



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1635

Introduced 2/23/2005, by Sen. Dave Syverson - J. Bradley Burzynski

SYNOPSIS AS INTRODUCED:

40 ILCS 5/18-127	from Ch. 108 1/2, par. 18-127
705 ILCS 45/2.1	from Ch. 37, par. 160.2-1
705 ILCS 45/3	from Ch. 37, par. 160.3

Amends the Associate Judges Act. Provides that the chief judge of any circuit may petition the Supreme Court to appoint temporary contractual judges. Provides that if the listed factors are met and there has been shown to be adequate local or State funding, then the Supreme Court may authorize the appointment of one or more temporary contractual judges to help with the backlog of cases. Provides that the temporary contractual judge appointments shall be made from persons who have previously served as associate judges and whose terms have expired. Excepts temporary contractual judges from the retirement age provisions. Amends the Pension Code. Exempts associate judges who have been appointed as temporary contractual judges from the suspension of their retirement annuity payments. Effective immediately.

LRB094 05701 LCB 35752 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 Illinois Pension Code is amended by changing
5 Section 18-127 as follows:

6 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

7 Sec. 18-127. Retirement annuity - suspension on
8 reemployment.

9 (a) A participant receiving a retirement annuity who is
10 regularly employed for compensation by an employer other than a
11 county, in any capacity, shall have his or her retirement
12 annuity payments suspended during such employment. Upon
13 termination of such employment, retirement annuity payments at
14 the previous rate shall be resumed.

15 If such a participant resumes service as a judge, he or she
16 shall receive credit for any additional service. Upon
17 subsequent retirement, his or her retirement annuity shall be
18 the amount previously granted, plus the amount earned by the
19 additional judicial service under the provisions in effect
20 during the period of such additional service. However, if the
21 participant was receiving the maximum rate of annuity at the
22 time of re-employment, he or she may elect, in a written
23 direction filed with the board, not to receive any additional
24 service credit during the period of re-employment. In such
25 case, contributions shall not be required during the period of
26 re-employment. Any such election shall be irrevocable.

27 (b) Beginning January 1, 1991, any participant receiving a
28 retirement annuity who accepts temporary employment from an
29 employer other than a county for a period not exceeding 75
30 working days in any calendar year shall not be deemed to be
31 regularly employed for compensation or to have resumed service
32 as a judge for the purposes of this Article. A day shall be

1 considered a working day if the annuitant performs on it any of
2 his duties under the temporary employment agreement.

3 (c) Except as provided in subsection (a), beginning January
4 1, 1993, retirement annuities shall not be subject to
5 suspension upon resumption of employment for an employer, and
6 any retirement annuity that is then so suspended shall be
7 reinstated on that date.

8 (d) The changes made in this Section by this amendatory Act
9 of 1993 shall apply to judges no longer in service on its
10 effective date, as well as to judges serving on or after that
11 date.

12 (e) A participant receiving a retirement annuity under this
13 Article who serves as a part-time employee in any of the
14 following positions: Legislative Inspector General, Special
15 Legislative Inspector General, employee of the Office of the
16 Legislative Inspector General, Executive Director of the
17 Legislative Ethics Commission, ~~or~~ staff of the Legislative
18 Ethics Commission, or associate judges who have been appointed
19 as temporary contractual judges to help alleviate any existing
20 backlog of cases as provided in Section 2.1 of the Associate
21 Judges Act, but has not elected to participate in the Article
22 14 System with respect to that service, shall not be deemed to
23 be regularly employed for compensation by an employer other
24 than a county, nor to have resumed service as a judge, on the
25 basis of that service, and the retirement annuity payments and
26 other benefits of that person under this Code shall not be
27 suspended, diminished, or otherwise impaired solely as a
28 consequence of that service. This subsection (e) applies
29 without regard to whether the person is in service as a judge
30 under this Article on or after the effective date of this
31 amendatory Act of the 93rd General Assembly. In this
32 subsection, a "part-time employee" is a person who is not
33 required to work at least 35 hours per week.

34 (Source: P.A. 93-685, eff. 7-8-04.)

35 Section 10. The Associate Judges Act is amended by changing

1 Sections 2.1 and 3 as follows:

2 (705 ILCS 45/2.1) (from Ch. 37, par. 160.2-1)

3 Sec. 2.1. If the maximum number of associate judges
4 authorized under Section 2 of this Act is appointed, and the
5 chief judge of the circuit considers the number of associate
6 judges inadequate, additional associate judges may be
7 appointed as provided in this Section 2.1.

8 The chief judge of the circuit in which it is desired to
9 appoint one or more additional associate or temporary
10 contractual judges shall file in writing a petition with the
11 Supreme Court listing the reasons such circuit needs the
12 additional associate or temporary contractual judge and
13 detailing what use will be made of each such associate or
14 temporary contractual judge. The Supreme Court shall determine
15 whether a clear need exists for the additional associate or
16 temporary contractual judges. The Supreme Court shall consider
17 the following factors in making its determination: (1) case
18 loads in the circuit; (2) the number of associate judges,
19 resident circuit judges, temporary contractual, and circuit
20 judges in the circuit; (3) the number and location in the
21 circuit of major federal and state highways; (4) the location
22 in the circuit of state police highway truck weighing stations;
23 (5) the relationship of urban population to large metropolitan
24 centers in the various counties of the circuit; (6) the
25 location in the circuit of state institutions including, but
26 not limited to, universities, mental health facilities and
27 penitentiaries; (7) any other factor deemed relevant by the
28 Supreme Court.

29 If the Supreme Court finds that the factors listed of this
30 Section 2.1 are met and there has been shown to be adequate
31 local or State funding, then the Supreme Court may authorize
32 the chief judge of the circuit to appoint one or more temporary
33 contractual judges to help with the backlog of cases. The
34 temporary contractual judge appointments shall be made from
35 persons who have previously served as associate judges and

1 whose terms have expired.

2 The Supreme Court shall either approve or disapprove the
3 petition. If approved, the Supreme Court shall notify in
4 writing the chief judge who filed the petition as to the number
5 of additional associate or temporary contractual judges who may
6 be appointed in the circuit. If the Supreme Court disapproves,
7 it need not state its reasons therefor.

8 The maximum number of associate judges appointed under the
9 provisions of this Section 2.1 shall not exceed 50 throughout
10 the state. There is no limit within this maximum figure on the
11 number of associate judges or temporary contractual that may be
12 appointed pursuant to this Section 2.1 in any particular
13 circuit.

14 (Source: P.A. 84-1395.)

15 (705 ILCS 45/3) (from Ch. 37, par. 160.3)

16 Sec. 3. Associate judges shall be retired at the same age
17 as that set by law for judges, unless retained as temporary
18 contractual judges pursuant to Section 2.1 of this Act.

19 (Source: P.A. 79-687; 79-1360.)

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