

SB2428



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2428

Introduced 2/15/2008, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-203

from Ch. 110, par. 2-203

Amends the Code of Civil Procedure. Provides that as to service of process on individuals, no employee of a facility licensed under the Nursing Home Care Act shall obstruct a person making service in compliance with the Code. Effective immediately.

LRB095 18300 AJO 44384 b

A BILL FOR

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 2-203 as follows:

6 (735 ILCS 5/2-203) (from Ch. 110, par. 2-203)

7 Sec. 2-203. Service on individuals.

8 (a) Except as otherwise expressly provided, service of
9 summons upon an individual defendant shall be made (1) by
10 leaving a copy of the summons with the defendant personally,
11 (2) by leaving a copy at the defendant's usual place of abode,
12 with some person of the family or a person residing there, of
13 the age of 13 years or upwards, and informing that person of
14 the contents of the summons, provided the officer or other
15 person making service shall also send a copy of the summons in
16 a sealed envelope with postage fully prepaid, addressed to the
17 defendant at his or her usual place of abode, or (3) as
18 provided in Section 1-2-9.2 of the Illinois Municipal Code with
19 respect to violation of an ordinance governing parking or
20 standing of vehicles in cities with a population over 500,000.
21 The certificate of the officer or affidavit of the person that
22 he or she has sent the copy in pursuance of this Section is
23 evidence that he or she has done so. No employee of a facility

1 licensed under the Nursing Home Care Act shall obstruct an
2 officer or other person making service in compliance with this
3 Section.

4 (b) The officer, in his or her certificate or in a record
5 filed and maintained in the Sheriff's office, or other person
6 making service, in his or her affidavit or in a record filed
7 and maintained in his or her employer's office, shall (1)
8 identify as to sex, race, and approximate age the defendant or
9 other person with whom the summons was left and (2) state the
10 place where (whenever possible in terms of an exact street
11 address) and the date and time of the day when the summons was
12 left with the defendant or other person.

13 (c) Any person who knowingly sets forth in the certificate
14 or affidavit any false statement, shall be liable in civil
15 contempt. When the court holds a person in civil contempt under
16 this Section, it shall award such damages as it determines to
17 be just and, when the contempt is prosecuted by a private
18 attorney, may award reasonable attorney's fees.

19 (Source: P.A. 88-340.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.