

1 AMENDMENT TO SENATE BILL 118

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 118, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Appellate Court Act is amended by  
6 changing Section 1 as follows:

7 (705 ILCS 25/1) (from Ch. 37, par. 25)

8 (Text of Section WITHOUT the changes made by P.A. 89-719,  
9 which has been held unconstitutional)

10 Sec. 1. (a) A branch of the appellate court is  
11 established in each of the 5 judicial districts as such  
12 districts are determined by law.

13 (b) In the first judicial district, 18 appellate court  
14 judges shall be elected.

15 (c) In the second judicial district, 8 6 appellate court  
16 judges shall be elected. In the third judicial district, 6  
17 appellate court judges shall be elected. In the fourth  
18 judicial district, 7 6 appellate court judges shall be  
19 elected. The 2 additional fourth district appellate court  
20 judgeships authorized by this amendatory Act of 1993 shall be  
21 initially filled by election at the general election in 1994.  
22 In the fifth judicial district, 7 6 appellate court judges

1 shall be elected. The additional second, fourth, and fifth  
2 district appellate court judgeships authorized by this  
3 amendatory Act of the 92nd General Assembly may be filled by  
4 appointment until filled by election at the general election  
5 in 2002.

6 (d) The Supreme Court may assign additional judges to  
7 service in the appellate court from time to time as the  
8 business of the appellate court requires. There shall be a  
9 number of divisions of not less than 3 judges each, as the  
10 Supreme Court shall prescribe. Assignments to divisions  
11 shall be made by the Supreme Court and a judge may be  
12 assigned to a division in a district other than the district  
13 in which such judge resides. The organization of the  
14 appellate court and its divisions shall be prescribed by rule  
15 of the Supreme Court. The actual and necessary expenses of  
16 judges of the appellate court incurred in performing their  
17 duties shall be paid by the state. The majority of a  
18 division shall constitute a quorum and the concurrence of a  
19 majority of the division shall be necessary to a decision of  
20 the appellate court.

21 (Source: P.A. 88-72.)

22 Section 10. The Circuit Courts Act is amended by  
23 changing Section 2 and adding Sections 2f-1, 2f-2, 2f-3, and  
24 2f-4 as follows:

25 (705 ILCS 35/2) (from Ch. 37, par. 72.2)

26 Sec. 2. Circuit judges shall be elected at the general  
27 elections and for terms as provided in Article VI of the  
28 Illinois Constitution. Ninety-four circuit judges shall be  
29 elected in the Circuit of Cook County and 3 circuit judges  
30 shall be elected in each of the other circuits, but in  
31 circuits other than Cook County containing a population of  
32 230,000 or more inhabitants and in which there is included a

1 county containing a population of 200,000 or more  
2 inhabitants, or in circuits other than Cook County containing  
3 a population of 270,000 or more inhabitants, according to the  
4 last preceding federal census and in the circuit where the  
5 seat of State government is situated at the time fixed by law  
6 for the nomination of judges of the Circuit Court in such  
7 circuit and in any circuit which meets the requirements set  
8 out in Section 2a of this Act, 4 circuit judges shall be  
9 elected in the manner provided by law. In circuits other  
10 than Cook County in which each county in the circuit has a  
11 population of 475,000 or more, 4 circuit judges shall be  
12 elected in addition to the 4 circuit judges provided for in  
13 this Section. In any circuit composed of 2 counties having a  
14 total population of 350,000 or more, one circuit judge shall  
15 be elected in addition to the 4 circuit judges provided for  
16 in this Section. The several judges of the circuit courts of  
17 this State, before entering upon the duties of their office,  
18 shall take and subscribe the following oath or affirmation,  
19 which shall be filed in the office of the Secretary of State:

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

25 One of the 3 additional circuit judgeships authorized by  
26 this amendatory Act in circuits other than Cook County in  
27 which each county in the circuit has a population of 475,000  
28 or more may be filled when this Act becomes law. The 2  
29 remaining circuit judgeships in such circuits shall not be  
30 filled until on or after July 1, 1977. Upon the authorization  
31 of any additional judgeships pursuant to this Section, the  
32 vacancies in those judgeships shall be immediately filled by  
33 the Supreme Court as provided in subsection (c) of Section 12  
34 of Article VI of the Illinois Constitution.

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

2 (705 ILCS 35/2f-1 new)

3 Sec. 2f-1. Twelfth circuit; subcircuits; additional  
4 judges.

5 (a) The twelfth circuit shall be divided into 5  
6 subcircuits. The subcircuits shall be compact, contiguous,  
7 and substantially equal in population. The General Assembly  
8 shall create the subcircuits by law on or before January 1,  
9 2003, using population data as determined by the 2000 federal  
10 census.

11 (b) The Supreme Court shall allot (i) 3 of the  
12 additional judgeships created in the twelfth circuit based  
13 upon the 2000 federal census as provided in this Act, which  
14 may be filled by appointment by the Supreme Court until the  
15 general election in 2004, (ii) all vacancies in resident  
16 judgeships existing on or occurring on or after the effective  
17 date of this amendatory Act of the 92nd General Assembly and  
18 not filled at the 2002 general election, and (iii) the  
19 resident judgeships filled at the 2002 general election as  
20 those judgeships thereafter become vacant, for election from  
21 the various subcircuits until there is one resident judge to  
22 be elected from each of the 5 subcircuits.

23 (c) As soon as possible after the subcircuits are  
24 created by law, the Supreme Court shall determine by lot a  
25 numerical order for the 5 subcircuits. That numerical order  
26 shall be the basis for the order in which resident judgeships  
27 are assigned to the subcircuits. Once a resident judgeship is  
28 assigned to a subcircuit, it shall continue to be assigned to  
29 that subcircuit for all purposes.

30 (d) A resident judge of a subcircuit must reside in the  
31 subcircuit and must continue to reside in that subcircuit as  
32 long as he or she holds that office.

33 (e) Vacancies in resident judgeships of the twelfth

1 circuit shall be filled in the manner provided in Article VI  
2 of the Illinois Constitution.

3 (705 ILCS 35/2f-2 new)

4 Sec. 2f-2. Eighteenth circuit; subcircuits; additional  
5 judges.

6 (a) The eighteenth circuit shall be divided into 6  
7 subcircuits. The subcircuits shall be compact, contiguous,  
8 and substantially equal in population. The General Assembly  
9 shall create the subcircuits by law on or before January 1,  
10 2003, using population data as determined by the 2000 federal  
11 census.

12 (b) The eighteenth circuit shall have 3 additional  
13 resident judgeships for a total of 5 resident judgeships.  
14 The 3 additional resident judgeships created by this  
15 amendatory Act of the 92nd General Assembly shall each be  
16 filled by election beginning at the general election in 2004.  
17 The 3 additional resident judgeships created by this  
18 amendatory Act of the 92nd General Assembly shall be filled  
19 by appointment by the Supreme Court until the 2004 general  
20 election.

21 (c) The Supreme Court shall allot (i) the additional 3  
22 resident judgeships created by this amendatory Act of the  
23 92nd General Assembly, (ii) all vacancies in resident  
24 judgeships existing on or occurring on or after the effective  
25 date of this amendatory Act of the 92nd General Assembly and  
26 not filled at the 2002 general election, with respect to the  
27 other resident judgeships of the eighteenth circuit, and  
28 (iii) the resident judgeships of the eighteenth circuit  
29 filled at the 2002 general election as those judgeships  
30 thereafter become vacant, for election from the various  
31 subcircuits until there is one resident judge to be elected  
32 from each of 5 subcircuits. The first judgeship, other than  
33 a resident judgeship, in the eighteenth circuit that becomes

1 vacant after the 2004 general election shall be allotted,  
2 upon becoming vacant, to one subcircuit.

3 (d) As soon as possible after the subcircuits are  
4 created by law, the Supreme Court shall determine by lot a  
5 numerical order for the 6 subcircuits. That numerical order  
6 shall be the basis for the order in which resident judgeships  
7 are assigned to the subcircuits. Once a resident judgeship is  
8 assigned to a subcircuit, it shall continue to be assigned to  
9 that subcircuit for all purposes.

10 (e) A resident judge of a subcircuit must reside in the  
11 subcircuit and must continue to reside in that subcircuit as  
12 long as he or she holds that office.

13 (f) Vacancies in resident judgeships of the eighteenth  
14 circuit shall be filled in the manner provided in Article VI  
15 of the Illinois Constitution.

16 (705 ILCS 35/2f-3 new)

17 Sec. 2f-3. Nineteenth circuit; subcircuits; additional  
18 judges.

19 (a) The nineteenth circuit shall be divided into 6  
20 subcircuits. The subcircuits shall be compact, contiguous,  
21 and substantially equal in population. The General Assembly  
22 shall create the subcircuits by law on or before January 1,  
23 2003, using population data as determined by the 2000 federal  
24 census.

25 (b) The nineteenth circuit shall have 4 additional  
26 resident judgeships for a total of 13 resident judgeships.  
27 The 4 additional resident judgeships created by this  
28 amendatory Act of the 92nd General Assembly shall each be  
29 filled by election beginning at the general election in 2004.  
30 The 4 additional resident judgeships created by this  
31 amendatory Act of the 92nd General Assembly shall be filled  
32 by appointment by the Supreme Court until the 2004 general  
33 election.

1       (c) The Supreme Court shall allot (i) the additional 4  
2 resident judgeships created by this amendatory Act of the  
3 92nd General Assembly, (ii) all vacancies in resident  
4 judgeships existing on or occurring on or after the effective  
5 date of this amendatory Act of the 92nd General Assembly and  
6 not filled at the 2002 general election, with respect to the  
7 other resident judgeships of the nineteenth circuit, and  
8 (iii) the resident judgeships of the nineteenth circuit  
9 filled at the 2002 general election as those judgeships  
10 thereafter become vacant, for election from the various  
11 subcircuits until there are 2 resident judges to be elected  
12 from each of 5 subcircuits and 3 resident judges to be  
13 elected from one subcircuit.

14       (d) As soon as possible after the subcircuits are  
15 created by law, the Supreme Court shall determine by lot a  
16 numerical order for the 6 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 of a subcircuit must reside in the  
24 subcircuit and must continue to reside in that subcircuit as  
25 long as he or she holds that office.

26       (f) Vacancies in resident judgeships of the nineteenth  
27 circuit shall be filled in the manner provided in Article VI  
28 of the Illinois Constitution.

29       (705 ILCS 35/2f-4 new)

30       Sec. 2f-4. Additional judges.

31       (a) In addition to the number of judges otherwise  
32 authorized by this Act, there shall be one additional judge  
33 in the fourteenth circuit who shall be elected at large.

1       (b) In addition to the number of judges otherwise  
 2 authorized by this Act, there shall be one additional judge  
 3 in the twentieth circuit who shall be a resident of and  
 4 elected from St. Clair County.

5       (c) In addition to the number of judges otherwise  
 6 authorized by this Act, there shall be one additional judge  
 7 in the third circuit who shall be a resident of and elected  
 8 from Madison County.

9       (d) In addition to the number of judges otherwise  
 10 authorized by this Act, there shall be 2 additional judges in  
 11 the seventeenth circuit who shall be elected at large.

12       (e) In addition to the number of judges otherwise  
 13 authorized by this Act, there shall be one additional judge  
 14 in the thirteenth circuit who shall be elected at large.

15       (f) In addition to the number of judges otherwise  
 16 authorized by this Act, there shall be 3 additional judges in  
 17 the sixteenth circuit, one of whom shall be a resident of and  
 18 elected from Kendall County, one of whom shall be a resident  
 19 of and elected from DeKalb County, and one of whom shall be a  
 20 resident of and elected from Kane County.

21       (g) In addition to the number of judges otherwise  
 22 authorized by law, there shall be 15 additional judges in the  
 23 circuit of Cook County, one each of whom shall be a resident  
 24 of and elected from each of the subcircuits.

25       (h) The additional judgeships authorized by this Section  
 26 may be filled by appointment until filled by election at the  
 27 general election in 2002.

28       Section 15. 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. (a) Except as provided in paragraphs (1), (2),  
 32 (3), and (4), and (5) of this subsection (a), vacancies in



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

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

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

11 (3) If in any county of 60,000 or more inhabitants,  
12 other than the County of Cook or as provided in paragraph  
13 (5), there remain in office no more than 2 resident  
14 judges following the occurrence of a vacancy, such  
15 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 (5) Resident judges in the twelfth, eighteenth, and  
18 nineteenth judicial circuits are as provided in Sections  
19 2f-1, 2f-2, and 2f-3 of the Circuit Courts Act.

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

24 (c) Vacancies authorized to be filled by this Section 2  
25 shall be filled in the manner provided in Article VI of the  
26 Constitution.

27 (d) A person appointed to fill a vacancy in the office  
28 of circuit judge shall be, at the time of appointment, a  
29 resident of the subcircuit from which the person whose  
30 vacancy is being filled was elected if the vacancy occurred  
31 in a circuit divided into subcircuits Cook--County. If a  
32 vacancy in the office of circuit judge occurred in a circuit  
33 not divided into subcircuits other-than-Cook-County, a person  
34 appointed to fill the vacancy shall be, at the time of

1 appointment, a resident of the circuit from which the person  
2 whose vacancy is being filled was elected. Except as  
3 provided in Sections 2f-1, 2f-2, and 2f-3 of the Circuit  
4 Courts Act, if a vacancy occurred in the office of a resident  
5 circuit judge, a person appointed to fill the vacancy shall  
6 be, at the time of appointment, a resident of the county from  
7 which the person whose vacancy is being filled was elected.  
8 (Source: P.A. 90-342, eff. 8-8-97.)

9 Section 20. The Associate Judges Act is amended by  
10 adding Section 2.5 as follows:

11 (705 ILCS 45/2.5 new)

12 Sec. 2.5. Additional judges.

13 (a) In addition to the maximum number of associate  
14 judges authorized by this Act, there shall be one additional  
15 associate judge in the fourth judicial circuit.

16 (b) In addition to the maximum number of associate  
17 judges authorized by law, there shall be 6 additional  
18 associate judges in the circuit of Cook County.

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."