

1 AMENDMENT TO HOUSE BILL 829

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 829 by replacing  
3 the title with the following:

4 "AN ACT concerning courts."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Circuit Courts Act is amended by  
8 changing Section 2 as follows:

9 (705 ILCS 35/2) (from Ch. 37, par. 72.2)

10 Sec. 2. Circuit judges; election; oath. Circuit judges  
11 shall be elected at the general elections and for terms as  
12 provided in Article VI of the Illinois Constitution.  
13 Ninety-four circuit judges shall be elected in the Circuit of  
14 Cook County and 3 circuit judges shall be elected in each of  
15 the other circuits, but in circuits other than Cook County  
16 containing a population of 230,000 or more inhabitants and in  
17 which there is included a county containing a population of  
18 200,000 or more inhabitants, or in circuits other than Cook  
19 County containing a population of 270,000 or more  
20 inhabitants, according to the last preceding federal census  
21 and in the circuit where the seat of State government is

1 situated at the time fixed by law for the nomination of  
 2 judges of the Circuit Court in such circuit and in any  
 3 circuit which meets the requirements set out in Section 2a of  
 4 this Act, 4 circuit judges shall be elected in the manner  
 5 provided by law. In circuits other than Cook County in which  
 6 each county in the circuit has a population of 475,000 or  
 7 more, 4 circuit judges shall be elected in addition to the 4  
 8 circuit judges provided for in this Section. In any circuit  
 9 composed of 2 counties having a total population of 350,000  
 10 or more, one circuit judge shall be elected in addition to  
 11 the 4 circuit judges provided for in this Section. The  
 12 several judges of the circuit courts of this State, before  
 13 entering upon the duties of their office, shall take and  
 14 subscribe the following oath or affirmation, which shall be  
 15 filed in the office of the Secretary of State:

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

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

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

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

30 (705 ILCS 40/2) (from Ch. 37, par. 72.42)

31 Sec. 2. Vacancies in office of judge.

32 (a) Except as provided in paragraphs (1), (2), (3) and

1 (4) of this subsection (a), vacancies in the office of a  
2 resident circuit judge in any county or in any unit or  
3 subcircuit of any circuit shall not be filled.

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

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

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

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

1 until the total resident judgeships authorized under this  
2 item (v) is 60. Seven of the 12 additional resident  
3 judgeships provided in item (iii) may be filled by  
4 appointment by the Supreme Court during the period  
5 beginning on the effective date of this amendatory Act of  
6 1990 and ending 60 days before the primary election in  
7 March of 1992; those judicial appointees shall serve  
8 until the first Monday in December of 1992. Five of the  
9 12 additional resident judgeships provided in item (iii)  
10 may be filled by appointment by the Supreme Court during  
11 the period beginning July 1, 1991 and ending 60 days  
12 before the primary election in March of 1992; those  
13 judicial appointees shall serve until the first Monday in  
14 December of 1992. Five of the 10 additional resident  
15 judgeships provided in item (iv) may be filled by  
16 appointment by the Supreme Court during the period  
17 beginning July 1, 1992 and ending 60 days before the  
18 primary election in March of 1994; those judicial  
19 appointees shall serve until the first Monday in December  
20 of 1994. The remaining 5 of the 10 additional resident  
21 judgeships provided in item (iv) may be filled by  
22 appointment by the Supreme Court during the period  
23 beginning July 1, 1993 and ending 60 days before the  
24 primary election in March of 1994; those judicial  
25 appointees shall serve until the first Monday in December  
26 1994. The additional resident judgeships created upon  
27 vacancy in the office of associate judge provided in item  
28 (v) may be filled by appointment by the Supreme Court  
29 beginning on the effective date of this amendatory Act of  
30 1990; but no additional resident judgeships created upon  
31 vacancy in the office of associate judge provided in item  
32 (v) shall be filled during the 59 day period before the  
33 next primary election to nominate judges. The Circuit of  
34 Cook County shall be divided into units to be known as

1           subcircuits as provided in Section 2f of the Circuit  
2           Courts Act. A vacancy in the office of resident judge of  
3           the Circuit of Cook County existing on or occurring on or  
4           after the effective date of this amendatory Act of 1990,  
5           but before the date the subcircuits are created by law,  
6           shall be filled by appointment by the Supreme Court from  
7           the unit within Chicago or the unit outside Chicago, as  
8           the case may be, in which the vacancy occurs and filled  
9           by election from the subcircuit to which it is allotted  
10          under Section 2f of the Circuit Courts Act. A vacancy in  
11          the office of resident judge of the Circuit of Cook  
12          County existing on or occurring on or after the date the  
13          subcircuits are created by law shall be filled by  
14          appointment by the Supreme Court and by election from the  
15          subcircuit to which it is allotted under Section 2f of  
16          the Circuit Courts Act.

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

21          (c) Vacancies authorized to be filled by this Section 2  
22          shall be filled in the manner provided in Article VI of the  
23          Constitution.

24          (d) A person appointed to fill a vacancy in the office  
25          of circuit judge shall be, at the time of appointment, a  
26          resident of the subcircuit from which the person whose  
27          vacancy is being filled was elected if the vacancy occurred  
28          in Cook County. If a vacancy in the office of circuit judge  
29          occurred in a circuit other than Cook County, a person  
30          appointed to fill the vacancy shall be, at the time of  
31          appointment, a resident of the circuit from which the person  
32          whose vacancy is being filled was elected. If a vacancy  
33          occurred in the office of a resident circuit judge, a person  
34          appointed to fill the vacancy shall be, at the time of

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

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

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

6 (705 ILCS 45/2) (from Ch. 37, par. 160.2)

7 Sec. 2. Number of associate judges.

8 (a) The maximum number of associate judges authorized  
9 for each circuit is one for each 35,000 or fraction thereof  
10 in population as determined by the last preceding Federal  
11 census, except for circuits with a population of more than  
12 3,000,000 where the maximum number of associate judges is one  
13 for each 29,000 or fraction thereof in population as  
14 determined by the last preceding federal census, reduced in  
15 circuits of less than 200,000 inhabitants by the number of  
16 resident circuit judges elected in the circuit in excess of  
17 one per county. In addition, in circuits of 1,000,000 or  
18 more inhabitants, there shall be one additional associate  
19 judge authorized for each municipal district of the circuit  
20 court. The number of associate judges to be appointed in each  
21 circuit, not to exceed the maximum authorized, shall be  
22 determined from time to time by the Circuit Court. The  
23 minimum number of associate judges authorized for any circuit  
24 consisting of a single county shall be 14. The minimum  
25 number of associate judges authorized for any circuit  
26 consisting of 2 counties with a combined population of at  
27 least 275,000 but less than 300,000 shall be 10. The minimum  
28 number of associate judges authorized for any circuit with a  
29 population of at least 303,000 but not more than 309,000  
30 shall be 10. The minimum number of associate judges  
31 authorized for any circuit with a population of at least  
32 329,000, but not more than 335,000 shall be 11. The minimum

1 number of associate judges authorized for any circuit with a  
2 population of at least 173,000 but not more than 177,000  
3 shall be 5. As used in this Section, the term "resident  
4 circuit judge" has the meaning given it in the Judicial  
5 Vacancies Act.

6 (b) The maximum number of associate judges authorized  
7 under subsection (a) for a circuit with a population of more  
8 than 3,000,000 shall be reduced as provided in this  
9 subsection (b). For each vacancy that exists on or occurs on  
10 or after the effective date of this amendatory Act of 1990,  
11 that maximum number shall be reduced by one until the total  
12 number of associate judges authorized under subsection (a) is  
13 reduced by 60. A vacancy exists or occurs when an associate  
14 judge dies, resigns, retires, is removed, or is not  
15 reappointed upon expiration of his or her term; a vacancy  
16 does not exist or occur at the expiration of a term if the  
17 associate judge is reappointed.

18 (Source: P.A. 86-786; 86-1478; 87-145; 87-435; 87-1073;  
19 87-1230; 87-1261.)".