

1 AN ACT in relation to breast feeding.

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

4 Section 2. The Jury Act is amended by changing Section
5 10.2 as follows:

6 (705 ILCS 305/10.2) (from Ch. 78, par. 10.2)

7 Sec. 10.2. Excusing prospective jurors; hardship.

8 (a) The county boards of the respective counties, the
9 jury commissioners for those counties which have been
10 appointed under the Jury Commission Act, or a jury
11 administrator shall submit questionnaires to prospective
12 jurors to inquire as to their qualifications for jury service
13 and as to the hardship that jury service would pose to the
14 prospective jurors. Upon prior approval by the chief judge
15 of the judicial circuits in which a county board, jury
16 administrator, or jury commissioners are situated, the county
17 board, jury administrator, or jury commissioners shall excuse
18 a prospective juror from jury service if the prospective
19 juror shows that such service would impose an undue hardship
20 on account of the nature of the prospective juror's
21 occupation, business affairs, physical health, family
22 situation, active duty in the Illinois National Guard or
23 Illinois Naval Militia, or other personal affairs, and cause
24 his or her name to be returned to the jury list or general
25 jury list.

26 (b) When an undue hardship caused by a family situation
27 is due to the prospective juror being the primary care giver
28 of a person with a mental or physical disability, a person
29 with a medically diagnosed behavior problem, or a child under
30 age 12, then the county board, jury commissioners or jury
31 administrator shall excuse such a prospective juror, if it

1 finds that no reasonable alternative care is feasible which
2 would not impose an undue hardship on the prospective juror
3 or the person for whom the prospective juror is providing
4 care, or both.

5 (c) Upon a mother's statement that she is breast feeding
6 and her request to be excused from jury service, she shall be
7 excused from jury service unless it is found that her
8 statement is false.

9 (Source: P.A. 90-482, eff. 1-1-98; 91-264, eff. 7-23-99.)

10 Section 3. The Jury Commission Act is amended by
11 changing Section 10 as follows:

12 (705 ILCS 310/10) (from Ch. 78, par. 33)

13 Sec. 10. When any elector drawn and summoned as a petit
14 juror or as a grand juror shall appear in obedience to
15 summons, any judge of the court in which he has thus
16 appeared, if satisfied that, on account of the nature of the
17 elector's occupation, business affairs, physical health,
18 family situation, active duty in military service, or other
19 personal affairs, service at another time will subject him to
20 less inconvenience, shall have discretion to excuse him
21 temporarily from service as juror or grand juror and require
22 him to appear at a subsequent day not later than one year
23 from the time of such excuse. And if any elector so excused
24 shall fail to appear for service at the later day thus
25 designated, his attendance shall be enforced in the same
26 manner as is now provided by law for the case of his failure
27 to appear in obedience to summons. When any elector has been
28 so temporarily excused, the fact of such excuse and the day
29 at which he is to appear for service shall be certified by
30 the clerk of the court to the jury commissioners or the jury
31 administrator. The jury commissioners or the jury
32 administrator shall thereupon place the name of such elector

1 upon the appropriate period jury list, if period jury lists
 2 have been provided for by the said rules, and, in any case,
 3 shall, at least ten days before the day at which he is
 4 required to appear for service, send him by mail a notice
 5 reminding him of his duty to appear. Failure to send such
 6 notice, however, shall not affect the duty of the elector to
 7 appear as required at the time of his temporary excuse. The
 8 number of petit jurors to be drawn by the clerk of any of the
 9 said courts for any given month, as provided in Section 9 of
 10 this act, shall be reduced by the number of petit jurors on
 11 the period jury list under duty to appear in that court at
 12 that month. A like reduction shall be made in the number of
 13 persons to be drawn as grand jurors as provided in Section 9
 14 of this Act.

15 Upon a mother's statement that she is breast feeding and
 16 her request to be excused from jury service, she shall be
 17 excused from jury service unless it is found that her
 18 statement is false.

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

20 Section 5. The Jury Secrecy Act is amended by changing
 21 Section 1 as follows:

22 (705 ILCS 315/1) (from Ch. 78, par. 36)

23 Sec. 1. (a) Except as provided in subsections ~~subsectien~~
 24 (b) and (c), whoever knowingly and wilfully, by any device or
 25 means whatsoever records or attempts to record, the
 26 proceedings of a petit jury in any court of the State of
 27 Illinois while the jury is deliberating or voting, or listens
 28 to or observes, or attempts to listen to or observe, the
 29 proceedings of any petit jury of which he or she is not a
 30 member in any court of the State of Illinois while the jury
 31 is deliberating or voting, is shall-be guilty of a Class A
 32 misdemeanor. However, if any juror is deaf or hard of

1 hearing, the juror may be accompanied by and may communicate
2 with a court appointed interpreter throughout any period
3 during which the jury is sequestered or engaged in its
4 deliberations. If the jury foreman reasonably believes that
5 the interpreter is doing more than interpreting, nothing in
6 this Act shall prevent him or her from petitioning the court
7 and requesting that the interpreter be replaced with another
8 interpreter.

9 (b) A petit juror in any court of the State of Illinois
10 shall be entitled to take notes in connection with and solely
11 for the purpose of assisting him or her in the performance of
12 his or her duties as juror, and the sheriff of the county in
13 which such juror is serving shall provide writing materials
14 for that purpose. Such notes shall remain confidential, and
15 shall be destroyed by the sheriff after the verdict has been
16 returned or a mistrial declared.

17 (c) A juror who is the mother of an infant may bring
18 that infant into the room where jury deliberations are held
19 for the purpose of breast feeding and caring for that
20 infant.

21 (Source: P.A. 88-27.)

22 Section 10. The Code of Criminal Procedure of 1963 is
23 amended by changing Sections 112-6 and 115-4 as follows:

24 (725 ILCS 5/112-6) (from Ch. 38, par. 112-6)

25 Sec. 112-6. Secrecy of proceedings.}

26 (a) Only the State's Attorney, his or her reporter, an
27 infant whose mother is a grand juror and who is caring for or
28 breast feeding that infant, and any other person authorized
29 by the court or by law may attend the sessions of the Grand
30 Jury. Only the grand jurors shall be present during the
31 deliberations and vote of the Grand Jury. If no reporter is
32 assigned by the State's Attorney to attend the sessions of

1 the Grand Jury, the court shall appoint such reporter.

2 (b) Matters other than the deliberations and vote of any
3 grand juror shall not be disclosed by the State's Attorney,
4 except as otherwise provided for in subsection (c). The
5 court may direct that a Bill of Indictment be kept secret
6 until the defendant is in custody or has given bail and in
7 either event the clerk shall seal the Bill of Indictment and
8 no person shall disclose the finding of the Bill of
9 Indictment except when necessary for the issuance and
10 execution of a warrant.

11 (c) (1) Disclosure otherwise prohibited by this Section
12 of matters occurring before the Grand Jury, other than its
13 deliberations and the vote of any grand juror, may be made
14 to:

15 a. a State's Attorney for use in the performance of such
16 State's Attorney's duty; and

17 b. such government personnel as are deemed necessary by
18 the State's Attorney in the performance of such State's
19 Attorney's duty to enforce State criminal law.

20 (2) Any person to whom matters are disclosed under
21 paragraph (1) of this subsection (c) shall not use the Grand
22 Jury material for any purpose other than assisting the
23 State's Attorney in the performance of such State's
24 Attorney's duty to enforce State criminal law. The State's
25 Attorney shall promptly provide the court, before which was
26 impaneled the Grand Jury whose material has been disclosed,
27 with the names of the persons to whom such disclosure has
28 been made.

29 (3) Disclosure otherwise prohibited by this Section of
30 matters occurring before the Grand Jury may also be made when
31 the court, preliminary to or in connection with a judicial
32 proceeding, directs such in the interests of justice or when
33 a law so directs.

34 (d) Any grand juror or officer of the court who

1 discloses, other than to his attorney, matters occurring
2 before the Grand Jury other than in accordance with the
3 provisions of this subsection or Section 112-7 shall be
4 punished as a contempt of court, subject to proceedings in
5 accordance to law.

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

7 (725 ILCS 5/115-4) (from Ch. 38, par. 115-4)

8 Sec. 115-4. Trial by Court and Jury.†

9 (a) Questions of law shall be decided by the court and
10 questions of fact by the jury.

11 (b) The jury shall consist of 12 members.

12 (c) Upon request the parties shall be furnished with a
13 list of prospective jurors with their addresses if known.

14 (d) Each party may challenge jurors for cause. If a
15 prospective juror has a physical impairment, the court shall
16 consider such prospective juror's ability to perceive and
17 appreciate the evidence when considering a challenge for
18 cause.

19 (e) A defendant tried alone shall be allowed 20
20 peremptory challenges in a capital case, 10 in a case in
21 which the punishment may be imprisonment in the penitentiary,
22 and 5 in all other cases; except that, in a single trial of
23 more than one defendant, each defendant shall be allowed 12
24 peremptory challenges in a capital case, 6 in a case in which
25 the punishment may be imprisonment in the penitentiary, and 3
26 in all other cases. If several charges against a defendant
27 or defendants are consolidated for trial, each defendant
28 shall be allowed peremptory challenges upon one charge only,
29 which single charge shall be the charge against that
30 defendant authorizing the greatest maximum penalty. The
31 State shall be allowed the same number of peremptory
32 challenges as all of the defendants.

33 (f) After examination by the court the jurors may be

1 examined, passed upon, accepted and tendered by opposing
2 counsel as provided by Supreme Court rules.

3 (g) After the jury is impaneled and sworn the court may
4 direct the selection of 2 alternate jurors who shall take the
5 same oath as the regular jurors. Each party shall have one
6 additional peremptory challenge for each alternate juror. If
7 before the final submission of a cause a member of the jury
8 dies or is discharged he shall be replaced by an alternate
9 juror in the order of selection.

10 (h) A trial by the court and jury shall be conducted in
11 the presence of the defendant unless he waives the right to
12 be present.

13 (i) After arguments of counsel the court shall instruct
14 the jury as to the law.

15 (j) Unless the affirmative defense of insanity has been
16 presented during the trial, the jury shall return a general
17 verdict as to each offense charged. When the affirmative
18 defense of insanity has been presented during the trial, the
19 court shall provide the jury not only with general verdict
20 forms but also with a special verdict form of not guilty by
21 reason of insanity, as to each offense charged, and in such
22 event the court shall separately instruct the jury that a
23 special verdict of not guilty by reason of insanity may be
24 returned instead of a general verdict but such special
25 verdict requires a unanimous finding by the jury that the
26 defendant committed the acts charged but at the time of the
27 commission of those acts the defendant was insane. In the
28 event of a verdict of not guilty by reason of insanity, a
29 hearing shall be held pursuant to the Mental Health and
30 Developmental Disabilities Code to determine whether the
31 defendant is subject to involuntary admission. When the
32 affirmative defense of insanity has been presented during the
33 trial, the court, where warranted by the evidence, shall also
34 provide the jury with a special verdict form of guilty but

1 mentally ill, as to each offense charged and shall separately
2 instruct the jury that a special verdict of guilty but
3 mentally ill may be returned instead of a general verdict,
4 but that such special verdict requires a unanimous finding by
5 the jury that: (1) the State has proven beyond a reasonable
6 doubt that the defendant is guilty of the offense charged;
7 and (2) the defendant has failed to prove his insanity as
8 required in subsection (b) of Section 3-2 of the Criminal
9 Code of 1961, as amended, and subsections (a), (b) and (e) of
10 Section 6-2 of the Criminal Code of 1961, as amended; and (3)
11 the defendant has proven by a preponderance of the evidence
12 that he was mentally ill, as defined in subsections (c) and
13 (d) of Section 6-2 of the Criminal Code of 1961, as amended,
14 at the time of the offense.

15 (k) When, at the close of the State's evidence or at the
16 close of all of the evidence, the evidence is insufficient to
17 support a finding or verdict of guilty the court may and on
18 motion of the defendant shall make a finding or direct the
19 jury to return a verdict of not guilty, enter a judgment of
20 acquittal and discharge the defendant.

21 (l) When the jury retires to consider its verdict an
22 officer of the court shall be appointed to keep them together
23 and to prevent conversation between the jurors and others;
24 however, if any juror is deaf, the jury may be accompanied by
25 and may communicate with a court-appointed interpreter during
26 its deliberations. Upon agreement between the State and
27 defendant or his counsel the jury may seal and deliver its
28 verdict to the clerk of the court, separate, and then return
29 such verdict in open court at its next session.

30 (m) In the trial of a capital or other offense, any
31 juror who is a member of a panel or jury which has been
32 impaneled and sworn as a panel or as a jury shall be
33 permitted to separate from other such jurors during every
34 period of adjournment to a later day, until final submission

1 of the cause to the jury for determination, except that no
 2 such separation shall be permitted in any trial after the
 3 court, upon motion by the defendant or the State or upon its
 4 own motion, finds a probability that prejudice to the
 5 defendant or to the State will result from such separation.

6 (n) The members of the jury shall be entitled to take
 7 notes during the trial, and the sheriff of the county in
 8 which the jury is sitting shall provide them with writing
 9 materials for this purpose. Such notes shall remain
 10 confidential, and shall be destroyed by the sheriff after the
 11 verdict has been returned or a mistrial declared.

12 (o) A defendant tried by the court and jury shall only
 13 be found guilty, guilty but mentally ill, not guilty or not
 14 guilty by reason of insanity, upon the unanimous verdict of
 15 the jury.

16 (p) Nothing in this Section prohibits an infant of a
 17 mother who is a juror from attending court and the
 18 deliberation of the jury if the infant is being cared for or
 19 breast fed by his or her mother.

20 (Source: P.A. 86-392.)

21 Section 12. The Illinois Human Rights Act is amended by
 22 adding Section 5-102.1 as follows:

23 (775 ILCS 5/5-102.1 new)

24 Sec. 5-102.1. Breast feeding of infants. It is a civil
 25 rights violation for any person to prohibit a woman from
 26 breast feeding an infant in any place of public
 27 accommodation.

28 Section 15. The One Day Rest in Seven Act is amended by
 29 adding Section 3.5 as follows:

30 (820 ILCS 140/3.5 new)

1 Sec. 3.5. Nursing mother. An employer must provide
2 reasonable unpaid break time each day to an employee who
3 needs to express breast milk for her infant child. The break
4 time must, if possible, run concurrently with any break time
5 already provided to the employee. An employer is not
6 required to provide break time under this Section if to do so
7 would unduly disrupt the operations of the employer.

8 Employers are encouraged to make reasonable efforts to
9 provide a room or other location, in close proximity to the
10 work area, other than a toilet stall, where an employee may
11 express her milk in privacy.