



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4543**

by Rep. Robert W. Pritchard

#### SYNOPSIS AS INTRODUCED:

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

Amends the Circuit Courts Act. Creates an additional DeKalb 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 immediately.

LRB095 14398 AJO 40301 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 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 eligible DeKalb  
15 County vacancy, the first Kendall County vacancy, and the first  
16 3 Kane County vacancies in resident judgeships of the 16th  
17 circuit as provided in subsection (b), for election from the  
18 various subcircuits. The judgeships shall be assigned to the  
19 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. A resident judge elected from a subcircuit  
3 after January 1, 2008, must retain residency as a registered  
4 voter in the subcircuit to run for retention from the circuit  
5 at large thereafter.

6 (e) Vacancies in resident judgeships of the 16th circuit  
7 shall be filled in the manner provided in Article VI of the  
8 Illinois Constitution.

9 (Source: P.A. 94-3, eff. 5-31-05; 95-610, eff. 9-11-07.)

10 (705 ILCS 35/2k new)

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

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.