



Rep. Jennifer Gong-Gershowitz

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10300SB0688ham003

LRB103 03141 JRC 76620 a

1 AMENDMENT TO SENATE BILL 688

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 688, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

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

10 (a) Process shall be served by a sheriff, or if the sheriff  
11 is disqualified, by a coroner of some county of the State. In  
12 matters where the county or State is an interested party,  
13 process may be served by a special investigator appointed by  
14 the State's Attorney of the county, as defined in Section  
15 3-9005 of the Counties Code. A sheriff of a county with a  
16 population of less than 2,000,000 may employ civilian

1 personnel to serve process. Process in any county may be  
2 served without special appointment by a person who is licensed  
3 or registered as a private detective under the Private  
4 Detective, Private Alarm, Private Security, Fingerprint  
5 Vendor, and Locksmith Act of 2004 or by a registered employee  
6 of a private detective agency certified under that Act. A  
7 private detective or licensed employee must supply the sheriff  
8 of any county in which he serves process with a copy of his  
9 license or certificate; however, the failure of a person to  
10 supply the copy shall not in any way impair the validity of  
11 process served by the person. The court may, in its discretion  
12 upon motion, order service to be made by a private person over  
13 18 years of age and not a party to the action. It is not  
14 necessary that service be made by a sheriff or coroner of the  
15 county in which service is made. If served or sought to be  
16 served by a sheriff or coroner, he or she shall endorse his or  
17 her return thereon, and if by a private person the return shall  
18 be by affidavit.

19 (a-3) In a county of 3,000,000 or more, any person who is  
20 licensed or registered as a private detective under the  
21 Private Detective, Private Alarm, Private Security,  
22 Fingerprint Vendor, and Locksmith Act of 2004 or by a  
23 registered employee of a private detective agency certified  
24 under that Act and hired to serve any summons originating in  
25 such county in the State shall pay ~~remit~~ \$5 of each service  
26 fee, as established under Section 4-12001 of the Counties

1 Code, to be remitted to the county sheriff. Payment of the \$5  
2 fee shall be made to the clerk of the court by the plaintiff at  
3 the time of filing the summons and complaint or when an alias  
4 summons issues. A private detective or registered employee of  
5 a private detective agency that is hired to serve summons or  
6 alias summons shall deduct \$5 from the bill tendered to the  
7 party who paid the \$5 fee to the clerk of the court on behalf  
8 of the private detective or registered employee of a private  
9 detective agency. If the party seeking to serve a summons or  
10 alias summons utilizes the county sheriff, the county sheriff  
11 shall deduct \$5 from the total cost of service charged to the  
12 party. Any fees paid to the clerk of the court under this  
13 subsection shall be remitted to the county sheriff.

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

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

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

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

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

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

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

26          (c) If any sheriff, coroner, or other person to whom any

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

12 (d) Except as provided in Sections 1-19, 3-17, 4-14, and  
13 5-252 of the Juvenile Court Act of 1987, if process is served  
14 by a sheriff, coroner, or special investigator appointed by  
15 the State's Attorney, the court may tax the fee of the sheriff,  
16 coroner, or State's Attorney's special investigator as costs  
17 in the proceeding. If process is served by a private person or  
18 entity, the court may establish a fee therefor and tax such fee  
19 as 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 eviction actions commenced  
24 by that housing authority and may execute eviction orders for  
25 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  
4 Article IX of this Code as a result of a lessor or lessor's  
5 assignee declaring a lease void pursuant to Section 11 of the  
6 Controlled Substance and Cannabis Nuisance Act.

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

9 Section 99. Effective date. This Act takes effect January  
10 1, 2025."