



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3704

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

705 ILCS 305/10.4
705 ILCS 310/10.5

Amends the Jury Act and the Jury Commission Act. In Sections concerning removal of prospective jurors due to total and permanent disability, provides that proof of total and permanent disability may be submitted in the form of copies of school special education individual education programs. Provides that the county board, jury administrator, or jury commissioners shall notify a prospective juror, or his or her legal guardian, when the juror is permanently excluded from all current and subsequent jury lists or general jury lists due to total and permanent disability.

LRB099 09017 HEP 29199 b

1 AN ACT concerning courts.

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 10.4
5 as follows:

6 (705 ILCS 305/10.4)

7 Sec. 10.4. Removal of prospective juror due to total and
8 permanent disability. If a prospective juror is found to be
9 unqualified due to the existence of a total and permanent
10 disability or is excused for undue hardship that is due to the
11 existence of a total and permanent disability, the county
12 board, jury administrator, or jury commissioners shall
13 permanently exclude the prospective juror from all current and
14 subsequent jury lists or general jury lists. Proof of total and
15 permanent disability shall be either:

16 (1) a written letter from a licensed physician that
17 states the prospective juror has a total and permanent
18 disability as defined in this Section, describes the
19 disability, explains how it prevents the prospective juror
20 from serving as a juror, and states that the prospective
21 juror will never be able to serve as a juror; or-

22 (2) copies of school special education individual
23 education programs submitted by the prospective juror or

1 his or her legal guardian.

2 The county board, jury administrator, or jury
3 commissioners shall create and maintain a list of persons to be
4 permanently excluded from any jury list or general jury list
5 pursuant to this Section. The county board, jury administrator,
6 or jury commissioners shall notify a prospective juror, or his
7 or her legal guardian, when the juror is permanently excluded
8 from all current and subsequent jury lists or general jury
9 lists due to total and permanent disability.

10 For the purposes of this Section, "total and permanent
11 disability" means any physical or mental impairment, disease,
12 or loss of a permanent nature that prevents performance of the
13 duties of a juror.

14 (Source: P.A. 97-436, eff. 1-1-12.)

15 Section 10. The Jury Commission Act is amended by changing
16 Section 10.5 as follows:

17 (705 ILCS 310/10.5)

18 Sec. 10.5. Removal of prospective juror due to total and
19 permanent disability. If a prospective juror is found to be
20 unqualified due to the existence of a total and permanent
21 disability or is excused for undue hardship that is due to the
22 existence of a total and permanent disability, the jury
23 administrator or jury commissioners shall permanently exclude
24 the prospective juror from all current and subsequent jury

1 lists or general jury lists. Proof of total and permanent
2 disability shall be either:

3 (1) a written letter from a licensed physician that
4 states the prospective juror has a total and permanent
5 disability as defined in this Section, describes the
6 disability, explains how it prevents the prospective juror
7 from serving as a juror, and states that the prospective
8 juror will never be able to serve as a juror; or -

9 (2) copies of school special education individual
10 education programs submitted by the prospective juror or
11 his or her legal guardian.

12 The jury administrator or jury commissioners shall create
13 and maintain a list of persons to be permanently excluded from
14 any jury list or general jury list pursuant to this Section.
15 The jury administrator or jury commissioners shall notify a
16 prospective juror, or his or her legal guardian, when the juror
17 is permanently excluded from all current and subsequent jury
18 lists or general jury lists due to total and permanent
19 disability.

20 For the purposes of this Section, "total and permanent
21 disability" means any physical or mental impairment, disease,
22 or loss of a permanent nature that prevents performance of the
23 duties of a juror.

24 (Source: P.A. 97-436, eff. 1-1-12.)