



Rep. Jennifer Gong-Gershowitz

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10300HB4351ham001

LRB103 36160 JRC 70323 a

1 AMENDMENT TO HOUSE BILL 4351

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4351 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. In  
11 matters where the county or State is an interested party,  
12 process may be served by a special investigator appointed by  
13 the State's Attorney of the county, as defined in Section  
14 3-9005 of the Counties Code. A sheriff of a county with a  
15 population of less than 2,000,000 may employ civilian  
16 personnel to serve process. Process ~~In counties with a~~

1 ~~population of less than 2,000,000, process~~ may be served,  
2 ~~without special appointment,~~ by a person who is licensed or  
3 registered as a private detective under the Private Detective,  
4 Private Alarm, Private Security, Fingerprint Vendor, and  
5 Locksmith Act of 2004 or by a registered employee of a private  
6 detective agency certified under that Act ~~as defined in~~  
7 ~~Section (a-5)~~. A private detective or licensed employee must  
8 supply the sheriff of any county in which he serves process  
9 with a copy of his license or certificate; however, the  
10 failure of a person to supply the copy shall not in any way  
11 impair the validity of process served by the person. The court  
12 may, in its discretion upon motion, order service to be made by  
13 a private person over 18 years of age and not a party to the  
14 action. It is not necessary that service be made by a sheriff  
15 or coroner of the county in which service is made. If served or  
16 sought to be served by a sheriff or coroner, he or she shall  
17 endorse his or her return thereon, and if by a private person  
18 the return shall be by affidavit. In a county of 3,000,000 or  
19 more, any person who is licensed or registered as a private  
20 detective under the Private Detective, Private Alarm, Private  
21 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by  
22 a registered employee of a private detective agency certified  
23 under that Act and hired to serve process shall remit \$5 of  
24 each service fee to the county sheriff.

25 (a-5) ~~Upon motion and in its discretion, the court may~~  
26 ~~appoint as a special process server a private detective agency~~

1 ~~certified under the Private Detective, Private Alarm, Private~~  
2 ~~Security, Fingerprint Vendor, and Locksmith Act of 2004. Under~~  
3 ~~the appointment, any employee of the private detective agency~~  
4 ~~who is registered under that Act may serve the process. The~~  
5 ~~motion and the order of appointment must contain the number of~~  
6 ~~the certificate issued to the private detective agency by the~~  
7 ~~Department of Professional Regulation under the Private~~  
8 ~~Detective, Private Alarm, Private Security, Fingerprint~~  
9 ~~Vendor, and Locksmith Act of 2004. A private detective or~~  
10 private detective agency shall send, one time only, a copy of  
11 his, her, or its individual private detective license or  
12 private detective agency certificate to the county sheriff in  
13 each county in which the detective or detective agency or his,  
14 her, or its employees serve process, regardless of the size of  
15 the population of the county. As long as the license or  
16 certificate is valid and meets the requirements of the  
17 Department of Financial and Professional Regulation, a new  
18 copy of the current license or certificate need not be sent to  
19 the sheriff. A private detective agency shall maintain a list  
20 of its registered employees. Registered employees shall  
21 consist of:

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

24 (2) a person who has applied for a Permanent Employee  
25 Registration Card, has had his or her fingerprints  
26 processed and cleared by the Illinois State Police and the

1 FBI, and as to whom the Department of Financial and  
2 Professional Regulation website shows that the person's  
3 application for a Permanent Employee Registration Card is  
4 pending;

5 (3) a person employed by a private detective agency  
6 who is exempt from a Permanent Employee Registration Card  
7 requirement because the person is a current peace officer;  
8 and

9 (4) a private detective who works for a private  
10 detective agency as an employee.

11 A detective agency shall maintain this list and forward it to  
12 any sheriff's department that requests this list within 5  
13 business days after the receipt of the request.

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

21 (c) If any sheriff, coroner, or other person to whom any  
22 process is delivered, neglects or refuses to make return of  
23 the same, the plaintiff may petition the court to enter a rule  
24 requiring the sheriff, coroner, or other person, to make  
25 return of the process on a day to be fixed by the court, or to  
26 show cause on that day why that person should not be attached

1 for contempt of the court. The plaintiff shall then cause a  
2 written notice of the rule to be served on the sheriff,  
3 coroner, or other person. If good and sufficient cause be not  
4 shown to excuse the officer or other person, the court shall  
5 adjudge him or her guilty of a contempt, and shall impose  
6 punishment as in other cases of contempt.

7 (d) Except as provided in Sections 1-19, 3-17, 4-14, and  
8 5-252 of the Juvenile Court Act of 1987, if process is served  
9 by a sheriff, coroner, or special investigator appointed by  
10 the State's Attorney, the court may tax the fee of the sheriff,  
11 coroner, or State's Attorney's special investigator as costs  
12 in the proceeding. If process is served by a private person or  
13 entity, the court may establish a fee therefor and tax such fee  
14 as costs in the proceedings.

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

21 (f) In counties with a population of 3,000,000 or more,  
22 process may be served, with special appointment by the court,  
23 by a private process server or a law enforcement agency other  
24 than the county sheriff in proceedings instituted under  
25 Article IX of this Code as a result of a lessor or lessor's  
26 assignee declaring a lease void pursuant to Section 11 of the

1 Controlled Substance and Cannabis Nuisance Act.

2 (Source: P.A. 102-538, eff. 8-20-21; 103-379, eff. 7-28-23.)".