

1 AN ACT concerning local government.

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 any county may be  
17 served without special appointment by a person who is licensed  
18 or registered as a private detective under the Private  
19 Detective, Private Alarm, Private Security, Fingerprint  
20 Vendor, and Locksmith Act of 2004 or by a registered employee  
21 of a private detective agency certified under that Act. A  
22 private detective or licensed employee must supply the sheriff  
23 of any county in which he serves process with a copy of his

1 license or certificate; however, the failure of a person to  
2 supply the copy shall not in any way impair the validity of  
3 process served by the person. The court may, in its discretion  
4 upon motion, order service to be made by a private person over  
5 18 years of age and not a party to the action. It is not  
6 necessary that service be made by a sheriff or coroner of the  
7 county in which service is made. If served or sought to be  
8 served by a sheriff or coroner, he or she shall endorse his or  
9 her return thereon, and if by a private person the return shall  
10 be by affidavit.

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

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

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

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

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

1 pending;

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

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

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

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 rule  
21 requiring the sheriff, coroner, or other person, to make  
22 return of the process on a day to be fixed by the court, or to  
23 show cause on that day why that person should not be attached  
24 for contempt of the court. The plaintiff shall then cause a  
25 written notice of the rule to be served on the sheriff,  
26 coroner, or other person. If good and sufficient cause be not

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

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

12 (e) In addition to the powers stated in Section 8.1a of the  
13 Housing Authorities Act, in counties with a population of  
14 3,000,000 or more inhabitants, members of a housing authority  
15 police force may serve process for eviction actions commenced  
16 by that housing authority and may execute eviction orders for  
17 that housing authority.

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

25 (Source: P.A. 102-538, eff. 8-20-21; 103-379, eff. 7-28-23;  
26 103-671, eff. 1-1-25.)

1           Section 99. Effective date. This Act takes effect January  
2    1, 2025.