



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0174**

Introduced 1/11/2005, by Rep. JoAnn D. Osmond

**SYNOPSIS AS INTRODUCED:**

735 ILCS 5/2-1105

from Ch. 110, par. 2-1105

Amends the Code of Civil Procedure. Provides for a jury of 6 in all jury cases where the claim for damages is \$50,000 or less (instead of cases where the claim does not exceed \$15,000) unless either party demands a jury of 12.

LRB094 04319 LCB 34348 b

1 AN ACT concerning civil procedure.

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

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 2-1105 as follows:

6 (735 ILCS 5/2-1105) (from Ch. 110, par. 2-1105)

7 Sec. 2-1105. Jury demand. (a) A plaintiff desirous of a  
8 trial by jury must file a demand therefor with the clerk at the  
9 time the action is commenced. A defendant desirous of a trial  
10 by jury must file a demand therefor not later than the filing  
11 of his or her answer. Otherwise, the party waives a jury. If an  
12 action is filed seeking equitable relief and the court  
13 thereafter determines that one or more of the parties is or are  
14 entitled to a trial by jury, the plaintiff, within 3 days from  
15 the entry of such order by the court, or the defendant, within  
16 6 days from the entry of such order by the court, may file his  
17 or her demand for trial by jury with the clerk of the court. If  
18 the plaintiff files a jury demand and thereafter waives a jury,  
19 any defendant and, in the case of multiple defendants, if the  
20 defendant who filed a jury demand thereafter waives a jury, any  
21 other defendant shall be granted a jury trial upon demand  
22 therefor made promptly after being advised of the waiver and  
23 upon payment of the proper fees, if any, to the clerk.

24 (b) All jury cases where the claim for damages is \$50,000  
25 or less ~~does not exceed \$15,000~~ shall be tried by a jury of 6,  
26 unless either party demands a jury of 12. If a fee in  
27 connection with a jury demand is required by statute or rule of  
28 court, the fee for a jury of 6 shall be 1/2 the fee for a jury  
29 of 12. A party demanding a jury of 12 after another party has  
30 paid the applicable fee for a jury of 6 shall pay the remaining  
31 1/2 of the fee applicable to a jury of 12.

32 (Source: P.A. 83-1362.)