



Filed: 10/25/2005

09400SB1681ham001

LRB094 08103 JAM 49047 a

1 AMENDMENT TO SENATE BILL 1681

2 AMENDMENT NO. _____. Amend Senate Bill 1681 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Circuit Courts Act is amended by changing
5 Sections 2, 2f-1, 2f-2, and 2f-5 as follows:

6 (705 ILCS 35/2) (from Ch. 37, par. 72.2)

7 Sec. 2. Circuit judges shall be elected at the general
8 elections and for terms as provided in Article VI of the
9 Illinois Constitution. Ninety-four circuit judges shall be
10 elected in the Circuit of Cook County and 3 circuit judges
11 shall be elected in each of the other circuits, but in circuits
12 other than Cook County containing a population of 230,000 or
13 more inhabitants and in which there is included a county
14 containing a population of 200,000 or more inhabitants, or in
15 circuits other than Cook County containing a population of
16 270,000 or more inhabitants, according to the last preceding
17 federal census and in the circuit where the seat of State
18 government is situated at the time fixed by law for the
19 nomination of judges of the Circuit Court in such circuit and
20 in any circuit which meets the requirements set out in Section
21 2a of this Act, 4 circuit judges shall be elected in the manner
22 provided by law. In circuits other than Cook County in which
23 each county in the circuit has a population of 475,000 or more,
24 4 circuit judges shall be elected in addition to the 4 circuit

1 judges provided for in this Section. In any circuit composed of
2 2 counties having a total population of 350,000 or more, one
3 circuit judge shall be elected in addition to the 4 circuit
4 judges provided for in this Section.

5 This Section shall not apply to the determination of the
6 number of circuit judgeships in the 19th and 22nd judicial
7 circuits. The number of circuit judgeships in the 19th judicial
8 circuit shall be determined in accordance with Section 2f-1 and
9 Section 2f-2. The number of circuit judgeships in the 22nd
10 judicial circuit shall be determined in accordance with Section
11 2f-1 and Section 2f-5.

12 Notwithstanding the provisions of this Section or any other
13 law, the number of at large judgeships of the 12th judicial
14 circuit may be reduced by one or 2 judgeships as provided in
15 subsection (a-10) of Section 2f-4.

16 The several judges of the circuit courts of this State,
17 before entering upon the duties of their office, shall take and
18 subscribe the following oath or affirmation, which shall be
19 filed in the office of the Secretary of State:

20 "I do solemnly swear (or affirm, as the case may be) that I
21 will support the constitution of the United States, and the
22 constitution of the State of Illinois, and that I will
23 faithfully discharge the duties of judge of.... court,
24 according to the best of my ability."

25 One of the 3 additional circuit judgeships authorized by
26 this amendatory Act in circuits other than Cook County in which
27 each county in the circuit has a population of 475,000 or more
28 may be filled when this Act becomes law. The 2 remaining
29 circuit judgeships in such circuits shall not be filled until
30 on or after July 1, 1977.

31 (Source: P.A. 93-541, eff. 8-18-03.)

32 (705 ILCS 35/2f-1)

33 Sec. 2f-1. 19th and 22nd judicial circuits.

1 (a) On December 4, 2006, the 19th judicial circuit is
2 divided into the 19th and 22nd judicial circuits as provided in
3 Section 1 of the Circuit Courts Act. This division does not
4 invalidate any action taken by the 19th judicial circuit or any
5 of its judges, officers, employees, or agents before December
6 4, 2006. This division does not affect any person's rights,
7 obligations, or duties, including applicable civil and
8 criminal penalties, arising out of any action taken by the 19th
9 judicial circuit or any of its judges, officers, employees, or
10 agents before December 4, 2006.

11 (b) Of the 7 circuit judgeships elected at large in the
12 19th circuit before the general election in 2006, the Supreme
13 Court shall assign 5 to the 19th circuit and 2 to the 22nd
14 circuit, based on residency of the circuit judges then holding
15 those judgeships. The 5 assigned to the 19th circuit shall
16 continue to be elected at large. The 2 assigned to the 22nd
17 circuit shall continue to be elected at large. The number of at
18 large judgeships assigned to the 19th judicial circuit pursuant
19 to this subsection shall constitute all the at large judgeships
20 of the 19th judicial circuit. The number of at large judgeships
21 assigned to the 22nd judicial circuit pursuant to this
22 subsection shall constitute all the at large judgeships of the
23 22nd judicial circuit.

24 (c) The 6 resident judgeships elected from Lake County
25 before the general election in 2006 shall become resident
26 judgeships in the 19th circuit on December 4, 2006, and the 3
27 resident judgeships elected from McHenry County before the
28 general election in 2006 shall become resident judgeships in
29 the 22nd circuit on December 4, 2006.

30 (d) On December 4, 2006, the Supreme Court shall allocate
31 the associate judgeships of the 19th circuit before that date
32 between the 19th and 22nd circuits based on the residency of
33 the associate judges; however, the number of associate judges
34 allocated to the 19th circuit shall be no less than the number

1 of associate judges residing in Lake County on March 22, 2004.

2 (e) On December 4, 2006, the Supreme Court shall allocate
3 personnel, books, records, documents, property (real and
4 personal), funds, assets, liabilities, and pending matters
5 concerning the 19th circuit before that date between the 19th
6 and 22nd circuits based on the population and staffing needs of
7 those circuits and the efficient and proper administration of
8 the judicial system. The rights of employees under applicable
9 collective bargaining agreements are not affected by this
10 amendatory Act of the 93rd General Assembly.

11 (f) The judgeships set forth in this Section include the
12 judgeships authorized under Sections 2g, 2h, and 2j. The
13 judgeships authorized in those Sections are not in addition to
14 those set forth in this Section.

15 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04.)

16 (705 ILCS 35/2f-2)

17 Sec. 2f-2. 19th judicial circuit; subcircuits.

18 (a) The 19th circuit shall be divided into 6 subcircuits.
19 The subcircuits shall be compact, contiguous, and
20 substantially equal in population. The General Assembly by law
21 shall create the subcircuits, using population data as
22 determined by the 2000 federal census, and shall determine a
23 numerical order for the 6 subcircuits. That numerical order
24 shall be the basis for the order in which resident judgeships
25 are assigned to the subcircuits. Once a resident judgeship is
26 assigned to a subcircuit, it shall continue to be assigned to
27 that subcircuit for all purposes.

28 (b) The 19th circuit shall have a total of 6 resident
29 judgeships. The number of resident judgeships allotted to
30 subcircuits of the 19th judicial circuit pursuant to this
31 Section shall constitute all the resident judgeships of the
32 19th judicial circuit.

33 (c) The Supreme Court shall allot (i) all vacancies in

1 resident judgeships of the 19th circuit existing on or
2 occurring on or after the effective date of this amendatory Act
3 of the 93rd General Assembly and not filled at the 2004 general
4 election and (ii) the resident judgeships of the 19th circuit
5 filled at the 2004 general election as those judgeships
6 thereafter become vacant, for election from the various
7 subcircuits until there is one resident judge to be elected
8 from each subcircuit. No resident judge of the 19th circuit
9 serving on the effective date of this amendatory Act of the
10 93rd General Assembly shall be required to change his or her
11 residency in order to continue serving in office or to seek
12 retention in office as resident judgeships are allotted by the
13 Supreme Court in accordance with this Section.

14 (d) A resident judge elected from a subcircuit shall
15 continue to reside in that subcircuit as long as he or she
16 holds that office.

17 (e) Vacancies in resident judgeships of the 19th circuit
18 shall be filled in the manner provided in Article VI of the
19 Illinois Constitution.

20 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04;
21 93-1102, eff. 4-7-05.)

22 (705 ILCS 35/2f-5)

23 Sec. 2f-5. 22nd circuit; subcircuits; additional resident
24 judgeship.

25 (a) The 22nd circuit shall be divided into 4 subcircuits.
26 The subcircuits shall be compact, contiguous, and
27 substantially equal in population. The General Assembly by law
28 shall create the subcircuits, using population data as
29 determined by the 2000 federal census, and shall determine a
30 numerical order for the 4 subcircuits. That numerical order
31 shall be the basis for the order in which resident judgeships
32 are assigned to the subcircuits. Once a resident judgeship is
33 assigned to a subcircuit, it shall continue to be assigned to

1 that subcircuit for all purposes.

2 (b) The 22nd circuit shall have one additional resident
3 judgeship, as well as its 3 existing resident judgeships, for a
4 total of 4 resident judgeships to be allotted to the 4
5 subcircuit resident judgeships. The additional resident
6 judgeship created by this amendatory Act of the 93rd General
7 Assembly shall be filled by election beginning at the general
8 election in 2006 and shall not be filled by appointment before
9 the general election in 2006. The number of resident judgeships
10 allotted to subcircuits of the 22nd judicial circuit pursuant
11 to this Section shall constitute all the resident judgeships of
12 the 22nd judicial circuit.

13 (c) The Supreme Court shall allot (i) all vacancies in
14 resident judgeships of the 22nd circuit existing on or
15 occurring on or after August 18, 2003 and not filled at the
16 2004 general election, (ii) the resident judgeships of the 22nd
17 circuit filled at the 2004 general election as those judgeships
18 thereafter become vacant, and (iii) the additional resident
19 judgeship of the 22nd circuit created by this amendatory Act of
20 the 93rd General Assembly, for election from the various
21 subcircuits until there is one resident judge to be elected
22 from each subcircuit. No resident judge of the 22nd circuit
23 serving on August 18, 2003 shall be required to change his or
24 her residency in order to continue serving in office or to seek
25 retention in office as resident judgeships are allotted by the
26 Supreme Court in accordance with this Section.

27 (d) A resident judge elected from a subcircuit shall
28 continue to reside in that subcircuit as long as he or she
29 holds that office.

30 (e) Vacancies in resident judgeships of the 22nd circuit
31 shall be filled in the manner provided in Article VI of the
32 Illinois Constitution.

33 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04;
34 93-1102, eff. 4-7-05.)

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