

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF
5 REPRESENTATIVES CONCURRING HEREIN, that there shall be
6 submitted to the electors of the State for adoption or
7 rejection at the general election next occurring at least 6
8 months after the adoption of this resolution a proposition to
9 amend Sections 1, 3, 4, 6, 10, 12, 16, and 18 of Article VI
10 of the Illinois Constitution to read as follows:

11 ARTICLE VI

12 (ILCON Art. VI, Sec. 1)

13 SECTION 1. COURTS

14 The judicial power is vested in a Supreme Court, a Court
15 of Criminal Appeals, an Appellate Court, and Circuit Courts.
16 (Source: Illinois Constitution.)

17 (ILCON Art. VI, Sec. 3)

18 SECTION 3. SUPREME COURT; COURT OF CRIMINAL APPEALS;
19 ORGANIZATION

20 (a) The Supreme Court shall consist of seven Judges.
21 Three shall be selected from the First Judicial District and
22 one from each of the other Judicial Districts. Four judges
23 constitute a quorum and the concurrence of four is necessary
24 for a decision. Supreme Court Judges shall select a Chief
25 Justice from their number to serve for a term of three years.

26 (b) The Court of Criminal Appeals shall consist of seven
27 Judges. The judges shall be appointed at large by the
28 Governor with the advice and consent of the Senate. Four
29 Judges constitute a quorum and the concurrence of four is
30 necessary for a decision. Court of Criminal Appeals Judges
31 shall select a Chief Justice from their number to serve for a

1 term of three years.

2 (Source: Illinois Constitution.)

3 (ILCON Art. VI, Sec. 4)

4 SECTION 4. SUPREME COURT; SUPREME COURT OF CRIMINAL APPEALS;
5 JURISDICTION

6 (a) The Supreme Court may exercise original jurisdiction
7 in civil cases relating to revenue, mandamus, prohibition or
8 habeas corpus and as may be necessary to the complete
9 determination of any civil case on review.

10 (b) ~~Appeals--from-judgments-of-Circuit-Courts-imposing-a~~
11 ~~sentence-of-death-shall-be-directly-to-the-Supreme-Court-as-a~~
12 ~~matter-of-right.~~ The Supreme Court shall provide by rule for
13 direct appeal from judgments of Circuit Courts to it in civil
14 ether cases.

15 (c) Appeals from the Appellate Court to the Supreme
16 Court are a matter of right if a question under the
17 Constitution of the United States or of this State in civil
18 cases arises for the first time in and as a result of the
19 action of the Appellate Court, or if a division of the
20 Appellate Court certifies that a civil case decided by it
21 involves a question of such importance that the case should
22 be decided by the Supreme Court. The Supreme Court may
23 provide by rule for appeals from the Appellate Court in other
24 civil cases.

25 (d) The Court of Criminal Appeals may exercise original
26 jurisdiction in criminal cases arising after the effective
27 date of this Constitutional Amendment relating to mandamus,
28 prohibition, or habeas corpus and as may be necessary to the
29 complete determination of any criminal cases on review,
30 except those criminal cases for which an appeal was filed
31 with the Supreme Court before the effective date of this
32 Constitutional Amendment, which cases shall be under the
33 jurisdiction of the Supreme Court.

1 Appeals from the Appellate Court to the Court of Criminal
2 Appeals are a matter of right if a question under the
3 Constitution of the United States or of this State in
4 criminal cases arises for the first time in and as a result
5 of the action of the Appellate Court, or if a division of the
6 Appellate Court certifies that a criminal case decided by it
7 involves a question of such importance that the case should
8 be decided by the Court of Criminal Appeals. The Court of
9 Criminal Appeals may provide by rule for appeals from the
10 Appellate Court in other criminal cases. Appeals from
11 judgments of Circuit Courts imposing a sentence of death
12 shall be directly to the Court of Criminal Appeals as a
13 matter of right. The Court of Criminal Appeals shall provide
14 by rule for direct appeal in other criminal cases.

15 (Source: Illinois Constitution.)

16 (ILCON Art. VI, Sec. 6)

17 SECTION 6. APPELLATE COURT - JURISDICTION

18 Appeals from final judgments of a Circuit Court are a
19 matter of right to the Appellate Court in the Judicial
20 District in which the Circuit Court is located except in
21 cases appealable directly to the Supreme Court or to the
22 Court of Criminal Appeals and except that after a trial on
23 the merits in a criminal case, there shall be no appeal from
24 a judgment of acquittal. The Supreme Court and the Court of
25 Criminal Appeals may each provide by rule for appeals to the
26 Appellate Court from other than final judgments of Circuit
27 Courts. The Appellate Court may exercise original
28 jurisdiction when necessary to the complete determination of
29 any case on review. The Appellate Court shall have such
30 powers of direct review of administrative action as provided
31 by law.

32 (Source: Illinois Constitution.)

1 (ILCON Art. VI, Sec. 10)

2 SECTION 10. TERMS OF OFFICE

3 The terms of office of Supreme and Appellate Court Judges
4 shall be ten years; of Circuit Judges, six years; and of
5 Associate Judges, four years. The terms of office of Court of
6 Criminal Appeals Judges shall be as provided by law.

7 (Source: Illinois Constitution.)

8 (ILCON Art. VI, Sec. 12)

9 SECTION 12. ELECTION AND RETENTION

10 (a) Supreme, Appellate and Circuit Judges shall be
11 nominated at primary elections or by petition. Judges shall
12 be elected at general or judicial elections as the General
13 Assembly shall provide by law. A person eligible for the
14 office of Judge may cause his name to appear on the ballot as
15 a candidate for Judge at the primary and at the general or
16 judicial elections by submitting petitions. The General
17 Assembly shall prescribe by law the requirements for
18 petitions.

19 (b) The office of a Judge shall be vacant upon his
20 death, resignation, retirement, removal, or upon the
21 conclusion of his term without retention in office. Whenever
22 an additional Appellate or Circuit Judge is authorized by
23 law, the office shall be filled in the manner provided for
24 filling a vacancy in that office.

25 (c) A vacancy occurring in the office of Supreme Court
26 Judge, Court of Criminal Appeals Judge, Appellate Judge, or
27 Circuit Judge shall be filled as the General Assembly may
28 provide by law. In the absence of a law, vacancies may be
29 filled by appointment by the Supreme Court, except a vacancy
30 occurring in the office of Court of Criminal Appeals Judge.
31 In the absence of a law, a vacancy occurring in the office of
32 Judge of the Court of Criminal Appeals may be filled by
33 appointment by the Court of Criminal Appeals. A person

1 appointed to fill a vacancy 60 or more days prior to the next
2 primary election to nominate Judges shall serve until the
3 vacancy is filled for a term at the next general or judicial
4 election. A person appointed to fill a vacancy less than 60
5 days prior to the next primary election to nominate Judges
6 shall serve until the vacancy is filled at the second general
7 or judicial election following such appointment.

8 (d) Not less than six months before the general election
9 preceding the expiration of his term of office, a Supreme,
10 Appellate or Circuit Judge who has been elected to that
11 office may file in the office of the Secretary of State a
12 declaration of candidacy to succeed himself. The Secretary of
13 State, not less than 63 days before the election, shall
14 certify the Judge's candidacy to the proper election
15 officials. The names of Judges seeking retention shall be
16 submitted to the electors, separately and without party
17 designation, on the sole question whether each Judge shall be
18 retained in office for another term. The retention elections
19 shall be conducted at general elections in the appropriate
20 Judicial District, for Supreme and Appellate Judges, and in
21 the circuit for Circuit Judges. The affirmative vote of
22 three-fifths of the electors voting on the question shall
23 elect the Judge to the office for a term commencing on the
24 first Monday in December following his election.

25 (e) A law reducing the number of Appellate or Circuit
26 Judges shall be without prejudice to the right of the Judges
27 affected to seek retention in office. A reduction shall
28 become effective when a vacancy occurs in the affected unit.

29 (Source: Illinois Constitution.)

30 (ILCON Art. VI, Sec. 16)

31 SECTION 16. ADMINISTRATION

32 General administrative and supervisory authority over all
33 courts is vested in the Supreme Court and shall be exercised

1 by the Chief Justice in accordance with its rules, except
 2 that the Court of Criminal Appeals shall have general
 3 administrative and supervisory authority over all courts in
 4 relation to criminal cases which shall be exercised by the
 5 Chief Justice of the Court of Criminal Appeals in accordance
 6 with its rules. The Supreme Court shall appoint an
 7 administrative director and staff, who shall serve at its
 8 pleasure, to assist the Chief Justice in his duties. The
 9 Supreme Court may assign a Judge temporarily to any court and
 10 an Associate Judge to serve temporarily as an Associate Judge
 11 on any Circuit Court. The Supreme Court shall provide by rule
 12 for expeditious and inexpensive appeals in civil cases. The
 13 Court of Criminal Appeals shall provide by rule for
 14 expeditious and inexpensive appeals in criminal cases.

15 (Source: Illinois Constitution.)

16 (ILCON Art. VI, Sec. 18)

17 SECTION 18. CLERKS OF COURTS

18 (a) The Supreme Court, the Court of Criminal Appeals,
 19 and the Appellate Court Judges of each Judicial District,
 20 respectively, shall appoint a clerk and other non-judicial
 21 officers for their Court or District.

22 (b) The General Assembly shall provide by law for the
 23 election, or for the appointment by Circuit Judges, of clerks
 24 and other non-judicial officers of the Circuit Courts and for
 25 their terms of office and removal for cause.

26 (c) The salaries of clerks and other non-judicial
 27 officers shall be as provided by law.

28 (Source: Illinois Constitution.)

29 SCHEDULE

30 This Amendment takes effect on the first Monday in
 31 December following the 2002 general election.