

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 2 as follows:

6 (705 ILCS 35/2) (from Ch. 37, par. 72.2)

7 Sec. 2. Circuit judges; election; oath. Circuit judges
8 shall be elected at the general elections and for terms as
9 provided in Article VI of the Illinois Constitution.
10 Ninety-four circuit judges shall be elected in the Circuit of
11 Cook County and 3 circuit judges shall be elected in each of
12 the other circuits, but in circuits other than Cook County
13 containing a population of 230,000 or more inhabitants and in
14 which there is included a county containing a population of
15 200,000 or more inhabitants, or in circuits other than Cook
16 County containing a population of 270,000 or more
17 inhabitants, according to the last preceding federal census
18 and in the circuit where the seat of State government is
19 situated at the time fixed by law for the nomination of
20 judges of the Circuit Court in such circuit and in any
21 circuit which meets the requirements set out in Section 2a of
22 this Act, 4 circuit judges shall be elected in the manner
23 provided by law. In circuits other than Cook County in which
24 each county in the circuit has a population of 475,000 or
25 more, 4 circuit judges shall be elected in addition to the 4
26 circuit judges provided for in this Section. In any circuit
27 composed of 2 counties having a total population of 350,000
28 or more, one circuit judge shall be elected in addition to
29 the 4 circuit judges provided for in this Section. The
30 several judges of the circuit courts of this State, before
31 entering upon the duties of their office, shall take and

1 subscribe the following oath or affirmation, which shall be
2 filed in the office of the Secretary of State:

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

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

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

15 Section 10. The Judicial Vacancies Act is amended by
16 changing Section 2 as follows:

17 (705 ILCS 40/2) (from Ch. 37, par. 72.42)

18 Sec. 2. Vacancies in office of judge.

19 (a) Except as provided in paragraphs (1), (2), (3) and
20 (4) of this subsection (a), vacancies in the office of a
21 resident circuit judge in any county or in any unit or
22 subcircuit of any circuit shall not be filled.

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

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

31 (3) If in any county of 60,000 or more inhabitants,
32 other than the County of Cook, there remain in office no

1 more than 2 resident judges following the occurrence of a
2 vacancy, such vacancy shall be filled.

3 (4) The County of Cook shall have 165 resident
4 judges on and after the effective date of this amendatory
5 Act of 1990. Of those resident judgeships, (i) 56 shall
6 be those authorized before the effective date of this
7 amendatory Act of 1990 from the unit of the Circuit of
8 Cook County within Chicago, (ii) 27 shall be those
9 authorized before the effective date of this amendatory
10 Act of 1990 from the unit of the Circuit of Cook County
11 outside Chicago, (iii) 12 shall be additional resident
12 judgeships first elected at the general election in
13 November of 1992, (iv) 10 shall be additional resident
14 judgeships first elected at the general election in
15 November of 1994, and (v) 60 shall be additional resident
16 judgeships to be authorized one each for each reduction
17 upon vacancy in the office of associate judge in the
18 Circuit of Cook County as those vacancies exist or occur
19 on and after the effective date of this amendatory Act of
20 1990 and as those vacancies are determined under
21 subsection (b) of Section 2 of the Associate Judges Act
22 until the total resident judgeships authorized under this
23 item (v) is 60. Seven of the 12 additional resident
24 judgeships provided in item (iii) may be filled by
25 appointment by the Supreme Court during the period
26 beginning on the effective date of this amendatory Act of
27 1990 and ending 60 days before the primary election in
28 March of 1992; those judicial appointees shall serve
29 until the first Monday in December of 1992. Five of the
30 12 additional resident judgeships provided in item (iii)
31 may be filled by appointment by the Supreme Court during
32 the period beginning July 1, 1991 and ending 60 days
33 before the primary election in March of 1992; those
34 judicial appointees shall serve until the first Monday in

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

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

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

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

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

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

25 Section 15. The Associate Judges Act is amended by
26 changing Section 2 as follows:

27 (705 ILCS 45/2) (from Ch. 37, par. 160.2)

28 Sec. 2. Number of associate judges.

29 (a) The maximum number of associate judges authorized
30 for each circuit is the greater of the applicable minimum
31 number specified in this Section or 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 shall be 5. As used in this Section, the term
26 "resident circuit judge" has the meaning given it in the
27 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 the effective date of this amendatory Act of 1990,
33 that maximum number shall be reduced by one until the total
34 number of associate judges authorized under subsection (a) is

1 reduced by 60. A vacancy exists or occurs when an associate
2 judge dies, resigns, retires, is removed, or is not
3 reappointed upon expiration of his or her term; a vacancy
4 does not exist or occur at the expiration of a term if the
5 associate judge is reappointed.

6 (Source: P.A. 92-17, eff. 6-28-01.)