

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 Sections 2-209 and 12-621 as follows:

6 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

7 Sec. 2-209. Act submitting to jurisdiction - Process.

8 (a) Any person, whether or not a citizen or resident of
9 this State, who in person or through an agent does any of the
10 acts hereinafter enumerated, thereby submits such person, and,
11 if an individual, his or her personal representative, to the
12 jurisdiction of the courts of this State as to any cause of
13 action arising from the doing of any of such acts:

14 (1) The transaction of any business within this State;

15 (2) The commission of a tortious act within this State;

16 (3) The ownership, use, or possession of any real
17 estate situated in this State;

18 (4) Contracting to insure any person, property or risk
19 located within this State at the time of contracting;

20 (5) With respect to actions of dissolution of marriage,
21 declaration of invalidity of marriage and legal
22 separation, the maintenance in this State of a matrimonial
23 domicile at the time this cause of action arose or the

1 commission in this State of any act giving rise to the
2 cause of action;

3 (6) With respect to actions brought under the Illinois
4 Parentage Act of 1984, as now or hereafter amended, the
5 performance of an act of sexual intercourse within this
6 State during the possible period of conception;

7 (7) The making or performance of any contract or
8 promise substantially connected with this State;

9 (8) The performance of sexual intercourse within this
10 State which is claimed to have resulted in the conception
11 of a child who resides in this State;

12 (9) The failure to support a child, spouse or former
13 spouse who has continued to reside in this State since the
14 person either formerly resided with them in this State or
15 directed them to reside in this State;

16 (10) The acquisition of ownership, possession or
17 control of any asset or thing of value present within this
18 State when ownership, possession or control was acquired;

19 (11) The breach of any fiduciary duty within this
20 State;

21 (12) The performance of duties as a director or officer
22 of a corporation organized under the laws of this State or
23 having its principal place of business within this State;

24 (13) The ownership of an interest in any trust
25 administered within this State; or

26 (14) The exercise of powers granted under the authority

1 of this State as a fiduciary.

2 (b) A court may exercise jurisdiction in any action arising
3 within or without this State against any person who:

4 (1) Is a natural person present within this State when
5 served;

6 (2) Is a natural person domiciled or resident within
7 this State when the cause of action arose, the action was
8 commenced, or process was served;

9 (3) Is a corporation organized under the laws of this
10 State; or

11 (4) Is a natural person or corporation doing business
12 within this State.

13 (b-5) Foreign defamation judgment. The courts of this State
14 shall have personal jurisdiction over any person who obtains a
15 judgment in a defamation proceeding outside the United States
16 against any person who is a resident of Illinois or, if not a
17 natural person, has its principal place of business in
18 Illinois, for the purposes of rendering declaratory relief with
19 respect to that resident's liability for the judgment, or for
20 the purpose of determining whether said judgment should be
21 deemed non-recognizable pursuant to this Code, to the fullest
22 extent permitted by the United States Constitution, provided:

23 (1) the publication at issue was published in Illinois,
24 and

25 (2) that resident (i) has assets in Illinois which
26 might be used to satisfy the foreign defamation judgment,

1 or (ii) may have to take actions in Illinois to comply with
2 the foreign defamation judgment.

3 The provisions of this subsection (b-5) shall apply to
4 persons who obtained judgments in defamation proceedings
5 outside the United States prior to, on, or after the effective
6 date of this amendatory Act of the 95th General Assembly.

7 (c) A court may also exercise jurisdiction on any other
8 basis now or hereafter permitted by the Illinois Constitution
9 and the Constitution of the United States.

10 (d) Service of process upon any person who is subject to
11 the jurisdiction of the courts of this State, as provided in
12 this Section, may be made by personally serving the summons
13 upon the defendant outside this State, as provided in this Act,
14 with the same force and effect as though summons had been
15 personally served within this State.

16 (e) Service of process upon any person who resides or whose
17 business address is outside the United States and who is
18 subject to the jurisdiction of the courts of this State, as
19 provided in this Section, in any action based upon product
20 liability may be made by serving a copy of the summons with a
21 copy of the complaint attached upon the Secretary of State. The
22 summons shall be accompanied by a \$5 fee payable to the
23 Secretary of State. The plaintiff shall forthwith mail a copy
24 of the summons, upon which the date of service upon the
25 Secretary is clearly shown, together with a copy of the
26 complaint to the defendant at his or her last known place of

1 residence or business address. Plaintiff shall file with the
2 circuit clerk an affidavit of the plaintiff or his or her
3 attorney stating the last known place of residence or the last
4 known business address of the defendant and a certificate of
5 mailing a copy of the summons and complaint to the defendant at
6 such address as required by this subsection (e). The
7 certificate of mailing shall be prima facie evidence that the
8 plaintiff or his or her attorney mailed a copy of the summons
9 and complaint to the defendant as required. Service of the
10 summons shall be deemed to have been made upon the defendant on
11 the date it is served upon the Secretary and shall have the
12 same force and effect as though summons had been personally
13 served upon the defendant within this State.

14 (f) Only causes of action arising from acts enumerated
15 herein may be asserted against a defendant in an action in
16 which jurisdiction over him or her is based upon subsection
17 (a).

18 (g) Nothing herein contained limits or affects the right to
19 serve any process in any other manner now or hereafter provided
20 by law.

21 (Source: P.A. 86-840.)

22 (735 ILCS 5/12-621) (from Ch. 110, par. 12-621)

23 Sec. 12-621. Inconclusiveness of judgments. (a) A foreign
24 judgment is not conclusive if

25 (1) the judgment was rendered under a system which does not

1 provide impartial tribunals or procedures compatible with the
2 requirements of due process of law;

3 (2) the foreign court did not have personal jurisdiction
4 over the defendant; or

5 (3) the foreign court did not have jurisdiction over the
6 subject matter.

7 (b) A foreign judgment need not be recognized if

8 (1) the defendant in the proceedings in the foreign court
9 did not receive notice of the proceedings in sufficient time to
10 enable him or her to defend;

11 (2) the judgment was obtained by fraud;

12 (3) the cause of action on which the judgment is based is
13 repugnant to the public policy of this State;

14 (4) the judgment conflicts with another final and
15 conclusive judgment;

16 (5) the proceeding in the foreign court was contrary to an
17 agreement between the parties under which the dispute in
18 question was to be settled otherwise than by proceedings in
19 that court; ~~or~~

20 (6) in the case of jurisdiction based only on personal
21 service, the foreign court was a seriously inconvenient forum
22 for the trial of the action; or -

23 (7) the cause of action resulted in a defamation judgment
24 obtained in a jurisdiction outside the United States, unless a
25 court sitting in this State first determines that the
26 defamation law applied in the foreign jurisdiction provides at

1 least as much protection for freedom of speech and the press as
2 provided for by both the United States and Illinois
3 Constitutions.

4 (Source: P.A. 82-280.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.