

HB2564



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2564

Introduced 2/15/2023, by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-203

from Ch. 110, par. 2-203

Amends the Code of Civil Procedure. Provides that when the court holds a person in civil contempt for knowingly setting forth a false statement in a certificate or affidavit, the court shall award a minimum of \$5,000 in damages plus any additional damages it determines to be just (rather than award such damages as it determines to be just).

LRB103 28885 LNS 55271 b

A BILL FOR

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 2-203 as follows:

6 (735 ILCS 5/2-203) (from Ch. 110, par. 2-203)

7 Sec. 2-203. Service on individuals.

8 (a) Except as otherwise expressly provided, service of
9 summons upon an individual defendant shall be made (1) by
10 leaving a copy of the summons with the defendant personally,
11 (2) by leaving a copy at the defendant's usual place of abode,
12 with some person of the family or a person residing there, of
13 the age of 13 years or upwards, and informing that person of
14 the contents of the summons, provided the officer or other
15 person making service shall also send a copy of the summons in
16 a sealed envelope with postage fully prepaid, addressed to the
17 defendant at his or her usual place of abode, or (3) as
18 provided in Section 1-2-9.2 of the Illinois Municipal Code
19 with respect to violation of an ordinance governing parking or
20 standing of vehicles in cities with a population over 500,000.
21 The certificate of the officer or affidavit of the person that
22 he or she has sent the copy in pursuance of this Section is
23 evidence that he or she has done so. No employee of a facility

1 licensed under the Nursing Home Care Act, the Specialized
2 Mental Health Rehabilitation Act of 2013, the ID/DD Community
3 Care Act, or the MC/DD Act shall obstruct an officer or other
4 person making service in compliance with this Section. An
5 employee of a gated residential community shall grant entry
6 into the community, including its common areas and common
7 elements, to a process server authorized under Section 2-202
8 of this Code who is attempting to serve process on a defendant
9 or witness who resides within or is known to be within the
10 community. As used in this Section, "gated residential
11 community" includes a condominium association, housing
12 cooperative, or private community.

13 (b) The officer, in his or her certificate or in a record
14 filed and maintained in the Sheriff's office, or other person
15 making service, in his or her affidavit or in a record filed
16 and maintained in his or her employer's office, shall (1)
17 identify as to sex, race, and approximate age the defendant or
18 other person with whom the summons was left and (2) state the
19 place where (whenever possible in terms of an exact street
20 address) and the date and time of the day when the summons was
21 left with the defendant or other person.

22 (c) Any person who knowingly sets forth in the certificate
23 or affidavit any false statement, shall be liable in civil
24 contempt. When the court holds a person in civil contempt
25 under this Section, it shall award a minimum of \$5,000 in
26 damages plus any additional ~~such~~ damages ~~as~~ it determines to

1 be just and, when the contempt is prosecuted by a private
2 attorney, may award reasonable attorney's fees.

3 (Source: P.A. 98-104, eff. 7-22-13; 98-966, eff. 1-1-15;
4 99-180, eff. 7-29-15.)