



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2333

Introduced 2/19/2009, by Rep. Franco Coladipietro

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-202

from Ch. 110, par. 2-202

Amends the Code of Civil Procedure by providing that the order must list the name of the specific person authorized to make the service; multiple names or blank authorization may not be allowed unless the person is licensed as a private detective or is employed by a detective agency licensed by the Department of Financial and Professional Regulation under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The court may not appoint a private person who represents himself as a private process service company unless the person is licensed as a private detective agency by the Department of Financial and Professional Regulation under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Effective immediately.

LRB096 03964 AJ0 13999 b

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 2-202 as follows:

6 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

7 Sec. 2-202. Persons authorized to serve process; Place of
8 service; Failure to make return.

9 (a) Process shall be served by a sheriff, or if the sheriff
10 is disqualified, by a coroner of some county of the State. A
11 sheriff of a county with a population of less than 2,000,000
12 ~~1,000,000~~ may employ civilian personnel to serve process. In
13 counties with a population of less than 2,000,000 ~~1,000,000~~,
14 process may be served, without special appointment, by a person
15 who is licensed or registered as a private detective under the
16 Private Detective, Private Alarm, Private Security,
17 Fingerprint Vendor, and Locksmith Act of 2004 or by a
18 registered employee of a private detective agency certified
19 under that Act. A private detective or licensed employee must
20 supply the sheriff of any county in which he serves process
21 with a copy of his license or certificate; however, the failure
22 of a person to supply the copy shall not in any way impair the
23 validity of process served by the person. The court may, in its

1 discretion upon motion, order service to be made by a private
2 person over 18 years of age and not a party to the action. The
3 order must list the name of the specific person authorized to
4 make the service; multiple names or blank authorization may not
5 be allowed unless the person is licensed as a private detective
6 or is employed by a detective agency licensed by the Department
7 of Financial and Professional Regulation under the Private
8 Detective, Private Alarm, Private Security, Fingerprint
9 Vendor, and Locksmith Act of 2004. The court may not appoint a
10 private person who represents himself as a private process
11 service company unless the person is licensed as a private
12 detective agency by the Department of Financial and
13 Professional Regulation under the Private Detective, Private
14 Alarm, Private Security, Fingerprint Vendor, and Locksmith Act
15 of 2004. It is not necessary that service be made by a sheriff
16 or coroner of the county in which service is made. If served or
17 sought to be served by a sheriff or coroner, he or she shall
18 endorse his or her return thereon, and if by a private person
19 the return shall be by affidavit.

20 (a-5) Upon motion and in its discretion, the court may
21 appoint as a special process server a private detective agency
22 certified under the Private Detective, Private Alarm, Private
23 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
24 the appointment, any employee of the private detective agency
25 who is registered under that Act may serve the process. The
26 motion and the order of appointment must contain the number of

1 the certificate issued to the private detective agency by the
2 Department of Professional Regulation under the Private
3 Detective, Private Alarm, Private Security, Fingerprint
4 Vendor, and Locksmith Act of 2004.

5 (b) Summons may be served upon the defendants wherever they
6 may be found in the State, by any person authorized to serve
7 process. An officer may serve summons in his or her official
8 capacity outside his or her county, but fees for mileage
9 outside the county of the officer cannot be taxed as costs. The
10 person serving the process in a foreign county may make return
11 by mail.

12 (c) If any sheriff, coroner, or other person to whom any
13 process is delivered, neglects or refuses to make return of the
14 same, the plaintiff may petition the court to enter a rule
15 requiring the sheriff, coroner, or other person, to make return
16 of the process on a day to be fixed by the court, or to show
17 cause on that day why that person should not be attached for
18 contempt of the court. The plaintiff shall then cause a written
19 notice of the rule to be served on the sheriff, coroner, or
20 other person. If good and sufficient cause be not shown to
21 excuse the officer or other person, the court shall adjudge him
22 or her guilty of a contempt, and shall impose punishment as in
23 other cases of contempt.

24 (d) If process is served by a sheriff or coroner, the court
25 may tax the fee of the sheriff or coroner as costs in the
26 proceeding. If process is served by a private person or entity,

1 the court may establish a fee therefor and tax such fee as
2 costs in the proceedings.

3 (e) In addition to the powers stated in Section 8.1a of the
4 Housing Authorities Act, in counties with a population of
5 3,000,000 or more inhabitants, members of a housing authority
6 police force may serve process for forcible entry and detainer
7 actions commenced by that housing authority and may execute
8 orders of possession for that housing authority.

9 (f) In counties with a population of 3,000,000 or more,
10 process may be served, with special appointment by the court,
11 by a private process server who is licensed as a private
12 detective or is employed by a detective agency licensed by the
13 Department of Financial and Professional Regulation under the
14 Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004 or a law
16 enforcement agency other than the county sheriff in proceedings
17 instituted under the Forcible Entry and Detainer Article of
18 this Code as a result of a lessor or lessor's assignee
19 declaring a lease void pursuant to Section 11 of the Controlled
20 Substance and Cannabis Nuisance Act.

21 (Source: P.A. 95-613, eff. 9-11-07.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.