



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1095

Introduced 02/08/05, by Rep. Robert F. Flider

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 5/32-4

from Ch. 38, par. 32-4

Creates the Juror Protection Act. Provides that a person who represents himself or herself during any phase of a jury trial and is subsequently found guilty of any charge must seek and obtain leave of the court prior to making any attempt to contact any member of the jury panel, regardless of the reason for inquiry. Sets out a process for petitioning the court for leave to contact a member of the jury panel. Provides that any attempt to contact a member of the jury panel following that member's refusal to speak as outlined in the Act shall be deemed a violation of Section 32-4 of the Criminal Code of 1961. Amends the Criminal Code of 1961. Makes violation of the Juror Protection Act a Class 4 felony.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning juries.

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

4 Section 1. Short title. This Act may be cited as the Juror
5 Protection Act.

6 Section 5. Juror contact. A person who represents himself
7 or herself during any phase of a jury trial and is subsequently
8 found guilty of any charge must seek and obtain leave of the
9 court prior to making any attempt to contact any member of the
10 jury panel, regardless of the reason for inquiry.

11 Section 10. Court petition; process.

12 (a) The defendant shall file with the court where his or
13 her case was heard a petition laying forth the reasons why
14 juror contact is necessary or otherwise appropriate.

15 (b) Upon receipt of the petition, the circuit clerk for the
16 court shall forward a copy of the petition to the State's
17 Attorney or other prosecuting attorney. Where a response to the
18 petition is deemed warranted, the State's Attorney or other
19 prosecuting attorney shall have 5 days to file a response.

20 (c) The court shall, within 7 days of receipt of the
21 petition and response, where one is filed, rule on the merits
22 of the request.

23 (d) The court may, but is not required to, hold a hearing
24 on the merits of the petition.

25 (e) If the petition is granted, the court shall, within 7
26 days of the ruling, arrange for the defendant to be transported
27 to the courthouse to take part in the call. All phone calls
28 shall be made by an officer of the court and shall be made
29 between the hours of 8:30 a.m. and 6:00 p.m., Monday through
30 Friday. The court officer shall identify himself or herself to
31 the recipient of the call, ask to speak to the juror in the

1 question, identify the purpose for the call, and ask the juror
2 if he or she is willing to speak to the defendant. If the juror
3 consents, the defendant shall be allowed to speak to the juror
4 under the supervision of the court officer. If the juror
5 refuses, no further contact may be made by or on behalf of the
6 defendant. If there is no answer at the provided phone number,
7 the officer of the court shall leave a message outlining the
8 above and requesting that the juror contact the court officer
9 to indicate whether or not he or she will speak to the
10 defendant.

11 Section 15. Violation. Any attempt to contact a member of
12 the jury panel following that member's refusal to speak as
13 outlined in subsection (e) of Section 10 shall be deemed a
14 violation of Section 32-4 of the Criminal Code of 1961.

15 Section 300. The Criminal Code of 1961 is amended by
16 changing Section 32-4 as follows:

17 (720 ILCS 5/32-4) (from Ch. 38, par. 32-4)

18 Sec. 32-4. Communicating with jurors and witnesses.

19 (a) A person who, with intent to influence any person whom
20 he believes has been summoned as a juror, regarding any matter
21 which is or may be brought before such juror, communicates,
22 directly or indirectly, with such juror otherwise than as
23 authorized by law commits a Class 4 felony.

24 (b) A person who, with intent to deter any party or witness
25 from testifying freely, fully and truthfully to any matter
26 pending in any court, or before a Grand Jury, Administrative
27 agency or any other State or local governmental unit, forcibly
28 detains such party or witness, or communicates, directly or
29 indirectly, to such party or witness any knowingly false
30 information or a threat of injury or damage to the property or
31 person of any individual or offers or delivers or threatens to
32 withhold money or another thing of value to any individual
33 commits a Class 3 felony.

1 (c) A person who violates the Juror Protection Act commits
2 a Class 4 felony.

3 (Source: P.A. 91-696, eff. 4-13-00.)