Act.

20 (b) The court may establish ~~A. Establish~~ rules for its
21 government and for the regulation of practice therein; appoint
22 commissioners to assist the court in such manner as it directs
23 and discharge them at will; and exercise such powers as are
24 necessary to carry into effect the powers granted in this
25 Section. Any Commissioner appointed shall be an attorney

1 licensed to practice law in the State of Illinois. The rules
2 established hereunder shall not be waived, and any extension
3 of time authorized by such rules shall only be allowed on
4 motion duly filed within the time limitation for which the
5 extension is requested.

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

23 ~~E.~~ The court may adopt administrative rules to provide for
24 remote or electronic filing of a claim or other motion,
25 participation in any capacity before the court, taking of
26 evidence or testimony, conducting any business of the court,

1 or payment of any fees to the court.

2 (Source: P.A. 104-188, eff. 1-1-26.)

3 (705 ILCS 505/11) (from Ch. 37, par. 439.11)

4 Sec. 11. Filing claims.

5 (a) Except as otherwise provided in subsection (b) of this
6 Section and subsection (4) of Section 24, the claimant shall
7 in all cases set forth fully in his or her petition the claim,
8 the action thereon, if any, on behalf of the State, what
9 persons are owners or trustees as defined under Section 3 of
10 the Charitable Trust Act thereof or interested therein, when
11 and upon what consideration such persons became so interested;
12 that no assignment or transfer of the claim or any part thereof
13 or interest therein has been made, except as stated in the
14 petition; that the claimant is justly entitled to the amount
15 therein claimed from the State of Illinois, after allowing all
16 just credits; and that claimant believes the facts stated in
17 the petition to be true. The petition shall be verified, as to
18 statements of facts, by the affidavit of the claimant, his
19 agent, or attorney.

20 (b) Whenever a person has served a term of imprisonment
21 and has received a pardon by the Governor stating that such
22 pardon was issued on the ground of innocence of the crime for
23 which he or she was imprisoned, the Prisoner Review Board
24 shall transmit this information to the clerk of the Court of
25 Claims, together with the claimant's current address. Whenever

1 a person has served a term of imprisonment and has received a
2 certificate of innocence from the Circuit Court as provided in
3 Section 2-702 of the Code of Civil Procedure, the clerk of the
4 issuing Circuit Court shall transmit this information to the
5 clerk of the Court of Claims, together with the claimant's
6 current address. The clerk of the Court of Claims shall
7 immediately docket the case for consideration by the Court of
8 Claims, and shall provide notice to the claimant of such
9 docketing together with all hearing dates and applicable
10 deadlines. The Court of Claims shall hear the case and render a
11 decision within 90 days after its docketing.

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

13 (705 ILCS 505/18) (from Ch. 37, par. 439.18)

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

22 Beginning December 31, 2027, and every December 31st
23 thereafter, the Court shall produce an annual report to the
24 General Assembly on claims arising from lapsed appropriations.
25 The report shall include data on the number of claims

1 submitted each year, the number of claims resolved, the number
2 and dollar amount of claims paid and pending, the State
3 agencies associated with the lapsed claims, the average length
4 of time from claim submission to resolution for each State
5 agency, and the number and age of unresolved claims that are
6 older than 12 months, by State agency.

7 (Source: P.A. 100-1124, eff. 11-27-18.)

8 (705 ILCS 505/19) (from Ch. 37, par. 439.19)

9 Sec. 19. The Attorney General, or his or her assistants
10 under his or her direction, shall appear for the defense and
11 protection of the interests of the State of Illinois in all
12 cases filed in the court, and may make claim for recoupment by
13 the State. Except as provided in Section 8.2, for all claims
14 arising under subsection (b) of Section 8 of this Act:

15 (1) the State agency must confirm or reject in writing
16 the allegations in the claim with the Attorney General's
17 office within 90 calendar days of being contacted by the
18 Attorney General; and

19 (2) the Attorney General must notify the claimant of
20 the State agency's decision and file a stipulation or
21 motion with the Court within 90 calendar days of the State
22 agency confirming or rejecting the claim.

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

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

1 Sec. 24. Payment of awards.

2 (1) From funds appropriated by the General Assembly for
3 the purposes of this Section the Court may direct immediate
4 payment of:

5 (a) All claims arising solely as a result of the
6 lapsing of an appropriation out of which the obligation
7 could have been paid.

8 (b) All claims pursuant to the Line of Duty
9 Compensation Act.

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

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

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

18 (e) All other claims wherein the amount of the award
19 of the Court is less than \$50,000.

20 (2) The court may, from funds specifically appropriated
21 from the General Revenue Fund for this purpose, direct the
22 payment of awards less than \$100,000 ~~\$50,000~~ solely as a
23 result of the lapsing of an appropriation originally made from
24 any fund held by the State Treasurer. For any such award paid
25 from the General Revenue Fund, the court shall thereafter seek
26 an appropriation from the fund from which the liability

1 originally accrued in reimbursement of the General Revenue
2 Fund.

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

17 (3.5) The interest penalty payment provided for in
18 subsection (3) shall be added to all claims for which benefits
19 were not paid as of the effective date of P.A. 95-928. The
20 interest penalty shall be calculated starting from the
21 effective date of P.A. 95-928, provided that the effective
22 date of P.A. 95-928 is at least 6 months after the date on
23 which the claim was filed in accordance with Section 3 of the
24 Line of Duty Compensation Act. In the event that the date 6
25 months after the date on which the claim was filed is later
26 than the effective date of P.A. 95-928, the Court shall

1 calculate the interest payment penalty starting from the date
2 6 months after the date on which the claim was filed in
3 accordance with Section 3 of the Line of Duty Compensation
4 Act. This subsection (3.5) of this amendatory Act of the 96th
5 General Assembly is declarative of existing law.

6 (3.6) In addition to the interest payments provided for in
7 subsections (3) and (3.5), the Court shall direct the
8 Comptroller to add a "catch-up" payment to the claims of
9 eligible claimants. For the purposes of this subsection (3.6),
10 an "eligible claimant" is a claimant whose claim is not paid in
11 the year in which it was filed. For purposes of this subsection
12 (3.6), "'catch-up' payment" is defined as the difference
13 between the amount paid to claimants whose claims were filed
14 in the year in which the eligible claimant's claim is paid and
15 the amount paid to claimants whose claims were filed in the
16 year in which the eligible claimant filed his or her claim. The
17 "catch-up" payment is payable simultaneously with the claim
18 award.

19 (4) From funds appropriated by the General Assembly for
20 the purposes of paying claims under paragraph (c) of Section
21 8, the court must direct payment of each claim and the payment
22 must be received by the claimant within 60 days after the date
23 that the funds are appropriated for that purpose.

24 (Source: P.A. 100-1124, eff. 11-27-18.)

25 Section 99. Effective date. This Act takes effect July 1,

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1 2027.".