

Rule 577. Jury Trial

Either party shall have the right to trial by a jury. The prosecuting entity shall make its jury demand at the time the action is commenced. The defendant shall make his or her jury demand and pay the jury demand fee at the time of entering his or her appearance, plea, answer to the charge, or other responsive pleading. Failure to pay the required jury fee to the clerk of the circuit court at the time of entering his or her initial appearance, or by a date ordered by the court, shall constitute a forfeiture of the right to a jury trial.

Because ordinance offenses do not provide for penalties in excess of \$50,000, any jury request shall result in the matter being tried by a jury of six members.

[Adopted December 7, 2011, effective immediately.](#)

Committee Comment

(December 7, 2011)

Section 2-1105 of the Code of Civil Procedure is applicable to jury demands in ordinance violation cases. *City of Danville v. Hartshorn*, 53 Ill. 2d 399, 403 (1973). Section 103-6 of the Code of Criminal Procedure also applies to jury demands in ordinance violation cases. It provides: “every person accused of an offense shall have the right to a trial by jury unless *** (ii) the offense is an ordinance violation punishable by fine only and the defendant either fails to file a demand for a trial by jury at the time of entering his or her plea of not guilty or fails to pay to the clerk of the circuit court at the time of entering his or her plea of not guilty any jury fee required to be paid to the clerk.” 725 ILCS 5/103-6; 705 ILCS 105.27.1a(w)(3).