

1 AN ACT in relation to persons wrongfully imprisoned,
2 amending named Acts.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Personnel Code is amended by adding
6 Section 8b.7-5 as follows:

7 (20 ILCS 415/8b.7-5 new)

8 Sec. 8b.7-5. Unjustly imprisoned preference.

9 (a) For the granting of appropriate preference in
10 entrance examinations to a qualified person who has been
11 discharged from a prison of this State and who has been
12 wrongfully accused of a crime for which he or she was
13 imprisoned and a court of competent jurisdiction finds that
14 the evidence that resulted in his or her conviction was
15 erroneous or that new evidence indicates that the person did
16 not commit the crime for which he or she was imprisoned.

17 (b) The preference granted under this Section must be in
18 the form of points added to the final grade of the person if
19 the person otherwise qualifies and is entitled to appear on
20 the list of those eligible for appointments.

21 (c) A person qualified for a preference under this
22 Section must receive a preference of 5 points.

23 (d) The Department of Central Management Services must
24 adopt rules and implement procedures to verify that any
25 person seeking a preference under this Section provides
26 documentation or executes any consents or other documents
27 required by the Department of Central Management Services or
28 any other State department or agency to enable the Department
29 or agency to verify that the person is entitled to the
30 preference.

1 Section 10. The Court of Claims Act is amended by
2 changing Sections 8, 11, 22, and 24 as follows:

3 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

4 Sec. 8. Court of Claims jurisdiction. The court shall
5 have exclusive jurisdiction to hear and determine the
6 following matters:

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

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

19 (c) All claims against the State for time unjustly
20 served in prisons of this State when where the person persons
21 imprisoned was wrongfully accused of the crime for which he
22 or she was imprisoned and a court of competent jurisdiction
23 finds that the evidence that resulted in his or her
24 conviction was erroneous or that new evidence indicates that
25 the person did not commit the crime for which he or she was
26 imprisoned shall--receive-a-pardon-from-the-governor-stating
27 that-such-pardon-is-issued-on-the-ground-of-innocence-of--the
28 crime-for-which-they-were-imprisoned; provided, the amount of
29 the award is at the discretion of the court; and provided,
30 the court shall make no award in excess of the following
31 amounts: for imprisonment of 5 years or less, not more than
32 \$85,350 ~~\$15,000~~; for imprisonment of 14 years or less but
33 over 5 years, not more than \$170,700 ~~\$30,000~~; for

1 imprisonment of over 14 years, not more than \$199,150
2 \$35,000; and provided further, the court shall fix attorney's
3 fees not to exceed 25% of the award granted. On or after the
4 effective date of this amendatory Act of the 93rd General
5 Assembly, On--December--31,--1996,--the--court--shall--make--a
6 one-time-adjustment-in-the-maximum-awards-authorized-by--this
7 subsection-(c),--to--reflect--the--increase--in--the--cost--of--living
8 from--the--year--in--which--these--maximum--awards--were--last
9 adjusted--until--1996,--but--with--no--annual--increment--exceeding
10 5%.---Thereafter, the court shall annually adjust the maximum
11 awards authorized by this subsection (c) to reflect the
12 increase, if any, in the Consumer Price Index For All Urban
13 Consumers for the previous calendar year, as determined by
14 the United States Department of Labor, except that no annual
15 increment may exceed 5%. For both the one-time--adjustment
16 and--the-subsequent annual adjustments, if the Consumer Price
17 Index decreases during a calendar year, there shall be no
18 adjustment for that calendar year. The changes made by this
19 amendatory Act of the 93rd General Assembly apply to all
20 claims pending on the effective date of this amendatory Act
21 of the 93rd General Assembly and all claims filed on or after
22 the effective date of this amendatory Act of the 93rd General
23 Assembly. The-changes-made-by-Public-Act-89-689-apply-to-all
24 claims-filed-on-or-after-January-1,--1995-that-are-pending--on
25 December--31,--1996-and-all-claims-filed-on-or-after-December
26 31,--1996.

27 (d) All claims against the State for damages in cases
28 sounding in tort, if a like cause of action would lie against
29 a private person or corporation in a civil suit, and all like
30 claims sounding in tort against the Medical Center
31 Commission, the Board of Trustees of the University of
32 Illinois, the Board of Trustees of Southern Illinois
33 University, the Board of Trustees of Chicago State
34 University, the Board of Trustees of Eastern Illinois

1 University, the Board of Trustees of Governors State
2 University, the Board of Trustees of Illinois State
3 University, the Board of Trustees of Northeastern Illinois
4 University, the Board of Trustees of Northern Illinois
5 University, the Board of Trustees of Western Illinois
6 University, or the Board of Trustees of the Illinois
7 Mathematics and Science Academy; provided, that an award for
8 damages in a case sounding in tort, other than certain cases
9 involving the operation of a State vehicle described in this
10 paragraph, shall not exceed the sum of \$100,000 to or for the
11 benefit of any claimant. The \$100,000 limit prescribed by
12 this Section does not apply to an award of damages in any
13 case sounding in tort arising out of the operation by a State
14 employee of a vehicle owned, leased or controlled by the
15 State. The defense that the State or the Medical Center
16 Commission or the Board of Trustees of the University of
17 Illinois, the Board of Trustees of Southern Illinois
18 University, the Board of Trustees of Chicago State
19 University, the Board of Trustees of Eastern Illinois
20 University, the Board of Trustees of Governors State
21 University, the Board of Trustees of Illinois State
22 University, the Board of Trustees of Northeastern Illinois
23 University, the Board of Trustees of Northern Illinois
24 University, the Board of Trustees of Western Illinois
25 University, or the Board of Trustees of the Illinois
26 Mathematics and Science Academy is not liable for the
27 negligence of its officers, agents, and employees in the
28 course of their employment is not applicable to the hearing
29 and determination of such claims.

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

32 (f) All claims pursuant to the Law Enforcement Officers,
33 Civil Defense Workers, Civil Air Patrol Members, Paramedics,
34 Firemen, Chaplains, and State Employees Compensation Act.

1 (g) All claims filed pursuant to the Crime Victims
2 Compensation Act.

3 (h) All claims pursuant to the Illinois National
4 Guardsman's Compensation Act.

5 (i) All claims authorized by subsection (a) of Section
6 10-55 of the Illinois Administrative Procedure Act for the
7 expenses incurred by a party in a contested case on the
8 administrative level.

9 (Source: P.A. 89-4, eff. 1-1-96; 89-689, eff. 12-31-96;
10 90-492, eff. 8-17-97.)

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

12 Sec. 11. Filing claims.

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

27 (b) Whenever a person who has served a term of
28 imprisonment and has been discharged from prison because a
29 court of competent jurisdiction has found that the evidence
30 that resulted in the person's conviction was erroneous or
31 that new evidence indicates that the person did not commit
32 the crime for which he or she was convicted, the clerk of the
33 court of competent jurisdiction must transmit this

1 information to the clerk of the Court of Claims. The clerk
 2 of the Court of Claims must immediately docket the case for
 3 consideration by the Court of Claims. The Court of Claims
 4 must hear the case and render a decision within 90 days after
 5 its docketing. The transmission by the clerk of the court of
 6 competent jurisdiction of the information described in this
 7 subsection (b) to the clerk of the Court of Claims is
 8 conclusive evidence of the validity of the claim.

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

10 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

11 Sec. 22. Every claim cognizable by the Court and not
 12 otherwise sooner barred by law shall be forever barred from
 13 prosecution therein unless it is filed with the Clerk of the
 14 Court within the time set forth as follows:

15 (a) All claims arising out of a contract must be filed
 16 within 5 years after it first accrues, saving to minors, and
 17 persons under legal disability at the time the claim accrues,
 18 in which cases the claim must be filed within 5 years from
 19 the time the disability ceases.

20 (b) All claims cognizable against the State by vendors
 21 of goods or services under "The Illinois Public Aid Code",
 22 approved April 11, 1967, as amended, must file within one
 23 year after the accrual of the cause of action, as provided in
 24 Section 11-13 of that Code.

25 (c) All claims arising under paragraph (c) of Section 8
 26 of this Act must be automatically heard by the court and
 27 payment made filed within 120 days 2-years after the person
 28 unjustly imprisoned asserting-such-claim is discharged from
 29 prison without the person unjustly imprisoned being required
 30 to file a petition under Section 11 of this Act ,--er--is
 31 granted--a--pardon--by--the-Governor,--whichever-occurs-later,
 32 except--as--otherwise---provided---by---the---Crime---Victims
 33 Compensation-Act.

1 (d) All claims arising under paragraph (f) of Section 8
2 of this Act must be filed within one year of the date of the
3 death of the law enforcement officer or fireman as provided
4 in Section 3 of the "Law Enforcement Officers and Firemen
5 Compensation Act", approved September 30, 1969, as amended.

6 (e) All claims arising under paragraph (h) of Section 8
7 of this Act must be filed within one year of the date of the
8 death of the guardsman or militiaman as provided in Section 3
9 of the "Illinois National Guardsman's and Naval Militiaman's
10 Compensation Act", approved August 12, 1971, as amended.

11 (f) All claims arising under paragraph (g) of Section 8
12 of this Act must be filed within one year of the crime on
13 which a claim is based as provided in Section 6.1 of the
14 "Crime Victims Compensation Act", approved August 23, 1973,
15 as amended.

16 (g) All claims arising from the Comptroller's refusal to
17 issue a replacement warrant pursuant to Section 10.10 of the
18 State Comptroller Act must be filed within 5 years after the
19 issue date of such warrant.

20 (h) All other claims must be filed within 2 years after
21 it first accrues, saving to minors, and persons under legal
22 disability at the time the claim accrues, in which case the
23 claim must be filed within 2 years from the time the
24 disability ceases.

25 (i) The changes made by this amendatory Act of 1989
26 shall apply to all warrants issued within the 5 year period
27 preceding the effective date of this amendatory Act of 1989.

28 (j) All time limitations established under this Act and
29 the rules promulgated under this Act shall be binding and
30 jurisdictional, except upon extension authorized by law or
31 rule and granted pursuant to a motion timely filed.

32 (Source: P.A. 86-458.)

33 (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 "Law Enforcement
9 Officers and Firemen Compensation Act", approved
10 September 30, 1969, as amended.

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 (e) All other claims wherein the amount of the
17 award of the Court is less than \$5,000.

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

27 (3) From funds appropriated by the General Assembly for
28 the purposes of paying claims under paragraph (c) of Section
29 8, the court must direct payment of each claim within 120
30 days after discharge from prison of the person who has
31 unjustly served time in a prison of this State.

32 (Source: P.A. 92-357, eff. 8-15-01.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.