

AN ACT concerning courts.

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

Section 5. The Jury Act is amended by changing Section 10.4 as follows:

(705 ILCS 305/10.4)

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

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

(2) a copy of an individualized education program plan for the prospective juror who participates in a special

education program or receives transition or supported employment services under Article 14 of the School Code, submitted by the prospective juror or his or her legal guardian; or

(3) a copy of a court order for guardianship showing that the juror has been adjudged totally without capacity and a plenary guardian has been appointed.

The county board, jury administrator, or jury commissioners shall create and maintain a list of persons to be permanently excluded from any jury list or general jury list pursuant to this Section. 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.

For the purposes of this Section, "total and permanent disability" means any physical or mental impairment, disease, or loss of a permanent nature that prevents performance of the duties of a juror. "Total and permanent disability" does not include an impairment or disease that is transitory or minor in nature or is capable of being improved.

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

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

(705 ILCS 310/10.5)

Sec. 10.5. Removal of prospective juror due to total and permanent disability. If a prospective juror is found to be unqualified due to the existence of a total and permanent disability or is excused for undue hardship that is due to the existence of a total and permanent disability, the jury administrator or jury commissioners shall permanently exclude the prospective juror from all current and subsequent jury lists or general jury lists. Proof of total and permanent disability shall be either:

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

(2) a copy of an individualized education program plan for the prospective juror who participates in a special education program or receives transition or supported employment services under Article 14 of the School Code, submitted by the prospective juror or his or her legal guardian; or

(3) a copy of a court order for guardianship showing that the juror has been adjudged totally without capacity and a plenary guardian has been appointed.

The jury administrator or jury commissioners shall create

and maintain a list of persons to be permanently excluded from any jury list or general jury list pursuant to this Section. The 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.

For the purposes of this Section, "total and permanent disability" means any physical or mental impairment, disease, or loss of a permanent nature that prevents performance of the duties of a juror. "Total and permanent disability" does not include an impairment or disease that is transitory or minor in nature or is capable of being improved.

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