

VI. CRIMINAL PROCEEDINGS

ARTICLE 30: GENERAL

30.00 RESERVED

Gen. Order 08-16, eff. Sept. 17th, 2008

30.01 APPLICABILITY OF RULES

(a) Except where clearly indicated otherwise, the rules contained in this Article 30 shall be applicable to all cases assigned to the Criminal and Traffic Courts.

(b) Rules contained in this Article shall be read in conjunction with applicable rules contained in this and other Articles, Illinois Compiled Statutes, and the Illinois Supreme Court Rules, and where conflicts exist, the Illinois Supreme Court Rules shall control.

Gen. Order 08-16, eff. Sept. 17th, 2008

30.02 COURTROOMS AND CASE ASSIGNMENTS

(a) Courtroom assignments within the Criminal and Traffic Courts shall be regulated by Administrative/General Order.

(b) Felonies are to be randomly assigned by the circuit clerk among the designated felony courtrooms except with respect to certain types of cases which are assigned pursuant to Administrative/General order.

(c) Motions for Substitution of Judge:

(1) If a motion for substitution of Judge is granted, the case shall be transferred to the Presiding Judge of the division for reassignment. If the Presiding Judge is substituted from, the case shall be transferred to the Chief Judge for reassignment.

(2) A motion for substitution for cause shall be transferred to the Presiding Judge of the division to be assigned for hearing. If the Presiding Judge is named in the motion, the case shall be transferred to the Chief Judge for assignment for hearing.

Gen. Order 08-16, eff. Sept. 17th, 2008

30.03 CONSOLIDATION OF OFFENSES

(a) When more than one felony case is filed against the same defendant, all such cases shall be assigned to the Judge to whom the earliest filed of the cases was assigned.

(1) For purposes of determining the earliest filed case, only pre-judgment felony cases shall be considered.

(2) This Rule applies regardless of the nature of the felony charge except that any cases pending in Courtroom 203 are excepted from this rule. Additionally, any drug cases pending in or filed in Courtroom 305 shall not be required to be transferred out of Courtroom 305 pursuant to this Rule.

(3) If the granting of a motion for substitution of Judge as a matter of right causes fewer than all of the felony cases pending against a defendant to be transferred to a different Judge, the unaffected case or cases shall remain on the docket of the original Judge.

(b) Cases of defendants charged with acting together to commit a felony shall be assigned to the Judge to whom the lowest numbered case is assigned. However, if a co-defendant has an earlier filed pre-judgment felony case pending, Rule 30.03(b) governs and that defendants' case shall be assigned instead to the Judge to whom the earlier filed felony (or felonies) has been assigned.

(1) If a motion for joinder is filed involving defendants whose cases are pending before different Judges, the motion shall be heard by the Judge to whom the lowest numbered case is assigned.

(2) If a co-defendant's motion for substitution of Judge results in reassignment, the remaining co-defendants' cases shall not follow unless a motion for joinder is granted.

Gen. Order 08-16, eff. Sept. 17th, 2008

30.04 RESERVED

Gen. Order 08-16, eff. Sept. 17th, 2008

30.05 ASSIGNMENT OF COURT INTERPRETERS

(a) Interpreters shall be appointed pursuant to 725 ILCS 140/1 and 735 ILCS 1402.

(b) The Chief Judge shall determine the rate of compensation for court-appointed interpreters and shall prescribe by Administrative/General order the required forms and the manner of payment.

Gen. Order 08-16, eff. Sept. 17th, 2008

30.06 DEFENDANT'S DEMAND FOR SPEEDY TRIAL

(a) All demands for trial, pursuant to 725 ILCS 5/103-5(b), shall be made in writing with proper caption and case number. The demand shall be signed and dated by the defendant or the Defendant's Attorney.

(b) A copy of the demand shall be served on the State's Attorney in any manner permitted by Supreme Court Rule 11 and 12.

(c) A copy of the demand for speedy trial shall be filed with the clerk of the circuit court with proof of service on the State's Attorney.

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30.07 TRIAL CALL

(a) The assignment may be by the Circuit Clerk's random assignment system, by Administrative/General Order which assigns cases of that type to a certain Judge, or by order of another Judge.

(b) A case shall be considered as being placed upon the trial call of a Judge on the defendant's first appearance on the assigned Judge's court call, whether the appearance is in open Court or by video.

Gen. Order 08-16, eff. Sept. 17th, 2008

30.08 RESERVED

Gen. Order 08-16, eff. Sept. 17th, 2008

30.09 FELONY PROCEEDINGS AGAINST IN-CUSTODY DEFENDANTS

(a) All cases in which a defendant, who is charged with a class three or four felony, is in custody shall be assigned a trial date which is not more than 120 days after the defendant's arrest.

(b) All cases in which a defendant who is charged with a class one, two, or class X felony is in custody shall be assigned a trial date which is not more than 120 days after the defendant's arrest.

(c) All cases in which a defendant who is charged with murder is in custody shall be assigned a trial date which is not more than 300 days after the defendant's arrest.

(d) The above times are intended to be maximum limits, however, a judge may, for good cause shown, extend said limits in the interest of justice.

(e) An in-custody defendant who demands a speedy trial and who does not agree to or cause a delay, shall, pursuant to statute, be tried within 120 days.

(f) No additional right to speedy trial shall accrue to a defendant as a result of this Rule.

Amend. Gen. Order 03-09, eff. May 1st, 2003; Amend Gen. Order 08-16, eff. Sept. 17th, 2008.

30.10 – 30.15 RESERVED

Gen. Order 08-16, eff. Sept. 17th, 2008

30.16 PETITIONS TO EXPUNGE RECORDS OF ARREST

(a) Any petition to expunge records of felony or misdemeanor arrest pursuant to 20 ILCS 2630/5 and 730 ILCS 5/5-6-03.1 shall be in writing and shall be brought before the Chief Judge of the Circuit or any Judge designated by the Chief Judge.

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