

# SB1275



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1275

Introduced 2/9/2017, by Sen. Jason A. Barickman

#### 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 reenact provisions of the Act without the changes made to those provisions by Public Act 98-1132, which was held unconstitutional by the Illinois Supreme Court in *Kakos v. Butler*, 2016 IL 120377. Effective immediately.

LRB100 09091 HEP 19244 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 1. Purpose.

5 (a) The General Assembly finds and declares that:

6 (1) "An Act concerning courts", Public Act 98-1132,  
7 approved December 19, 2014, amended Section 4-11001 of the  
8 Counties Code and Section 2-1105 of the Code of Civil  
9 Procedure.

10 (2) In *Kakos v. Butler*, 2016 IL 120377, the Illinois  
11 Supreme Court held that Public Act 98-1132 is void in its  
12 entirety.

13 (b) It is the purpose of this Act to reenact Section  
14 4-11001 of the Counties Code and Section 2-1105 without the  
15 changes made by Public Act 98-1132.

16 (c) This Act is not intended to supersede any other Public  
17 Act of the 100th General Assembly.

18 Section 5. The Counties Code is amended by reenacting  
19 Section 4-11001 as follows:

20 (55 ILCS 5/4-11001) (from Ch. 34, par. 4-11001)

21 Sec. 4-11001. Juror fees. Each county shall pay to grand  
22 and petit jurors for their services in attending courts the sum

1 of \$4 for each day of necessary attendance at such courts as  
2 jurors in counties of the first class, the sum of \$5 for each  
3 day in counties of the second class, and the sum of \$10 for  
4 each day in counties of the third class, or such higher amount  
5 as may be fixed by the county board.

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

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

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

17 The clerk of the court shall furnish to each juror without  
18 fee whenever he is discharged a certificate of the number of  
19 days' attendance at court, and upon presentation thereof to the  
20 county treasurer, he shall pay to the juror the sum provided  
21 for his service.

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

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

25 Section 10. The Code of Civil Procedure is amended by

1 reenacting Section 2-1105 as follows:

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

3 Sec. 2-1105. Jury demand.

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

21 (b) All jury cases where the claim for damages is \$50,000  
22 or less shall be tried by a jury of 6, unless either party  
23 demands a jury of 12. If a fee in connection with a jury demand  
24 is required by statute or rule of court, the fee for a jury of 6  
25 shall be 1/2 the fee for a jury of 12. A party demanding a jury

1 of 12 after another party has paid the applicable fee for a  
2 jury of 6 shall pay the remaining 1/2 of the fee applicable to  
3 a jury of 12.

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

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.