



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0784

Introduced 2/2/2005, by Rep. Cynthia Soto

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-202

from Ch. 110, par. 2-202

Amends the Code of Civil Procedure. Deletes language allowing civilian personnel to serve process in counties with a population of less than 1,000,000. Provides that process may be served in any county 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 (instead of just in counties with a population of less than 1,000,000).

LRB094 03693 LCB 33698 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. In
11 addition, process may be served, ~~A sheriff of a county with a~~
12 ~~population of less than 1,000,000 may employ civilian personnel~~
13 ~~to serve process. In counties with a population of less than~~
14 ~~1,000,000, process may be served,~~ without special appointment,
15 by a person who is licensed or registered as a private
16 detective under the Private Detective, Private Alarm, Private
17 Security, 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
24 upon motion, order service to be made by a private person over
25 18 years of age and not a party to the action. It is not
26 necessary that service be made by a sheriff or coroner of the
27 county in which service is made. If served or sought to be
28 served by a sheriff or coroner, he or she shall endorse his or
29 her return thereon, and if by a private person the return shall
30 be by affidavit.

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

1 certified under the Private Detective, Private Alarm, Private
2 Security, and Locksmith Act of 2004. Under the appointment, any
3 employee of the private detective agency who is registered
4 under that Act may serve the process. The motion and the order
5 of appointment must contain the number of the certificate
6 issued to the private detective agency by the Department of
7 Professional Regulation under the Private Detective, Private
8 Alarm, Private Security, and Locksmith Act of 2004.

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

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

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

33 (e) In addition to the powers stated in Section 8.1a of the
34 Housing Authorities Act, in counties with a population of
35 3,000,000 or more inhabitants, members of a housing authority
36 police force may serve process for forcible entry and detainer

1 actions commenced by that housing authority and may execute
2 orders of possession for that housing authority.

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

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