



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3941

Introduced 5/27/2010, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-202

from Ch. 110, par. 2-202

Amends the Code of Civil Procedure. With respect to the requirement that a person who is a licensed or registered private detective or a registered employee of a private detective agency must supply the sheriff of any county in which the person serves process with a copy of the person's license or certificate, deletes language providing that the failure of a person to supply a copy of the license or certificate to the sheriff does not impair the validity of process served by the person. In a provision that allows a court to appoint a certified private detective agency as a special process server, deletes language allowing any employee of the private detective agency to serve the process under the appointment.

LRB096 22468 AJO 41782 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 1,000,000
12 may employ civilian personnel to serve process. In counties
13 with a population of less than 1,000,000, process may be
14 served, without special appointment, by a person who is
15 licensed or registered as a private detective under the Private
16 Detective, Private Alarm, Private Security, Fingerprint
17 Vendor, and Locksmith Act of 2004 or by a registered employee
18 of a private detective agency certified under that Act. A
19 private detective or licensed employee must supply the sheriff
20 of any county in which he serves process with a copy of his
21 license or certificate; ~~however, the failure of a person to~~
22 ~~supply the copy shall not in any way impair the validity of~~
23 ~~process served by the person.~~ The court may, in its discretion

1 upon motion, order service to be made by a private person over
2 18 years of age and not a party to the action. It is not
3 necessary that service be made by a sheriff or coroner of the
4 county in which service is made. If served or sought to be
5 served by a sheriff or coroner, he or she shall endorse his or
6 her return thereon, and if by a private person the return shall
7 be by affidavit.

8 (a-5) Upon motion and in its discretion, the court may
9 appoint as a special process server a private detective agency
10 certified under the Private Detective, Private Alarm, Private
11 Security, Fingerprint Vendor, and Locksmith Act of 2004. ~~Under~~
12 ~~the appointment, any employee of the private detective agency~~
13 ~~who is registered under that Act may serve the process.~~ The
14 motion and the order of appointment must contain the number of
15 the certificate issued to the private detective agency by the
16 Department of Professional Regulation under the Private
17 Detective, Private Alarm, Private Security, Fingerprint
18 Vendor, and Locksmith Act of 2004.

19 (b) Summons may be served upon the defendants wherever they
20 may be found in the State, by any person authorized to serve
21 process. An officer may serve summons in his or her official
22 capacity outside his or her county, but fees for mileage
23 outside the county of the officer cannot be taxed as costs. The
24 person serving the process in a foreign county may make return
25 by mail.

26 (c) If any sheriff, coroner, or other person to whom any

1 process is delivered, neglects or refuses to make return of the
2 same, the plaintiff may petition the court to enter a rule
3 requiring the sheriff, coroner, or other person, to make return
4 of the process on a day to be fixed by the court, or to show
5 cause on that day why that person should not be attached for
6 contempt of the court. The plaintiff shall then cause a written
7 notice of the rule to be served on the sheriff, coroner, or
8 other person. If good and sufficient cause be not shown to
9 excuse the officer or other person, the court shall adjudge him
10 or her guilty of a contempt, and shall impose punishment as in
11 other cases of contempt.

12 (d) If process is served by a sheriff or coroner, the court
13 may tax the fee of the sheriff or coroner as costs in the
14 proceeding. If process is served by a private person or entity,
15 the court may establish a fee therefor and tax such fee as
16 costs in the proceedings.

17 (e) In addition to the powers stated in Section 8.1a of the
18 Housing Authorities Act, in counties with a population of
19 3,000,000 or more inhabitants, members of a housing authority
20 police force may serve process for forcible entry and detainer
21 actions commenced by that housing authority and may execute
22 orders of possession for that housing authority.

23 (f) In counties with a population of 3,000,000 or more,
24 process may be served, with special appointment by the court,
25 by a private process server or a law enforcement agency other
26 than the county sheriff in proceedings instituted under the

1 Forcible Entry and Detainer Article of this Code as a result of
2 a lessor or lessor's assignee declaring a lease void pursuant
3 to Section 11 of the Controlled Substance and Cannabis Nuisance
4 Act.

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