

SB2395



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2395

Introduced 2/3/2016, by Sen. James F. Clayborne, Jr.

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 immediately.

LRB099 18630 HEP 43012 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 Sec. 4-11001. Juror fees. Each county shall pay to grand
8 and petit jurors for their services in attending courts the sum
9 of \$4 ~~sums of \$25 for the first day and thereafter \$50~~ for each
10 day of necessary attendance at such courts as jurors in
11 counties of the first class, the sum of \$5 for each day in
12 counties of the second class, and the sum of \$10 for each day
13 in counties of the third class, or such higher amount as may be
14 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 or her 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; 98-1132, eff. 6-1-15.)

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

13 (735 ILCS 5/2-1105) (from Ch. 110, par. 2-1105)

14 Sec. 2-1105. Jury demand.

15 (a) A plaintiff desirous of a trial by jury must file a
16 demand therefor with the clerk at the time the action is
17 commenced. A defendant desirous of a trial by jury must file a
18 demand therefor not later than the filing of his or her answer.
19 Otherwise, the party waives a jury. If an action is filed
20 seeking equitable relief and the court thereafter determines
21 that one or more of the parties is or are entitled to a trial by
22 jury, the plaintiff, within 3 days from the entry of such order
23 by the court, or the defendant, within 6 days from the entry of
24 such order by the court, may file his or her demand for trial

1 by jury with the clerk of the court. If the plaintiff files a
2 jury demand and thereafter waives a jury, any defendant and, in
3 the case of multiple defendants, if the defendant who filed a
4 jury demand thereafter waives a jury, any other defendant shall
5 be granted a jury trial upon demand therefor made promptly
6 after being advised of the waiver and upon payment of the
7 proper fees, if any, to the clerk.

8 (b) All jury cases where the claim for damages is \$50,000
9 or less shall be tried by a jury of 6, unless either party
10 demand a jury of 12. If a fee in connection with a jury demand
11 is required by statute or rule of court, the fee for a jury of 6
12 shall be 1/2 the fee for a jury of 12. A party demanding a jury
13 of 12 after another party has paid the applicable fee for a
14 jury of 6 shall pay the remaining 1/2 of the fee applicable to
15 a jury of 12. If alternate jurors are requested, an additional
16 fee established by the county shall be charged for each
17 alternate juror requested. For all cases filed prior to the
18 effective date of this amendatory Act of the 98th General
19 Assembly, if a party has paid for a jury of 12, that party may
20 demand a jury of 12 upon proof of payment.

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.