

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. In
11 matters where the county or State is an interested party,
12 process may be served by a special investigator appointed by
13 the State's Attorney of the county, as defined in Section
14 3-9005 of the Counties Code. A sheriff of a county with a
15 population of less than 2,000,000 may employ civilian
16 personnel to serve process. Process ~~In counties with a~~
17 ~~population of less than 2,000,000, process may be served,~~
18 ~~without special appointment,~~ by a person who is licensed or
19 registered as a private detective under the Private Detective,
20 Private Alarm, Private Security, Fingerprint Vendor, and
21 Locksmith Act of 2004 or by a registered employee of a private
22 detective agency certified under that Act ~~as defined in~~
23 ~~Section (a-5)~~. A private detective or licensed employee must

1 supply the sheriff of any county in which he serves process
2 with a copy of his license or certificate; however, the
3 failure of a person to supply the copy shall not in any way
4 impair the validity of process served by the person. The court
5 may, in its discretion upon motion, order service to be made by
6 a private person over 18 years of age and not a party to the
7 action. It is not necessary that service be made by a sheriff
8 or coroner of the county in which service is made. If served or
9 sought to be served by a sheriff or coroner, he or she shall
10 endorse his or her return thereon, and if by a private person
11 the return shall be by affidavit. In a county of 3,000,000 or
12 more, any person who is licensed or registered as a private
13 detective under the Private Detective, Private Alarm, Private
14 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by
15 a registered employee of a private detective agency certified
16 under that Act and hired to serve summons shall remit \$5 of
17 each service fee to the county sheriff.

18 ~~(a-5) Upon motion and in its discretion, the court may~~
19 ~~appoint as a special process server a private detective agency~~
20 ~~certified under the Private Detective, Private Alarm, Private~~
21 ~~Security, Fingerprint Vendor, and Locksmith Act of 2004. Under~~
22 ~~the appointment, any employee of the private detective agency~~
23 ~~who is registered under that Act may serve the process. The~~
24 ~~motion and the order of appointment must contain the number of~~
25 ~~the certificate issued to the private detective agency by the~~
26 ~~Department of Professional Regulation under the Private~~

1 ~~Detective, Private Alarm, Private Security, Fingerprint~~
2 ~~Vendor, and Locksmith Act of 2004.~~ A private detective or
3 private detective agency shall send, one time only, a copy of
4 his, her, or its individual private detective license or
5 private detective agency certificate to the county sheriff in
6 each county in which the detective or detective agency or his,
7 her, or its employees serve process, regardless of the size of
8 the population of the county. As long as the license or
9 certificate is valid and meets the requirements of the
10 Department of Financial and Professional Regulation, a new
11 copy of the current license or certificate need not be sent to
12 the sheriff. A private detective agency shall maintain a list
13 of its registered employees. Registered employees shall
14 consist of:

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

17 (2) a person who has applied for a Permanent Employee
18 Registration Card, has had his or her fingerprints
19 processed and cleared by the Illinois State Police and the
20 FBI, and as to whom the Department of Financial and
21 Professional Regulation website shows that the person's
22 application for a Permanent Employee Registration Card is
23 pending;

24 (3) a person employed by a private detective agency
25 who is exempt from a Permanent Employee Registration Card
26 requirement because the person is a current peace officer;

1 and

2 (4) a private detective who works for a private
3 detective agency as an employee.

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

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

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

26 (d) Except as provided in Sections 1-19, 3-17, 4-14, and

1 5-252 of the Juvenile Court Act of 1987, if process is served
2 by a sheriff, coroner, or special investigator appointed by
3 the State's Attorney, the court may tax the fee of the sheriff,
4 coroner, or State's Attorney's special investigator as costs
5 in the proceeding. If process is served by a private person or
6 entity, the court may establish a fee therefor and tax such fee
7 as costs in the proceedings.

8 (e) In addition to the powers stated in Section 8.1a of the
9 Housing Authorities Act, in counties with a population of
10 3,000,000 or more inhabitants, members of a housing authority
11 police force may serve process for eviction actions commenced
12 by that housing authority and may execute eviction orders for
13 that housing authority.

14 (f) In counties with a population of 3,000,000 or more,
15 process may be served, with special appointment by the court,
16 by a private process server or a law enforcement agency other
17 than the county sheriff in proceedings instituted under
18 Article IX of this Code as a result of a lessor or lessor's
19 assignee declaring a lease void pursuant to Section 11 of the
20 Controlled Substance and Cannabis Nuisance Act.

21 (Source: P.A. 102-538, eff. 8-20-21; 103-379, eff. 7-28-23.)