

SB1969



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1969

Introduced 2/15/2019, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

705 ILCS 40/2

from Ch. 37, par. 72.42

Amends the Judicial Vacancies Act. Provides that vacancies authorized to be filled by a specified provision shall be filled within 90 days in a specified manner.

LRB101 11084 LNS 56293 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 Judicial Vacancies Act is amended by
5 changing Section 2 as follows:

6 (705 ILCS 40/2) (from Ch. 37, par. 72.42)

7 Sec. 2. (a) Except as provided in paragraphs (1), (2), (3),
8 (4), and (5) of this subsection (a), vacancies in the office of
9 a resident circuit judge in any county or in any unit or
10 subcircuit of any circuit shall not be filled.

11 (1) If in any county of less than 45,000 inhabitants
12 there remains in office no other resident judge following
13 the occurrence of a vacancy, such vacancy shall be filled.

14 (2) If in any county of 45,000 or more but less than
15 60,000 inhabitants there remains in office only one
16 resident judge following the occurrence of a vacancy, such
17 vacancy shall be filled.

18 (3) If in any county of 60,000 or more inhabitants,
19 other than the County of Cook or as provided in paragraph
20 (5), there remain in office no more than 2 resident judges
21 following the occurrence of a vacancy, such vacancy shall
22 be filled.

23 (4) The County of Cook shall have 165 resident judges

1 on and after the effective date of this amendatory Act of
2 1990. Of those resident judgeships, (i) 56 shall be those
3 authorized before the effective date of this amendatory Act
4 of 1990 from the unit of the Circuit of Cook County within
5 Chicago, (ii) 27 shall be those authorized before the
6 effective date of this amendatory Act of 1990 from the unit
7 of the Circuit of Cook County outside Chicago, (iii) 12
8 shall be additional resident judgeships first elected at
9 the general election in November of 1992, (iv) 10 shall be
10 additional resident judgeships first elected at the
11 general election in November of 1994, and (v) 60 shall be
12 additional resident judgeships to be authorized one each
13 for each reduction upon vacancy in the office of associate
14 judge in the Circuit of Cook County as those vacancies
15 exist or occur on and after the effective date of this
16 amendatory Act of 1990 and as those vacancies are
17 determined under subsection (b) of Section 2 of the
18 Associate Judges Act until the total resident judgeships
19 authorized under this item (v) is 60. Seven of the 12
20 additional resident judgeships provided in item (iii) may
21 be filled by appointment by the Supreme Court during the
22 period beginning on the effective date of this amendatory
23 Act of 1990 and ending 60 days before the primary election
24 in March of 1992; those judicial appointees shall serve
25 until the first Monday in December of 1992. Five of the 12
26 additional resident judgeships provided in item (iii) may

1 be filled by appointment by the Supreme Court during the
2 period beginning July 1, 1991 and ending 60 days before the
3 primary election in March of 1992; those judicial
4 appointees shall serve until the first Monday in December
5 of 1992. Five of the 10 additional resident judgeships
6 provided in item (iv) may be filled by appointment by the
7 Supreme Court during the period beginning July 1, 1992 and
8 ending 60 days before the primary election in March of
9 1994; those judicial appointees shall serve until the first
10 Monday in December of 1994. The remaining 5 of the 10
11 additional resident judgeships provided in item (iv) may be
12 filled by appointment by the Supreme Court during the
13 period beginning July 1, 1993 and ending 60 days before the
14 primary election in March of 1994; those judicial
15 appointees shall serve until the first Monday in December
16 1994. The additional resident judgeships created upon
17 vacancy in the office of associate judge provided in item
18 (v) may be filled by appointment by the Supreme Court
19 beginning on the effective date of this amendatory Act of
20 1990; but no additional resident judgeships created upon
21 vacancy in the office of associate judge provided in item
22 (v) shall be filled during the 59 day period before the
23 next primary election to nominate judges. The Circuit of
24 Cook County shall be divided into units to be known as
25 subcircuits as provided in Section 2f of the Circuit Courts
26 Act. A vacancy in the office of resident judge of the

1 Circuit of Cook County existing on or occurring on or after
2 the effective date of this amendatory Act of 1990, but
3 before the date the subcircuits are created by law, shall
4 be filled by appointment by the Supreme Court from the unit
5 within Chicago or the unit outside Chicago, as the case may
6 be, in which the vacancy occurs and filled by election from
7 the subcircuit to which it is allotted under Section 2f of
8 the Circuit Courts Act. A vacancy in the office of resident
9 judge of the Circuit of Cook County existing on or
10 occurring on or after the date the subcircuits are created
11 by law shall be filled by appointment by the Supreme Court
12 and by election from the subcircuit to which it is allotted
13 under Section 2f of the Circuit Courts Act.

14 (5) Notwithstanding paragraphs (1), (2), and (3) of
15 this subsection (a), resident judges in the 12th, 16th,
16 17th, 19th, 22nd, and 23rd judicial circuits are as
17 provided in Sections 2f-1, 2f-2, 2f-4, 2f-5, 2f-6, 2f-9,
18 and 2f-10 of the Circuit Courts Act.

19 (b) Nothing in paragraphs (2) or (3) of subsection (a) of
20 this Section shall be construed to require or permit in any
21 county a greater number of resident judges than there were
22 resident associate judges on January 1, 1967.

23 (c) Vacancies authorized to be filled by this Section 2
24 shall be filled within 90 days in the manner provided in
25 Article VI of the Constitution.

26 (d) A person appointed to fill a vacancy in the office of

1 circuit judge shall be, at the time of appointment, a resident
2 of the subcircuit from which the person whose vacancy is being
3 filled was elected if the vacancy occurred in a circuit divided
4 into subcircuits. If a vacancy in the office of circuit judge
5 occurred in a circuit not divided into subcircuits, a person
6 appointed to fill the vacancy shall be, at the time of
7 appointment, a resident of the circuit from which the person
8 whose vacancy is being filled was elected. Except as provided
9 in Sections 2f-1, 2f-2, 2f-4, 2f-5, 2f-6, and 2f-9 of the
10 Circuit Courts Act, if a vacancy occurred in the office of a
11 resident circuit judge, a person appointed to fill the vacancy
12 shall be, at the time of appointment, a resident of the county
13 from which the person whose vacancy is being filled was
14 elected.

15 (Source: P.A. 98-744, eff. 7-16-14.)