

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Code of Civil Procedure is amended by changing Section 2-202 as follows:

(735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

Sec. 2-202. Persons authorized to serve process; place of service; failure to make return.

(a) Process shall be served by a sheriff, or if the sheriff is disqualified, by a coroner of some county of the State. In matters where the county or State is an interested party, process may be served by a special investigator appointed by the State's Attorney of the county, as defined in Section 3-9005 of the Counties Code. A sheriff of a county with a population of less than 2,000,000 may employ civilian personnel to serve process. Process in any county may be served without special appointment by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a registered employee of a private detective agency certified under that Act. A private detective or licensed employee must supply the sheriff of any county in which he serves process with a copy of his

license or certificate; however, the failure of a person to supply the copy shall not in any way impair the validity of process served by the person. The court may, in its discretion upon motion, order service to be made by a private person over 18 years of age and not a party to the action. It is not necessary that service be made by a sheriff or coroner of the county in which service is made. If served or sought to be served by a sheriff or coroner, he or she shall endorse his or her return thereon, and if by a private person the return shall be by affidavit.

(a-3) In a county of 3,000,000 or more, any person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a registered employee of a private detective agency certified under that Act and hired to serve any summons originating in such county in the State shall pay ~~remit~~ \$5 of each service fee, as established under Section 4-12001 of the Counties Code, to be remitted to the county sheriff. Payment of the \$5 fee shall be made to the clerk of the court by the plaintiff at the time of filing the summons and complaint or when an alias summons issues. A private detective or registered employee of a private detective agency that is hired to serve summons or alias summons shall deduct \$5 from the bill tendered to the party who paid the \$5 fee to the clerk of the court on behalf of the private detective or registered employee of a private

detective agency. If the party seeking to serve a summons or alias summons utilizes the county sheriff, the county sheriff shall deduct \$5 from the total cost of service charged to the party. Any fees paid to the clerk of the court under this subsection shall be remitted to the county sheriff.

(a-5) A private detective or private detective agency shall send, one time only, a copy of his, her, or its individual private detective license or private detective agency certificate to the county sheriff in each county in which the detective or detective agency or his, her, or its employees serve process, regardless of the size of the population of the county. As long as the license or certificate is valid and meets the requirements of the Department of Financial and Professional Regulation, a new copy of the current license or certificate need not be sent to the sheriff. A private detective agency shall maintain a list of its registered employees. Registered employees shall consist of:

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

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

pending;

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

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

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

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

(c) If any sheriff, coroner, or other person to whom any process is delivered, neglects or refuses to make return of the same, the plaintiff may petition the court to enter a rule requiring the sheriff, coroner, or other person, to make return of the process on a day to be fixed by the court, or to show cause on that day why that person should not be attached for contempt of the court. The plaintiff shall then cause a written notice of the rule to be served on the sheriff, coroner, or other person. If good and sufficient cause be not

shown to excuse the officer or other person, the court shall adjudge him or her guilty of a contempt, and shall impose punishment as in other cases of contempt.

(d) Except as provided in Sections 1-19, 3-17, 4-14, and 5-252 of the Juvenile Court Act of 1987, if process is served by a sheriff, coroner, or special investigator appointed by the State's Attorney, the court may tax the fee of the sheriff, coroner, or State's Attorney's special investigator as costs in the proceeding. If process is served by a private person or entity, the court may establish a fee therefor and tax such fee as costs in the proceedings.

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

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

(Source: P.A. 102-538, eff. 8-20-21; 103-379, eff. 7-28-23; 103-671, eff. 1-1-25.)

Public Act 103-1057

SB0688 Enrolled

LRB103 03141 AWJ 48147 b

Section 99. Effective date. This Act takes effect January 1, 2025.