

1 AN ACT concerning civil procedure.

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 ~~may~~ shall be served by a sheriff, or if the
10 sheriff is disqualified, by a coroner of some county of the
11 State. A sheriff of a county with a population of less than
12 1,000,000 may employ civilian personnel to serve process. ~~In~~
13 ~~counties-with-a-population-of-less--than--1,000,000,~~ Process
14 may also be served, without special appointment, by a person
15 who is licensed or registered as a private detective under
16 the Private Detective, Private Alarm, Private Security, and
17 Locksmith Act of 1993 or by a registered employee of a
18 private detective agency certified under that Act. A private
19 detective or licensed employee must supply the sheriff of any
20 county in which he serves process with a copy of his license
21 or certificate; however, the failure of a person to supply
22 the copy shall not in any way impair the validity of process
23 served by the person. The court may, in its discretion upon
24 motion, order service to be made by a private person over 18
25 years of age and not a party to the action. It is not
26 necessary that service be made by a sheriff or coroner of the
27 county in which service is made. If served or sought to be
28 served by a sheriff or coroner, he or she shall endorse his
29 or her return thereon, and if by a private person the return
30 shall be by affidavit.

31 (a-5) Upon motion and in its discretion, the court may

1 appoint as a special process server a private detective
2 agency certified under the Private Detective, Private Alarm,
3 Private Security, and Locksmith Act of 1993. Under the
4 appointment, any employee of the private detective agency who
5 is registered under that Act may serve the process. The
6 motion and the order of appointment must contain the number
7 of the certificate issued to the private detective agency by
8 the Department of Professional Regulation under the Private
9 Detective, Private Alarm, Private Security, and Locksmith Act
10 of 1993.

11 (b) Summons may be served upon the defendants wherever
12 they may be found in the State, by any person authorized to
13 serve process. An officer may serve summons in his or her
14 official capacity outside his or her county, but fees for
15 mileage outside the county of the officer cannot be taxed as
16 costs. The person serving the process in a foreign county may
17 make return by mail.

18 (c) If any sheriff, coroner, or other person to whom any
19 process is delivered, neglects or refuses to make return of
20 the same, the plaintiff may petition the court to enter a
21 rule requiring the sheriff, coroner, or other person, to make
22 return of the process on a day to be fixed by the court, or
23 to show cause on that day why that person should not be
24 attached for contempt of the court. The plaintiff shall then
25 cause a written notice of the rule to be served on the
26 sheriff, coroner, or other person. If good and sufficient
27 cause be not shown to excuse the officer or other person, the
28 court shall adjudge him or her guilty of a contempt, and
29 shall impose punishment as in other cases of contempt.

30 (d) If process is served by a sheriff or coroner, the
31 court may tax the fee of the sheriff or coroner as costs in
32 the proceeding. If process is served by a private person or
33 entity, the court may establish a fee therefor and tax such
34 fee as costs in the proceedings.

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

7 (f) In counties with a population of 3,000,000 or more,
8 process may be served, with special appointment by the court,
9 by a private process server or a law enforcement agency other
10 than the county sheriff in proceedings instituted under the
11 Forcible Entry and Detainer Article of this Code as a result
12 of a lessor or lessor's assignee declaring a lease void
13 pursuant to Section 11 of the Controlled Substance and
14 Cannabis Nuisance Act.

15 (Source: P.A. 90-557, eff. 6-1-98; 91-95, eff. 7-9-99.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.