



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/09/04, by Lovana Jones

**SYNOPSIS AS INTRODUCED:**

735 ILCS 5/2-202

from Ch. 110, par. 2-202

Amends the Code of Civil Procedure. Provides that, in counties with a population of more than 1,000,000 when process is to be served in a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, process may be served, without special appointment, by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 or by a registered employee of a private detective agency certified under that Act. Effective July 1, 2004.

LRB093 16890 LCB 42547 b

1 AN ACT concerning civil procedure.

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, and in counties with  
14 a population of more than 1,000,000 when process is to be  
15 served in a case in which a party is receiving child support  
16 enforcement services under Article X of the Illinois Public Aid  
17 Code, process may be served, without special appointment, by a  
18 person who is licensed or registered as a private detective  
19 under the Private Detective, Private Alarm, Private Security,  
20 and Locksmith Act of 2004 or by a registered employee of a  
21 private detective agency certified under that Act. A private  
22 detective or licensed employee must supply the sheriff of any  
23 county in which he serves process with a copy of his license or  
24 certificate; however, the failure of a person to supply the  
25 copy shall not in any way impair the validity of process served  
26 by the person. The court may, in its discretion upon motion,  
27 order service to be made by a private person over 18 years of  
28 age and not a party to the action. It is not necessary that  
29 service be made by a sheriff or coroner of the county in which  
30 service is made. If served or sought to be served by a sheriff  
31 or coroner, he or she shall endorse his or her return thereon,  
32 and if by a private person the return shall be by affidavit.

1 (a-5) Upon motion and in its discretion, the court may  
2 appoint as a special process server a private detective agency  
3 certified under the Private Detective, Private Alarm, Private  
4 Security, and Locksmith Act of 2004. Under the appointment, any  
5 employee of the private detective agency who is registered  
6 under that Act may serve the process. The motion and the order  
7 of appointment must contain the number of the certificate  
8 issued to the private detective agency by the Department of  
9 Professional Regulation under the Private Detective, Private  
10 Alarm, Private Security, and Locksmith Act of 2004.

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

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

30 (d) If process is served by a sheriff or coroner, the court  
31 may tax the fee of the sheriff or coroner as costs in the  
32 proceeding. If process is served by a private person or entity,  
33 the court may establish a fee therefor and tax such fee as  
34 costs in the proceedings.

35 (e) In addition to the powers stated in Section 8.1a of the  
36 Housing Authorities Act, in counties with a population of

1 3,000,000 or more inhabitants, members of a housing authority  
2 police force may serve process for forcible entry and detainer  
3 actions commenced by that housing authority and may execute  
4 orders of possession for that housing authority.

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

13 (Source: P.A. 93-438, eff. 8-5-03.)

14 Section 99. Effective date. This Act takes effect on July  
15 1, 2004.