

PART 20. INSPECTION AND CERTIFICATION OF COURT FACILITIES

20.1

TIMES AND PLACES OF HOLDING COURT

The Chief Circuit Judge shall designate, as provided in Article VI, Section 8(c) of the Constitution of 1970, the times and places of holding Court in each county of the circuit.

20.2

COMMITTEE ON COURT FACILITIES

There shall be in the Fourteenth Judicial Circuit a committee on court facilities. The Chief Judge shall appoint, from the Circuit and Associate Judges of the Circuit, those who shall serve on the committee, and shall designate one of its members as chairman. The Chief Judge may not serve as a member of the committee.

- (a) When directed by the Chief Circuit Judge, the committee shall inspect each courtroom, jury quarters, chambers, ancillary court spaces, and offices of the Clerk of the Court within any county of the Circuit.
- (b) The Committee shall file a preliminary report of the inspection, together with the committee's recommendations, with the Chief Circuit Judge. The Chief Circuit Judge shall transmit a copy of the report and proposals for corrective action to bring such facilities within applicable standards to the chairman of the county board in which the facility in question is located. If corrective action is not commenced and completed within the time period established by the committee, then it shall promptly file therein any additional recommendations. The Chief Circuit Judge shall transmit a copy of the supplemental report to the chairman of the county board. Within ninety (90) days of such transmittal, or such other period as may be designated by the chairman of the committee, the county board must either: (1) correct the condition of the facility in question pursuant to the committee's report and recommendations, then (2) bind the county contractually and irrevocably to have the facility so corrected within six (6) months or such other time as may be designated by the committee.

20.3

INFORMATION HEARING

In the event the county board fails to comply with Rule 20.2(b), the chairman of the committee shall file a petition, styled, "In re the Court facilities of _____ County," with the Clerk of the Court of the county in which the facility in question is located. The petition shall specify the deficiencies of each such facility, the remedial action proposed, any action taken by the county board, and prayer for appropriate relief. Upon such filing, the Chief Circuit Judge shall forthwith designate a time, date and place for hearing thereon.

- (a) The chairman of the committee shall cause summons, together with a copy of the petition, to issue and to be served on the chairman and each member of the county board not less than twenty-one (21) days prior to the hearing. The chairman of the committee may direct the Circuit Clerk to give notice of the hearing to such other persons as he or she deems appropriate by placing such notice and a copy of the petition in an envelope having prepaid first-class postage thereon and depositing it in the

United States Mail not less than twenty-one (21) days prior to the hearing. The Clerk's certificate of mailing notice shall be made of record.

(b) An informal and public hearing on the petition shall be held in the county in which the court facility in question is located. The Chief Circuit Judge shall preside *over* the hearing, which shall be transcribed by a court reporter. The Chief Circuit Judge may direct that a subpoena issue to any witness deemed appropriate and may take judicial notice of reports filed by the committee.

(c) Following the informational hearing, the Chief Circuit Judge shall file with the Circuit Clerk his or her findings and order regarding the facility in question, together with a certification that the facility:

- (1) meets applicable standards; or
- (2) does meet applicable standards, but may be temporarily certified until a period ending on a date certain; or
- (3) does not meet applicable standards, but may be conditionally certified upon the condition that specified action is taken and completed by a date certain; or
- (4) does not meet applicable standards and will be discontinued for Court use.

(d) Before the Chief Circuit Judge may order that new or additional court facilities be constructed or remodeled, he or she must first determine that exigent circumstances exist requiring that such an order be entered. The Chief Circuit Judge may also order that such construction or remodeling be completed by a specific date. Any such orders regarding construction or remodeling of new court facilities shall be entered against the county board of the county in which the facility in question is located, as well as personally against each member of that county board. A finding of exigent circumstances need not be made in an order concerning existing courtrooms and ancillary facilities.

(e) An information hearing under this subsection need not be held if:

- (1) The Chief Circuit Judge certifies that the facility in question meets applicable standards; or
- (2) Both the chairman of the county board and the Chief Circuit Judge waive such hearing in writing.

20.4

HEARING PURSUANT TO SUPREME COURT RULE 21(C)

1. If the county board does not comply with the order of the Chief Judge as set forth in Rule 203, then the Chief Circuit Judge shall file a "Petition to Compel Compliance" with the Circuit Clerk of the county in which the informational hearing was held.

2. The Chief Circuit Judge shall thereafter request the Supreme Court to assign a judge from a circuit other than the circuit in which the petition is filed to preside at the hearing under this paragraph. The Attorney General or an attorney appointed by the Chief Circuit Judge pursuant to those Rules.

3. A showing by the Chief Circuit Judge of compliance with Rules 20.2 and 20.3 constitutes prima facie evidence of validity and enforceability of any orders entered by the Chief Circuit Judge pursuant to those Rules.

4. After hearing, the judge shall file his written findings, order and certification, and shall have available all appropriate remedies under law of this State.

20.5 COSTS, FEES AND EXPENSES

In proceedings held pursuant to this rule, costs, attorney fees and other expenses, including but not limited to expert witness fees incurred by or taxable to the Chief Circuit Judge, shall be paid by the county in which the court facility in question is located.