

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 Sections 2 and 2f 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 prior to the effective
11 date of this amendatory Act of the 92nd General Assembly, and
12 for each vacancy that exists on or occurs on or after the
13 effective date of this amendatory Act of the 92nd General
14 Assembly, that number shall be reduced by one until the 94
15 circuit judges are reduced by 45, and 3 circuit judges shall
16 be elected in each of the other circuits, but in circuits
17 other than Cook County containing a population of 230,000 or
18 more inhabitants and in which there is included a county
19 containing a population of 200,000 or more inhabitants, or in
20 circuits other than Cook County containing a population of
21 270,000 or more inhabitants, according to the last preceding
22 federal census and in the circuit where the seat of State
23 government is situated at the time fixed by law for the
24 nomination of judges of the Circuit Court in such circuit and
25 in any circuit which meets the requirements set out in
26 Section 2a of this Act, 4 circuit judges shall be elected in
27 the manner provided by law. In circuits other than Cook
28 County in which each county in the circuit has a population
29 of 475,000 or more, 4 circuit judges shall be elected in
30 addition to the 4 circuit judges provided for in this
31 Section. In any circuit composed of 2 counties having a

1 total population of 350,000 or more, one circuit judge shall
2 be elected in addition to the 4 circuit judges provided for
3 in this Section. The several judges of the circuit courts of
4 this State, before entering upon the duties of their office,
5 shall take and subscribe the following oath or affirmation,
6 which shall be filed in the office of the Secretary of State:

7 "I do solemnly swear (or affirm, as the case may be) that
8 I will support the constitution of the United States, and the
9 constitution of the State of Illinois, and that I will
10 faithfully discharge the duties of judge of.... court,
11 according to the best of my ability."

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

18 (Source: P.A. 86-786; 86-1478.)

19 (705 ILCS 35/2f) (from Ch. 37, par. 72.2f)

20 Sec. 2f. (a) The Circuit of Cook County shall be divided
21 into 15 units to be known as subcircuits. The subcircuits
22 shall be compact, contiguous, and substantially equal in
23 population. The General Assembly shall create the
24 subcircuits by law on or before July 1, 1991, using
25 population data as determined by the 1990 Federal census.

26 (b) The 255 ~~165~~ resident judges to be elected from the
27 Circuit of Cook County shall be determined under paragraph
28 (4) of subsection (a) of Section 2 of the Judicial Vacancies
29 Act.

30 (c) The Supreme Court shall allot (i) the additional
31 resident judgeships provided by paragraph (4) of subsection
32 (a) of Section 2 of the Judicial Vacancies Act and (ii) all
33 vacancies in resident judgeships existing on or occurring on

1 or after February 15, 1991 ~~the--effective--date--of--this~~
2 ~~amendatory-Act-of-1990~~, with respect to the other resident
3 judgeships of the Circuit of Cook County, for election from
4 the various subcircuits until there are 17 ~~11~~ resident judges
5 to be elected from each of the 15 subcircuits (for a total of
6 255 ~~165~~). A resident judgeship authorized before February
7 15, 1991 ~~the--effective-date-of-this-amendatory-Act-of-1990~~
8 that became vacant and was filled by appointment by the
9 Supreme Court before February 5, 1991 ~~that-effective-date~~
10 shall be filled by election at the general election in
11 November of 1992 from the unit of the Circuit of Cook County
12 within Chicago or the unit of that Circuit outside Chicago,
13 as the case may be, in which the vacancy occurred.

14 (d) As soon as practicable after the subcircuits are
15 created by law, the Supreme Court shall determine by lot a
16 numerical order for the 15 subcircuits. That numerical order
17 shall be the basis for the order in which resident judgeships
18 are assigned to the subcircuits. After the first round of
19 assignments, the second and all later rounds shall be based
20 on the same numerical order. Once a resident judgeship is
21 assigned to a subcircuit, it shall continue to be assigned to
22 that subcircuit for all purposes.

23 (e) A resident judge elected from a subcircuit shall
24 continue to reside in that subcircuit as long as he or she
25 holds that office.

26 (Source: P.A. 86-1478.)

27 Section 10. The Judicial Vacancies Act is amended by
28 changing Section 2 as follows:

29 (705 ILCS 40/2) (from Ch. 37, par. 72.42)

30 Sec. 2. (a) Except as provided in paragraphs (1), (2),
31 (3) and (4) of this subsection (a), vacancies in the office
32 of a resident circuit judge in any county or in any unit or

1 subcircuit of any circuit shall not be filled.

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

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

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

14 (4) The County of Cook shall have 255 ~~165~~ resident
15 judges on and after the effective date of this amendatory
16 Act of the 92nd General Assembly 1990. Of those resident
17 judgeships, (i) 56 shall be those authorized before
18 February 15, 1991 ~~the-effective-date-of--this--amendatory~~
19 ~~Act--of--1990~~ from the unit of the Circuit of Cook County
20 within Chicago, (ii) 27 shall be those authorized before
21 February 15, 1991 ~~the-effective-date-of-this-amendatory~~
22 ~~Act-of-1990~~ from the unit of the Circuit of Cook County
23 outside Chicago, (iii) 12 shall be additional resident
24 judgeships first elected at the general election in
25 November of 1992, (iv) 10 shall be additional resident
26 judgeships first elected at the general election in
27 November of 1994, and (v) 60 shall be additional resident
28 judgeships to be authorized one each for each reduction
29 upon vacancy in the office of associate judge in the
30 Circuit of Cook County as those vacancies exist or occur
31 on and after February 15, 1991, ~~the--effective--date--of~~
32 ~~this--amendatory--Act--of-1990~~ and as those vacancies are
33 determined under subsection (b) of Section 2 of the
34 Associate Judges Act until the total resident judgeships

1 authorized under this item (v) is 60, (vi) 45 shall be
2 additional resident judgeships to be authorized one each
3 for each reduction upon vacancy in the office of
4 associate judge in the Circuit of Cook County as those
5 vacancies exist or occur on and after the effective date
6 of this amendatory Act of the 92nd General Assembly and
7 as those vacancies are determined under subsection (b) of
8 Section 2 of the Associate Judges Act until the total
9 resident judgeships authorized under this item (vi) is
10 45, and (vii) 45 shall be additional resident judgeships
11 to be authorized one each for each reduction upon vacancy
12 in the office of circuit judge in the Circuit of Cook
13 County as those vacancies exist or occur on and after the
14 effective date of this amendatory Act of the 92nd General
15 Assembly and as those vacancies are determined under
16 Section 2 of the Circuit Courts Act until the total
17 resident judgeships authorized under this item (vii) is
18 45. Seven of the 12 additional resident judgeships
19 provided in item (iii) may be filled by appointment by
20 the Supreme Court during the period beginning on February
21 15, 1991 ~~the-effective-date-of--this--amendatory--Act--of~~
22 ~~1990~~ and ending 60 days before the primary election in
23 March of 1992; those judicial appointees shall serve
24 until the first Monday in December of 1992. Five of the
25 12 additional resident judgeships provided in item (iii)
26 may be filled by appointment by the Supreme Court during
27 the period beginning July 1, 1991 and ending 60 days
28 before the primary election in March of 1992; those
29 judicial appointees shall serve until the first Monday in
30 December of 1992. Five of the 10 additional resident
31 judgeships provided in item (iv) may be filled by
32 appointment by the Supreme Court during the period
33 beginning July 1, 1992 and ending 60 days before the
34 primary election in March of 1994; those judicial

1 appointees shall serve until the first Monday in December
2 of 1994. The remaining 5 of the 10 additional resident
3 judgeships provided in item (iv) may be filled by
4 appointment by the Supreme Court during the period
5 beginning July 1, 1993 and ending 60 days before the
6 primary election in March of 1994; those judicial
7 appointees shall serve until the first Monday in December
8 1994. The additional resident judgeships created upon
9 vacancy in the office of associate judge provided in item
10 (v) may be filled by appointment by the Supreme Court
11 beginning on February 15, 1991, and the additional
12 resident judgeships created upon vacancy in the office of
13 associate judge provided in item (vi) and in the office
14 of the circuit judge provided in item (vii) may be filled
15 by appointment by the Supreme Court beginning on the
16 effective date of this amendatory Act of the 92nd General
17 Assembly ~~the-effective-date-of--this--amendatory--Act--of~~
18 1990; but no additional resident judgeships created upon
19 vacancy in the office of associate judge provided in item
20 (v) shall be filled during the 59 day period before the
21 next primary election to nominate judges. The Circuit of
22 Cook County shall be divided into units to be known as
23 subcircuits as provided in Section 2f of the Circuit
24 Courts Act. A vacancy in the office of resident judge of
25 the Circuit of Cook County existing on or occurring on or
26 after February 15, 1991 ~~the--effective--date--of--this~~
27 ~~amendatory---Act---of--1990~~, but before the date the
28 subcircuits are created by law, shall be filled by
29 appointment by the Supreme Court from the unit within
30 Chicago or the unit outside Chicago, as the case may be,
31 in which the vacancy occurs and filled by election from
32 the subcircuit to which it is allotted under Section 2f
33 of the Circuit Courts Act. A vacancy in the office of
34 resident judge of the Circuit of Cook County existing on

1 or occurring on or after the date the subcircuits are
2 created by law shall be filled by appointment by the
3 Supreme Court and by election from the subcircuit to
4 which it is allotted under Section 2f of the Circuit
5 Courts Act.

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

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

13 (d) A person appointed to fill a vacancy in the office
14 of circuit judge shall be, at the time of appointment, a
15 resident of the subcircuit from which the person whose
16 vacancy is being filled was elected if the vacancy occurred
17 in Cook County. If a vacancy in the office of circuit judge
18 occurred in a circuit other than Cook County, a person
19 appointed to fill the vacancy shall be, at the time of
20 appointment, a resident of the circuit from which the person
21 whose vacancy is being filled was elected. If a vacancy
22 occurred in the office of a resident circuit judge, a person
23 appointed to fill the vacancy shall be, at the time of
24 appointment, a resident of the county from which the person
25 whose vacancy is being filled was elected.

26 (Source: P.A. 90-342, eff. 8-8-97.)

27 Section 15. The Associate Judges Act is amended by
28 changing Section 2 as follows:

29 (705 ILCS 45/2) (from Ch. 37, par. 160.2)

30 Sec. 2. (a) The maximum number of associate judges
31 authorized for each circuit is one for each 35,000 or
32 fraction thereof in population as determined by the last

1 preceding Federal census, except for circuits with a
2 population of more than 3,000,000 where the maximum number of
3 associate judges is one for each 29,000 or fraction thereof
4 in population as determined by the last preceding federal
5 census, reduced in circuits of less than 200,000 inhabitants
6 by the number of resident circuit judges elected in the
7 circuit in excess of one per county. In addition, in
8 circuits of 1,000,000 or more inhabitants, there shall be one
9 additional associate judge authorized for each municipal
10 district of the circuit court. The number of associate judges
11 to be appointed in each circuit, not to exceed the maximum
12 authorized, shall be determined from time to time by the
13 Circuit Court. The minimum number of associate judges
14 authorized for any circuit consisting of a single county
15 shall be 14. The minimum number of associate judges
16 authorized for any circuit consisting of 2 counties with a
17 combined population of at least 275,000 but less than 300,000
18 shall be 10. The minimum number of associate judges
19 authorized for any circuit with a population of at least
20 303,000 but not more than 309,000 shall be 10. The minimum
21 number of associate judges authorized for any circuit with a
22 population of at least 329,000, but not more than 335,000
23 shall be 11. The minimum number of associate judges
24 authorized for any circuit with a population of at least
25 173,000 but not more than 177,000 shall be 5. As used in
26 this Section, the term "resident circuit judge" has the
27 meaning given it in the Judicial Vacancies Act.

28 (b) The maximum number of associate judges authorized
29 under subsection (a) for a circuit with a population of more
30 than 3,000,000 shall be reduced as provided in this
31 subsection (b). For each vacancy that exists on or occurs on
32 or after February 15, 1991 ~~the effective date of this~~
33 ~~amendatory Act of 1990~~, that maximum number shall be reduced
34 by one until the total number of associate judges authorized

1 under subsection (a) is reduced by 60. Additionally, for each
2 vacancy that exists on or occurs on or after the effective
3 date of this amendatory Act of the 92nd General Assembly,
4 that maximum number shall be reduced by one until the total
5 number of associate judges authorized under subsection (a) is
6 reduced by 45. A vacancy exists or occurs when an associate
7 judge dies, resigns, retires, is removed, or is not
8 reappointed upon expiration of his or her term; a vacancy
9 does not exist or occur at the expiration of a term if the
10 associate judge is reappointed.

11 (Source: P.A. 86-786; 86-1478; 87-145; 87-435; 87-1073;
12 87-1230; 87-1261.)