

# HB3256



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3256

by Rep. Ron Sandack

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-11001  
735 ILCS 5/2-1105

from Ch. 34, par. 4-11001  
from Ch. 110, par. 2-1105

Amends the Counties Code and the Code of Civil Procedure to reverse the changes made by Public Act 98-1132 to provisions governing jury size and compensation. Effective June 1, 2015.

LRB099 06150 HEP 26208 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Counties Code is amended by changing Section  
5 4-11001 as follows:

6 (55 ILCS 5/4-11001) (from Ch. 34, par. 4-11001)

7 (Text of Section before amendment by P.A. 98-1132)

8 Sec. 4-11001. Juror fees. Each county shall pay to grand  
9 and petit jurors for their services in attending courts the sum  
10 of \$4 for each day of necessary attendance at such courts as  
11 jurors in counties of the first class, the sum of \$5 for each  
12 day in counties of the second class, and the sum of \$10 for  
13 each day in counties of the third class, or such higher amount  
14 as may be fixed by the county board.

15 In addition, jurors shall receive such travel expense as  
16 may be determined by the county board, provided that jurors in  
17 counties of the first class and second class shall receive at  
18 least 10 cents per mile for their travel expense. Mileage shall  
19 be allowed for travel during a juror's term as well as for  
20 travel at the opening and closing of his term.

21 If a judge so orders, a juror shall also receive  
22 reimbursement for the actual cost of day care incurred by the  
23 juror during his or her service on a jury.

1           The juror fees for service, transportation, and day care  
2 shall be paid out of the county treasury.

3           The clerk of the court shall furnish to each juror without  
4 fee whenever he is discharged a certificate of the number of  
5 days' attendance at court, and upon presentation thereof to the  
6 county treasurer, he shall pay to the juror the sum provided  
7 for his service.

8           Any juror may elect to waive the fee paid for service,  
9 transportation, or day care, or any combination thereof.

10          (Source: P.A. 97-840, eff. 1-1-13.)

11           (Text of Section after amendment by P.A. 98-1132)

12           Sec. 4-11001. Juror fees. Each county shall pay to grand  
13 and petit jurors for their services in attending courts the sum  
14 of \$4 ~~sums of \$25 for the first day and thereafter \$50~~ for each  
15 day of necessary attendance at such courts as jurors in  
16 counties of the first class, the sum of \$5 for each day in  
17 counties of the second class, and the sum of \$10 for each day  
18 in counties of the third class, or such higher amount as may be  
19 fixed by the county board.

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21 may be determined by the county board, provided that jurors in  
22 counties of the first class and second class shall receive at  
23 least 10 cents per mile for their travel expense. Mileage shall  
24 be allowed for travel during a juror's term as well as for  
25 travel at the opening and closing of his or her term.

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7 fee whenever he is discharged a certificate of the number of  
8 days' attendance at court, and upon presentation thereof to the  
9 county treasurer, he shall pay to the juror the sum provided  
10 for his service.

11           Any juror may elect to waive the fee paid for service,  
12 transportation, or day care, or any combination thereof.

13           (Source: P.A. 97-840, eff. 1-1-13; 98-1132, eff. 6-1-15.)

14           Section 10. The Code of Civil Procedure is amended by  
15 changing Section 2-1105 as follows:

16           (735 ILCS 5/2-1105) (from Ch. 110, par. 2-1105)

17           (Text of Section before amendment by P.A. 98-1132)

18           Sec. 2-1105. Jury demand.

19           (a) A plaintiff desirous of a trial by jury must file a  
20 demand therefor with the clerk at the time the action is  
21 commenced. A defendant desirous of a trial by jury must file a  
22 demand therefor not later than the filing of his or her answer.  
23 Otherwise, the party waives a jury. If an action is filed  
24 seeking equitable relief and the court thereafter determines

1 that one or more of the parties is or are entitled to a trial by  
2 jury, the plaintiff, within 3 days from the entry of such order  
3 by the court, or the defendant, within 6 days from the entry of  
4 such order by the court, may file his or her demand for trial  
5 by jury with the clerk of the court. If the plaintiff files a  
6 jury demand and thereafter waives a jury, any defendant and, in  
7 the case of multiple defendants, if the defendant who filed a  
8 jury demand thereafter waives a jury, any other defendant shall  
9 be granted a jury trial upon demand therefor made promptly  
10 after being advised of the waiver and upon payment of the  
11 proper fees, if any, to the clerk.

12 (b) All jury cases where the claim for damages is \$50,000  
13 or less shall be tried by a jury of 6, unless either party  
14 demands a jury of 12. If a fee in connection with a jury demand  
15 is required by statute or rule of court, the fee for a jury of 6  
16 shall be 1/2 the fee for a jury of 12. A party demanding a jury  
17 of 12 after another party has paid the applicable fee for a  
18 jury of 6 shall pay the remaining 1/2 of the fee applicable to  
19 a jury of 12.

20 (Source: P.A. 94-206, eff. 1-1-06.)

21 (Text of Section after amendment by P.A. 98-1132)

22 Sec. 2-1105. Jury demand.

23 (a) A plaintiff desirous of a trial by jury must file a  
24 demand therefor with the clerk at the time the action is  
25 commenced. A defendant desirous of a trial by jury must file a

1 demand therefor not later than the filing of his or her answer.  
2 Otherwise, the party waives a jury. If an action is filed  
3 seeking equitable relief and the court thereafter determines  
4 that one or more of the parties is or are entitled to a trial by  
5 jury, the plaintiff, within 3 days from the entry of such order  
6 by the court, or the defendant, within 6 days from the entry of  
7 such order by the court, may file his or her demand for trial  
8 by jury with the clerk of the court. If the plaintiff files a  
9 jury demand and thereafter waives a jury, any defendant and, in  
10 the case of multiple defendants, if the defendant who filed a  
11 jury demand thereafter waives a jury, any other defendant shall  
12 be granted a jury trial upon demand therefor made promptly  
13 after being advised of the waiver and upon payment of the  
14 proper fees, if any, to the clerk.

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16 or less shall be tried by a jury of 6, unless either party  
17 demands a jury of 12. If a fee in connection with a jury demand  
18 is required by statute or rule of court, the fee for a jury of 6  
19 shall be 1/2 the fee for a jury of 12. A party demanding a jury  
20 of 12 after another party has paid the applicable fee for a  
21 jury of 6 shall pay the remaining 1/2 of the fee applicable to  
22 a jury of 12. ~~If alternate jurors are requested, an additional~~  
23 ~~fee established by the county shall be charged for each~~  
24 ~~alternate juror requested. For all cases filed prior to the~~  
25 ~~effective date of this amendatory Act of the 98th General~~  
26 ~~Assembly, if a party has paid for a jury of 12, that party may~~

1 ~~demand a jury of 12 upon proof of payment.~~

2 (Source: P.A. 98-1132, eff. 6-1-15.)

3       Section 95. No acceleration or delay. Where this Act makes  
4 changes in a statute that is represented in this Act by text  
5 that is not yet or no longer in effect (for example, a Section  
6 represented by multiple versions), the use of that text does  
7 not accelerate or delay the taking effect of (i) the changes  
8 made by this Act or (ii) provisions derived from any other  
9 Public Act.

10       Section 99. Effective date. This Act takes effect June 1,  
11 2015.