

1 AN ACT concerning imprisonment.

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

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

6 (20 ILCS 415/8b.7-5 new)

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

8 (a) A person shall be qualified for a preference in
9 entrance examinations if: (i) he or she has been discharged
10 from a prison of this State; (ii) he or she has been wrongfully
11 accused of a crime for which he or she was imprisoned; and
12 (iii) either a court of competent jurisdiction finds that the
13 evidence that resulted in his or her conviction was erroneous
14 or that new evidence indicates that the person did not commit
15 the crime for which he or she was imprisoned or the accused
16 received a pardon from the Governor stating that such pardon is
17 issued on the ground of innocence of the crime for which he or
18 she was imprisoned.

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

23 (c) A person qualified for a preference under this Section
24 shall receive a preference of 5 points.

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

1 Section 10. The Court of Claims Act is amended by changing
2 Sections 8, 11, 22, and 24 and by adding Section 24.5 as
3 follows:

4 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

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

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

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

19 (c) All claims against the State for time unjustly served
20 in prisons of this State when where the person persons
21 imprisoned (i) 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 conviction
24 was erroneous or that new evidence indicates that the person
25 did not commit the crime for which he or she was imprisoned, or
26 (ii) the accused received shall receive a pardon from the
27 governor stating that such pardon is issued on the ground of
28 innocence of the crime for which they were imprisoned;
29 provided, the amount of the award is at the discretion of the
30 court; and provided, the court shall make no award in excess of
31 the following amounts: for imprisonment of 5 years or less, not
32 more than \$85,350 ~~\$15,000~~; for imprisonment of 14 years or less
33 but over 5 years, not more than \$170,000 ~~\$30,000~~; for
34 imprisonment of over 14 years, not more than \$199,150 ~~\$35,000~~;
35 and provided further, the court shall fix attorney's fees not

1 to exceed 25% of the award granted. On or after the effective
2 date of this amendatory Act of the 94th General Assembly, On
3 ~~December 31, 1996, the court shall make a one-time adjustment~~
4 ~~in the maximum awards authorized by this subsection (c), to~~
5 ~~reflect the increase in the cost of living from the year in~~
6 ~~which these maximum awards were last adjusted until 1996, but~~
7 ~~with no annual increment exceeding 5%. Thereafter, the court~~
8 shall annually adjust the maximum awards authorized by this
9 subsection (c) to reflect the increase, if any, in the Consumer
10 Price Index For All Urban Consumers for the previous calendar
11 year, as determined by the United States Department of Labor,
12 except that no annual increment may exceed 5%. For ~~both~~ the
13 ~~one-time adjustment and the subsequent~~ annual adjustments, if
14 the Consumer Price Index decreases during a calendar year,
15 there shall be no adjustment for that calendar year. The
16 changes made by this amendatory Act of the 94th General
17 Assembly apply to all claims pending on or filed on or after
18 the effective date. ~~The changes made by Public Act 89 689 apply~~
19 ~~to all claims filed on or after January 1, 1995 that are~~
20 ~~pending on December 31, 1996 and all claims filed on or after~~
21 ~~December 31, 1996.~~

22 (d) All claims against the State for damages in cases
23 sounding in tort, if a like cause of action would lie against a
24 private person or corporation in a civil suit, and all like
25 claims sounding in tort against the Medical Center Commission,
26 the Board of Trustees of the University of Illinois, the Board
27 of Trustees of Southern Illinois University, the Board of
28 Trustees of Chicago State University, the Board of Trustees of
29 Eastern Illinois University, the Board of Trustees of Governors
30 State University, the Board of Trustees of Illinois State
31 University, the Board of Trustees of Northeastern Illinois
32 University, the Board of Trustees of Northern Illinois
33 University, the Board of Trustees of Western Illinois
34 University, or the Board of Trustees of the Illinois
35 Mathematics and Science Academy; provided, that an award for
36 damages in a case sounding in tort, other than certain cases

1 involving the operation of a State vehicle described in this
2 paragraph, shall not exceed the sum of \$100,000 to or for the
3 benefit of any claimant. The \$100,000 limit prescribed by this
4 Section does not apply to an award of damages in any case
5 sounding in tort arising out of the operation by a State
6 employee of a vehicle owned, leased or controlled by the State.
7 The defense that the State or the Medical Center Commission or
8 the Board of Trustees of the University of Illinois, the Board
9 of Trustees of Southern Illinois University, the Board of
10 Trustees of Chicago State University, the Board of Trustees of
11 Eastern Illinois University, the Board of Trustees of Governors
12 State 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 course
19 of their employment is not applicable to the hearing and
20 determination of such claims.

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

23 (f) All claims pursuant to the Line of Duty Compensation
24 Act.

25 (g) All claims filed pursuant to the Crime Victims
26 Compensation Act.

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

29 (i) All claims authorized by subsection (a) of Section
30 10-55 of the Illinois Administrative Procedure Act for the
31 expenses incurred by a party in a contested case on the
32 administrative level.

33 (Source: P.A. 93-1047, eff. 10-18-04.)

34 (705 ILCS 505/11) (from Ch. 37, par. 439.11)

35 Sec. 11. Filing claims.

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

15 (b) Whenever a person who has served a term of imprisonment
16 and has been discharged from prison because a court of
17 competent jurisdiction has found that the evidence that
18 resulted in the person's conviction was erroneous or that new
19 evidence indicates that the person did not commit the crime for
20 which he or she was convicted, the clerk of the court of
21 competent jurisdiction shall transmit this information to the
22 clerk of the Court of Claims. Whenever a person who has served
23 a term of imprisonment and has received a pardon by the
24 Governor stating that such pardon was issued on the ground of
25 innocence of the crime for which he or she was imprisoned, the
26 Governor shall transmit this information to the clerk of the
27 Court of Claims. The clerk of the Court of Claims shall
28 immediately docket the case for consideration by the Court of
29 Claims. The Court of Claims shall hear the case and render a
30 decision within 90 days after its docketing. The transmission
31 by the clerk of the court of competent jurisdiction or by the
32 Governor of the information described in this subsection (b) to
33 the clerk of the Court of Claims is conclusive evidence of the
34 validity of the claim.

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

1 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

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

6 (a) All claims arising out of a contract must be filed
7 within 5 years after it first accrues, saving to minors, and
8 persons under legal disability at the time the claim accrues,
9 in which cases the claim must be filed within 5 years from the
10 time the disability ceases.

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

16 (c) All claims arising under paragraph (c) of Section 8 of
17 this Act must be automatically heard by the court ~~filed~~ within
18 120 days ~~2 years~~ after the person unjustly imprisoned ~~asserting~~
19 ~~such claim~~ is discharged from prison without the person
20 unjustly imprisoned being required to file a petition under
21 Section 11 of this Act ~~, or is granted a pardon by the~~
22 ~~Governor, whichever occurs later, except as otherwise provided~~
23 ~~by the Crime Victims Compensation Act.~~

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

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

34 (f) All claims arising under paragraph (g) of Section 8 of
35 this Act must be filed within one year of the crime on which a
36 claim is based as provided in Section 6.1 of the "Crime Victims

1 Compensation Act", approved August 23, 1973, as amended.

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

6 (h) All other claims must be filed within 2 years after it
7 first accrues, saving to minors, and persons under legal
8 disability at the time the claim accrues, in which case the
9 claim must be filed within 2 years from the time the disability
10 ceases.

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

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

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

19 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

20 Sec. 24. Payment of awards.

21 (1) From funds appropriated by the General Assembly for the
22 purposes of this Section the Court may direct immediate payment
23 of:

24 (a) All claims arising solely as a result of the
25 lapsing of an appropriation out of which the obligation
26 could have been paid.

27 (b) All claims pursuant to the "Law Enforcement
28 Officers and Firemen Compensation Act", approved September
29 30, 1969, as amended.

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

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

35 (e) All other claims wherein the amount of the award of

1 the Court is less than \$5,000.

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

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

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

16 (705 ILCS 505/24.5 new)

17 Sec. 24.5. Reimbursement by county. Except in cases
18 initiated by the Attorney General, in the case of an unjust
19 imprisonment where a judgment has been rendered against the
20 State under this Act in favor of a person who was unjustly
21 imprisoned, the county where the case for the imprisonment
22 originated shall reimburse the State for the full amount of the
23 judgment.

24 This amendatory Act of the 94th General Assembly shall
25 apply to causes of action filed on or after its effective date.

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.