



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6327

Introduced 2/11/2016, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-202

from Ch. 110, par. 2-202

Amends the Civil Practice Law of the Code of Civil Procedure. Provides that in counties with a population of 3,000,000 or more, a special process server shall wear a body camera while serving process. Provides that a special process server shall record all attempts to serve process. Provides that the individual process server or company that employs the process server shall store the video data from the body camera of the attempt or successful service of process until the case in which the service was required has been fully adjudicated. Provides that the custodian of the body camera video data shall make the data available only to the plaintiff or defendant in the case in which service was required, the court, or any law enforcement agency.

LRB099 19132 HEP 43521 b

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 personnel
16 to serve process. In counties with a population of less than
17 2,000,000, process may be served, without special appointment,
18 by a person who is licensed or registered as a private
19 detective under the Private Detective, Private Alarm, Private
20 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a
21 registered employee of a private detective agency certified
22 under that Act as defined in Section (a-5). A private detective
23 or licensed employee must supply the sheriff of any county in

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

11 (a-5) Upon motion and in its discretion, the court may
12 appoint as a special process server a private detective agency
13 certified under the Private Detective, Private Alarm, Private
14 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
15 the appointment, any employee of the private detective agency
16 who is registered under that Act may serve the process. The
17 motion and the order of appointment must contain the number of
18 the certificate issued to the private detective agency by the
19 Department of Professional Regulation under the Private
20 Detective, Private Alarm, Private Security, Fingerprint
21 Vendor, and Locksmith Act of 2004. A private detective or
22 private detective agency shall send, one time only, a copy of
23 his, her, or its individual private detective license or
24 private detective agency certificate to the county sheriff in
25 each county in which the detective or detective agency or his,
26 her, or its employees serve process, regardless of size of the

1 population of the county. As long as the license or certificate
2 is valid and meets the requirements of the Department of
3 Financial and Professional Regulation, a new copy of the
4 current license or certificate need not be sent to the sheriff.
5 A private detective agency shall maintain a list of its
6 registered employees. Registered employees shall consist of:

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

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

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

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

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

25 (b) Summons may be served upon the defendants wherever they
26 may be found in the State, by any person authorized to serve

1 process. An officer may serve summons in his or her official
2 capacity outside his or her county, but fees for mileage
3 outside the county of the officer cannot be taxed as costs. The
4 person serving the process in a foreign county may make return
5 by mail.

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

18 (d) If process is served by a sheriff, coroner, or special
19 investigator appointed by the State's Attorney, the court may
20 tax the fee of the sheriff, coroner, or State's Attorney's
21 special investigator as costs in the proceeding. If process is
22 served by a private person or entity, the court may establish a
23 fee therefor and tax such fee as costs in the proceedings.

24 (e) In addition to the powers stated in Section 8.1a of the
25 Housing Authorities Act, in counties with a population of
26 3,000,000 or more inhabitants, members of a housing authority

1 police force may serve process for forcible entry and detainer
2 actions commenced by that housing authority and may execute
3 orders of possession for that housing authority.

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

12 (g) In counties with a population of 3,000,000 or more, a
13 special process server appointed under subsection (a-5) of this
14 Section shall wear a body camera while serving process. A
15 person serving process under subsection (a-5) of this Section
16 shall record all attempts to serve process. The individual
17 process server or company that employs the process server shall
18 store the video data from the body camera of the attempt or
19 successful service of process until the case in which the
20 service was required has been fully adjudicated. The custodian
21 of the body camera video data collected under this Section
22 shall make the data available only to the plaintiff or
23 defendant in the case in which service was required, the court,
24 or any law enforcement agency.

25 (Source: P.A. 99-169, eff. 7-28-15.)