



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5785

Introduced 11/16/2022, by Rep. Dave Vella - Frances Ann Hurley  
- Jay Hoffman - Lance Yednock - Michael Kelly, et al.

#### SYNOPSIS AS INTRODUCED:

705 ILCS 505/24

from Ch. 37, par. 439.24

Amends the Court of Claims Act. Provides that for the purpose of making up any deficiency in the appropriation for the payment of claims directed pursuant to the Line of Duty Compensation Act, there is appropriated, on a continuing annual basis in each fiscal year, from the General Revenue Fund to the Court of Claims, the amount, if any, by which the total appropriation for the payment of claims directed pursuant to the Line of Duty Compensation Act for the fiscal year is less than the amount required for the payment of claims pursuant to the Line of Duty Compensation Act for that fiscal year. Provides that the amount of any continuing appropriation used by the Court of Claims under the amendatory Act for a given fiscal year shall be charged against the unexpended amount of any appropriation for line of duty awards to the Court of Claims for that fiscal year that subsequently becomes available. Requires the Court of Claims to report to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the Governor's Office of Management and Budget on any continuing appropriation that is used at the conclusion of a fiscal year. Effective immediately.

LRB102 27945 SPS 39743 b

1 AN ACT concerning employment.

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  
9 the purposes of this Section the Court may direct immediate  
10 payment 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  
2           of 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  
10          originally accrued in reimbursement of the General Revenue  
11          Fund.

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

26          (3.5) The interest penalty payment provided for in

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

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

1 award.

2 (3.7) For the purpose of making up any deficiency in the  
3 appropriation for the payment of claims directed pursuant to  
4 the Line of Duty Compensation Act, there is hereby  
5 appropriated, on a continuing annual basis in each fiscal  
6 year, from the General Revenue Fund to the Court of Claims, the  
7 amount, if any, by which the total appropriation for the  
8 payment of claims directed pursuant to the Line of Duty  
9 Compensation Act for the fiscal year is less than the amount  
10 required for the payment of claims pursuant to the Line of Duty  
11 Compensation Act for that fiscal year. The amount of any  
12 continuing appropriation used by the Court of Claims under  
13 this subsection (3.7) for a given fiscal year shall be charged  
14 against the unexpended amount of any appropriation for line of  
15 duty awards to the Court of Claims for that fiscal year that  
16 subsequently becomes available. The Court of Claims shall  
17 report to the President and Minority Leader of the Senate, the  
18 Speaker and Minority Leader of the House of Representatives,  
19 and the Governor's Office of Management and Budget on any  
20 continuing appropriation that is used at the conclusion of a  
21 fiscal year.

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

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

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.