



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1346

Introduced 02/20/07, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

705 ILCS 35/2f-9
705 ILCS 35/2k new

Amends the Circuit Courts Act. Creates an additional Kendall County resident judgeship in the 16th judicial circuit (Kane, Kendall, and DeKalb counties), to be elected first in 2008. Authorizes the Illinois Supreme Court to fill the judgeship by appointment until then. Specifies that the judgeship is not a subcircuit judgeship. Effective July 1, 2007.

LRB095 11238 JAM 31712 b

FISCAL NOTE ACT
MAY APPLY

JUDICIAL NOTE
ACT MAY APPLY

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 Circuit Courts Act is amended by changing
5 Section 2f-9 and by adding Section 2k as follows:

6 (705 ILCS 35/2f-9)

7 Sec. 2f-9. 16th judicial circuit; subcircuits.

8 (a) The 16th circuit shall be divided into 5 subcircuits.
9 The subcircuits shall be compact, contiguous, and
10 substantially equal in population. The General Assembly by law
11 shall create the subcircuits, using population data as
12 determined by the 2000 federal census, and shall determine a
13 numerical order for the 5 subcircuits. That numerical order
14 shall be the basis for the order in which resident judgeships
15 are assigned to the subcircuits. Once a resident judgeship is
16 assigned to a subcircuit, it shall continue to be assigned to
17 that subcircuit for all purposes.

18 (b) Of the 16th circuit's 16 ~~existing~~ circuit judgeships
19 existing on April 7, 2005 (7 at large and 9 resident), but not
20 including the one resident judgeship added by this amendatory
21 Act of the 95th General Assembly, 5 of the 9 resident
22 judgeships shall be allotted as 16th circuit resident
23 judgeships under subsection (c) as (i) the first resident

1 judgeship of DeKalb County, (ii) the first resident judgeship
2 of Kendall County, and (iii) the first 2 resident judgeships of
3 Kane County are or become vacant on or after the effective date
4 of this amendatory Act of the 93rd General Assembly, and (iv)
5 the first resident judgeship of Kane County (in addition to the
6 2 vacancies under item (iii)) is or becomes vacant after the
7 effective date of this amendatory Act of the 94th General
8 Assembly. These 5 resident subcircuit judgeships and the
9 remaining 5 ~~4~~ resident judgeships shall constitute all of the
10 resident judgeships of the 16th circuit. As used in this
11 subsection, a vacancy does not include the expiration of a term
12 of a resident judge who seeks retention in that office at the
13 next term.

14 (c) The Supreme Court shall allot the first DeKalb County
15 vacancy, the first eligible Kendall County vacancy, and the
16 first 3 Kane County vacancies in resident judgeships of the
17 16th circuit as provided in subsection (b), for election from
18 the various subcircuits. The judgeships shall be assigned to
19 the subcircuits based upon the numerical order of the 5
20 subcircuits. No resident judge of the 16th circuit serving on
21 the effective date of this amendatory Act of the 93rd General
22 Assembly shall be required to change his or her residency in
23 order to continue serving in office or to seek retention in
24 office as judgeships are allotted by the Supreme Court in
25 accordance with this Section.

26 (d) A resident judge elected from a subcircuit shall

1 continue to reside in that subcircuit as long as he or she
2 holds that office.

3 (e) Vacancies in resident judgeships of the 16th circuit
4 shall be filled in the manner provided in Article VI of the
5 Illinois Constitution.

6 (Source: P.A. 93-1102, eff. 4-7-05; 94-3, eff. 5-31-05.)

7 (705 ILCS 35/2k new)

8 Sec. 2k. Additional 16th circuit resident judge. In
9 addition to the number of circuit judges otherwise authorized
10 by this Act, there shall be one additional judge elected in the
11 16th judicial circuit who shall be a resident of and elected
12 from Kendall County. The additional resident circuit judgeship
13 created by this Section may be filled by appointment by the
14 Illinois Supreme Court until the judgeship is filled by
15 election beginning at the 2008 general election. The judgeship
16 provided by this Section shall not be a subcircuit judgeship.

17 Section 99. Effective date. This Act takes effect July 1,
18 2007.