



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB3286

Introduced 2/19/2016, by Sen. Toi W. Hutchinson

#### SYNOPSIS AS INTRODUCED:

705 ILCS 305/2

from Ch. 78, par. 2

735 ILCS 5/2-1106

from Ch. 110, par. 2-1106

Amends the Jury Act. Provides that except as otherwise specifically provided by statute, no person who is qualified and able to serve as a juror may be excluded from jury service in any court of this State on the basis of race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service. Amends the Code of Civil Procedure. Provides that a party shall not use a peremptory challenge to remove a prospective juror on the basis of race, color, religion, sex, national origin, economic status, or sexual orientation.

LRB099 20733 HEP 45377 b

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 Jury Act is amended by changing Section 2 as  
5 follows:

6 (705 ILCS 305/2) (from Ch. 78, par. 2)

7 Sec. 2. Jury qualifications.

8 (a) At the September meeting of the county board in each  
9 year in the respective counties in this State, except those  
10 that have jury commissioners, the board shall select from the  
11 list the number of persons as the judges of the circuit courts,  
12 to be held in the county during the succeeding year, may by  
13 joint action determine to serve as petit jurors. In counties  
14 having jury commissioners, the persons to serve as petit jurors  
15 shall be selected by the jury commissioners, as provided by  
16 law. County boards, a jury administrator, and jury  
17 commissioners may utilize the services of the Administrative  
18 Office of the Illinois Courts in making these selections.  
19 Jurors in all counties in Illinois must have the legal  
20 qualifications herein prescribed. Jurors must be:

21 (1) Inhabitants of the county.

22 (2) Of the age of 18 years or upwards.

23 (3) Free from all legal exception, of fair character,

1 of approved integrity, of sound judgment, well informed,  
2 and able to understand the English language, whether in  
3 spoken or written form or interpreted into sign language.

4 (4) Citizens of the United States of America.

5 (b) Except as otherwise specifically provided by statute,  
6 no person who is qualified and able to serve as a juror may be  
7 excluded from jury service in any court of this State on the  
8 basis of religion, national origin, age, sex, marital status,  
9 order of protection status, disability, military status,  
10 sexual orientation, pregnancy, or unfavorable military  
11 discharge, as those terms are defined in Section 1-103 of the  
12 Illinois Human Rights Act, or on the basis of race, color, or  
13 ancestry.

14 (Source: P.A. 90-482, eff. 1-1-98.)

15 Section 10. The Code of Civil Procedure is amended by  
16 changing Section 2-1106 as follows:

17 (735 ILCS 5/2-1106) (from Ch. 110, par. 2-1106)

18 Sec. 2-1106. Peremptory challenges - Alternate jurors. (a)  
19 Each side shall be entitled to 5 peremptory challenges. If  
20 there is more than one party on any side, the court may allow  
21 each side additional peremptory challenges, not to exceed 3, on  
22 account of each additional party on the side having the  
23 greatest number of parties. Each side shall be allowed an equal  
24 number of peremptory challenges. If the parties on a side are

1 unable to agree upon the allocation of peremptory challenges  
2 among themselves, the allocation shall be determined by the  
3 court. A party shall not use a peremptory challenge to remove a  
4 prospective juror on the basis of religion, sex, national  
5 origin, or sexual orientation, as those terms are defined in  
6 Section 1-103 of the Illinois Human Rights Act, or on the basis  
7 of race, color, or economic status.

8 (b) The court may direct that 1 or 2 jurors in addition to  
9 the regular panel be impanelled to serve as alternate jurors.  
10 Alternate jurors, in the sequence in which they are ordered  
11 into the jury box, shall replace jurors who, prior to the time  
12 the jury retires to consider its verdict, become unable to  
13 perform their duties. Alternate jurors shall be drawn in the  
14 same manner, have the same qualifications, be subject to the  
15 same examination and challenges, take the same oath, and have  
16 the same functions, powers, facilities, and privileges as the  
17 principal jurors. An alternate juror who does not replace a  
18 principal juror shall be discharged at the time the jury  
19 retires to consider its verdict. If alternate jurors are called  
20 each side shall be allowed one additional peremptory challenge,  
21 regardless of the number of alternate jurors called. The  
22 additional peremptory challenge may be used only against an  
23 alternate juror, but any unexercised peremptory challenges may  
24 be used against an alternate juror.

25 (Source: P.A. 83-707.)