

**Rule 436. Separation and Sequestration of Jury in Criminal Cases; Admonition by Court.**

(a) In criminal cases, either before or after submission of the cause to the jury for determination, the trial court may, in its discretion, keep the jury together in the charge of an officer of the court, or the court may allow the jurors to separate temporarily outside the presence of a court officer, overnight, on weekends, on holidays, or in emergencies.

(b) The jurors shall, whether permitted to separate or kept in charge of officers, be admonished by the trial court that it is their duty (1) not to converse with anyone else on any subject connected with the trial until they are discharged; (2) not to knowingly read or listen to outside comments or news accounts of the procedure until they are discharged; (3) not to discuss among themselves any subject connected with the trial, or form or express any opinion on the cause until it is submitted to them for deliberation; and (4) not to view the place where the offense was allegedly committed.

Adopted May 20, 1997, effective July 1, 1997.

Committee Comments

This proposed rule is intended to allow jurors to go home for an evening, weekend, holiday, or emergency and dispense with the need to accommodate the jurors in a hotel overnight, even if the cause has been submitted to them for final deliberation. The Code of Criminal Procedure presently requires “an officer of the court \*\*\* to keep [jurors] together and prevent conversation between the jurors and others” (except interpreters), after final submission of the cause to the jury for determination. 725 ILCS 5/115-4. This proposed rule provides that in appropriate cases, jurors may separate temporarily after being admonished with regard to their duties. It does away with the blanket requirement that they be sequestered and guarded.