

SB3682



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3682

Introduced 2/14/2020, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

705 ILCS 505/8

from Ch. 37, par. 439.8

Amends the Court of Claims Act. Deletes language regarding the amount a court shall award to a person for time unjustly served in prison when the person imprisoned received a pardon on the ground of innocence of the crime for which he or she was imprisoned or he or she received a certificate of innocence. Provides instead that the court shall award \$50,000 per year during which the person was wrongfully imprisoned and shall prorate that amount for a fraction of a year that the person was wrongfully imprisoned, including the number of years the person was awaiting trial.

LRB101 20016 LNS 69545 b

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 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
11 of the State of Illinois or upon any regulation adopted
12 thereunder by an executive or administrative officer or
13 agency; provided, however, the court shall not have
14 jurisdiction (i) to hear or determine claims arising under
15 the Workers' Compensation Act or the Workers' Occupational
16 Diseases Act, or claims for expenses in civil litigation,
17 or (ii) to review administrative decisions for which a
18 statute provides that review shall be in the circuit or
19 appellate court.

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

22 (c) All claims against the State for time unjustly
23 served in prisons of this State when the person imprisoned

1 received a pardon from the Governor stating that such
2 pardon is issued on the ground of innocence of the crime
3 for which he or she was imprisoned or he or she received a
4 certificate of innocence from the Circuit Court as provided
5 in Section 2-702 of the Code of Civil Procedure. The court
6 shall award \$50,000 per year during which the person was
7 wrongfully imprisoned and shall prorate that amount for a
8 fraction of a year that the person was wrongfully
9 imprisoned. The court shall fix attorney's fees not to
10 exceed 25% of the award granted. In its determination of
11 the award, the court shall include the number of years the
12 person was imprisoned while awaiting trial. The , provided,
13 the amount of the award is at the discretion of the court,
14 and provided, the court shall make no award in excess of
15 the following amounts: for imprisonment of 5 years or less,
16 not more than \$85,350; for imprisonment of 14 years or less
17 but over 5 years, not more than \$170,000; for imprisonment
18 of over 14 years, not more than \$199,150; and provided
19 further, the court shall fix attorney's fees not to exceed
20 25% of the award granted. On or after the effective date of
21 this amendatory Act of the 95th General Assembly, the court
22 shall annually adjust the maximum awards authorized by this
23 subsection (c) to reflect the increase, if any, in the
24 Consumer Price Index For All Urban Consumers for the
25 previous calendar year, as determined by the United States
26 Department of Labor, except that no annual increment may

1 exceed 5%. For the annual adjustments, if the Consumer
2 Price Index decreases during a calendar year, there shall
3 be no adjustment for that calendar year. The transmission
4 by the Prisoner Review Board or the clerk of the circuit
5 court of the information described in Section 11(b) to the
6 clerk of the Court of Claims is conclusive evidence of the
7 validity of the claim. The changes made by this amendatory
8 Act of the 95th General Assembly apply to all claims
9 pending on or filed on or after the effective date.

10 (d) All claims against the State for damages in cases
11 sounding in tort, if a like cause of action would lie
12 against a private person or corporation in a civil suit,
13 and all like claims sounding in tort against the Medical
14 Center Commission, the Board of Trustees of the University
15 of Illinois, the Board of Trustees of Southern Illinois
16 University, the Board of Trustees of Chicago State
17 University, the Board of Trustees of Eastern Illinois
18 University, the Board of Trustees of Governors State
19 University, the Board of Trustees of Illinois State
20 University, the Board of Trustees of Northeastern Illinois
21 University, the Board of Trustees of Northern Illinois
22 University, the Board of Trustees of Western Illinois
23 University, or the Board of Trustees of the Illinois
24 Mathematics and Science Academy; provided, that an award
25 for damages in a case sounding in tort, other than certain
26 cases involving the operation of a State vehicle described

1 in this paragraph, shall not exceed the sum of \$2,000,000
2 to or for the benefit of any claimant. The \$2,000,000 limit
3 prescribed by this Section does not apply to an award of
4 damages in any case sounding in tort arising out of the
5 operation by a State employee of a vehicle owned, leased or
6 controlled by the State. The defense that the State or the
7 Medical Center Commission or the Board of Trustees of the
8 University of Illinois, the Board of Trustees of Southern
9 Illinois University, the Board of Trustees of Chicago State
10 University, the Board of Trustees of Eastern Illinois
11 University, the Board of Trustees of Governors State
12 University, the Board of Trustees of Illinois State
13 University, the Board of Trustees of Northeastern Illinois
14 University, the Board of Trustees of Northern Illinois
15 University, the Board of Trustees of Western Illinois
16 University, or the Board of Trustees of the Illinois
17 Mathematics and Science Academy is not liable for the
18 negligence of its officers, agents, and employees in the
19 course of their employment is not applicable to the hearing
20 and determination of such claims. The changes to this
21 Section made by this amendatory Act of the 100th General
22 Assembly apply only to claims filed on or after July 1,
23 2015.

24 The court shall annually adjust the maximum awards
25 authorized by this subsection to reflect the increase, if
26 any, in the Consumer Price Index For All Urban Consumers

1 for the previous calendar year, as determined by the United
2 States Department of Labor. The Comptroller shall make the
3 new amount resulting from each annual adjustment available
4 to the public via the Comptroller's official website by
5 January 31 of every year.

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

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

12 (g) All claims filed pursuant to the Crime Victims
13 Compensation Act.

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

19 (i) All claims authorized by subsection (a) of Section
20 10-55 of the Illinois Administrative Procedure Act for the
21 expenses incurred by a party in a contested case on the
22 administrative level.

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