



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1608

Introduced 2/26/2021, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

705 ILCS 35/2	from Ch. 37, par. 72.2
705 ILCS 35/2f	from Ch. 37, par. 72.2f
705 ILCS 40/2	from Ch. 37, par. 72.42
705 ILCS 45/2	from Ch. 37, par. 160.2

Amends the Circuit Courts Act, the Judicial Vacancies Act, and the Associate Judges Act. Increases the number of resident judges in Cook County from 165 to 270, the new judges to replace vacating judges as vacancies occur in Cook County circuit judgeships and associate judgeships. Reduces the number of circuit judges in Cook County by 94 as vacancies occur on and after the effective date of the amendatory Act. Reduces the number of associate judges in Cook County by 11 as vacancies occur on and after the effective date of the amendatory Act. Provides that resident judgeship vacancies shall be filled by appointment by the Supreme Court. Effective immediately.

LRB102 15241 LNS 20596 b

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 Sections 2 and 2f as follows:

6 (705 ILCS 35/2) (from Ch. 37, par. 72.2)

7 Sec. 2. Circuit judges shall be elected at the general
8 elections and for terms as provided in Article VI of the
9 Illinois Constitution. Ninety-four circuit judges shall be
10 elected in the Circuit of Cook County prior to the effective
11 date of this amendatory Act of the 102nd General Assembly, and
12 for each vacancy that exists on or occurs on or after the
13 effective date of this amendatory Act of the 102nd General
14 Assembly, that number shall be reduced by one until the 94
15 circuit judgeships have been allocated to subcircuits, and 3
16 circuit judges shall be elected in each of the other circuits
17 except as provided in this Section. In circuits other than
18 Cook County containing a population of 230,000 or more
19 inhabitants and in which there is included a county containing
20 a population of 200,000 or more inhabitants, or in circuits
21 other than Cook County containing a population of 270,000 or
22 more inhabitants, according to the last preceding federal
23 census and in the circuit where the seat of State government is

1 situated at the time fixed by law for the nomination of judges
2 of the Circuit Court in such circuit and in any circuit which
3 meets the requirements set out in Section 2a of this Act, 4
4 circuit judges shall be elected in the manner provided by law.
5 In circuits other than Cook County in which each county in the
6 circuit has a population of 475,000 or more, 4 circuit judges
7 shall be elected in addition to the 4 circuit judges provided
8 for in this Section. In any circuit composed of 2 counties
9 having a total population of 350,000 or more, one circuit
10 judge shall be elected in addition to the 4 circuit judges
11 provided for in this Section.

12 Any additional circuit judgeships in the 19th and 22nd
13 judicial circuits resulting by operation of this Section shall
14 be filled, if at all, at the general election in 2006 only as
15 provided in Section 2f-1. Thereafter, however, this Section
16 shall not apply to the determination of the number of circuit
17 judgeships in the 19th and 22nd judicial circuits. The number
18 of circuit judgeships in the 19th judicial circuit shall be
19 determined thereafter in accordance with Section 2f-1 and
20 Section 2f-2 and shall be reduced in accordance with those
21 Sections. The number of circuit judgeships in the 22nd
22 judicial circuit shall be determined thereafter in accordance
23 with Section 2f-1 and Section 2f-5 and shall be reduced in
24 accordance with those Sections.

25 Notwithstanding the provisions of this Section or any
26 other law, the number of at large judgeships of the 12th

1 judicial circuit may be reduced as provided in subsections
2 (a-10) and (a-15) of Section 2f-4.

3 In the 23rd judicial circuit, there shall be no at large
4 circuit judgeships and only resident circuit judges shall be
5 elected as provided in Sections 2f-10 and 2f-11.

6 The several judges of the circuit courts of this State,
7 before entering upon the duties of their office, shall take
8 and subscribe the following oath or affirmation, which shall
9 be filed in the office of the Secretary of State:

10 "I do solemnly swear (or affirm, as the case may be) that I
11 will support the constitution of the United States, and the
12 constitution of the State of Illinois, and that I will
13 faithfully discharge the duties of judge of.... court,
14 according to the best of my ability."

15 One of the 3 additional circuit judgeships authorized by
16 this amendatory Act in circuits other than Cook County in
17 which each county in the circuit has a population of 475,000 or
18 more may be filled when this Act becomes law. The 2 remaining
19 circuit judgeships in such circuits shall not be filled until
20 on or after July 1, 1977.

21 (Source: P.A. 96-108, eff. 7-30-09; 97-1069, eff. 8-24-12.)

22 (705 ILCS 35/2f) (from Ch. 37, par. 72.2f)

23 Sec. 2f. (a) The Circuit of Cook County shall be divided
24 into 15 units to be known as subcircuits. The subcircuits
25 shall be compact, contiguous, and substantially equal in

1 population. The General Assembly shall create the subcircuits
2 by law on or before July 1, 1991, using population data as
3 determined by the 1990 Federal census.

4 (a-5) In 2021, the General Assembly shall redraw the
5 boundaries of the subcircuits to reflect the results of the
6 2020 federal decennial census. The General Assembly shall
7 redraw the subcircuit boundaries after every federal decennial
8 census. The subcircuits shall be compact, contiguous, and
9 substantially equal in population. In accordance with
10 subsection (d), a resident judgeship assigned to a subcircuit
11 shall continue to be assigned to that subcircuit. Any vacancy
12 in a resident judgeship existing on or occurring after the
13 effective date of a law redrawing the boundaries of the
14 subcircuits shall be filled by a resident of the redrawn
15 subcircuit.

16 (b) The 270 ~~165~~ resident judges to be elected from the
17 Circuit of Cook County shall be determined under paragraph (4)
18 of subsection (a) of Section 2 of the Judicial Vacancies Act.

19 (c) The Supreme Court shall allot (i) the additional
20 resident judgeships provided by paragraph (4) of subsection
21 (a) of Section 2 of the Judicial Vacancies Act and (ii) all
22 vacancies in resident judgeships existing on or occurring on
23 or after February 15, 1991 ~~the effective date of this~~
24 ~~amendatory Act of 1990~~, with respect to the other resident
25 judgeships of the Circuit of Cook County, for election from
26 the various subcircuits until there are 18 ~~11~~ resident judges

1 to be elected from each of the 15 subcircuits (for a total of
2 270 ~~165~~). A resident judgeship authorized before February 15,
3 1991 ~~the effective date of this amendatory Act of 1990~~ that
4 became vacant and was filled by appointment by the Supreme
5 Court before February 15, 1991 ~~that effective date~~ shall be
6 filled by election at the general election in November of 1992
7 from the unit of the Circuit of Cook County within Chicago or
8 the unit of that Circuit outside Chicago, as the case may be,
9 in which the vacancy occurred.

10 (d) As soon as practicable after the subcircuits are
11 created by law, the Supreme Court shall determine by lot a
12 numerical order for the 15 subcircuits. That numerical order
13 shall be the basis for the order in which resident judgeships
14 are assigned to the subcircuits. After the first round of
15 assignments, the second and all later rounds shall be based on
16 the same numerical order. Once a resident judgeship is
17 assigned to a subcircuit, it shall continue to be assigned to
18 that subcircuit for all purposes.

19 (e) A resident judge elected from a subcircuit shall
20 continue to reside in that subcircuit as long as he or she
21 holds that office. A resident judge elected from a subcircuit
22 after January 1, 2008, must retain residency as a registered
23 voter in the subcircuit to run for retention from the circuit
24 at large thereafter.

25 (Source: P.A. 101-477, eff. 6-1-20.)

1 Section 10. The Judicial Vacancies Act is amended by
2 changing Section 2 as follows:

3 (705 ILCS 40/2) (from Ch. 37, par. 72.42)

4 Sec. 2. (a) Except as provided in paragraphs (1), (2),
5 (3), (4), and (5) of this subsection (a), vacancies in the
6 office of a resident circuit judge in any county or in any unit
7 or subcircuit of any circuit shall not be filled.

8 (1) If in any county of less than 45,000 inhabitants
9 there remains in office no other resident judge following
10 the occurrence of a vacancy, such vacancy shall be filled.

11 (2) If in any county of 45,000 or more but less than
12 60,000 inhabitants there remains in office only one
13 resident judge following the occurrence of a vacancy, such
14 vacancy shall be filled.

15 (3) If in any county of 60,000 or more inhabitants,
16 other than the County of Cook or as provided in paragraph
17 (5), there remain in office no more than 2 resident judges
18 following the occurrence of a vacancy, such vacancy shall
19 be filled.

20 (4) The County of Cook shall have 270 ~~165~~ resident
21 judges on and after the effective date of this amendatory
22 Act of the 102nd General Assembly 1990. Of those resident
23 judgeships, (i) 56 shall be those authorized before
24 February 15, 1991 ~~the effective date of this amendatory~~
25 ~~Act of 1990~~ from the unit of the Circuit of Cook County

1 within Chicago, (ii) 27 shall be those authorized before
2 February 15, 1991 ~~the effective date of this amendatory~~
3 ~~Act of 1990~~ from the unit of the Circuit of Cook County
4 outside Chicago, (iii) 12 shall be additional resident
5 judgeships first elected at the general election in
6 November of 1992, (iv) 10 shall be additional resident
7 judgeships first elected at the general election in
8 November of 1994, ~~and~~ (v) 60 shall be additional resident
9 judgeships to be authorized one each for each reduction
10 upon vacancy in the office of associate judge in the
11 Circuit of Cook County as those vacancies exist or occur
12 on and after February 15, 1991 ~~the effective date of this~~
13 ~~amendatory Act of 1990~~ and as those vacancies are
14 determined under subsection (b) of Section 2 of the
15 Associate Judges Act until the total resident judgeships
16 authorized under this item (v) is 60, (vi) 11 shall be
17 additional resident judgeships to be authorized one each
18 for each reduction upon vacancy in the office of associate
19 judge in the Circuit of Cook County as those vacancies
20 exist or occur on and after the effective date of this
21 amendatory Act of the 102nd General Assembly and as those
22 vacancies are determined under subsection (b) of Section 2
23 of the Associate Judges Act until the total resident
24 judgeships authorized under this item (vi) is 11, and
25 (vii) 94 shall be additional resident judgeships to be
26 authorized one each for each reduction upon vacancy in the

1 office of circuit judge in the Circuit of Cook County as
2 those vacancies exist or occur on and after the effective
3 date of this amendatory Act of the 102nd General Assembly
4 and as those vacancies are determined under Section 2 of
5 the Circuit Courts Act until the total resident judgeships
6 authorized under this item (vii) is 94. Seven of the 12
7 additional resident judgeships provided in item (iii) may
8 be filled by appointment by the Supreme Court during the
9 period beginning on February 15, 1991 ~~the effective date~~
10 ~~of this amendatory Act of 1990~~ and ending 60 days before
11 the primary election in March of 1992; those judicial
12 appointees shall serve until the first Monday in December
13 of 1992. Five of the 12 additional resident judgeships
14 provided in item (iii) may be filled by appointment by the
15 Supreme Court during the period beginning July 1, 1991 and
16 ending 60 days before the primary election in March of
17 1992; those judicial appointees shall serve until the
18 first Monday in December of 1992. Five of the 10
19 additional resident judgeships provided in item (iv) may
20 be filled by appointment by the Supreme Court during the
21 period beginning July 1, 1992 and ending 60 days before
22 the primary election in March of 1994; those judicial
23 appointees shall serve until the first Monday in December
24 of 1994. The remaining 5 of the 10 additional resident
25 judgeships provided in item (iv) may be filled by
26 appointment by the Supreme Court during the period

1 beginning July 1, 1993 and ending 60 days before the
2 primary election in March of 1994; those judicial
3 appointees shall serve until the first Monday in December
4 1994. The additional resident judgeships created upon
5 vacancy in the office of associate judge provided in item
6 (v) may be filled by appointment by the Supreme Court
7 beginning on February 15, 1991, and the additional
8 resident judgeships created upon vacancy in the office of
9 associate judge provided in item (vi) and in the office of
10 the circuit judge provided in item (vii) may be filled by
11 appointment by the Supreme Court beginning on the
12 effective date of this amendatory Act of the 102nd General
13 Assembly ~~the effective date of this amendatory Act of~~
14 ~~1990~~; but no additional resident judgeships created upon
15 vacancy in the office of associate judge provided in item
16 (v) shall be filled during the 59 day period before the
17 next primary election to nominate judges. The Circuit of
18 Cook County shall be divided into units to be known as
19 subcircuits as provided in Section 2f of the Circuit
20 Courts Act. A vacancy in the office of resident judge of
21 the Circuit of Cook County existing on or occurring on or
22 after February 15, 1991 ~~the effective date of this~~
23 ~~amendatory Act of 1990~~, but before the date the
24 subcircuits are created by law, shall be filled by
25 appointment by the Supreme Court from the unit within
26 Chicago or the unit outside Chicago, as the case may be, in

1 which the vacancy occurs and filled by election from the
2 subcircuit to which it is allotted under Section 2f of the
3 Circuit Courts Act. A vacancy in the office of resident
4 judge of the Circuit of Cook County existing on or
5 occurring on or after the date the subcircuits are created
6 by law shall be filled by appointment by the Supreme Court
7 and by election from the subcircuit to which it is
8 allotted under Section 2f of the Circuit Courts Act.

9 (5) Notwithstanding paragraphs (1), (2), and (3) of
10 this subsection (a), resident judges in the 12th, 16th,
11 17th, 19th, 22nd, and 23rd judicial circuits are as
12 provided in Sections 2f-1, 2f-2, 2f-4, 2f-5, 2f-6, 2f-9,
13 and 2f-10 of the Circuit Courts Act.

14 (b) Nothing in paragraphs (2) or (3) of subsection (a) of
15 this Section shall be construed to require or permit in any
16 county a greater number of resident judges than there were
17 resident associate judges on January 1, 1967.

18 (c) Vacancies authorized to be filled by this Section 2
19 shall be filled in the manner provided in Article VI of the
20 Constitution.

21 (d) A person appointed to fill a vacancy in the office of
22 circuit judge shall be, at the time of appointment, a resident
23 of the subcircuit from which the person whose vacancy is being
24 filled was elected if the vacancy occurred in a circuit
25 divided into subcircuits. If a vacancy in the office of
26 circuit judge occurred in a circuit not divided into

1 subcircuits, a person appointed to fill the vacancy shall be,
2 at the time of appointment, a resident of the circuit from
3 which the person whose vacancy is being filled was elected.
4 Except as provided in Sections 2f-1, 2f-2, 2f-4, 2f-5, 2f-6,
5 and 2f-9 of the Circuit Courts Act, if a vacancy occurred in
6 the office of a resident circuit judge, a person appointed to
7 fill the vacancy shall be, at the time of appointment, a
8 resident of the county from which the person whose vacancy is
9 being filled was elected.

10 (Source: P.A. 98-744, eff. 7-16-14.)

11 Section 15. The Associate Judges Act is amended by
12 changing Section 2 as follows:

13 (705 ILCS 45/2) (from Ch. 37, par. 160.2)

14 Sec. 2. (a) The maximum number of associate judges
15 authorized for each circuit is the greater of the applicable
16 minimum number specified in this Section or one for each
17 35,000 or fraction thereof in population as determined by the
18 last preceding Federal census, except for circuits with a
19 population of more than 3,000,000 where the maximum number of
20 associate judges is one for each 29,000 or fraction thereof in
21 population as determined by the last preceding federal census,
22 reduced in circuits of less than 200,000 inhabitants by the
23 number of resident circuit judges elected in the circuit in
24 excess of one per county. In addition, in circuits of

1 1,000,000 or more inhabitants, there shall be one additional
2 associate judge authorized for each municipal district of the
3 circuit court. The number of associate judges to be appointed
4 in each circuit, not to exceed the maximum authorized, shall
5 be determined from time to time by the Circuit Court. The
6 minimum number of associate judges authorized for any circuit
7 consisting of a single county shall be 14, except that the
8 minimum in the 22nd circuit shall be 8 and except that the
9 minimum in the 19th circuit on and after December 4, 2006 shall
10 be 20. The minimum number of associate judges authorized for
11 any circuit consisting of 2 counties with a combined
12 population of at least 275,000 but less than 300,000 shall be
13 10. The minimum number of associate judges authorized for any
14 circuit with a population of at least 303,000 but not more than
15 309,000 shall be 10. The minimum number of associate judges
16 authorized for any circuit with a population of at least
17 329,000, but not more than 349,999 shall be 11. The minimum
18 number of associate judges authorized for any circuit with a
19 population of at least 173,000 shall be 5. As used in this
20 Section, the term "resident circuit judge" has the meaning
21 given it in the Judicial Vacancies Act.

22 (b) The maximum number of associate judges authorized
23 under subsection (a) for a circuit with a population of more
24 than 3,000,000 shall be reduced as provided in this subsection
25 (b). For each vacancy that exists on or occurs on or after
26 February 15, 1991 ~~the effective date of this amendatory Act of~~

1 ~~1990~~, that maximum number shall be reduced by one until the
2 total number of associate judges authorized under subsection
3 (a) is reduced by 60. Additionally, for each vacancy that
4 exists on or occurs on or after the effective date of this
5 amendatory Act of the 102nd General Assembly, that maximum
6 number shall be reduced by one until the total number of
7 associate judges authorized under subsection (a) is reduced by
8 11. A vacancy exists or occurs when an associate judge dies,
9 resigns, retires, is removed, or is not reappointed upon
10 expiration of his or her term; a vacancy does not exist or
11 occur at the expiration of a term if the associate judge is
12 reappointed.

13 (c) The maximum number of associate judges authorized
14 under subsection (a) for the 17th judicial circuit shall be
15 reduced as provided in this subsection (c). Due to the vacancy
16 that exists on or after the effective date of this amendatory
17 Act of the 93rd General Assembly in the associate judgeship
18 that is converted into a resident judgeship under subsection
19 (a-10) of Section 2f-6 of the Circuit Courts Act, the maximum
20 number of judges authorized under subsection (a) of this
21 Section shall be reduced by one. A vacancy exists or occurs
22 when an associate judge dies, resigns, retires, is removed, or
23 is not reappointed upon expiration of his or her term; a
24 vacancy does not exist or occur at the expiration of a term if
25 the associate judge is reappointed.

26 (d) The maximum number of associate judges authorized

1 under subsection (a) for the 23rd judicial circuit shall be
2 reduced as provided in this subsection (d). Due to the vacancy
3 that exists on or after the effective date of this amendatory
4 Act of the 98th General Assembly in the associate judgeship
5 that is converted into a resident judgeship under subsection
6 (k) of Section 2f-10 of the Circuit Courts Act, the maximum
7 number of judges authorized under subsection (a) of this
8 Section shall be reduced by one.

9 (Source: P.A. 98-744, eff. 7-16-14; 99-520, eff. 6-30-16.)

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