



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4080

Introduced 2/27/2009, by Rep. Ronald A. Wait

SYNOPSIS AS INTRODUCED:

705 ILCS 35/2f-6
705 ILCS 35/2k new

Amends the Circuit Courts Act. Creates an additional Boone County resident judgeship in the 17th judicial circuit (Boone and Winnebago counties), to be elected first in 2010. Requires the judge to continue to reside in Boone County. Authorizes the Illinois Supreme Court to fill the judgeship by appointment until then. Specifies that the judgeship is not a subcircuit judgeship. Effective July 1, 2009.

LRB096 11811 RCE 22651 b

FISCAL NOTE ACT
MAY APPLY

JUDICIAL NOTE
ACT MAY APPLY

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 2f-6 and by adding Section 2k as follows:

6 (705 ILCS 35/2f-6)

7 Sec. 2f-6. 17th judicial circuit; subcircuits.

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

18 (a-10) Of the 17th circuit's 9 ~~existing~~ circuit judgeships
19 existing on April 7, 2005 (6 at large and 3 resident), but not
20 including the one resident judgeship added by this amendatory
21 Act of the 96th General Assembly, the 3 resident judgeships
22 shall be allotted as 17th circuit resident judgeships under
23 subsection (c) as those resident judgeships are or become

1 vacant on or after the effective date of this amendatory Act of
2 the 93rd General Assembly. Of the 17th circuit's associate
3 judgeships, the first associate judgeship that is or becomes
4 vacant on or after the effective date of this amendatory Act of
5 the 93rd General Assembly shall become a resident judgeship of
6 the 17th circuit to be allotted by the Supreme Court under
7 subsection (c) as a resident subcircuit judgeship. These
8 resident judgeships, and the one resident judgeship added by
9 this amendatory Act of the 96th General Assembly, shall
10 constitute all of the resident judgeships of the 17th circuit.
11 As used in this subsection, a vacancy does not include the
12 expiration of a term of a resident judge who seeks retention in
13 that office at the next term. A vacancy does not exist or occur
14 at the expiration of an associate judge's term if the associate
15 judge is reappointed.

16 (b) The 17th circuit shall have a total of 4 judgeships (3
17 resident judgeships existing on April 7, 2005 and one associate
18 judgeship), but not including the one resident judgeship added
19 by this amendatory Act of the 96th General Assembly, available
20 to be allotted to the 4 subcircuit resident judgeships.

21 (c) The Supreme Court shall allot (i) the 3 resident
22 judgeships of the 17th circuit existing on April 7, 2005 as
23 they are or become vacant as provided in subsection (a-10) and
24 (ii) the one associate judgeship converted into a resident
25 judgeship of the 17th circuit as it is or becomes vacant as
26 provided in subsection (a-10), for election from the various

1 subcircuits until there is one resident judge to be elected
2 from each subcircuit. No resident or associate judge of the
3 17th circuit serving on the effective date of this amendatory
4 Act of the 93rd General Assembly shall be required to change
5 his or her residency in order to continue serving in office or
6 to seek retention or reappointment in office as resident
7 judgeships are allotted by the Supreme Court in accordance with
8 this Section.

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

15 (e) Vacancies in resident judgeships of the 17th circuit
16 shall be filled in the manner provided in Article VI of the
17 Illinois Constitution.

18 (Source: P.A. 95-610, eff. 9-11-07.)

19 (705 ILCS 35/2k new)

20 Sec. 2k. Additional 17th circuit resident judge. In
21 addition to the number of circuit judges otherwise authorized
22 by this Act, there shall be one additional judge elected in the
23 17th judicial circuit who shall be a resident of and elected
24 from Boone County. The additional resident circuit judgeship
25 created by this Section may be filled by appointment by the

1 Illinois Supreme Court until the judgeship is filled by
2 election beginning at the 2010 general election. The judgeship
3 provided by this Section shall not be a subcircuit judgeship. A
4 resident judge elected from Boone County under this Section
5 must continue to reside in Boone County as long as he or she
6 holds that office.

7 Section 99. Effective date. This Act takes effect July 1,
8 2009.