

AN ACT concerning courts.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

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

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

Section 2 of Article VI of the Illinois Constitution of 1970 divides the State into five Judicial Districts for the selection of Supreme and Appellate Court Judges, with Cook County comprising the First District and the remainder of the State "divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties." Further, Section 7 of Article VI provides that a Judicial Circuit must be located within one Judicial District, and also provides the First Judicial District is comprised of a judicial circuit and the remainder provided by law, subject to the requirement that Circuits composed of more than one county shall be compact and

of contiguous counties. The current Judicial District map was enacted in 1963.

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

Under this redistricting plan, the population, according to the American Community Survey, of the Second District will be 1,770,983; the Third District will be 1,950,349; the Fourth District will be 2,011,316; and the Fifth District will be 1,839,679. A similar substantially equitable result occurs using the 2010 U.S. Census data, the most recent decennial census data available at the time of this Act, with the population of the Second District being approximately 1,747,387; the Third District being 1,936,616; the Fourth District being 2,069,660; and the Fifth District being 1,882,294. Because of the constitutional requirement that a District be composed of whole counties, and given that actual population changes on a day-to-day basis, the populations are not and could never be exact, but the population of each of the four Districts created by this Act is substantially equal.

In addition to ensuring the population of the four

Districts are substantially equal, this Act complies with Section 7 of Article VI of the Illinois Constitution of 1970, which provides that the First Judicial District shall be comprised of a Judicial Circuit, and the remaining Judicial Circuits shall be provided by law, and Circuits comprised of more than one county shall be compact and of contiguous counties. To comply with Section 7 of Article VI and minimize disruption to the administration of the Judicial Branch, this Act avoids changing the compositions and boundaries of the Judicial Circuits, while simultaneously creating substantially equally populated, compact, and contiguous Judicial Districts.

To further avoid any interruption to the administration of the Judicial Branch, this Act does not require that the Supreme Court change where the Appellate Courts currently reside. By Supreme Court Rule, the Second District Appellate Court currently sits in Elgin; the Third District Appellate Court currently sits in Ottawa; the Fourth District Appellate Court currently sits in Springfield; and the Fifth District Appellate Court currently sits in Mt. Vernon. Under this Act, the Supreme Court is not required to change where the Appellate Courts sit as those cities remain in the Second, Third, Fourth, and Fifth District respectively.

To ensure continuity of service and compliance with the Illinois Constitution of 1970, nothing in this Act is intended to affect the tenure of any Appellate or Supreme Court Judge elected or appointed prior to the effective date of this Act.

In accordance with the Constitution, no change in the boundaries shall affect an incumbent judge's qualification for office or right to run for retention. Incumbent judges have the right to run for retention in the counties comprising the District that elected the judge, or in the counties comprising the new District where the judge resides, as the judge may elect. As provided by the Constitution, upon a vacancy in an elected Supreme or Appellate Court office, the Supreme Court may fill the vacancy until the vacancy is filled in the next general election in the counties comprising the District created by this Act.

Further, nothing in this Act is intended to alter or impair the ability of the Supreme Court to fulfill its obligations to ensure the proper administration of the Judicial Branch. For example, it remains within the purview of the Supreme Court to assign or reassign any judge to any court or determine assignment of additional judges to the Appellate Court. Section 1 of the Appellate Act provides that the "Supreme Court may assign additional judges to service in the Appellate Court from time to time as the business of the Appellate Court requires." Currently the Supreme Court has three judges on assignment to the Second District Appellate Court, whereas one judge is on assignment to the Third, Fourth, and Fifth Districts. Nothing in this Act seeks to alter any judicial assignments.

Finally, it is the intent of the General Assembly that any

appealable order, as defined by Supreme Court Rules, entered prior to the effective date of this Act shall be subject to judicial review by the Judicial District in effect on the date the order was entered; however, the administrative and supervisory authority of the courts remains within the purview of the Supreme Court.

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

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

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

Section 25. Beginning on the effective date of this Act, the Fourth Judicial District consists of the counties of Jo Daviess, Stephenson, Carroll, Ogle, Lee, Winnebago, Boone, Mercer, Rock Island, Whiteside, Henry, Stark, Putnam, Marshall, Peoria, Tazewell, Adams, Pike, Calhoun, Schuyler, Brown, Cass, Mason, Menard, Morgan, Scott, Greene, Jersey, Macoupin, Sangamon, Logan, McLean, Woodford, Livingston, Ford, Henderson, Warren, Knox, Fulton, McDonough and Hancock.

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

Section 35. Current Members of the Judiciary. Nothing in this Act shall affect the tenure of any Appellate or Supreme Court Judge serving on the effective date of this Act. No Appellate or Supreme Court Judge serving on the effective date of this Act shall be required to change his or her residency in order to continue serving in office or to seek retention or reappointment in office. Any Appellate or Supreme Court Judge elected to that office prior to the effective date of this Act who files to run for retention after the effective date of this Act shall have the right to seek retention in the district the Judge was elected from or seek retention in the district created by this Act. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials.

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

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

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

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

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

(Source: Laws 1963, p. 929.)

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

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

Sec. 3. Prior to the effective date of this amendatory Act of the 102nd General Assembly, the ~~The~~ Third Judicial District consists of the counties of Mercer, Rock Island, Whiteside, Henry, Bureau, LaSalle, Grundy, Stark, Putnam, Marshall,

Peoria, Tazewell, Will, Kankakee, Iroquois, Henderson, Warren, Knox, Fulton, McDonough and Hancock.

(Source: Laws 1963, p. 929.)

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

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

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

(Source: Laws 1963, p. 929.)

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

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

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

(Source: Laws 1963, p. 929.)

(705 ILCS 21/Act rep.)



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

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