



Rep. Curtis J. Tarver, II

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1 AMENDMENT TO SENATE BILL 642

2 AMENDMENT NO. _____. Amend Senate Bill 642 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Judicial Districts Act of 2021.

6 Section 5. Legislative intent. The intent of this Act is
7 to redraw the Judicial Districts to meet the requirements of
8 the Illinois Constitution of 1970 by providing that outside of
9 the First District the State "shall be divided by law into four
10 Judicial Districts of substantially equal population, each of
11 which shall be compact and composed of contiguous counties."

12 Section 2 of Article VI of the Illinois Constitution of
13 1970 divides the State into five Judicial Districts for the
14 selection of Supreme and Appellate Court Judges, with Cook
15 County comprising the First District and the remainder of the
16 State "divided by law into four Judicial Districts of

1 substantially equal population, each of which shall be compact
2 and composed of contiguous counties." Further, Section 7 of
3 Article VI provides that a Judicial Circuit must be located
4 within one Judicial District, and also provides the First
5 Judicial District is comprised of a judicial circuit and the
6 remainder provided by law, subject to the requirement that
7 Circuits composed of more than one county shall be compact and
8 of contiguous counties. The current Judicial District map was
9 enacted in 1963.

10 The current Judicial Districts do not meet the
11 Constitution's requirement that four Districts other than the
12 First District be of "substantially equal population." Using
13 the American Community Survey data available at the time this
14 Act is enacted, the population of the current First District
15 is 5,198,212; Second District is 3,204,960; the Third District
16 is 1,782,863; the Fourth District is 1,299,747; and the Fifth
17 District is 1,284,757.

18 Under this redistricting plan, the population, according
19 to the American Community Survey, of the Second District will
20 be 1,770,983; the Third District will be 1,950,349; the Fourth
21 District will be 2,011,316; and the Fifth District will be
22 1,839,679. A similar substantially equitable result occurs
23 using the 2010 U.S. Census data, the most recent decennial
24 census data available at the time of this Act, with the
25 population of the Second District being approximately
26 1,747,387; the Third District being 1,936,616; the Fourth

1 District being 2,069,660; and the Fifth District being
2 1,882,294. Because of the constitutional requirement that a
3 District be composed of whole counties, and given that actual
4 population changes on a day-to-day basis, the populations are
5 not and could never be exact, but the population of each of the
6 four Districts created by this Act is substantially equal.

7 In addition to ensuring the population of the four
8 Districts are substantially equal, this Act complies with
9 Section 7 of Article VI of the Illinois Constitution of 1970,
10 which provides that the First Judicial District shall be
11 comprised of a Judicial Circuit, and the remaining Judicial
12 Circuits shall be provided by law, and Circuits comprised of
13 more than one county shall be compact and of contiguous
14 counties. To comply with Section 7 of Article VI and minimize
15 disruption to the administration of the Judicial Branch, this
16 Act avoids changing the compositions and boundaries of the
17 Judicial Circuits, while simultaneously creating substantially
18 equally populated, compact, and contiguous Judicial Districts.

19 To further avoid any interruption to the administration of
20 the Judicial Branch, this Act does not require that the
21 Supreme Court change where the Appellate Courts currently
22 reside. By Supreme Court Rule, the Second District Appellate
23 Court currently sits in Elgin; the Third District Appellate
24 Court currently sits in Ottawa; the Fourth District Appellate
25 Court currently sits in Springfield; and the Fifth District
26 Appellate Court currently sits in Mt. Vernon. Under this Act,

1 the Supreme Court is not required to change where the
2 Appellate Courts sit as those cities remain in the Second,
3 Third, Fourth, and Fifth District respectively.

4 To ensure continuity of service and compliance with the
5 Illinois Constitution of 1970, nothing in this Act is intended
6 to affect the tenure of any Appellate or Supreme Court Judge
7 elected or appointed prior to the effective date of this Act.
8 In accordance with the Constitution, no change in the
9 boundaries shall affect an incumbent judge's qualification for
10 office or right to run for retention. Incumbent judges have
11 the right to run for retention in the counties comprising the
12 District that elected the judge, or in the counties comprising
13 the new District where the judge resides, as the judge may
14 elect. As provided by the Constitution, upon a vacancy in an
15 elected Supreme or Appellate Court office, the Supreme Court
16 may fill the vacancy until the vacancy is filled in the next
17 general election in the counties comprising the District
18 created by this Act.

19 Further, nothing in this Act is intended to alter or
20 impair the ability of the Supreme Court to fulfill its
21 obligations to ensure the proper administration of the
22 Judicial Branch. For example, it remains within the purview of
23 the Supreme Court to assign or reassign any judge to any court
24 or determine assignment of additional judges to the Appellate
25 Court. Section 1 of the Appellate Act provides that the
26 "Supreme Court may assign additional judges to service in the

1 Appellate Court from time to time as the business of the
2 Appellate Court requires." Currently the Supreme Court has
3 three judges on assignment to the Second District Appellate
4 Court, whereas one judge is on assignment to the Third,
5 Fourth, and Fifth Districts. Nothing in this Act seeks to
6 alter any judicial assignments.

7 Finally, it is the intent of the General Assembly that any
8 appealable order, as defined by Supreme Court Rules, entered
9 prior to the effective date of this Act shall be subject to
10 judicial review by the Judicial District in effect on the date
11 the order was entered; however, the administrative and
12 supervisory authority of the courts remains within the purview
13 of the Supreme Court.

14 Section 10. The First Judicial District consists of the
15 County of Cook.

16 Section 15. Beginning on the effective date of this Act,
17 the Second Judicial District consists of the counties of
18 DeKalb, Kendall, Kane, Lake, and McHenry.

19 Section 20. Beginning on the effective date of this Act,
20 the Third Judicial District consists of the counties of
21 Bureau, LaSalle, Grundy, Iroquois, Kankakee, DuPage and Will.

22 Section 25. Beginning on the effective date of this Act,

1 the Fourth Judicial District consists of the counties of Jo
2 Daviess, Stephenson, Carroll, Ogle, Lee, Winnebago, Boone,
3 Mercer, Rock Island, Whiteside, Henry, Stark, Putnam,
4 Marshall, Peoria, Tazewell, Adams, Pike, Calhoun, Schuyler,
5 Brown, Cass, Mason, Menard, Morgan, Scott, Greene, Jersey,
6 Macoupin, Sangamon, Logan, McLean, Woodford, Livingston, Ford,
7 Henderson, Warren, Knox, Fulton, McDonough and Hancock.

8 Section 30. Beginning on the effective date of this Act,
9 the Fifth Judicial District consists of the counties of
10 DeWitt, Macon, Piatt, Moultrie, Champaign, Douglas, Vermilion,
11 Edgar, Coles, Cumberland, Clark, Christian, Shelby,
12 Montgomery, Fayette, Effingham, Jasper, Clay, Marion, Clinton,
13 Bond, Madison, St. Clair, Washington, Monroe, Randolph, Perry,
14 Crawford, Richland, Lawrence, Wabash, Edwards, Wayne,
15 Jefferson, Franklin, Hamilton, White, Gallatin, Hardin,
16 Saline, Williamson, Jackson, Union, Johnson, Pope, Alexander,
17 Pulaski, and Massac.

18 Section 35. Current Members of the Judiciary. Nothing in
19 this Act shall affect the tenure of any Appellate or Supreme
20 Court Judge serving on the effective date of this Act. No
21 Appellate or Supreme Court Judge serving on the effective date
22 of this Act shall be required to change his or her residency in
23 order to continue serving in office or to seek retention or
24 reappointment in office. Any Appellate or Supreme Court Judge

1 elected to that office prior to the effective date of this Act
2 who files to run for retention after the effective date of this
3 Act shall have the right to seek retention in the district the
4 Judge was elected from or seek retention in the district
5 created by this Act. The Secretary of State, not less than 63
6 days before the election, shall certify the Judge's candidacy
7 to the proper election officials.

8 Section 40. Severability. To the extent that any provision
9 of this Act is found to be unconstitutional, that provision
10 alone shall be deemed of no force and effect and all other
11 provisions of this Act shall remain in full force and effect.

12 Section 45. The Judicial Districts Act is amended by
13 changing Sections 2, 3, 4, and 5 as follows:

14 (705 ILCS 20/2) (from Ch. 37, par. 1.2)

15 (This Act was repealed by P.A. 89-719, which has been held
16 unconstitutional)

17 Sec. 2. Prior to the effective date of this amendatory Act
18 of the 102nd General Assembly, the ~~The~~ Second Judicial
19 District consists of the counties of Jo Daviess, Stephenson,
20 Carroll, Ogle, Lee, Winnebago, Boone, McHenry, Lake, DeKalb,
21 Kane, Kendall and DuPage.

22 (Source: Laws 1963, p. 929.)

1 (705 ILCS 20/3) (from Ch. 37, par. 1.3)

2 (This Act was repealed by P.A. 89-719, which has been held
3 unconstitutional)

4 Sec. 3. Prior to the effective date of this amendatory Act
5 of the 102nd General Assembly, the ~~The~~ Third Judicial District
6 consists of the counties of Mercer, Rock Island, Whiteside,
7 Henry, Bureau, LaSalle, Grundy, Stark, Putnam, Marshall,
8 Peoria, Tazewell, Will, Kankakee, Iroquois, Henderson, Warren,
9 Knox, Fulton, McDonough and Hancock.

10 (Source: Laws 1963, p. 929.)

11 (705 ILCS 20/4) (from Ch. 37, par. 1.4)

12 (This Act was repealed by P.A. 89-719, which has been held
13 unconstitutional)

14 Sec. 4. Prior to the effective date of this amendatory Act
15 of the 102nd General Assembly, the ~~The~~ Fourth Judicial
16 District consists of the counties of Adams, Pike, Calhoun,
17 Schuyler, Brown, Cass, Mason, Menard, Morgan, Scott, Greene,
18 Jersey, Macoupin, Sangamon, Logan, McLean, Woodford,
19 Livingston, Ford, DeWitt, Macon, Piatt, Moultrie, Champaign,
20 Douglas, Vermilion, Edgar, Coles, Cumberland and Clark.

21 (Source: Laws 1963, p. 929.)

22 (705 ILCS 20/5) (from Ch. 37, par. 1.5)

23 (This Act was repealed by P.A. 89-719, which has been held
24 unconstitutional)

1 Sec. 5. Prior to the effective date of this amendatory Act
2 of the 102nd General Assembly, the ~~The~~ Fifth Judicial District
3 consists of all the counties south of the Fourth Judicial
4 District.

5 (Source: Laws 1963, p. 929.)

6 (705 ILCS 21/Act rep.)

7 Section 50. The Judicial Redistricting Act of 1997 (which
8 has been held unconstitutional) is repealed.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".