



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5202

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

225 ILCS 447/25-10
225 ILCS 447/25-20
225 ILCS 447/35-40
225 ILCS 447/40-55 new

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. In provisions concerning the qualifications for licensure as a private security contractor, includes passage of a mental health examination. Provides that a private security contractor shall complete, within 30 days of their employment, a minimum of 40 hours (rather than 20 hours) of classroom basic training provided by a qualified instructor. Provides that a firearm training course shall consist of 80 hours (rather than 40 hours) of training and makes conforming changes. Provides that the Department of Financial and Professional Regulation shall establish guidelines for disciplining private security contractors who are found to have used excessive force during the course of their professional duties.

LRB101 16756 SPS 66146 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Sections 25-10, 25-20, and 35-40 and adding
7 Section 40-55 as follows:

8 (225 ILCS 447/25-10)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 25-10. Qualifications for licensure as a private
11 security contractor.

12 (a) A person is qualified for licensure as a private
13 security contractor if he or she meets all of the following
14 requirements:

15 (1) Is at least 21 years of age.

16 (2) Has not been convicted of any felony in any
17 jurisdiction or at least 10 years have elapsed since the
18 time of full discharge from a sentence imposed for a felony
19 conviction.

20 (3) Is of good moral character. Good character is a
21 continuing requirement of licensure. Conviction of crimes
22 other than felonies may be used in determining moral
23 character, but shall not constitute an absolute bar to

1 licensure, except where the applicant is a registered sex
2 offender.

3 (4) Has not been declared by any court of competent
4 jurisdiction to be incompetent by reason of mental or
5 physical defect or disease, unless a court has subsequently
6 declared him or her to be competent.

7 (4.5) Has passed a mental health examination.

8 (5) Is not suffering from dependence on alcohol or from
9 narcotic addiction or dependence.

10 (6) Has a minimum of 3 years experience of the 5 years
11 immediately preceding application working as a full-time
12 manager for a licensed private security contractor agency
13 or a manager of a proprietary security force of 30 or more
14 persons registered with the Department or with 3 years
15 experience of the 5 years immediately preceding his or her
16 application employed as a full-time supervisor for an
17 in-house security unit for a corporation having 100 or more
18 employees, for a military police or related security unit
19 in any of the armed forces of the United States, or in a
20 law enforcement agency of the federal government, a state,
21 or a state political subdivision, which shall include a
22 state's attorney's office, a public defender's office, or
23 the Department of Corrections. The Board and the Department
24 shall approve such full-time supervisory experience and
25 may accept, in lieu of the experience requirement in this
26 subsection, alternative experience working as a full-time

1 manager for a private security contractor agency licensed
2 in another state or for a private security contractor
3 agency in a state that does not license such agencies if
4 the experience is substantially equivalent to that gained
5 working for an Illinois licensed private security
6 contractor agency. An applicant who has a baccalaureate
7 degree or higher in police science or a related field or a
8 business degree from an accredited college or university
9 shall be given credit for 2 of the 3 years of the required
10 experience. An applicant who has completed a non-degree
11 military training program in police science or a related
12 field shall be given credit for one of the 3 years of the
13 required experience if the Board and the Department
14 determine that such training is substantially equivalent
15 to that received in an associate degree program. An
16 applicant who has an associate degree in police science or
17 in a related field or in business from an accredited
18 college or university shall be given credit for one of the
19 3 years of the required experience.

20 (7) Has not been dishonorably discharged from the armed
21 forces of the United States.

22 (8) Has passed an examination authorized by the
23 Department.

24 (9) Submits his or her fingerprints, proof of having
25 general liability insurance required under subsection (b),
26 and the required license fee.

1 (10) Has not violated Section 10-5 of this Act.

2 (b) It is the responsibility of the applicant to obtain
3 general liability insurance in an amount and coverage
4 appropriate for the applicant's circumstances as determined by
5 rule. The applicant shall provide evidence of insurance to the
6 Department before being issued a license. Failure to maintain
7 general liability insurance and to provide the Department with
8 written proof of the insurance shall result in cancellation of
9 the license without hearing.

10 (c) Any person who has been providing canine odor detection
11 services for hire prior to January 1, 2005 is exempt from the
12 requirements of item (6) of subsection (a) of this Section and
13 may be granted a private security contractor license if (i) he
14 or she meets the requirements of items (1) through (5) and
15 items (7) through (10) of subsections (a) of this Section, (ii)
16 pays all applicable fees, and (iii) presents satisfactory
17 evidence to the Department of the provision of canine odor
18 detection services for hire since January 1, 2005.

19 (Source: P.A. 100-181, eff. 8-18-17.)

20 (225 ILCS 447/25-20)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 25-20. Training; private security contractor and
23 employees.

24 (a) Registered employees of the private security
25 contractor agency who provide traditional guarding or other

1 private security related functions or who respond to alarm
2 systems shall complete, within 30 days of their employment, a
3 minimum of 40 ~~20~~ hours of classroom basic training provided by
4 a qualified instructor, which shall include the following
5 subjects:

6 (1) The law regarding arrest and search and seizure as
7 it applies to private security.

8 (2) Civil and criminal liability for acts related to
9 private security.

10 (3) The use of force, including but not limited to the
11 use of nonlethal force (i.e., disabling spray, baton,
12 stungun or similar weapon).

13 (4) Arrest and control techniques.

14 (5) The offenses under the Criminal Code of 2012 that
15 are directly related to the protection of persons and
16 property.

17 (6) The law on private security forces and on reporting
18 to law enforcement agencies.

19 (7) Fire prevention, fire equipment, and fire safety.

20 (8) The procedures for report writing.

21 (9) Civil rights and public relations.

22 (10) The identification of terrorists, acts of
23 terrorism, and terrorist organizations, as defined by
24 federal and State statutes.

25 (b) All other employees of a private security contractor
26 agency shall complete a minimum of 40 ~~20~~ hours of training

1 provided by the qualified instructor within 30 days of their
2 employment. The substance of the training shall be related to
3 the work performed by the registered employee.

4 (c) Registered employees of the private security
5 contractor agency who provide guarding or other private
6 security related functions, in addition to the classroom
7 training required under subsection (a), within 6 months of
8 their employment, shall complete an additional 8 hours of
9 training on subjects to be determined by the employer, which
10 training may be site-specific and may be conducted on the job.

11 (d) In addition to the basic training provided for in
12 subsections (a) and (c), registered employees of the private
13 security contractor agency who provide guarding or other
14 private security related functions shall complete an
15 additional 8 hours of refresher training on subjects to be
16 determined by the employer each calendar year commencing with
17 the calendar year following the employee's first employment
18 anniversary date, which refresher training may be
19 site-specific and may be conducted on the job.

20 (e) It is the responsibility of the employer to certify, on
21 a form provided by the Department, that the employee has
22 successfully completed the basic and refresher training. The
23 form shall be a permanent record of training completed by the
24 employee and shall be placed in the employee's file with the
25 employer for the period the employee remains with the employer.
26 An agency may place a notarized copy of the Department form in

1 lieu of the original into the permanent employee registration
2 card file. The original form shall be given to the employee
3 when his or her employment is terminated. Failure to return the
4 original form to the employee is grounds for disciplinary
5 action. The employee shall not be required to repeat the
6 required training once the employee has been issued the form.
7 An employer may provide or require additional training.

8 (f) Any certification of completion of the 20-hour basic
9 training issued under the Private Detective, Private Alarm,
10 Private Security and Locksmith Act of 1993 or any prior Act
11 shall be accepted as proof of training under this Act.

12 (Source: P.A. 97-1150, eff. 1-25-13; 98-253, eff. 8-9-13;
13 98-756, eff. 7-16-14.)

14 (225 ILCS 447/35-40)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 35-40. Firearm control; training requirements.

17 (a) The Department shall, pursuant to rule, approve or
18 disapprove training programs for the firearm training course,
19 which shall be taught by a qualified instructor. Qualifications
20 for instructors shall be set by rule. The firearm training
21 course shall be conducted by entities, by a licensee, or by an
22 agency licensed by this Act, provided the course is approved by
23 the Department. The firearm course shall consist of the
24 following minimum requirements:

25 (1) 80 ~~40~~ hours of training, 40 ~~20~~ hours of which shall

1 be as described in Sections 15-20, 20-20, or 25-20, as
2 applicable, and 40 ~~20~~ hours of which shall include all of
3 the following:

4 (A) Instruction in the dangers of and misuse of
5 firearms, their storage, safety rules, and care and
6 cleaning of firearms.

7 (B) Practice firing on a range with live
8 ammunition.

9 (C) Instruction in the legal use of firearms.

10 (D) A presentation of the ethical and moral
11 considerations necessary for any person who possesses
12 a firearm.

13 (E) A review of the laws regarding arrest, search,
14 and seizure.

15 (F) Liability for acts that may be performed in the
16 course of employment.

17 (2) An examination shall be given at the completion of
18 the course. The examination shall consist of a firearms
19 qualification course and a written examination. Successful
20 completion shall be determined by the Department.

21 (b) The firearm training requirement may be waived for a
22 licensee or employee who has completed training provided by the
23 Illinois Law Enforcement Training Standards Board or the
24 equivalent public body of another state or is a qualified
25 retired law enforcement officer as defined in the federal Law
26 Enforcement Officers Safety Act of 2004 and is in compliance

1 with all of the requirements of that Act, provided
2 documentation showing requalification with the weapon on the
3 firing range is submitted to the Department.

4 (Source: P.A. 98-253, eff. 8-9-13.)

5 (225 ILCS 447/40-55 new)

6 Sec. 40-55. Excessive Force. The Department shall adopt
7 rules and establish guidelines for disciplining private
8 security contractors under this Act who are found to have used
9 excessive force during the course of their professional duties.