

**SB3286**



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**SB3286**

Introduced 2/14/2014, by Sen. Mike Jacobs

**SYNOPSIS AS INTRODUCED:**

735 ILCS 5/2-202

from Ch. 110, par. 2-202

Amends the Civil Practice Law of the Code of Civil Procedure. Provides that a gated residential community, including a condominium association or a cooperative, shall grant unannounced entry into the community, including its common areas and common elements, to a person who is attempting to serve process on a defendant or witness who resides within or is known to be within the community.

LRB098 19495 HEP 54670 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 2-202 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. A  
11 sheriff of a county with a population of less than 2,000,000  
12 may employ civilian personnel to serve process. In counties  
13 with a population of less than 2,000,000, process may be  
14 served, without special appointment, by a person who is  
15 licensed or registered as a private detective under the Private  
16 Detective, Private Alarm, Private Security, Fingerprint  
17 Vendor, and Locksmith Act of 2004 or by a registered employee  
18 of a private detective agency certified under that Act as  
19 defined in Section (a-5). A private detective or licensed  
20 employee must supply the sheriff of any county in which he  
21 serves process with a copy of his license or certificate;  
22 however, the failure of a person to supply the copy shall not  
23 in any way impair the validity of process served by the person.

1 The court may, in its discretion upon motion, order service to  
2 be made by a private person over 18 years of age and not a party  
3 to the action. It is not necessary that service be made by a  
4 sheriff or coroner of the county in which service is made. If  
5 served or sought to be served by a sheriff or coroner, he or  
6 she shall endorse his or her return thereon, and if by a  
7 private person the return shall be by affidavit.

8 (a-5) Upon motion and in its discretion, the court may  
9 appoint as a special process server a private detective agency  
10 certified under the Private Detective, Private Alarm, Private  
11 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under  
12 the appointment, any employee of the private detective agency  
13 who is registered under that Act may serve the process. The  
14 motion and the order of appointment must contain the number of  
15 the certificate issued to the private detective agency by the  
16 Department of Professional Regulation under the Private  
17 Detective, Private Alarm, Private Security, Fingerprint  
18 Vendor, and Locksmith Act of 2004. A private detective or  
19 private detective agency shall send, one time only, a copy of  
20 his, her, or its individual private detective license or  
21 private detective agency certificate to the county sheriff in  
22 each county in which the detective or detective agency or his,  
23 her, or its employees serve process, regardless of size of the  
24 population of the county. As long as the license or certificate  
25 is valid and meets the requirements of the Department of  
26 Financial and Professional Regulation, a new copy of the

1 current license or certificate need not be sent to the sheriff.  
2 A private detective agency shall maintain a list of its  
3 registered employees. Registered employees shall consist of:

4 (1) an employee who works for the agency holding a  
5 valid Permanent Employee Registration Card;

6 (2) a person who has applied for a Permanent Employee  
7 Registration Card, has had his or her fingerprints  
8 processed and cleared by the Department of State Police and  
9 the FBI, and as to whom the Department of Financial and  
10 Professional Regulation website shows that the person's  
11 application for a Permanent Employee Registration Card is  
12 pending;

13 (3) a person employed by a private detective agency who  
14 is exempt from a Permanent Employee Registration Card  
15 requirement because the person is a current peace officer;  
16 and

17 (4) a private detective who works for a private  
18 detective agency as an employee.

19 A detective agency shall maintain this list and forward it to  
20 any sheriff's department that requests this list within 5  
21 business days after the receipt of the request.

22 (b) Summons may be served upon the defendants wherever they  
23 may be found in the State, by any person authorized to serve  
24 process. An officer may serve summons in his or her official  
25 capacity outside his or her county, but fees for mileage  
26 outside the county of the officer cannot be taxed as costs. The

1 person serving the process in a foreign county may make return  
2 by mail.

3 (c) If any sheriff, coroner, or other person to whom any  
4 process is delivered, neglects or refuses to make return of the  
5 same, the plaintiff may petition the court to enter a rule  
6 requiring the sheriff, coroner, or other person, to make return  
7 of the process on a day to be fixed by the court, or to show  
8 cause on that day why that person should not be attached for  
9 contempt of the court. The plaintiff shall then cause a written  
10 notice of the rule to be served on the sheriff, coroner, or  
11 other person. If good and sufficient cause be not shown to  
12 excuse the officer or other person, the court shall adjudge him  
13 or her guilty of a contempt, and shall impose punishment as in  
14 other cases of contempt.

15 (d) If process is served by a sheriff or coroner, the court  
16 may tax the fee of the sheriff or coroner as costs in the  
17 proceeding. If process is served by a private person or entity,  
18 the court may establish a fee therefor and tax such fee as  
19 costs in the proceedings.

20 (e) In addition to the powers stated in Section 8.1a of the  
21 Housing Authorities Act, in counties with a population of  
22 3,000,000 or more inhabitants, members of a housing authority  
23 police force may serve process for forcible entry and detainer  
24 actions commenced by that housing authority and may execute  
25 orders of possession for that housing authority.

26 (f) In counties with a population of 3,000,000 or more,

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

8 (g) A gated residential community, including a condominium  
9 association or a cooperative, shall grant unannounced entry  
10 into the community, including its common areas and common  
11 elements, to a person who is attempting to serve process on a  
12 defendant or witness who resides within or is known to be  
13 within the community.

14 (Source: P.A. 96-1451, eff. 8-20-10; 97-427, eff. 1-1-12.)