



Sen. Michael W. Halpin

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10400HB4340sam002

LRB104 17556 JRC 37477 a

1 AMENDMENT TO HOUSE BILL 4340

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4340 by replacing  
3 everything after the enacting clause with the following:

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

7 (705 ILCS 505/8.2 new)

8 Sec. 8.2. Contractual claims.

9 (a) A State agency must confirm, reject, or identify a  
10 claim arising under subsection (b) of Section 8 of this Act  
11 that is from a lapsed appropriation and valued at less than  
12 \$2,500 within 60 calendar days after being notified in writing  
13 of the claim by the Attorney General. If the State agency  
14 confirms the claim, then the court must enter an award for the  
15 claim within 30 calendar days of being notified.

16 (b) If the State agency determines that it is unable to

1 process a claim under this Section because the bill or invoice  
2 contains a defect, the State agency must notify the vendor in  
3 writing of the defect no later than 60 calendar days after the  
4 bill or invoice was first submitted. The notice must identify  
5 the defect and any additional information necessary to correct  
6 the defect, if possible. If one or more items on a bill or  
7 invoice are disapproved, but not the entire bill or invoice,  
8 then the portion that is not disapproved must be transmitted  
9 to the Court for processing. For disapproved portions of a  
10 claim, the court must allow vendors to submit documentation to  
11 amend and cure defects.

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

14 (705 ILCS 505/9) (from Ch. 37, par. 439.9)

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

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

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

1 established hereunder shall not be waived, and any extension  
2 of time authorized by such rules shall only be allowed on  
3 motion duly filed within the time limitation for which the  
4 extension is requested.

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

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

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

2 (705 ILCS 505/11) (from Ch. 37, par. 439.11)

3 Sec. 11. Filing claims.

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

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

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

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

12 (705 ILCS 505/18) (from Ch. 37, par. 439.18)

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

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

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

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

7 (705 ILCS 505/19) (from Ch. 37, par. 439.19)

8 Sec. 19. The Attorney General, or his or her assistants  
9 under his or her direction, shall appear for the defense and  
10 protection of the interests of the State of Illinois in all  
11 cases filed in the court, and may make claim for recoupment by  
12 the State. Except as provided in Section 8.2, for all claims  
13 arising under subsection (b) of Section 8 of this Act that are  
14 from lapsed appropriations and are equal to or greater than  
15 \$2,500:

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

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

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

1 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

2 Sec. 24. Payment of awards.

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

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

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

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

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

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

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

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

1 an appropriation from the fund from which the liability  
2 originally accrued in reimbursement of the General Revenue  
3 Fund.

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

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



1 than the effective date of P.A. 95-928, the Court shall  
2 calculate the interest payment penalty starting from the date  
3 6 months after the date on which the claim was filed in  
4 accordance with Section 3 of the Line of Duty Compensation  
5 Act. This subsection (3.5) of this amendatory Act of the 96th  
6 General Assembly is declarative of existing law.

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

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

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

1           Section 99. Effective date. This Act takes effect July 1,  
2   2027.".