



Sen. Emil Jones Jr.

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LRB095 05912 AJ0 48893 a

1 AMENDMENT TO SENATE BILL 2722

2 AMENDMENT NO. _____. Amend Senate Bill 2722 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Sections 2-209 and 12-621 as follows:

6 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

7 Sec. 2-209. Act submitting to jurisdiction - Process.

8 (a) Any person, whether or not a citizen or resident of
9 this State, who in person or through an agent does any of the
10 acts hereinafter enumerated, thereby submits such person, and,
11 if an individual, his or her personal representative, to the
12 jurisdiction of the courts of this State as to any cause of
13 action arising from the doing of any of such acts:

- 14 (1) The transaction of any business within this State;
15 (2) The commission of a tortious act within this State;
16 (3) The ownership, use, or possession of any real

1 estate situated in this State;

2 (4) Contracting to insure any person, property or risk
3 located within this State at the time of contracting;

4 (5) With respect to actions of dissolution of marriage,
5 declaration of invalidity of marriage and legal
6 separation, the maintenance in this State of a matrimonial
7 domicile at the time this cause of action arose or the
8 commission in this State of any act giving rise to the
9 cause of action;

10 (6) With respect to actions brought under the Illinois
11 Parentage Act of 1984, as now or hereafter amended, the
12 performance of an act of sexual intercourse within this
13 State during the possible period of conception;

14 (7) The making or performance of any contract or
15 promise substantially connected with this State;

16 (8) The performance of sexual intercourse within this
17 State which is claimed to have resulted in the conception
18 of a child who resides in this State;

19 (9) The failure to support a child, spouse or former
20 spouse who has continued to reside in this State since the
21 person either formerly resided with them in this State or
22 directed them to reside in this State;

23 (10) The acquisition of ownership, possession or
24 control of any asset or thing of value present within this
25 State when ownership, possession or control was acquired;

26 (11) The breach of any fiduciary duty within this

1 State;

2 (12) The performance of duties as a director or officer
3 of a corporation organized under the laws of this State or
4 having its principal place of business within this State;

5 (13) The ownership of an interest in any trust
6 administered within this State; or

7 (14) The exercise of powers granted under the authority
8 of this State as a fiduciary.

9 (b) A court may exercise jurisdiction in any action arising
10 within or without this State against any person who:

11 (1) Is a natural person present within this State when
12 served;

13 (2) Is a natural person domiciled or resident within
14 this State when the cause of action arose, the action was
15 commenced, or process was served;

16 (3) Is a corporation organized under the laws of this
17 State; or

18 (4) Is a natural person or corporation doing business
19 within this State.

20 (b-5) Foreign defamation judgment. The courts of this State
21 shall have personal jurisdiction over any person who obtains a
22 judgment in a defamation proceeding outside the United States
23 against any person who is a resident of Illinois or, if not a
24 natural person, has its principal place of business in
25 Illinois, for the purposes of rendering declaratory relief with
26 respect to that resident's liability for the judgment, or for

1 the purpose of determining whether said judgment should be
2 deemed non-recognizable pursuant to this Code, to the fullest
3 extent permitted by the United States Constitution, provided:

4 (1) the publication at issue was published in Illinois,
5 and

6 (2) that resident (i) has assets in Illinois which
7 might be used to satisfy the foreign defamation judgment,
8 or (ii) may have to take actions in Illinois to comply with
9 the foreign defamation judgment.

10 The provisions of this subsection (b-5) shall apply to
11 persons who obtained judgments in defamation proceedings
12 outside the United States prior to, on, or after the effective
13 date of this amendatory Act of the 95th General Assembly.

14 (c) A court may also exercise jurisdiction on any other
15 basis now or hereafter permitted by the Illinois Constitution
16 and the Constitution of the United States.

17 (d) Service of process upon any person who is subject to
18 the jurisdiction of the courts of this State, as provided in
19 this Section, may be made by personally serving the summons
20 upon the defendant outside this State, as provided in this Act,
21 with the same force and effect as though summons had been
22 personally served within this State.

23 (e) Service of process upon any person who resides or whose
24 business address is outside the United States and who is
25 subject to the jurisdiction of the courts of this State, as
26 provided in this Section, in any action based upon product

1 liability may be made by serving a copy of the summons with a
2 copy of the complaint attached upon the Secretary of State. The
3 summons shall be accompanied by a \$5 fee payable to the
4 Secretary of State. The plaintiff shall forthwith mail a copy
5 of the summons, upon which the date of service upon the
6 Secretary is clearly shown, together with a copy of the
7 complaint to the defendant at his or her last known place of
8 residence or business address. Plaintiff shall file with the
9 circuit clerk an affidavit of the plaintiff or his or her
10 attorney stating the last known place of residence or the last
11 known business address of the defendant and a certificate of
12 mailing a copy of the summons and complaint to the defendant at
13 such address as required by this subsection (e). The
14 certificate of mailing shall be prima facie evidence that the
15 plaintiff or his or her attorney mailed a copy of the summons
16 and complaint to the defendant as required. Service of the
17 summons shall be deemed to have been made upon the defendant on
18 the date it is served upon the Secretary and shall have the
19 same force and effect as though summons had been personally
20 served upon the defendant within this State.

21 (f) Only causes of action arising from acts enumerated
22 herein may be asserted against a defendant in an action in
23 which jurisdiction over him or her is based upon subsection
24 (a).

25 (g) Nothing herein contained limits or affects the right to
26 serve any process in any other manner now or hereafter provided

1 by law.

2 (Source: P.A. 86-840.)

3 (735 ILCS 5/12-621) (from Ch. 110, par. 12-621)

4 Sec. 12-621. Inconclusiveness of judgments. (a) A foreign
5 judgment is not conclusive if

6 (1) the judgment was rendered under a system which does not
7 provide impartial tribunals or procedures compatible with the
8 requirements of due process of law;

9 (2) the foreign court did not have personal jurisdiction
10 over the defendant; or

11 (3) the foreign court did not have jurisdiction over the
12 subject matter.

13 (b) A foreign judgment need not be recognized if

14 (1) the defendant in the proceedings in the foreign court
15 did not receive notice of the proceedings in sufficient time to
16 enable him or her to defend;

17 (2) the judgment was obtained by fraud;

18 (3) the cause of action on which the judgment is based is
19 repugnant to the public policy of this State;

20 (4) the judgment conflicts with another final and
21 conclusive judgment;

22 (5) the proceeding in the foreign court was contrary to an
23 agreement between the parties under which the dispute in
24 question was to be settled otherwise than by proceedings in
25 that court; ~~or~~

1 (6) in the case of jurisdiction based only on personal
2 service, the foreign court was a seriously inconvenient forum
3 for the trial of the action; or -

4 (7) the cause of action resulted in a defamation judgment
5 obtained in a jurisdiction outside the United States, unless a
6 court sitting in this State first determines that the
7 defamation law applied in the foreign jurisdiction provides at
8 least as much protection for freedom of speech and the press as
9 provided for by both the United States and Illinois
10 Constitutions.

11 (Source: P.A. 82-280.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.".