

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-THIRD 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 the Illinois Constitution by changing Section 14 of and
10 adding Section 14.5 to Article IV, changing Section 6 of
11 Article V, and changing Section 15 of Article VI as follows:

12 ARTICLE IV
13 THE LEGISLATURE

14 (ILCON Art. IV, Sec. 14)

15 SECTION 14. IMPEACHMENT

16 The House of Representatives of the General Assembly has
17 the sole power to conduct legislative investigations to
18 determine the existence of cause for impeachment and, by the
19 vote of a majority of the members elected, to impeach
20 Executive and Judicial officers. Impeachments shall be tried
21 by the Senate. When sitting for that purpose, Senators shall
22 be upon oath, or affirmation, to do justice according to law.
23 If the Governor is tried, the Chief Justice of the Supreme
24 Court shall preside. No person shall be convicted without the
25 concurrence of two-thirds of the Senators elected. Judgment
26 shall not extend beyond removal from office and
27 disqualification to hold any public office of this State. An
28 impeached officer, whether convicted or acquitted, shall be
29 liable to prosecution, trial, judgment and punishment
30 according to law.

31 (Source: Illinois Constitution.)

1 (ILCON Art. IV, Sec. 14.5 new)

2 SECTION 14.5. RECALL OF GENERAL ASSEMBLY MEMBERS

3 ARTICLE V

4 THE EXECUTIVE

5 (ILCON Art. V, Sec. 6)

6 SECTION 6. GUBERNATORIAL SUCCESSION

7 (a) In the event of a vacancy, the order of succession
8 to the office of Governor of Illinois or to the position of
9 Acting Governor shall be the Lieutenant Governor, the elected
10 Attorney General, the elected Secretary of State, and then as
11 provided by law.

12 (b) If the Governor is unable to serve because of death,
13 conviction on impeachment, failure to qualify, resignation or
14 other disability, the office of Governor shall be filled by
15 the officer next in line of succession for the remainder of
16 the term or until the disability is removed.

17 (c) Whenever the Governor determines that he may be
18 seriously impeded in the exercise of his powers, he shall so
19 notify the Secretary of State and the officer next in line of
20 succession. The latter shall thereafter become Acting
21 Governor with the duties and powers of Governor. When the
22 Governor is prepared to resume office, he shall do so by
23 notifying the Secretary of State and the Acting Governor.

24 (d) The General Assembly by law shall specify by whom
25 and by what procedures the ability of the Governor to serve
26 or to resume office may be questioned and determined. The
27 Supreme Court shall have original and exclusive jurisdiction
28 to review such a law and any such determination and, in the
29 absence of such a law, shall make the determination under
30 such rules as it may adopt.

31 (Source: Illinois Constitution.)

32 ARTICLE VI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

THE JUDICIARY

(ILCON Art. VI, Sec. 15)

SECTION 15. RETIREMENT - DISCIPLINE

(a) The General Assembly of Illinois may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his or her consent, may be assigned by the Supreme Court to judicial service for which he or she shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be

1 confidential except the filing of a complaint with the Courts
2 Commission. The Board shall prosecute the complaint.

3 (d) The Board shall adopt rules governing its
4 procedures. It shall have subpoena power and authority to
5 appoint and direct its staff. Members of the Board who are
6 not Judges shall receive per diem compensation and necessary
7 expenses; members who are Judges shall receive necessary
8 expenses only. The General Assembly by law shall appropriate
9 funds for the operation of the Board.

10 (e) An independent Courts Commission is created
11 consisting of one Supreme Court Judge selected by that Court
12 as a member and one as an alternate, two Appellate Court
13 Judges selected by that Court as members and three as
14 alternates, two Circuit Judges selected by the Supreme Court
15 as members and three as alternates, and two citizens selected
16 by the Governor as members and two as alternates. Members and
17 alternates who are Appellate Court Judges must each be from a
18 different Judicial District. Members and alternates who are
19 Circuit Judges must each be from a different Judicial
20 District. Members and alternates of the Commission shall not
21 be members of the Judicial Inquiry Board. The members of the
22 Commission shall select a chairperson to serve a two-year
23 term.

24 The Commission shall be convened permanently to hear
25 complaints filed by the Judicial Inquiry Board. The
26 Commission shall have authority after notice and public
27 hearing, (1) to remove from office, suspend without pay,
28 censure or reprimand a Judge or Associate Judge for willful
29 misconduct in office, persistent failure to perform his or
30 her duties, or other conduct that is prejudicial to the
31 administration of justice or that brings the judicial office
32 into disrepute, or (2) to suspend, with or without pay, or
33 retire a Judge or Associate Judge who is physically or
34 mentally unable to perform his or her duties.

1 (f) The concurrence of four members of the Commission
2 shall be necessary for a decision. The decision of the
3 Commission shall be final.

4 (g) The Commission shall adopt comprehensive rules to
5 ensure that its procedures are fair and appropriate. These
6 rules and any amendments shall be public and filed with the
7 Secretary of State at least 30 days before becoming
8 effective.

9 (h) A member of the Commission shall disqualify himself
10 or herself, or the other members of the Commission shall
11 disqualify a member, with respect to any proceeding in which
12 disqualification or recusal would be required of a Judge
13 under rules of the Supreme Court, under rules of the
14 Commission, or by law.

15 If a Supreme Court Judge is the subject of a proceeding,
16 then there shall be no Supreme Court Judge sitting as a
17 member of the Commission with respect to that proceeding.
18 Instead, an alternate Appellate Court Judge not from the same
19 Judicial District as the subject Supreme Court Judge shall
20 replace the subject Supreme Court Judge. If a member who is
21 an Appellate Court Judge is the subject of a proceeding, then
22 an alternate Appellate Court Judge shall replace the subject
23 Appellate Court Judge. If an Appellate Court Judge who is not
24 a member is the subject of a proceeding and an Appellate
25 Court Judge from the same Judicial District is a member, then
26 an alternate Appellate Court Judge shall replace that member.
27 If a member who is a Circuit Judge is the subject of a
28 proceeding, then an alternate Circuit Judge shall replace the
29 subject Circuit Judge. If a Circuit Judge who is not a member
30 is the subject of a proceeding and a Circuit Judge from the
31 same Judicial District is a member, then an alternate Circuit
32 Judge shall replace that member.

33 If a member of the Commission is disqualified under this
34 Section with respect to any proceeding, that member shall be

1 replaced by an alternate on a rotating basis in a manner
2 provided by rule of the Commission. The alternate shall act
3 as member of the Commission with respect to that proceeding
4 only.

5 (i) The Commission shall have power to issue subpoenas.

6 (j) Members and alternates of the Commission who are not
7 Judges shall receive per diem compensation and necessary
8 expenses; members and alternates who are Judges shall receive
9 necessary expenses only. The General Assembly shall provide
10 by law for the expenses and compensation of the Commission.

11 (Source: Amendment adopted at general election November 3,
12 1998.)

13 SCHEDULE

14 This Constitutional Amendment takes effect upon being
15 declared adopted in accordance with Section 7 of the Illinois
16 Constitutional Amendment Act.