

This Administrative Order hereby supersedes Administrative Oder 20-18.

Entered this 26th day of May, 2020.

ENTER:

A handwritten signature in black ink, appearing to read "Daniel P. Guerin", written over a horizontal line.

Daniel P. Guerin
Chief Judge

Dated: May 26, 2020
Wheaton, Illinois

IN THE
SUPREME COURT OF ILLINOIS

In re:)
)
 Illinois Courts Response to)
 COVID-19 Emergency) M.R. 30370
)
)

Order

Article VI of the Illinois Constitution of 1970 vests the judicial power of our State in the Supreme Court, an Appellate Court, and the Circuit Courts. That constitutional grant of power creates a corresponding duty of service to the People of Illinois. To fulfill that duty, the judiciary's mission is to protect the rights and liberties of all by providing equal access to justice, resolving disputes, and upholding the rule of law. Those principles have always remained fundamental, even in times of crisis.

Article VI also gives general administrative and supervisory authority over the judicial branch to the Supreme Court. In the exercise of that authority, this Court has issued a series of orders governing court functions during the COVID-19 pandemic. The March 17, 2020 order directed Illinois courts to hear "essential court matters and proceedings." The order further authorized courts to conduct both essential and nonessential matters and proceedings remotely, subject to constitutional and practical limitations.

Our concerns about the health and safety of all court users, staff, and judicial officers during these extraordinary circumstances are ongoing, and our duty to the People of Illinois is ever present. That duty requires courts to resume operations as quickly and fully as possible. Various approaches for doing so based on local public health data have emerged at the national and state levels. We have considered those approaches in charting a path forward.

Pursuant to the exercise of its general administrative and supervisory authority over all Illinois courts as conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16), IT IS HEREBY ORDERED:

Effective June 1, 2020, the Court's order of March 17, 2020, is modified so that each circuit may return to hearing court matters, whether in person or remotely, according to a schedule to be adopted for each county by the chief judge in each circuit. The circuit courts shall continue, to the extent possible, to allow for appropriate social distancing and attempt to reduce the number of persons appearing personally for court appearances.

The factors which may be considered by the chief judge in determining whether matters may be safely heard include, but are not limited to, the following: deadlines which apply to a case or class of cases; the length of time any applicable deadline has been suspended by order of the Supreme Court or the Circuit Court; applicable information from public health authorities; limitations in court facilities or staffing; and anticipated prejudice to any class of cases as a result of continued delay. Chief judges should also take into consideration the *Supreme Court Guidelines for Resuming Illinois Judicial Branch Operations During the COVID*

19 pandemic. Chief circuit judges should understand that local conditions may change, and their plans should contain contingencies in that event.

Local plans should continue to promote the use of remote hearings where appropriate. To the extent that the Court's order of March 17, 2020 prohibits in-person proceedings on non-essential matters, this provision is relaxed according to the plan adopted by the chief circuit judge in each circuit.

Additionally, the April 7, 2020, order regarding Illinois Courts Response to COVID-19 Emergency/Impact on Trials is modified to read as follows:

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16); in view of the state of emergency that has been declared by the Governor of the State of Illinois in order to prevent the spread of the novel coronavirus; and in the interests of the health and safety of all court users, staff, and judicial officers during these extraordinary circumstances, and to clarify this Court's orders of March 20, 2020 and April 3, 2020, IT IS HEREBY ORDERED that the Court's orders of March 20, 2020 and April 3, 2020 are amended as follows:

The Chief Judges of each circuit may continue trials until further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court. This provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, this 20th day of May, 2020.

Carolyn Taft Gusbell

Clerk,
Supreme Court of the State of Illinois