



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1707

Introduced 2/9/2011, by Sen. Dale A. Righter

#### SYNOPSIS AS INTRODUCED:

705 ILCS 305/9	from Ch. 78, par. 9
705 ILCS 305/9.1	from Ch. 78, par. 9.1
705 ILCS 305/16	from Ch. 78, par. 16
705 ILCS 305/17	from Ch. 78, par. 17
705 ILCS 305/19	from Ch. 78, par. 19
725 ILCS 5/112-2	from Ch. 38, par. 112-2

Amends the Jury Act and the Code of Criminal Procedure of 1963. Provides that a grand jury shall have 7 (instead of 16) members, with a quorum of 5 (instead of 9) members, and supplemental panels shall have 4 (instead of 12) members. Effective immediately.

LRB097 09284 AJO 49419 b

1 AN ACT concerning grand juries.

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 Sections 9,  
5 9.1, 16, 17, and 19 as follows:

6 (705 ILCS 305/9) (from Ch. 78, par. 9)

7 Sec. 9. In other than single county circuits, if a grand  
8 jury is required by law or by the order of the judge for any  
9 court, the county board in each of the counties in this State  
10 wherein such court is directed to be held, at least 20 days  
11 before the time of appearance specified in the summons  
12 hereinafter mentioned shall select 7 ~~16~~ persons possessing the  
13 qualifications provided in Section 2 of this Act, by lot from  
14 the jury list, to serve as grand jurors; the panel of the 7 ~~16~~  
15 persons so selected to be known as the regular panel; and shall  
16 at the same time, in like manner, select 4 ~~12~~ additional  
17 persons possessing such qualifications, the panel of the 4 ~~12~~  
18 additional persons so selected to be known as the supplemental  
19 panel; and cause their clerk within 5 days thereafter to  
20 certify the 2 panels properly identified as the regular panel  
21 and supplemental panel, respectively, to the clerk of the court  
22 for which they are selected, who shall issue a summons to each  
23 of the 7 ~~16~~ persons so selected for the regular panel, at least

1 10 days before the time hereinafter mentioned, commanding him  
2 to appear before such court at or before 11:00 a. m. upon the  
3 date of appearance of the grand jurors established pursuant to  
4 Section 112-3 of the "Code of Criminal Procedure of 1963",  
5 approved August 14, 1963, as now and hereafter amended, to  
6 constitute a grand jury. The clerk of the court issuing such  
7 summons shall follow the procedure he selects or is directed by  
8 the court to select from among those permitted by this Section.

9 The issuing clerk may use first class mail as the initial  
10 form of summons, incorporating any reasonable form of request  
11 for acknowledgement which is deemed practical and which would  
12 provide a reliable proof of service. One permissible method is  
13 the use of a duplex card properly addressed to the person  
14 summoned to be a juror and requesting the person so summoned to  
15 detach and return to the issuing clerk the part of the duplex  
16 card which is attached for his acknowledgement with his  
17 signature thereon. As used in this Section, a "duplex card"  
18 means any postcard with 2 mailable parts with a summons on one  
19 part and a detachable acknowledgement of receipt of such  
20 summons on the other part.

21 The issuing clerk may use certified mail as the initial  
22 means of service or as a secondary means of service in case the  
23 acknowledgement requested in a summons delivered by first class  
24 mail is not returned in the time period required. The certified  
25 mail may or may not be marked for delivery to the addressee  
26 only. The certificate of the issuing clerk that he has sent the

1 summons in pursuance of this Section is evidence that he has  
2 done so. If the person summoned to be a juror does not return  
3 the acknowledgement of the summons in the time period  
4 requested, such prospective juror shall not be deemed guilty of  
5 contempt of court.

6 If service of summons cannot be made by the type of mail  
7 service selected, the clerk of the court issuing such summons  
8 shall, as soon as such fact is determined, re-issue such  
9 summons and deliver it to the sheriff of the county wherein the  
10 court is to be held, at least 10 days before the time of  
11 appearance hereinafter mentioned a summons commanding him to  
12 summon the person named therein so selected for the regular  
13 panel to appear before such court at or before the hour of  
14 11:00 a. m. upon the date of appearance of the grand jurors  
15 established pursuant to Section 112-3 of the "Code of Criminal  
16 Procedure of 1963", approved August 14, 1963, as now and  
17 hereafter amended, to constitute a grand jury or at such time  
18 and date as the court may order for such re-issued summons. The  
19 sheriff shall serve such summons in the manner provided in  
20 Section 11 of this Act, for service of summons by the sheriff  
21 on petit jurors, and for any refusal or neglect so to do, shall  
22 be deemed guilty of contempt of court and may be fined therefor  
23 as provided in Section 11 of this Act, for default in summoning  
24 petit jurors. If for any reason the panel is not full at the  
25 opening of such court, the judge shall direct the sheriff to  
26 summon, at random, such number of persons named in the

1 supplemental panel as the judge may determine to make available  
2 to fill the panel of grand jurors, and if the supplemental  
3 panel be exhausted without filling the grand jury panel, the  
4 judge shall select by lot from the jury list and direct the  
5 sheriff to summon a sufficient number of persons having the  
6 qualifications of jurors, as provided by this Act, to fill the  
7 panel; however, the court or judge may direct the clerk, at any  
8 time prior to the issuance of the summons for the regular  
9 panel, to include in the summons any specified number of the  
10 names listed on the supplemental panel, in the order in which  
11 they appear, starting with the first and counting  
12 consecutively, so that the persons so designated may be  
13 available in court for the filling of the grand jury panel, in  
14 which case the clerk shall also summon such supplemental  
15 panelist as is provided in this Section for service on regular  
16 panel selections. In counties having jury commissioners, the  
17 names of the persons to constitute the regular and supplemental  
18 panels shall be drawn in the manner provided for the drawing of  
19 names of persons to serve as petit jurors in such counties; the  
20 7 ~~16~~ names to provide the regular panel shall be first drawn,  
21 and thereupon 4 ~~12~~ names for the supplemental panel shall be  
22 drawn and listed on that panel in the order in which they are  
23 drawn.

24 (Source: P.A. 85-690.)

25 (705 ILCS 305/9.1) (from Ch. 78, par. 9.1)

1           Sec. 9.1. In single county circuits, if a grand jury is  
2 required by law or by the order of the judge for any court, the  
3 county board in each of the counties in this State wherein such  
4 court is directed to be held, at least 20 days before the time  
5 of appearance specified in the summons hereinafter mentioned  
6 shall select 7 ~~16~~ persons possessing the qualifications  
7 provided in Section 2 of this Act, by lot from the jury list,  
8 to serve as grand jurors; the panel of the 7 ~~16~~ persons so  
9 selected to be known as the regular panel; and shall at the  
10 same time, in like manner, select 4 ~~12~~ additional persons  
11 possessing such qualifications, the panel of the 4 ~~12~~  
12 additional persons so selected to be known as the supplemental  
13 panel; and cause their clerk within 5 days thereafter to  
14 certify the 2 panels properly identified as the regular panel  
15 and supplemental panel, respectively, to the clerk of the court  
16 for which they are selected, who shall issue a summons to each  
17 of the 7 ~~16~~ persons so selected for the regular panel at least  
18 10 days before the time hereinafter mentioned, commanding him  
19 to appear before such court at an hour directed by the judge  
20 upon the date of appearance of the grand jurors established  
21 pursuant to Section 112-3 of the "Code of Criminal Procedure of  
22 1963", approved August 14, 1963, as now and hereafter amended,  
23 to constitute a grand jury. The clerk of the court issuing such  
24 summons shall follow the procedure he selects or is directed by  
25 the court to select from among those permitted by this Section.

26           The issuing clerk may use first class mail as the initial

1 form of summons, incorporating any reasonable form of request  
2 for acknowledgement which is deemed practical and which would  
3 provide a reliable proof of service. One permissible method is  
4 the use of a duplex card properly addressed to the person  
5 summoned to be a juror and requesting the person so summoned to  
6 detach and return to the issuing clerk the part of the duplex  
7 card which is attached for his acknowledgement with his  
8 signature thereon. As used in this Section, a "duplex card"  
9 means any postcard with 2 mailable parts with a summons on one  
10 part and a detachable acknowledgement of receipt of such  
11 summons on the other part.

12 The issuing clerk may use certified mail as the initial  
13 means of service or as a secondary means of service in case the  
14 acknowledgement requested in a summons delivered by first class  
15 mail is not returned in the time period required. The certified  
16 mail may or may not be marked for delivery to the addressee  
17 only. The certificate of the issuing clerk that he has sent the  
18 summons pursuant to this Section is evidence that he has done  
19 so. If the person summoned to be a juror does not return the  
20 acknowledgement of the summons in the time period requested,  
21 such prospective juror shall not be deemed guilty of contempt  
22 of court.

23 If service of summons cannot be made by the type of service  
24 selected the clerk of the court issuing such summons shall as  
25 soon as such fact is determined reissue such summons and  
26 deliver it to the sheriff of the county. At least 10 days

1 before the time of appearance hereinafter mentioned the sheriff  
2 shall serve such summons on the person named therein so  
3 selected for the regular panel to appear before such court at  
4 an hour directed by the judge upon the date of appearance of  
5 the grand jurors established pursuant to Section 112-3 of the  
6 "Code of Criminal Procedure of 1963", approved August 14, 1963,  
7 as now or hereafter amended, to constitute a grand jury or at  
8 such time and date as the court may order for such reissued  
9 summons.

10 The sheriff shall serve such summons in the manner provided  
11 in Section 11 of this Act, for service of summons on petit  
12 jurors, and for any refusal or neglect so to do, shall be  
13 deemed guilty of contempt of court and may be fined therefor as  
14 provided in Section 11 of this Act, for default in summoning  
15 petit jurors. If for any reason the panel is not full at the  
16 opening of such court, the judge shall direct the sheriff to  
17 summon, at random, such number of persons named in the  
18 supplemental panel as the judge may determine to make available  
19 to fill the panel of grand jurors, and if the supplemental  
20 panel be exhausted without filling the grand jury panel, the  
21 judge shall select by lot from the jury list and direct the  
22 sheriff to summon a sufficient number of persons having the  
23 qualifications of jurors, as provided by this Act, to fill the  
24 panel; however, the court or judge may direct the clerk, at any  
25 time prior to the issuance of the summons for the regular  
26 panel, to include in the summons any specified number of the



1 names listed on the supplemental panel, in the order in which  
2 they appear, starting with the first and counting  
3 consecutively, so that the persons so designated may be  
4 available in court for the filling of the grand jury panel. In  
5 counties having jury commissioners, the names of the persons to  
6 constitute the regular and supplemental panels shall be drawn  
7 in the manner provided for the drawing of names of persons to  
8 serve as petit jurors in such counties; the 7 ~~16~~ names to  
9 provide the regular panel shall be first drawn and thereupon 4  
10 ~~12~~ names for the supplemental panel shall be drawn and listed  
11 on that panel in the order in which they are drawn.

12 (Source: P.A. 85-690.)

13 (705 ILCS 305/16) (from Ch. 78, par. 16)

14 Sec. 16. A full panel of the grand jury shall consist of 7  
15 ~~sixteen~~ persons, 5 ~~twelve~~ of whom shall be sufficient to  
16 constitute a grand jury.

17 (Source: P.A. 85-690.)

18 (705 ILCS 305/17) (from Ch. 78, par. 17)

19 Sec. 17. After the grand jury is impaneled, it shall be the  
20 duty of the court to appoint a foreman, who shall have power to  
21 swear or affirm witnesses to testify before them, and whose  
22 duty it shall be, when the grand jury, or any 5 ~~nine~~ of them,  
23 find a bill of indictment to be supported by good and  
24 sufficient evidence, to indorse thereon "A true bill;" where

1 they do not find a bill to be supported by sufficient evidence,  
2 to indorse thereon "Not a true bill;" and shall, in either  
3 case, sign his name as foreman, at the foot of said  
4 endorsement, and shall also, in each case in which a true bill  
5 shall be returned into court as aforesaid, note thereon the  
6 name or names of the witness or witnesses upon whose evidence  
7 the same shall have been found.

8 (Source: P.A. 85-690.)

9 (705 ILCS 305/19) (from Ch. 78, par. 19)

10 Sec. 19. No grand jury shall make presentments of their own  
11 knowledge, upon the information of a less number than 2 of  
12 their own body, unless the juror giving the information is  
13 previously sworn as a witness, in which event, if the evidence  
14 is deemed sufficient, an indictment may be found thereon in  
15 like manner as upon the evidence of any other witness who may  
16 not be a member of the jury. The judge of the circuit court may  
17 order a special venire to be issued for a grand jury at any  
18 time when he is of the opinion that public justice requires it.  
19 The order for such venire shall be entered on the records of  
20 the court by the clerk thereof; and the clerk shall forthwith  
21 issue such venire under his signature and the seal of the  
22 court, and deliver the same to the sheriff, who shall execute  
23 the same by summoning, in the same manner now provided or that  
24 may hereafter be provided by law for summoning jurors, 7 ~~16~~  
25 persons, qualified by law, to constitute a grand jury. Such

1 venire shall state the day on which such persons shall appear  
2 before the court.

3 (Source: P.A. 85-690.)

4 Section 10. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 112-2 as follows:

6 (725 ILCS 5/112-2) (from Ch. 38, par. 112-2)

7 Sec. 112-2. Impaneling the Grand Jury. (a) The Grand Jury  
8 shall consist of 7 ~~16~~ persons, 5 ~~12~~ of whom shall be necessary  
9 to constitute a quorum.

10 (b) The Grand Jury shall be impaneled, sworn and instructed  
11 as to its duties by the court. The court shall select and swear  
12 one of the grand jurors to serve as foreman.

13 (c) Before the Grand Jury shall enter upon the discharge of  
14 their duties the following oath shall be administered to the  
15 jurors:

16 "You and each of you do solemnly swear (or affirm, as the  
17 case may be), that you will diligently inquire into and true  
18 presentment make of all such matters and things as shall be  
19 given you in charge, or shall otherwise come to your knowledge,  
20 touching the present service; you shall present no person  
21 through malice, hatred or ill-will; nor shall you leave any  
22 unrepresented through fear, favor, affection, or for any fee or  
23 reward, or for any hope or promise thereof; but in all of your  
24 presentments, you shall present the truth, the whole truth, and

1 nothing but the truth, according to the best of your skill and  
2 understanding; so help you God."

3 (Source: P.A. 85-690.)

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