



Rep. Tom Cross

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LRB097 02765 AJ0 56672 a

1 AMENDMENT TO SENATE BILL 63

2 AMENDMENT NO. _____. Amend Senate Bill 63, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Circuit Courts Act is amended by changing
6 Sections 1 and 2f-9 and by adding Sections 2f-10 and 2f-11 as
7 follows:

8 (705 ILCS 35/1) (from Ch. 37, par. 72.1)

9 Sec. 1. Judicial circuits created. The county of Cook shall
10 be one judicial circuit and the State of Illinois, exclusive of
11 the county of Cook, shall be and is divided into judicial
12 circuits as follows:

13 First Circuit--The counties of Alexander, Pulaski, Massac,
14 Pope, Johnson, Union, Jackson, Williamson and Saline.

15 Second Circuit--The counties of Hardin, Gallatin, White,
16 Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson,

1 Richland, Lawrence and Crawford.

2 Third Circuit--The counties of Madison and Bond.

3 Fourth Circuit--The counties of Clinton, Marion, Clay,
4 Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

5 Fifth Circuit--The counties of Vermilion, Edgar, Clark,
6 Cumberland and Coles.

7 Sixth Circuit--The counties of Champaign, Douglas,
8 Moultrie, Macon, DeWitt and Piatt.

9 Seventh Circuit--The counties of Sangamon, Macoupin,
10 Morgan, Scott, Greene and Jersey.

11 Eighth Circuit--The counties of Adams, Schuyler, Mason,
12 Cass, Brown, Pike, Calhoun and Menard.

13 Ninth Circuit--The counties of Knox, Warren, Henderson,
14 Hancock, McDonough and Fulton.

15 Tenth Circuit--The counties of Peoria, Marshall, Putnam,
16 Stark and Tazewell.

17 Eleventh Circuit--The counties of McLean, Livingston,
18 Logan, Ford and Woodford.

19 Twelfth Circuit--The county of Will.

20 Thirteenth Circuit--The counties of Bureau, LaSalle and
21 Grundy.

22 Fourteenth Circuit--The counties of Rock Island, Mercer,
23 Whiteside and Henry.

24 Fifteenth Circuit--The counties of JoDaviess, Stephenson,
25 Carroll, Ogle and Lee.

26 Sixteenth Circuit--Before December 3, 2012, the counties

1 of Kane, DeKalb, and Kendall. On and after December 3, 2012,
2 the County of Kane. ~~The counties of Kane, DeKalb and Kendall.~~

3 Seventeenth Circuit--The counties of Winnebago and Boone.

4 Eighteenth Circuit--The county of DuPage.

5 Nineteenth Circuit--Before December 4, 2006, the counties
6 of Lake and McHenry. On and after December 4, 2006, the County
7 of Lake.

8 Twentieth Circuit--The counties of Randolph, Monroe, St.
9 Clair, Washington and Perry.

10 Twenty-first Circuit--The counties of Iroquois and
11 Kankakee.

12 Twenty-second Circuit--On and after December 4, 2006, the
13 County of McHenry.

14 Twenty-third Circuit--On and after December 3, 2012, the
15 counties of DeKalb and Kendall.

16 (Source: P.A. 93-541, eff. 8-18-03.)

17 (705 ILCS 35/2f-9)

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

19 (a) The 16th circuit shall be divided into 4 ~~5~~ subcircuits.
20 Subcircuits 1, 2, and 4 of the 16th circuit in existence on
21 April 15, 2011 shall continue to use their established
22 boundaries in the new 16th circuit as of December 3, 2012.
23 Subcircuit 3 in existence on April 15, 2011 shall continue to
24 use its established boundary until December 3, 2012. For a
25 judge elected to subcircuit 3 as of April 15, 2011 the current

1 boundaries in existence as of April 15, 2011 shall continue
2 until the conclusion of the existing term of office, following
3 the 2012 general election, and upon the conclusion of the
4 existing term of office, the new boundary shall go into effect.

5 The new boundary for subcircuit 3 shall contain and be made up
6 of the following townships in the county of Kane, excluding the
7 portions of the townships currently served by subcircuit 1, 2,
8 or 4: Aurora, Blackberry, Big Rock, Burlington, Campton,
9 Dundee, Elgin, Hampshire, Kaneville, Plato, Rutland, Sugar
10 Grove, and Virgil. The subcircuits shall be compact,

11 contiguous, and substantially equal in population. The General
12 Assembly by law shall create the subcircuits, using population
13 data as determined by the 2000 federal census, and shall
14 determine a numerical order for the 4 ~~5~~ subcircuits. That
15 numerical order shall be the basis for the order in which
16 resident judgeships are assigned to the subcircuits. Once a
17 resident judgeship is assigned to a subcircuit, it shall
18 continue to be assigned to that subcircuit for all purposes.

19 (b) (Blank). ~~Of the 16th circuit's 16 circuit judgeships~~
20 ~~existing on April 7, 2005 (7 at large and 9 resident), but not~~
21 ~~including the 3 resident judgeships added by this amendatory~~
22 ~~Act of the 96th General Assembly, 5 of the 9 resident~~
23 ~~judgeships shall be allotted as 16th circuit resident~~
24 ~~judgeships under subsection (c) as (i) the first resident~~
25 ~~judgeship of DeKalb County, (ii) the first resident judgeship~~
26 ~~of Kendall County, and (iii) the first 2 resident judgeships of~~

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

12 (c) ~~The Supreme Court shall allot the first eligible DeKalb~~
13 ~~County vacancy, the first eligible Kendall County vacancy, and~~
14 ~~the first 3 eligible Kane County vacancies in resident~~
15 ~~judgeships of the 16th circuit as provided in subsection (b),~~
16 ~~for election from the various subcircuits. The judgeships shall~~
17 ~~be assigned to the subcircuits based upon the numerical order~~
18 ~~of the 5 subcircuits.~~ No resident judge of the 16th circuit
19 serving on the effective date of this amendatory Act of the
20 93rd General Assembly shall be required to change his or her
21 residency in order to continue serving in office or to seek
22 retention in office as judgeships are allotted by the Supreme
23 Court in accordance with this Section. No resident judge
24 elected from a subcircuit serving on the effective date of this
25 amendatory Act of the 97th General Assembly shall be required
26 to change his or her residency in order to continue serving in

1 or to seek retention in office until the 2012 general election,
2 or until the conclusion of the existing term.

3 (d) A resident judge elected from a subcircuit shall
4 continue to reside in that subcircuit as long as he or she
5 holds that office. A resident judge elected from a subcircuit
6 after January 1, 2008, must retain residency as a registered
7 voter in the subcircuit to run for retention from the circuit
8 at large thereafter. A resident judge elected from a subcircuit
9 after January 1, 2011, must retain residency as a registered
10 voter in the subcircuit to run for retention from the circuit
11 at large thereafter.

12 (e) Vacancies in resident judgeships of the 16th circuit
13 shall be filled in the manner provided in Article VI of the
14 Illinois Constitution.

15 (Source: P.A. 95-610, eff. 9-11-07; 96-108, eff. 7-30-09.)

16 (705 ILCS 35/2f-10 new)

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

18 (a) On December 3, 2012, the 16th judicial circuit is
19 divided into the 16th and 23rd judicial circuits as provided in
20 Section 1 of the Circuit Courts Act. This division does not
21 invalidate any action taken by the 16th judicial circuit or any
22 of its judges, officers, employees, or agents before December
23 3, 2012. This division does not affect any person's rights,
24 obligations, or duties, including applicable civil and
25 criminal penalties, arising out of any action taken by the 16th

1 judicial circuit or any of its judges, officers, employees, or
2 agents before December 3, 2012.

3 (b) The 16th circuit shall have one additional resident
4 judgeship to be allotted by the Supreme Court under subsection
5 (d). The additional resident judgeship shall be filled by
6 election beginning at the 2012 general election.

7 (c) The 16th circuit shall have an additional resident
8 judgeship from Kendall County to be allotted by the Supreme
9 Court. The additional judgeship shall be filled by election
10 beginning at the 2012 general election. This judgeship shall
11 become a resident judgeship from Kendall County in the 23rd
12 circuit on December 3, 2012.

13 (d) The Supreme Court shall allot: (i) all vacancies in at
14 large judgeships or resident judgeships from the county of Kane
15 of the 16th circuit existing on or occurring on or after the
16 effective date of this amendatory Act of the 97th General
17 Assembly, excluding the vacancy in subsection (e); and (ii) the
18 one resident judgeship added by subsection (b), for election
19 from the various subcircuits until there are 2 resident judges
20 to be elected from each subcircuit. The additional resident
21 judgeship added by subsection (b) that shall be filled by
22 election beginning at the 2012 general election shall be
23 assigned to subcircuit 2. The Supreme Court may fill the
24 judgeship by appointment prior to the 2012 general election.
25 The vacancies allotted by the Supreme Court under this
26 subsection shall become resident judgeships of the 16th circuit

1 to be assigned to the 3rd, 1st, and 4th subcircuits in that
2 order. Subcircuit judgeships in the 3rd, 1st, and 4th
3 subcircuits shall be filled by election as vacancies occur. No
4 resident judge of the 16th circuit serving on the effective
5 date of this amendatory Act of the 97th General Assembly shall
6 be required to change his or her residency in order to continue
7 serving in office or to seek retention in office as resident
8 judgeships are allotted by the Supreme Court in accordance with
9 this Section. As used in this subsection, a vacancy does not
10 include the expiration of a term of an at large judge or of a
11 resident judge who intends to seek retention in that office at
12 the next term.

13 (e) The Supreme Court shall assign to the 16th circuit the
14 7 circuit judgeships elected at large in the 16th circuit
15 before and at the 2012 general election. The 3 resident
16 judgeships elected from Kane County before the 2012 general
17 election shall become at large circuit judgeships on December
18 3, 2012. An individual seeking election to one of the 7
19 judgeships at large or a judge seeking retention to one of the
20 7 judgeships at large at the 2012 general election, shall seek
21 election or retention solely within the boundaries of Kane
22 County. The 7 circuit judgeships assigned to the 16th circuit
23 shall continue to be elected at large, and the 3 resident
24 judges shall be elected at large at the first general election
25 following the expiration of a term of office. Of the 7 circuit
26 judgeships elected at large as of April 15, 2011, and the 3

1 resident judgeships elected from Kane County before the general
2 election of 2012 converting to at large judgeships on December
3 3, 2012, the first vacancy occurring after December 3, 2012
4 shall be assigned to the 23rd circuit as a Kendall County
5 resident judge. As used in this subsection, a vacancy does not
6 include the expiration of a term of an at large judge or of a
7 resident judge who intends to seek retention in that office at
8 the next term.

9 (f) The 3 resident judgeships elected from DeKalb County
10 before the 2012 general election shall become resident
11 judgeships from DeKalb County in the 23rd circuit on December
12 3, 2012, and the 2 resident judgeships elected from Kendall
13 County before the 2012 general election shall become resident
14 judgeships from Kendall County in the 23rd circuit on December
15 3, 2012.

16 (g) The 4 subcircuit judgeships of the 16th circuit elected
17 as of April 15, 2011, shall become the 4 subcircuit judgeships
18 of the 16th circuit as established in Section 2f-9. The
19 remaining unfilled subcircuit judgeship of the 16th circuit as
20 of April 15, 2011 shall be eliminated. If the judgeship of the
21 5th subcircuit of the 16th circuit is filled prior to the
22 effective date of this amendatory Act of the 97th General
23 Assembly, that judgeship shall be eliminated on December 3,
24 2012.

25 (h) On December 3, 2012, the Supreme Court shall allocate
26 the associate judgeships of the 16th circuit before that date

1 between the 16th and 23rd circuits. The number of associate
2 judges allocated to the 23rd circuit shall be no less than 5.

3 (i) On December 3, 2012, the Supreme Court shall allocate
4 personnel, books, records, documents, property (real and
5 personal), funds, assets, liabilities, and pending matters
6 concerning the 16th circuit before that date between the 16th
7 and 23rd circuits based on the population and staffing needs of
8 those circuits and the efficient and proper administration of
9 the judicial system. The rights of employees under applicable
10 collective bargaining agreements are not affected by this
11 amendatory Act of the 97th General Assembly.

12 (j) The judgeships set forth in this Section include the
13 judgeships authorized under Sections 2g, 2h, 2j, 2k, 2m, and
14 2n. The judgeships authorized in those Sections are not in
15 addition to those set forth in this Section.

16 (705 ILCS 35/2f-11 new)

17 Sec. 2f-11. 23rd judicial circuit.

18 (a) The 23rd circuit shall have a total of 6 resident
19 judgeships (5 resident judgeships existing on the effective
20 date of this amendatory Act of the 97th General Assembly, and
21 the resident judgeship for Kendall County created by the first
22 vacancy of an at large resident judgeship or resident judgeship
23 in the new 16th circuit).

24 (b) Vacancies in resident judgeships of the 23rd circuit
25 shall be filled in the manner provided in Article VI of the

1 Illinois Constitution.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".