

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.

8 (a) The clerk of any court in which an action is pending  
9 shall, from time to time, issue subpoenas for those witnesses  
10 and to those counties in the State as may be required by either  
11 party. Every clerk who shall refuse so to do shall be guilty of  
12 a petty offense and fined any sum not to exceed \$100. An order  
13 of court is not required to obtain the issuance by the clerk of  
14 a subpoena duces tecum. For good cause shown, the court on  
15 motion may quash or modify any subpoena or, in the case of a  
16 subpoena duces tecum, condition the denial of the motion upon  
17 payment in advance by the person in whose behalf the subpoena  
18 is issued of the reasonable expense of producing any item  
19 therein specified.

20 (b) Any party who desires to compel the appearance of a  
21 public school employee to testify during school hours must  
22 first obtain an order of court authorizing the issuance of the  
23 subpoena, unless the public school district or board of

1 education or public school employee is a named party in the  
2 action. Any action that concerns a recognized collective  
3 bargaining unit of public school employees is exempt from the  
4 requirements of this subsection. The order shall provide (i)  
5 that the party tender, in addition to the required witness and  
6 mileage fee, a fee to the school district in an amount  
7 sufficient to pay the substitute teacher or other temporary  
8 staff employed during the witness's absence and (ii) that the  
9 party consult with the school district's administrator or the  
10 administrator's designee to schedule the public school  
11 employee's appearance so as to minimize disruption of the  
12 educational program. Any subpoena directed to a public school  
13 employee that fails to comply with the requirements of this  
14 subsection (b) shall be void as a matter of law.

15 (c) In the event that a party has subpoenaed a public  
16 school employee or an expert witness including, but not limited  
17 to physicians or medical providers, and the ~~expert~~ witness  
18 appears in court, and a conflict arises between the party  
19 subpoenaing the ~~expert~~ witness and the ~~expert~~ witness over the  
20 fees charged for the appearance ~~by the expert witness~~, the  
21 trial court shall be advised of the conflict. The trial court  
22 shall conduct a hearing subsequent to the testimony of the  
23 ~~expert~~ witness and shall determine the reasonable fee to be  
24 paid ~~to the expert witness~~.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.