

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 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
17 substantially equal population, each of which shall be compact
18 and composed of contiguous counties." Further, Section 7 of
19 Article VI provides that a Judicial Circuit must be located
20 within one Judicial District, and also provides the First
21 Judicial District is comprised of a judicial circuit and the
22 remainder provided by law, subject to the requirement that
23 Circuits composed of more than one county shall be compact and

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

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

11 Under this redistricting plan, the population, according
12 to the American Community Survey, of the Second District will
13 be 1,770,983; the Third District will be 1,950,349; the Fourth
14 District will be 2,011,316; and the Fifth District will be
15 1,839,679. A similar substantially equitable result occurs
16 using the 2010 U.S. Census data, the most recent decennial
17 census data available at the time of this Act, with the
18 population of the Second District being approximately
19 1,747,387; the Third District being 1,936,616; the Fourth
20 District being 2,069,660; and the Fifth District being
21 1,882,294. Because of the constitutional requirement that a
22 District be composed of whole counties, and given that actual
23 population changes on a day-to-day basis, the populations are
24 not and could never be exact, but the population of each of the
25 four Districts created by this Act is substantially equal.

26 In addition to ensuring the population of the four

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (705 ILCS 20/2) (from Ch. 37, par. 1.2)

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

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

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

16 (705 ILCS 20/3) (from Ch. 37, par. 1.3)

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

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

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

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

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

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

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

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

15 (705 ILCS 20/5) (from Ch. 37, par. 1.5)

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

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

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

23 (705 ILCS 21/Act rep.)

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

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