



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4119

by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1101

from Ch. 110, par. 2-1101

Amends the Code of Civil Procedure. Provides that an attorney, as an officer of the court, may issue subpoenas on behalf of a clerk for witnesses and to counties in a pending action (instead of limiting the issuance of subpoenas to court clerks).

LRB095 12613 AJ0 37888 b

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 2-1101 as follows:

6 (735 ILCS 5/2-1101) (from Ch. 110, par. 2-1101)

7 Sec. 2-1101. Subpoenas. The clerk of any court in which an
8 action is pending shall, from time to time, issue subpoenas for
9 those witnesses and to those counties in the State as may be
10 required by either party. Every clerk who shall refuse so to do
11 shall be guilty of a petty offense and fined any sum not to
12 exceed \$100. An attorney, as an officer of the court, may also
13 issue subpoenas on behalf of the clerk for witnesses and to
14 counties in a pending action. An order of court is not required
15 to obtain the issuance by the clerk or by an attorney of a
16 subpoena duces tecum. For good cause shown, the court on motion
17 may quash or modify any subpoena or, in the case of a subpoena
18 duces tecum, condition the denial of the motion upon payment in
19 advance by the person in whose behalf the subpoena is issued of
20 the reasonable expense of producing any item therein specified.
21 In the event that a party has subpoenaed an expert witness
22 including, but not limited to physicians or medical providers,
23 and the expert witness appears in court, and a conflict arises

1 between the party subpoenaing the expert witness and the expert
2 witness over the fees charged by the expert witness, the trial
3 court shall be advised of the conflict. The trial court shall
4 conduct a hearing subsequent to the testimony of the expert
5 witness and shall determine the reasonable fee to be paid to
6 the expert witness.

7 (Source: P.A. 87-418.)