

Kane County Local Rule

ARTICLE 22. TRAFFIC AND ORDINANCE VIOLATIONS

22.00 APPLICABILITY

- (a) The provisions of the Article shall apply to all matters assigned to the traffic Division, whether based upon an alleged violation of the Criminal Code, the Illinois Vehicle Code [625 ILCS 5/1-100 et. seq.](#) or a local traffic or non-traffic ordinance, unless and until the case is transferred to another division. The provisions of the Article shall, to the extent practicable, be so construed and applied consistently with the provisions of any other Articles set forth herein, as well as the [Illinois Supreme Court Rules](#).
- (b) The Traffic Courts shall be located at the following locations:

Kane County Branch Court

530 S. Randall Road
St. Charles, IL 60174

Aurora Branch Court

1200 East Indian Trail
Aurora, IL 60505

Elgin Branch Court

Elgin Police Department
150 Dexter Court
Elgin, IL 60120

22.01 JURY DEMANDS

- (a) Once a demand is made for a jury trial in Traffic, Misdemeanor and/or Ordinance Violation matters, the case should be transferred to the Presiding Judge in the Criminal Division, for assignment of the jury trial, on the next available Thursday afternoon at 1:30 p.m.
- (b) The case should not be sent to the Presiding Judge for setting until all pre-trial issues are resolved.
- (c) If any pre-trial issues remain unresolved after the jury trial assignment, the case shall be sent back to the branch court for resolution of the pre-trial issues.
- (d) When a motion for Substitution of Judge is filed and granted, any delay of the trial will be attributed to the moving party.
- (e) In any case transferred to the Kane County Judicial Center for jury trial, if the defendant waives jury, the file shall be transferred back for bench trial to the branch court which entered the jury trial transfer order, unless otherwise ordered by the trial judge for good cause shown.
- (f) In any case transferred to the Kane County Judicial Center for jury trial, upon issuance of a failure to appear warrant, the assigned jury trial judge shall enter an order transferring

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the case back to the Kane Branch Court if appointed counsel is assigned, or if not so assigned, to the originating branch court, for further proceedings including the return on the outstanding warrant.

22.02 INSUFFICIENT PAYMENTS

The Kane County Circuit Clerk shall, upon receiving an insufficient payment amount on a minor traffic or conservation offense, pursuant to [Supreme Court Rule 529](#), schedule the case on a court call at least twenty-eight (28) days, but no more than forty-five (45) days on a regularly scheduled date for the originating agency, and shall notify the defendant of the newly scheduled date and amount required to satisfy the outstanding fines and costs due in the case. If the defendant has paid the amount due five (5) days prior to the scheduled court date, and is not otherwise required to appear in court, then the defendant need not appear on the scheduled court date and the clerk shall remove the case from the court call. If the defendant has not paid the amount due five (5) days prior to the scheduled court date, then the defendant must appear on the scheduled court date.