



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5824

by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

705 ILCS 35/2f-10

705 ILCS 40/2

705 ILCS 45/2

from Ch. 37, par. 72.42

from Ch. 37, par. 160.2

Amends the Circuit Courts Act, the Judicial Vacancies Act, and the Associate Judges Act. Converts the first vacant 23rd circuit associate judgeship into a resident judgeship from DeKalb County in the 23rd circuit. Provides that the additional resident judgeship shall be filled by election beginning at the 2016 general election, and that the Supreme Court may fill the judgeship by appointment prior to the 2016 general election. Provides that as used in the new provisions, a vacancy does not include the expiration of a term of a resident judge who seeks retention in that office at the next term and that a vacancy does not exist or occur at the expiration of an associate judge's term if the associate judge is reappointed. Makes corresponding changes. Effective immediately.

LRB098 15296 HEP 50320 b

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-10 as follows:

6 (705 ILCS 35/2f-10)

7 Sec. 2f-10. 16th and 23rd judicial circuits.

8 (a) On December 3, 2012, the 16th judicial circuit is
9 divided into the 16th and 23rd judicial circuits as provided in
10 Section 1 of the Circuit Courts Act. This division does not
11 invalidate any action taken by the 16th judicial circuit or any
12 of its judges, officers, employees, or agents before December
13 3, 2012. This division does not affect any person's rights,
14 obligations, or duties, including applicable civil and
15 criminal penalties, arising out of any action taken by the 16th
16 judicial circuit or any of its judges, officers, employees, or
17 agents before December 3, 2012.

18 (b) The 16th circuit shall have one additional resident
19 judgeship to be allotted by the Supreme Court under subsection
20 (d). The additional resident judgeship shall be filled by
21 election beginning at the 2012 general election.

22 (c) The 16th circuit shall have an additional resident
23 judgeship from Kendall County to be allotted by the Supreme

1 Court. The additional judgeship shall be filled by election
2 beginning at the 2012 general election. This judgeship shall
3 become a resident judgeship from Kendall County in the 23rd
4 circuit on December 3, 2012.

5 (d) The Supreme Court shall allot: (i) all vacancies in at
6 large judgeships or resident judgeships from the County of Kane
7 of the 16th circuit occurring after the 2012 general election,
8 excluding the vacancy in subsection (e); and (ii) the one
9 resident judgeship added by subsection (b), for election from
10 the various subcircuits until there are 2 resident judges to be
11 elected from each subcircuit. The additional resident
12 judgeship added by subsection (b) that shall be filled by
13 election beginning at the 2012 general election shall be
14 assigned to subcircuit 2 for election. The Supreme Court may
15 fill the judgeship by appointment prior to the 2012 general
16 election. The vacancies allotted by the Supreme Court under
17 this subsection shall become resident judgeships of the 16th
18 circuit to be assigned to the 3rd, 1st, and 4th subcircuits in
19 that order. Subcircuit judgeships in the 3rd, 1st, and 4th
20 subcircuits shall be filled by election as vacancies occur. No
21 resident judge of the 16th circuit serving on the effective
22 date of this amendatory Act of the 97th General Assembly shall
23 be required to change his or her residency in order to continue
24 serving in office or to seek retention in office as resident
25 judgeships are allotted by the Supreme Court in accordance with
26 this Section. As used in this subsection, a vacancy does not

1 include the expiration of a term of an at large judge or of a
2 resident judge who intends to seek retention in that office at
3 the next term.

4 (e) The Supreme Court shall assign to the 16th circuit the
5 7 circuit judgeships elected at large in the 16th circuit
6 before and at the 2012 general election. The 3 resident
7 judgeships elected from Kane County before the 2012 general
8 election shall become at large circuit judgeships on December
9 3, 2012. An individual seeking election to one of the 7
10 judgeships at large or a judge seeking retention to one of the
11 7 judgeships at large at the 2012 general election shall seek
12 election or retention solely within the boundaries of Kane
13 County. The 7 circuit judgeships assigned to the 16th circuit
14 shall continue to be elected at large, and the 3 resident
15 judges shall be elected at large at the first general election
16 following the expiration of a term of office. Of the 7 circuit
17 judgeships elected at large as of April 15, 2011, and the 3
18 resident judgeships elected from Kane County before the general
19 election of 2012 converting to at large judgeships on December
20 3, 2012, the first vacancy occurring after December 3, 2012
21 shall be assigned to the 23rd circuit as a Kendall County
22 resident judge. As used in this subsection, a vacancy does not
23 include the expiration of a term of an at large judge or of a
24 resident judge who intends to seek retention in that office at
25 the next term.

26 (f) The 3 resident judgeships elected from DeKalb County

1 before the 2012 general election shall become resident
2 judgeships from DeKalb County in the 23rd circuit on December
3 3, 2012, and the 2 resident judgeships elected from Kendall
4 County before the 2012 general election shall become resident
5 judgeships from Kendall County in the 23rd circuit on December
6 3, 2012.

7 (g) The 4 subcircuit judgeships of the 16th circuit elected
8 as of April 15, 2011, shall become the 4 subcircuit judgeships
9 of the 16th circuit as established in Section 2f-9. The
10 remaining unfilled subcircuit judgeship of the 16th circuit as
11 of April 15, 2011 shall be eliminated. If the judgeship of the
12 5th subcircuit of the 16th circuit is filled prior to the
13 effective date of this amendatory Act of the 97th General
14 Assembly, that judgeship shall be eliminated on December 3,
15 2012.

16 (h) On December 3, 2012, the Supreme Court shall allocate
17 the associate judgeships of the 16th circuit before that date
18 between the 16th and 23rd circuits. The number of associate
19 judges allocated to the 23rd circuit shall be no less than 5.

20 (i) On December 3, 2012, the Supreme Court shall allocate
21 personnel, books, records, documents, property (real and
22 personal), funds, assets, liabilities, and pending matters
23 concerning the 16th circuit before that date between the 16th
24 and 23rd circuits based on the population and staffing needs of
25 those circuits and the efficient and proper administration of
26 the judicial system. The rights of employees under applicable

1 collective bargaining agreements are not affected by this
2 amendatory Act of the 97th General Assembly.

3 (j) The judgeships set forth in this Section include the
4 judgeships authorized under Sections 2g, 2h, 2j, 2k, 2m, and
5 2n. The judgeships authorized in those Sections are not in
6 addition to those set forth in this Section.

7 (k) Of the 23rd circuit's associate judgeships, the first
8 associate judgeship that is or becomes vacant on or after the
9 effective date of this amendatory Act of the 98th General
10 Assembly shall become a resident judgeship from DeKalb County
11 in the 23rd circuit. The additional resident judgeship shall be
12 filled by election beginning at the 2016 general election. The
13 Supreme Court may fill the judgeship by appointment prior to
14 the 2016 general election. As used in this subsection, a
15 vacancy does not include the expiration of a term of a resident
16 judge who seeks retention in that office at the next term. A
17 vacancy does not exist or occur at the expiration of an
18 associate judge's term if the associate judge is reappointed.

19 (Source: P.A. 97-81, eff. 8-26-11; 97-585, eff. 8-26-11.)

20 Section 10. The Judicial Vacancies Act is amended by
21 changing Section 2 as follows:

22 (705 ILCS 40/2) (from Ch. 37, par. 72.42)

23 Sec. 2. (a) Except as provided in paragraphs (1), (2), (3),
24 (4), and (5) of this subsection (a), vacancies in the office of

1 a resident circuit judge in any county or in any unit or
2 subcircuit of any circuit shall not be filled.

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

6 (2) If in any county of 45,000 or more but less than
7 60,000 inhabitants there remains in office only one
8 resident judge following the occurrence of a vacancy, such
9 vacancy shall be filled.

10 (3) If in any county of 60,000 or more inhabitants,
11 other than the County of Cook or as provided in paragraph
12 (5), there remain in office no more than 2 resident judges
13 following the occurrence of a vacancy, such vacancy shall
14 be filled.

15 (4) The County of Cook shall have 165 resident judges
16 on and after the effective date of this amendatory Act of
17 1990. Of those resident judgeships, (i) 56 shall be those
18 authorized before the effective date of this amendatory Act
19 of 1990 from the unit of the Circuit of Cook County within
20 Chicago, (ii) 27 shall be those authorized before the
21 effective date of this amendatory Act of 1990 from the unit
22 of the Circuit of Cook County outside Chicago, (iii) 12
23 shall be additional resident judgeships first elected at
24 the general election in November of 1992, (iv) 10 shall be
25 additional resident judgeships first elected at the
26 general election in November of 1994, and (v) 60 shall be

1 additional resident judgeships to be authorized one each
2 for each reduction upon vacancy in the office of associate
3 judge in the Circuit of Cook County as those vacancies
4 exist or occur on and after the effective date of this
5 amendatory Act of 1990 and as those vacancies are
6 determined under subsection (b) of Section 2 of the
7 Associate Judges Act until the total resident judgeships
8 authorized under this item (v) is 60. Seven of the 12
9 additional resident judgeships provided in item (iii) may
10 be filled by appointment by the Supreme Court during the
11 period beginning on the effective date of this amendatory
12 Act of 1990 and ending 60 days before the primary election
13 in March of 1992; those judicial appointees shall serve
14 until the first Monday in December of 1992. Five of the 12
15 additional resident judgeships provided in item (iii) may
16 be filled by appointment by the Supreme Court during the
17 period beginning July 1, 1991 and ending 60 days before the
18 primary election in March of 1992; those judicial
19 appointees shall serve until the first Monday in December
20 of 1992. Five of the 10 additional resident judgeships
21 provided in item (iv) may be filled by appointment by the
22 Supreme Court during the period beginning July 1, 1992 and
23 ending 60 days before the primary election in March of
24 1994; those judicial appointees shall serve until the first
25 Monday in December of 1994. The remaining 5 of the 10
26 additional resident judgeships provided in item (iv) may be

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

1 and by election from the subcircuit to which it is allotted
2 under Section 2f of the Circuit Courts Act.

3 (5) Notwithstanding paragraphs (1), (2), and (3) of
4 this subsection (a), resident judges in the 12th, 16th,
5 17th, 19th, ~~and~~ 22nd, and 23rd judicial circuits are as
6 provided in Sections 2f-1, 2f-2, 2f-4, 2f-5, 2f-6, ~~and~~
7 2f-9, and 2f-10 of the Circuit Courts Act.

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

12 (c) Vacancies authorized to be filled by this Section 2
13 shall be filled in the manner provided in Article VI of the
14 Constitution.

15 (d) A person appointed to fill a vacancy in the office of
16 circuit judge shall be, at the time of appointment, a resident
17 of the subcircuit from which the person whose vacancy is being
18 filled was elected if the vacancy occurred in a circuit divided
19 into subcircuits. If a vacancy in the office of circuit judge
20 occurred in a circuit not divided into subcircuits, a person
21 appointed to fill the vacancy shall be, at the time of
22 appointment, a resident of the circuit from which the person
23 whose vacancy is being filled was elected. Except as provided
24 in Sections 2f-1, 2f-2, 2f-4, 2f-5, 2f-6, and 2f-9 of the
25 Circuit Courts Act, if a vacancy occurred in the office of a
26 resident circuit judge, a person appointed to fill the vacancy

1 shall be, at the time of appointment, a resident of the county
2 from which the person whose vacancy is being filled was
3 elected.

4 (Source: P.A. 93-541, eff. 8-18-03; 93-1102, eff. 4-7-05.)

5 Section 15. The Associate Judges Act is amended by changing
6 Section 2 as follows:

7 (705 ILCS 45/2) (from Ch. 37, par. 160.2)

8 Sec. 2. (a) The maximum number of associate judges
9 authorized for each circuit is the greater of the applicable
10 minimum number specified in this Section or one for each 35,000
11 or fraction thereof in population as determined by the last
12 preceding Federal census, except for circuits with a population
13 of more than 3,000,000 where the maximum number of associate
14 judges is one for each 29,000 or fraction thereof in population
15 as determined by the last preceding federal census, reduced in
16 circuits of less than 200,000 inhabitants by the number of
17 resident circuit judges elected in the circuit in excess of one
18 per county. In addition, in circuits of 1,000,000 or more
19 inhabitants, there shall be one additional associate judge
20 authorized for each municipal district of the circuit court.
21 The number of associate judges to be appointed in each circuit,
22 not to exceed the maximum authorized, shall be determined from
23 time to time by the Circuit Court. The minimum number of
24 associate judges authorized for any circuit consisting of a

1 single county shall be 14, except that the minimum in the 22nd
2 circuit shall be 8 and except that the minimum in the 19th
3 circuit on and after December 4, 2006 shall be 20. The minimum
4 number of associate judges authorized for any circuit
5 consisting of 2 counties with a combined population of at least
6 275,000 but less than 300,000 shall be 10. The minimum number
7 of associate judges authorized for any circuit with a
8 population of at least 303,000 but not more than 309,000 shall
9 be 10. The minimum number of associate judges authorized for
10 any circuit with a population of at least 329,000, but not more
11 than 335,000 shall be 11. The minimum number of associate
12 judges authorized for any circuit with a population of at least
13 173,000 shall be 5. As used in this Section, the term "resident
14 circuit judge" has the meaning given it in the Judicial
15 Vacancies Act.

16 (b) The maximum number of associate judges authorized under
17 subsection (a) for a circuit with a population of more than
18 3,000,000 shall be reduced as provided in this subsection (b).
19 For each vacancy that exists on or occurs on or after the
20 effective date of this amendatory Act of 1990, that maximum
21 number shall be reduced by one until the total number of
22 associate judges authorized under subsection (a) is reduced by
23 60. A vacancy exists or occurs when an associate judge dies,
24 resigns, retires, is removed, or is not reappointed upon
25 expiration of his or her term; a vacancy does not exist or
26 occur at the expiration of a term if the associate judge is

1 reappointed.

2 (c) The maximum number of associate judges authorized under
3 subsection (a) for the 17th judicial circuit shall be reduced
4 as provided in this subsection (c). Due to the vacancy that
5 exists on or after the effective date of this amendatory Act of
6 the 93rd General Assembly in the associate judgeship that is
7 converted into a resident judgeship under subsection (a-10) of
8 Section 2f-6 of the Circuit Courts Act, the maximum number of
9 judges authorized under subsection (a) of this Section shall be
10 reduced by one. A vacancy exists or occurs when an associate
11 judge dies, resigns, retires, is removed, or is not reappointed
12 upon expiration of his or her term; a vacancy does not exist or
13 occur at the expiration of a term if the associate judge is
14 reappointed.

15 (d) The maximum number of associate judges authorized under
16 subsection (a) for the 23rd judicial circuit shall be reduced
17 as provided in this subsection (d). Due to the vacancy that
18 exists on or after the effective date of this amendatory Act of
19 the 98th General Assembly in the associate judgeship that is
20 converted into a resident judgeship under subsection (k) of
21 Section 2f-10 of the Circuit Courts Act, the maximum number of
22 judges authorized under subsection (a) of this Section shall be
23 reduced by one. A vacancy exists or occurs when an associate
24 judge dies, resigns, retires, is removed, or is not reappointed
25 upon expiration of his or her term. A vacancy does not exist or
26 occur at the expiration of a term if the associate judge is

1 reappointed.

2 (Source: P.A. 92-17, eff. 6-28-01; 93-541, eff. 8-18-03;
3 93-1040, eff. 9-28-04; 93-1102, eff. 4-7-05.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.