

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 2-1101 as follows:

6 (735 ILCS 5/2-1101) (from Ch. 110, par. 2-1101)

7 Sec. 2-1101. Subpoenas. The clerk of any court in which
8 an action is pending shall, from time to time, issue
9 subpoenas for those witnesses and to those counties in the
10 State as may be required by either party. Every clerk who
11 shall refuse so to do shall be guilty of a petty offense and
12 fined any sum not to exceed \$100. An order of court is not
13 required to obtain the issuance by the clerk of a subpoena
14 duces tecum. For good cause shown, the court on motion may
15 quash or modify any subpoena or, in the case of a subpoena
16 duces tecum, condition the denial of the motion upon payment
17 in advance by the person in whose behalf the subpoena is
18 issued of the reasonable expense of producing any item
19 therein specified.

20 In the event that a party has subpoenaed an expert
21 witness including, but not limited to physicians or medical
22 providers, and the expert witness appears in court, and a
23 conflict arises between the party subpoenaing the expert
24 witness and the expert witness over the fees charged by the
25 expert witness, the trial court shall be advised of the
26 conflict. The trial court shall conduct a hearing subsequent
27 to the testimony of the expert witness, and shall determine
28 the reasonable fee to be paid to the expert witness, and
29 shall order payment by the subpoenaing party to the expert
30 witness. (Source: P.A. 87-418.)