

1 AMENDMENT TO SENATE BILL 1329

2 AMENDMENT NO. _____. Amend Senate Bill 1329, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Jury Act is amended by changing Sections
6 4.1, 5, 8, 10.2, and 15 and adding Section 10.3 as follows:

7 (705 ILCS 305/4.1) (from Ch. 78, par. 4.1)

8 Sec. 4.1. Jury duty; notice to employer; right to time
9 off.

10 (a) Any person who is not legally disqualified to serve
11 on juries, and has been duly summoned for jury duty for
12 either petit or grand jury service, shall not be required or
13 requested to use annual, vacation, or sick leave for time
14 spent responding to a summons for jury duty, time spent
15 participating in the jury selection process, or time spent
16 actually serving on a jury ~~be-given-time-off-from-employment~~
17 ~~to-serve-upon-the-jury~~ for which such employee is summoned,
18 regardless of the employment shift such employee is assigned
19 to at the time of service of such summons. An employee shall
20 give his employer reasonable notice of required jury service.
21 An employer may not deny an employee time off for jury duty
22 because such employee is then assigned to work a night shift

1 of employment, that is, an employer cannot require a night
2 shift worker to work while such employee is doing jury duty
3 in the daytime. Nothing in this subsection (a) shall be
4 construed to require an employer to provide annual, vacation,
5 or sick leave to employees under the provisions of this
6 Section who otherwise are not entitled to such benefits under
7 company policies.

8 (b) No employer shall discharge, threaten to discharge,
9 intimidate or coerce any employee by reason of the employee's
10 jury service, or the attendance or scheduled attendance in
11 connection with such service, in any court of this State.

12 (c) If an employee gives reasonable notice of required
13 jury service, any employer who violates the provisions of
14 this Section:

15 (1) may be charged with contempt of court. In such
16 an event, the State's Attorney shall file a petition for
17 civil contempt, criminal contempt, or both, against the
18 employer to be prosecuted by the State's Attorney; and

19 (2) shall be liable for damages for any loss of
20 wages or other benefits suffered by an employee by reason
21 of the violation; and

22 (3) may be enjoined from further violations of this
23 Section and ordered to reinstate any employee discharged
24 by reason of jury service.

25 As used in this Section, "reasonable notice of required
26 jury service" means that the employee summoned for jury duty
27 must deliver to the employer a copy of the summons within 10
28 days of the date of issuance of the summons to the employee.

29 (d) Any individual who is reinstated to a position of
30 employment in accordance with this Section shall be
31 considered as having been on furlough or leave of absence
32 during his period of jury service, shall be reinstated to his
33 position of employment without loss of seniority, and shall
34 be entitled to participate in insurance or other benefits

1 offered by the employer under established rules and practices
2 relating to employees on furlough or leave of absence in
3 effect with the employer at the time the individual entered
4 upon jury service.

5 (e) In any action or proceeding under this Section, the
6 court may award a prevailing employee who brings the action
7 by retained counsel a reasonable attorney's fee.

8 (f) Any right or remedy provided in this Section is in
9 addition to any right or remedy otherwise provided by law to
10 an employee.

11 (g) No employer shall be obligated to compensate an
12 employee for time taken off for jury duty.

13 (g-5) A court shall automatically postpone and
14 reschedule the service of a summoned juror employed by an
15 employer with 5 or fewer full-time employees, or the
16 equivalent, if another employee of that employer is summoned
17 to appear during the same period. The postponement will not
18 constitute the excused individual's right to one automatic
19 postponement pursuant to Section 10.3 of this Act.

20 (h) The official responsible for issuing the summons may
21 advise the juror of his rights under this Act by printed
22 insert with the summons or on the summons itself.

23 (Source: P.A. 86-1395; 87-616.)

24 (705 ILCS 305/5) (from Ch. 78, par. 5)

25 Sec. 5. Subsequent selection of jurors; length of
26 service.

27 (a) At the time of making such selection, the name of
28 the person selected shall be checked off from such list, and
29 shall not be again selected as a juror till every person
30 named upon such list qualified to serve as a juror has been
31 selected; and all subsequent selections of jurors by such
32 board shall be made from such list until all persons thereon
33 qualified to serve have been selected, or until a new list is

1 made: Provided, if any person who has been selected as a
2 juror shall not have been drawn, or have served upon a jury
3 during the year for which he was selected, he shall, if
4 qualified, be selected for the next year.

5 (b) In counties with populations greater than 100,000,
6 service of prospective petit jurors shall be for no more than
7 one court day in actual attendance, unless a prospective
8 petit juror is selected to serve on a jury or is under
9 consideration to serve on a jury and such consideration
10 covers a period of 2 or more days. Once selected, a petit
11 juror shall serve on the jury for the duration of the trial
12 unless excused by the presiding judge.

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

14 (705 ILCS 305/8) (from Ch. 78, par. 8)

15 Sec. 8. Selection from box.

16 (a) Upon a day designated by the judge of the court,
17 which shall be at least 20 days before the first day for
18 which any of the panel then to be drawn is summoned, the
19 clerk of such court shall repair to the office of the county
20 clerk, and in the presence of a judge and of such county
21 clerk, after the box containing the names has been well
22 shaken by the county clerk, and being blindfolded shall,
23 without partiality, draw from such box the names of a
24 sufficient number of such persons, then residents of the
25 county, not less than 30 for each 2 weeks that such court
26 will probably be in session for the trial of common law
27 cases, to constitute the petit jurors for the time being and
28 where there is an additional judge in such court, a like
29 number for each additional judge requiring a jury, unless the
30 court shall otherwise order: Provided, that the clerk shall
31 at any time, when directed by an order of the court draw in
32 the manner above provided, such number of persons then
33 residents of the county, as shall be required by the order to

1 act as petit jurors in such court for such time as may be
 2 fixed in such order: And provided, that should the clerk draw
 3 from the box the name of a person who is known to be dead, to
 4 have been selected as a grand juror, a non-resident, absent
 5 from the State, ~~unable-to-attend-in-consequence-of-illness,~~
 6 or that he is legally disqualified to serve as a juror, the
 7 clerk shall report the name of such person to the county
 8 clerk, and the clerk of such court shall draw other names
 9 until the required number have been selected: Provided, also
 10 that whenever there is pending for trial in any of the
 11 courts, any criminal cause wherein the defendant is charged
 12 with a felony, and the judge holding such court is convinced
 13 from the circumstances of the case that a jury cannot be
 14 obtained from the regular panel to try the cause, the judge
 15 may in his discretion, prior to the day fixed for the trial
 16 of the cause, direct the clerk to draw (in the same manner as
 17 the regular panel is drawn,) not exceeding 100 names as a
 18 special panel from which a jury may be selected to try the
 19 cause.

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

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

23 (705 ILCS 305/10.2) (from Ch. 78, par. 10.2)

24 Sec. 10.2. Excusing prospective jurors; hardship.

25 (a) An individual may apply to be excused from jury
 26 service for a period of up to 24 months, instead of seeking a
 27 postponement, when either: The--county---boards---of---the
 28 respective---counties,---the--jury--commissioners--for--these
 29 counties-which-have-been-appointed-under-the-Jury--Commission
 30 Act,--or--a-jury-administrator-shall-submit-questionnaires-to
 31 prospective-jurors-to-inquire-as-to-their-qualifications--for
 32 jury--service--and-as-to-the-hardship-that-jury-service-would
 33 pose-to-the-prospective-jurors.-Upon-prior--approval--by--the

1 chief-judge-of-the-judicial-circuits-in-which-a-county-board,
 2 jury--administrator,--or-jury-commissioners-are-situated, the
 3 county-board, jury-administrator, or-jury-commissioners shall
 4 excuse--a--prospective--juror--from--jury--service---if---the
 5 prospective--juror--shows--that--such-service-would-impose-an
 6 undue-hardship-on-account-of-the-nature--of--the--prospective
 7 juror's-occupation, business-affairs, physical-health, family
 8 situation,--active-duty--in--the--Illinois-National-Guard-or
 9 Illinois-Naval-Militia, or-other-personal-affairs, and--cause
 10 his--or--her--name-to-be-returned-to-the-jury-list-or-general
 11 jury-list.

12 (1) The prospective juror has a mental or physical
 13 condition that causes him or her to be incapable of
 14 performing jury service. The juror, or the juror's
 15 personal representative, must provide the court with
 16 documentation from a physician licensed to practice
 17 medicine in all its branches verifying that a mental or
 18 physical condition renders the person unfit for jury
 19 service for a period of not less than the 24 month period
 20 for which the excuse is sought; or

21 (2) Jury service would otherwise cause undue or
 22 extreme physical or financial hardship to the prospective
 23 juror or a person under his or her care or supervision. A
 24 judge of the court for which the individual was called to
 25 jury service shall make determinations regarding undue or
 26 extreme physical or financial hardship. The authority to
 27 make these determinations is delegable only to court
 28 officials or personnel who are authorized by the laws of
 29 this State to function as members of the judiciary.

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

34 (c) For purposes of this Section, "undue or extreme

1 physical or financial hardship" is limited to circumstances
2 in which an individual would:

3 (1) Be required to abandon a person under his or
4 her personal care or supervision due to the impossibility
5 of obtaining an appropriate substitute caregiver during
6 the period of participation in the jury pool or on the
7 jury; or

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

12 (3) Suffer physical hardship that would result in
13 illness or disease.

14 "Undue or extreme physical or financial hardship" does
15 not exist solely based on the fact that a prospective juror
16 will be required to be absent from his or her place of
17 employment.

18 A person asking a judge to grant an excuse based on
19 "undue or extreme physical or financial hardship" shall be
20 required to provide the judge with documentation, such as,
21 but not limited to, federal and State income tax returns,
22 medical statements from licensed physicians, proof of
23 dependency or guardianship, and similar documents, which the
24 judge finds to clearly support the request to be excused.
25 Failure to provide satisfactory documentation shall result in
26 a denial of the request to be excused.

27 (d) After 24 months, a person excused from jury service
28 shall become eligible once again for qualification as a juror
29 unless the person was excused from service permanently. A
30 person is excused from jury service permanently only when the
31 judge determines that the underlying grounds for being
32 excused are of a permanent nature.

33 (e) (b) When an undue hardship caused by a family
34 situation is due to the prospective juror being the primary

1 care giver of a person with a mental or physical disability,
 2 a person with a medically diagnosed behavior problem, or a
 3 child under age 12, then the county board, jury commissioners
 4 or jury administrator shall excuse such a prospective juror,
 5 if it finds that no reasonable alternative care is feasible
 6 which would not impose an undue hardship on the prospective
 7 juror or the person for whom the prospective juror is
 8 providing care, or both.

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

10 (705 ILCS 305/10.3 new)

11 Sec. 10.3. Postponement of jury service.

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

17 (1) The juror has not previously been granted a
 18 postponement;

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

22 (3) Prior to the grant of a postponement with the
 23 concurrence of the clerk of the court, the prospective
 24 juror fixes a date certain on which he or she will appear
 25 for jury service that is not more than 6 months after the
 26 date on which the prospective juror originally was called
 27 to serve and on which date the court will be in session.

28 (b) A subsequent request to postpone jury service may be
 29 approved by a judicial officer only in the event of an
 30 extreme emergency, such as a death in the family, sudden
 31 illness, a natural disaster or a national emergency in which
 32 the prospective juror is personally involved, that could not
 33 have been anticipated at the time the initial postponement

1 was granted. Prior to the grant of a second postponement, the
 2 prospective juror must fix a date certain on which the
 3 individual will appear for jury service within 6 months of
 4 the postponement on a date when the court will be in session.

5 (705 ILCS 305/15) (from Ch. 78, par. 15)

6 Sec. 15. Failure to attend; misdemeanor. Every person
 7 who shall fail to attend when lawfully summoned to appear as
 8 a grand or petit juror, without having properly obtained
 9 postponement or excuse pursuant to Sections 10.2 and 10.3 a
 10 reasonable-excuse, shall-be-considered--as is guilty of a
 11 Class C misdemeanor and subject to imprisonment or fine of up
 12 to \$500 in accordance with the laws of this State contempt,
 13 and-shall-be-fined-by-the-courts,-respectively,-in-any-sum
 14 not-less-than-\$5-nor-more-than-\$100,-for-the-use-of-the
 15 proper-county,-unless-good-cause-be-shown-for-such-default;
 16 and-it-shall-be-the-duty-of-the-court-to-enter-an-order-of
 17 attachment,-returnable-forthwith,-against-all-such
 18 delinquents,-and-upon-the-return-thereof-the-court-shall
 19 proceed-to-assess-the-fine-unless-the-person-or-persons-so
 20 attached-shall-show-good-cause-for-such-delinquency;
 21 Provided,-that-the-oath-or-affirmation-of-any-such-delinquent
 22 shall,-at-all-times,-be-received-as-competent-evidence.

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

24 Section 95. Severability. The provisions of this Act are
 25 severable. If any portion of this Act is declared
 26 unconstitutional or the application of any part of this Act
 27 to any person or circumstance is held invalid, the remaining
 28 portions of the Act and their applicability to any person or
 29 circumstance shall remain valid and enforceable.

30 Section 99. This Act takes effect July 1, 2003."