

1 AN ACT in relation to juries.

2 ltf Be it enacted by the People of the State of  
3 Illinois, represented in the General Assembly:

4 Section 5. The Counties Code is amended by adding  
5 Section 4-11003 as follows:

6 (55 ILCS 5/4-11003 new)

7 Sec. 4-11003. Lengthy Trial Fund.

8 (a) The Supreme Court shall establish a Lengthy Trial  
9 Fund that shall be used to provide full wage replacement or  
10 wage supplementation to jurors who serve on petit juries in  
11 civil litigation, for which a jury trial has been requested,  
12 after the 10th day of jury service.

13 (1) The court rules shall provide for the  
14 following:

15 (A) The selection and appointment of an  
16 Administrator for the fund;

17 (B) Procedures for its administration that  
18 provide that monies in the Fund shall be used to  
19 make wage replacement or wage supplementation as  
20 provided in this Section to jurors participating on  
21 juries in trials where jury service extends 11 days  
22 or longer and to recover all the costs of  
23 administering the Fund, including payments of  
24 salaries of the Administrator and other necessary  
25 personnel;

26 (C) The accounting, auditing, and investment  
27 of money in the Lengthy Trial Fund in accordance  
28 with State law pertaining to similar funds; and

29 (D) The inclusion of a report by the Supreme  
30 Court of Illinois on the administration of the  
31 Lengthy Trial Fund in its annual report on the

1           judicial branch, setting forth the money collected  
2           for and disbursed from the Fund.

3           (b) Notwithstanding any other compensation or fees  
4           payable under the laws of this State, each trial court in the  
5           State shall collect from each attorney who files a civil  
6           case, unless otherwise exempted under the provisions of this  
7           Section, a fee of \$20 per case to be paid into the Lengthy  
8           Trial Fund. A lawyer will be deemed to have "filed a case" at  
9           the time the first pleading or other filing on which an  
10           individual lawyer's name appears is submitted to the court  
11           for filing and opens a new case. All such fees shall be  
12           forwarded to the Administrator of the Lengthy Trial Fund for  
13           deposit.

14           (c) The Administrator shall use the fees deposited in  
15           the Lengthy Trial Fund to pay supplemental or full wage  
16           replacement to jurors whose employers' pay less than full  
17           regular wages when the period of jury service reaches the  
18           11th day and thereafter.

19           (d) The court may pay replacement or supplemental wages  
20           of up to \$500 per day per juror. This wage replacement or  
21           supplementation shall be granted in addition to any  
22           reimbursements for expenses or other payments a juror may  
23           receive in accordance with State law.

24           (e) Any juror who is serving or has served on a jury  
25           that qualifies for payment from the Lengthy Trial Fund,  
26           provided the service commenced on or after the effective date  
27           of this amendatory Act of the 93rd General Assembly, may  
28           submit a request for payment from the Lengthy Trial Fund on a  
29           form that the Administrator provides. Payment shall be  
30           limited to the actual amount of wages a juror earns, up to  
31           \$500 per day, minus any amount the juror actually receives  
32           from the employer during the same time period.

33           (1) The form shall disclose the juror's regular  
34           wages, the amount the employer will pay during the term

1 of jury service starting on the 10th day and thereafter,  
2 the amount of replacement or supplemental wages  
3 requested, and any other information the Administrator  
4 deems necessary for proper payment.

5 (2) The juror also shall be required to submit  
6 verification from the employer as to the wage information  
7 provided to the Administrator, for example, the  
8 employee's most recent earnings statement or similar  
9 document, prior to initiation of payment from the Fund.

10 (3) If an individual is self-employed or receives  
11 compensation other than wages, the individual may provide  
12 a sworn affidavit attesting to his or her approximate  
13 gross weekly income, together with such other information  
14 as the Administrator may require, in order to verify  
15 weekly income.

16 (f) The following attorneys and causes of action are  
17 exempt from payment of the Lengthy Trial Fund fee:

18 (1) Government attorneys entering appearances in  
19 the course of their official duties;

20 (2) Pro se litigants;

21 (3) Cases in small claims court or the State  
22 equivalent of small claims court; or

23 (4) Claims seeking social security disability  
24 determinations; individual veterans' compensation or  
25 disability determinations; recoupment actions for  
26 government backed educational loans or mortgages; child  
27 custody and support cases; actions brought in forma  
28 pauperis; and any other filings designated by rule that  
29 involve minimal use of court resources and that  
30 customarily are not afforded the opportunity for a trial  
31 by jury.

32 Section 10. The Jury Act is amended by changing Sections  
33 5, 8, 10.2, and 15 and adding Section 10.3 as follows:

1 (705 ILCS 305/5) (from Ch. 78, par. 5)

2 Sec. 5. Subsequent selection of jurors; length of  
3 service.

4 (a) At the time of making such selection, the name of  
5 the person selected shall be checked off from such list, and  
6 shall not be again selected as a juror till every person  
7 named upon such list qualified to serve as a juror has been  
8 selected; and all subsequent selections of jurors by such  
9 board shall be made from such list until all persons thereon  
10 qualified to serve have been selected, or until a new list is  
11 made: Provided, if any person who has been selected as a  
12 juror shall not have been drawn, or have served upon a jury  
13 during the year for which he was selected, he shall, if  
14 qualified, be selected for the next year.

15 (b) Service of prospective petit jurors shall be for no  
16 more than one court day in actual attendance, unless a  
17 prospective petit juror is selected to serve in a trial or is  
18 under consideration to serve on a trial and such  
19 consideration covers a period of 2 or more days. Once  
20 selected, a petit juror shall serve on the jury for the  
21 duration of the trial unless excused by the presiding judge.

22 Source: P.A. 86-1053.)

23 (705 ILCS 305/8) (from Ch. 78, par. 8)

24 Sec. 8. Selection from box.

25 (a) Upon a day designated by the judge of the court,  
26 which shall be at least 20 days before the first day for  
27 which any of the panel then to be drawn is summoned, the  
28 clerk of such court shall repair to the office of the county  
29 clerk, and in the presence of a judge and of such county  
30 clerk, after the box containing the names has been well  
31 shaken by the county clerk, and being blindfolded shall,  
32 without partiality, draw from such box the names of a  
33 sufficient number of such persons, then residents of the

1 county, not less than 30 for each 2 weeks that such court  
2 will probably be in session for the trial of common law  
3 cases, to constitute the petit jurors for the time being and  
4 where there is an additional judge in such court, a like  
5 number for each additional judge requiring a jury, unless the  
6 court shall otherwise order: Provided, that the clerk shall  
7 at any time, when directed by an order of the court draw in  
8 the manner above provided, such number of persons then  
9 residents of the county, as shall be required by the order to  
10 act as petit jurors in such court for such time as may be  
11 fixed in such order: And provided, that should the clerk draw  
12 from the box the name of a person who is known to be dead, to  
13 have been selected as a grand juror, a non-resident, absent  
14 from the State, ~~unable-to-attend-in-consequence--of--illness,~~  
15 or that he is legally disqualified to serve as a juror, the  
16 clerk shall report the name of such person to the county  
17 clerk, and the clerk of such court shall draw other names  
18 until the required number have been selected: Provided, also  
19 that whenever there is pending for trial in any of the  
20 courts, any criminal cause wherein the defendant is charged  
21 with a felony, and the judge holding such court is convinced  
22 from the circumstances of the case that a jury cannot be  
23 obtained from the regular panel to try the cause, the judge  
24 may in his discretion, prior to the day fixed for the trial  
25 of the cause, direct the clerk to draw (in the same manner as  
26 the regular panel is drawn,) not exceeding 100 names as a  
27 special panel from which a jury may be selected to try the  
28 cause.

29 (b) Notwithstanding the provisions of subsection (a),  
30 names of jurors may be randomly drawn by computer.

31 (Source: P.A. 86-1053.)

32 (705 ILCS 305/10.2) (from Ch. 78, par. 10.2)

33 Sec. 10.2. Excusing prospective jurors; hardship.

1           (a) An individual may apply to be excused from jury  
2 service for a period of up to 24 months, instead of seeking a  
3 postponement when either: The-county-boards-of-the-respective  
4 counties,--the--jury--commissioners--for-these-counties-which  
5 have-been-appointed-under-the-Jury-Commission-Act,--or-a--jury  
6 administrator--shall--submit--questionnaires--to--prospective  
7 jurors-to-inquire-as-to-their-qualifications-for-jury-service  
8 and--as--to--the-hardship-that-jury-service-would-pose-to-the  
9 prospective-jurors.-Upon-prior-approval-by-the-chief-judge-of  
10 the--judicial--circuits--in--which--a--county---board,---jury  
11 administrator,--or-jury-commissioners-are-situated,--the-county  
12 board,--jury-administrator,--or-jury-commissioners-shall-excuse  
13 a--prospective--juror--from--jury--service-if-the-prospective  
14 juror-shows-that-such-service-would-impose-an-undue--hardship  
15 on---account---of--the--nature--of--the--prospective--juror's  
16 occupation,--business--affairs,---physical--health,---family  
17 situation,--active--duty--in--the--Illinois-National-Guard-or  
18 Illinois-Naval-Militia,--or-other-personal-affairs,--and--cause  
19 his--or--her--name-to-be-returned-to-the-jury-list-or-general  
20 jury-list.

21           (1) The prospective juror has a mental or physical  
22 condition that causes him or her to be incapable of  
23 performing jury service. The juror, or the juror's  
24 personal representative, must provide the court with  
25 documentation from a physician licensed to practice  
26 medicine verifying that a mental or physical condition  
27 renders the person unfit for jury service for a period of  
28 not less than the 24 month period for which the excuse is  
29 sought; or

30           (2) Jury service would otherwise cause "undue or  
31 extreme physical or financial hardship" to the  
32 prospective juror or a person under his or her care or  
33 supervision. A judge of the court for which the  
34 individual was called to jury service shall make undue or

1 extreme physical or financial hardship determinations.  
2 The authority to make these determinations is delegable  
3 only to court officials or personnel who are authorized  
4 by the laws of this State to function as members of the  
5 judiciary.

6 (b) A person asking to be excused from jury service  
7 under this Section must take all actions necessary to have  
8 obtained a ruling on that request by no later than the date  
9 on which the individual is scheduled to appear for jury duty.

10 (c) For purposes of this Section, "undue or extreme  
11 physical or financial hardship" is limited to circumstances  
12 in which an individual would:

13 (1) Be required to abandon a person under his or  
14 her personal care or supervision due to the impossibility  
15 of obtaining an appropriate substitute caregiver during  
16 the period of participation in the jury pool or on the  
17 jury; or

18 (2) Incur costs that would have a substantial  
19 adverse impact on the payment of the individual's  
20 necessary daily living expenses or on those for whom he  
21 or she provides the principal means of support; or

22 (3) Suffer physical hardship that would result in  
23 illness or disease.

24 (d) "Undue or extreme physical or financial hardship"  
25 does not exist solely based on the fact that a prospective  
26 juror will be required to be absent from his or her place of  
27 employment.

28 (e) A person asking a judge to grant an excuse based on  
29 "undue or extreme physical or financial hardship" shall be  
30 required to provide the judge with documentation, such as,  
31 but not limited to, federal and State income tax returns,  
32 medical statements from licensed physicians, proof of  
33 dependency or guardianship, and similar documents, which the  
34 judge finds to clearly support the request to be excused.

1 Failure to provide satisfactory documentation shall result in  
2 a denial of the request to be excused.

3 (f) After 24 months, a person excused from jury service  
4 shall become eligible once again for qualification as a juror  
5 unless the person was excused from service permanently. A  
6 person is excused from jury service permanently only when the  
7 deciding judge determines that the underlying grounds for  
8 being excused are of a permanent nature.

9 (g) When an undue hardship caused by a family situation  
10 is due to the prospective juror being the primary caregiver  
11 of a person with a mental or physical disability, a person  
12 with a medically diagnosed behavior problem, or a child under  
13 age 12, then the county board, jury commissioners or jury  
14 administrator shall excuse such a prospective juror, if it  
15 finds that no reasonable alternative care is feasible which  
16 would not impose an undue hardship on the prospective juror  
17 or the person for whom the prospective juror is providing  
18 care, or both.

19 (Source: P.A. 90-482, eff. 1-1-98; 91-264, eff. 7-23- 99.)

20 (705 ILCS 305/10.3 new)

21 Sec. 10.3. Postponement of jury service.

22 (a) Notwithstanding Section 10.2 or any other provision  
23 of this Act, individuals scheduled to appear for jury service  
24 have the right to postpone the date of their initial  
25 appearance for jury service one time only. When requested,  
26 postponements shall be granted, provided that:

27 (1) The juror has not previously been granted a  
28 postponement;

29 (2) The prospective juror appears in person or  
30 contacts the clerk of the court by telephone, electronic  
31 mail, or in writing to request a postponement; and

32 (3) Prior to the grant of a postponement with the  
33 concurrence of the clerk of the court, the prospective

1 juror fixes a date certain on which he or she will appear  
 2 for jury service that is not more than 6 months after the  
 3 date on which the prospective juror originally was called  
 4 to serve and on which date the court will be in session.

5 (b)--A-subsequent-request-to-postpone-jury-service-may-be  
 6 approved-by-a-judicial--officer--only--in--the--event--of--an  
 7 extreme--emergency,--such--as--a--death-in-the-family,--sudden  
 8 illness,--a-natural-disaster-or-a-national-emergency-in--which  
 9 the--prospective-juror-is-personally-involved,--that-could-not  
 10 have-been-anticipated-at-the-time--the--initial--postponement  
 11 was-granted. Prior-to-the-grant-of-a-second-postponement, the  
 12 prospective--juror--must--fix--a--date--certain--on-which-the  
 13 individual-will-appear-for-jury-service-within-six-months--of  
 14 the-postponement-on-a-date-when-the-court-will-be-in-session.

15 (705 ILCS 305/15) (from Ch. 78, par. 15)

16 Sec. 15. Failure to attend; misdemeanor contempt.

17 Every person who shall fail to attend when lawfully  
 18 summoned to appear as a grand or petit juror, without having  
 19 properly obtained postponement or excuse pursuant to Sections  
 20 10.2 and 10.3 a-reasonable-excuse, shall-be-considered-as is  
 21 guilty of a Class A misdemeanor contempt, and shall-be-fined  
 22 by-the-courts, respectively, in-any-sum-not-less-than-\$5--nor  
 23 more-than-\$100, for-the-use-of-the-proper-county, unless-good  
 24 cause--be-shown-for-such-default; and-it-shall-be-the-duty-of  
 25 the--court--to--enter--an--order--of--attachment,--returnable  
 26 forthwith, against-all-such-delinquents, and-upon-the--return  
 27 thereof-the-court-shall-proceed-to-assess-the-fine-unless-the  
 28 person--or-persons-so-attached-show-good-cause-for-such  
 29 delinquency; Provided, that-the-oath-or--affirmation--of--any  
 30 such-delinquent-shall, at-all-times, be-received-as-competent  
 31 evidence.

32 (Source: P.A. 83-346.)

1           Section 95. Severability. The provisions of this Act are  
2 severable. If any portion of this Act is declared  
3 unconstitutional or the application of any part of this Act  
4 to any person or circumstance is held invalid, the remaining  
5 portions of the Act and their applicability to any person or  
6 circumstance shall remain valid and enforceable.

7           Section 99. This Act takes effect July 1, 2003.