

ARTICLE 35: TRAFFIC AND ORDINANCES

35.00 RESERVED

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

35.01 APPLICABILITY

(a) The provisions of this 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 to be consistent with the provisions of any other Articles set forth herein, as well as the Illinois Supreme Court Rules.

(b) The Traffic Court shall be located in Room 201 at the Judicial Center and three Field Courts shall be located as designated in or near Elgin, Carpentersville, and Aurora, Illinois.

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

35.02 JURY DEMANDS

(a) When a jury is demanded in the Field Courts and before the case is sent to the misdemeanor jury trial courtroom at the Judicial Center, the presiding Field Court Judge shall determine that the defendant has private counsel or has made an informed decision to proceed *pro se*. All public defender cases shall be referred to Courtroom 201 for pre-trial matters. All discovery and pre-trial motions shall be concluded before referral to the misdemeanor jury trial room. When a case is sent to the misdemeanor jury trial courtroom, all discovery issues and pre-trial motions are deemed either resolved or waived, except for matters arising after the referral which will then be referred back to the Field Court for resolution. Referral dates to the misdemeanor jury trial courtroom should be approximately 30-45 days after the referral.

(b) When a defendant waives the right to a jury trial after referral to the misdemeanor jury trial courtroom, the case shall be sent back to the sending court for bench trial setting and resolution.

(c) The misdemeanor jury trial courtroom shall be designated by the Chief Judge.

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

35.03-35.06 RESERVED

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

35.07 CONTINUANCES

(a) 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 28 days, but no more than 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 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 5 days prior to the scheduled court date, then the defendant must appear on the scheduled court date.

(b) If the balance due is received 5 days prior to that date, the defendant need not appear. If the balance due is not received prior to the assigned date, the defendant must appear on the date set by the Clerk's notice.

Amend. Gen. Order 00-9, eff. April 26, 2000; Amend. Gen. Order 08-16, eff. Sept. 17th, 2008