



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2202

by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

705 ILCS 505/24

from Ch. 37, par. 439.24

Amends the Court of Claims Act. Provides that all claims against the State for damages in cases sounding in tort, if a like cause of action would lie against a private person or corporation in a civil suit, and all like claims sounding in tort against the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy shall be payable through the General Revenue Fund and not the University or Academy itself.

LRB101 05537 LNS 50553 b

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 5. The Court of Claims Act is amended by changing
5 Section 24 as follows:

6 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

7 Sec. 24. Payment of awards.

8 (1) From funds appropriated by the General Assembly for the
9 purposes of this Section the Court may direct immediate payment
10 of:

11 (a) All claims arising solely as a result of the
12 lapsing of an appropriation out of which the obligation
13 could have been paid.

14 (b) All claims pursuant to the Line of Duty
15 Compensation Act.

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

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

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

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

3 (2) The court may, from funds specifically appropriated
4 from the General Revenue Fund for this purpose, direct the
5 payment of awards less than \$50,000 solely as a result of the
6 lapsing of an appropriation originally made from any fund held
7 by the State Treasurer. For any such award paid from the
8 General Revenue Fund, the court shall thereafter seek an
9 appropriation from the fund from which the liability originally
10 accrued in reimbursement of the General Revenue Fund.

11 (3) In directing payment of a claim pursuant to the Line of
12 Duty Compensation Act, the Court must direct the Comptroller to
13 add an interest penalty if payment of a claim is not made
14 within 6 months after a claim is filed in accordance with
15 Section 3 of the Line of Duty Compensation Act and all
16 information has been submitted as required under Section 4 of
17 the Line of Duty Compensation Act. If payment is not issued
18 within the 6-month period, an interest penalty of 1% of the
19 amount of the award shall be added for each month or fraction
20 thereof after the end of the 6-month period, until final
21 payment is made. This interest penalty shall be added
22 regardless of whether the payment is not issued within the
23 6-month period because of the appropriation process, the
24 consideration of the matter by the Court, or any other reason.

25 (3.5) The interest penalty payment provided for in
26 subsection (3) shall be added to all claims for which benefits

1 were not paid as of the effective date of P.A. 95-928. The
2 interest penalty shall be calculated starting from the
3 effective date of P.A. 95-928, provided that the effective date
4 of P.A. 95-928 is at least 6 months after the date on which the
5 claim was filed in accordance with Section 3 of the Line of
6 Duty Compensation Act. In the event that the date 6 months
7 after the date on which the claim was filed is later than the
8 effective date of P.A. 95-928, the Court shall calculate the
9 interest payment penalty starting from the date 6 months after
10 the date on which the claim was filed in accordance with
11 Section 3 of the Line of Duty Compensation Act. This subsection
12 (3.5) of this amendatory Act of the 96th General Assembly is
13 declarative of existing law.

14 (3.6) In addition to the interest payments provided for in
15 subsections (3) and (3.5), the Court shall direct the
16 Comptroller to add a "catch-up" payment to the claims of
17 eligible claimants. For the purposes of this subsection (3.6),
18 an "eligible claimant" is a claimant whose claim is not paid in
19 the year in which it was filed. For purposes of this subsection
20 (3.6), "'catch-up' payment" is defined as the difference
21 between the amount paid to claimants whose claims were filed in
22 the year in which the eligible claimant's claim is paid and the
23 amount paid to claimants whose claims were filed in the year in
24 which the eligible claimant filed his or her claim. The
25 "catch-up" payment is payable simultaneously with the claim
26 award.

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

6 (5) All claims against the State for damages in cases
7 sounding in tort, if a like cause of action would lie against a
8 private person or corporation in a civil suit, and all like
9 claims sounding in tort against the Board of Trustees of the
10 University of Illinois, the Board of Trustees of Southern
11 Illinois University, the Board of Trustees of Chicago State
12 University, the Board of Trustees of Eastern Illinois
13 University, the Board of Trustees of Governors State
14 University, the Board of Trustees of Illinois State University,
15 the Board of Trustees of Northeastern Illinois University, the
16 Board of Trustees of Northern Illinois University, the Board of
17 Trustees of Western Illinois University, or the Board of
18 Trustees of the Illinois Mathematics and Science Academy shall
19 be payable through the General Revenue Fund and not the
20 University or Academy itself.

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