



Sen. Jacqueline Y. Collins

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09700SB2069sam001

LRB097 08453 AJO 54258 a

1 AMENDMENT TO SENATE BILL 2069

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2069 by replacing  
3 everything after the enacting clause with the following:

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 may employ civilian personnel to serve process. In counties  
13 with a population of less than 2,000,000, 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

1 Vendor, and Locksmith Act of 2004 or by a registered employee  
2 of a private detective agency certified under that Act as  
3 defined in Section (a-5). A private detective or licensed  
4 employee must supply the sheriff of any county in which he  
5 serves process with a copy of his license or certificate;  
6 however, the failure of a person to supply the copy shall not  
7 in any way impair the validity of process served by the person.  
8 The court may, in its discretion upon motion, order service to  
9 be made by a private person over 18 years of age and not a party  
10 to the action. It is not necessary that service be made by a  
11 sheriff or coroner of the county in which service is made. If  
12 served or sought to be served by a sheriff or coroner, he or  
13 she shall endorse his or her return thereon, and if by a  
14 private person the return shall be by affidavit.

15 (a-5) Upon motion and in its discretion, the court may  
16 appoint as a special process server a private detective agency  
17 certified under the Private Detective, Private Alarm, Private  
18 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under  
19 the appointment, any employee of the private detective agency  
20 who is registered under that Act may serve the process. The  
21 motion and the order of appointment must contain the number of  
22 the certificate issued to the private detective agency by the  
23 Department of Professional Regulation under the Private  
24 Detective, Private Alarm, Private Security, Fingerprint  
25 Vendor, and Locksmith Act of 2004. A private detective or  
26 private detective agency shall send, one time only, a copy of

1 his, her, or its individual private detective license or  
2 private detective agency certificate to the county sheriff in  
3 each county in which the detective or detective agency or his,  
4 her, or its employees serve process, regardless of size of the  
5 population of the county. As long as the license or certificate  
6 is valid and meets the requirements of the Department of  
7 Financial and Professional Regulation, a new copy of the  
8 current license or certificate need not be sent to the sheriff.  
9 A private detective agency shall maintain a list of its  
10 registered employees. Registered employees shall consist of:

11 (1) an employee who works for the agency holding a  
12 valid Permanent Employee Registration Card;

13 (2) a person who has applied for a Permanent Employee  
14 Registration Card, has had his or her fingerprints  
15 processed and cleared by the Department of State Police and  
16 the FBI, and as to whom the Department of Financial and  
17 Professional Regulation website shows that the person's  
18 application for a Permanent Employee Registration Card is  
19 pending;

20 (3) a person employed by a private detective agency who  
21 is exempt from a Permanent Employee Registration Card  
22 requirement because the person is a current peace officer;  
23 and

24 (4) a private detective who works for a private  
25 detective agency as an employee.

26 A detective agency shall maintain this list and forward it to

1 any sheriff's department that requests this list within 5  
2 business days after the receipt of the request.

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

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

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

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

7           (f) In counties with a population of 3,000,000 or more,  
8 process may be served, with special appointment by the court,  
9 by a private process server or a law enforcement agency other  
10 than the county sheriff in proceedings instituted under the  
11 Forcible Entry and Detainer Article of this Code as a result of  
12 a lessor or lessor's assignee declaring a lease void pursuant  
13 to Section 11 of the Controlled Substance and Cannabis Nuisance  
14 Act.

15           (Source: P.A. 95-613, eff. 9-11-07; 96-1451, eff. 8-20-10.)".