

FOR IMMEDIATE RELEASE

January 18, 2006

**HEARING ON PROPOSED CHANGES TO SUPREME COURT RULES ON
FINDINGS OF UNCONSTITUTIONALITY**

The Rules Committee of the Illinois Supreme Court will hear comments at a public hearing Monday, January 23 on a proposal aimed at requiring more clarity when a state statute, municipal ordinance or administrative regulation is ruled to be unconstitutional by a Circuit Court.

The proposal, offered by the Office of the Illinois Attorney General, would require the Circuit Court to make its findings in a written order or opinion or in an oral statement that is transcribed, identify which portion of the challenged provision is being held unconstitutional and set forth the specific grounds for the finding of unconstitutionality.

The proposal is offered as an amendment to Supreme Court Rule 19. It also would require the litigant raising the constitutional issue to serve appropriate notice on the Attorney General in all instances where the constitutionality of an Illinois statute, regulation or other law is challenged.

The proposed rule also would apply to instances where it is argued or found that a state or municipal law is pre-empted by federal law.

A committee comment attached to the proposal said it is intended to implement principles promulgated in recent Supreme Court cases concerning the duties incumbent upon the Circuit Court when declaring state statutes unconstitutional.

The hearing also will take comments on a proposed amendment to Rule 303 concerning appeals from final judgments of the Circuit Court in civil cases; and a proposed amendment to Rule 213 concerning written interrogatories to Parties which attempts to clarify that the rule does not apply to evidence depositions.

The hearing will begin at 10 a.m. on January 23 at 160 N. LaSalle Street, Room C-500.

MORE

**Rules Committee Public Hearing
Add One**

The text of the proposed rules are posted on the Supreme Court website at www.state.il.us/court. To view the proposals, select “Supreme Court of Illinois” and then select “Supreme Court Committees/Commissions.” The proposals are under the subsection titled “Public Hearings.”

No proposal would take effect unless it is specifically approved by the Illinois Supreme Court.

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(FOR MORE INFORMATION, contact: Joseph Tybor, press secretary to the Illinois Supreme Court, at 312-793-2323)