



Sen. Iris Y. Martinez

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LRB100 06325 SMS 25601 a

1 AMENDMENT TO SENATE BILL 1753

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1753 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Private Detective, Private Alarm, Private  
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
6 amended by changing Section 40-5 as follows:

7 (225 ILCS 447/40-5)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 40-5. Injunctive relief.

10 (a) The practice of a private detective, private security  
11 contractor, private alarm contractor, fingerprint vendor,  
12 locksmith, private detective agency, private security  
13 contractor agency, private alarm contractor agency,  
14 fingerprint vendor agency, or locksmith agency by any person,  
15 firm, corporation, or other legal entity that has not been  
16 issued a license by the Department or whose license has been

1 suspended, revoked, or not renewed is hereby declared to be  
2 inimical to the public safety and welfare and to constitute a  
3 public nuisance. The Secretary may, in the name of the People  
4 of the State of Illinois through the Attorney General of the  
5 State of Illinois or the State's Attorney of any county in  
6 which the violation is alleged to have occurred in the State of  
7 Illinois, petition for an order enjoining the violation or for  
8 an order enforcing compliance with this Act. Upon the filing of  
9 a verified petition in court, if satisfied by affidavit or  
10 otherwise that the person, firm, corporation, or other legal  
11 entity is or has been conducting activities in violation of  
12 this Act, the court may enter a temporary restraining order or  
13 preliminary injunction, without bond, enjoining the defendant  
14 from further activity. A copy of the verified complaint shall  
15 be served upon the defendant and the proceedings shall be  
16 conducted as in civil cases. If it is established the defendant  
17 has been or is conducting activities in violation of this Act,  
18 the court may enter a judgment enjoining the defendant from  
19 that activity. In case of violation of any injunctive order or  
20 judgment entered under this Section, the court may punish the  
21 offender for contempt of court. Injunctive proceedings shall be  
22 in addition to all other penalties under this Act.

23 (b) If any person practices as a private detective, private  
24 security contractor, private alarm contractor, fingerprint  
25 vendor, locksmith, private detective agency, private security  
26 contractor agency, private alarm contractor agency,

1 fingerprint vendor agency, or locksmith agency or holds himself  
2 or herself out as such without having a valid license under  
3 this Act, then any licensee, any interested party, or any  
4 person injured thereby may also, in addition to the Secretary,  
5 petition for relief. Upon the filing of a verified petition in  
6 court, if satisfied by affidavit or otherwise that the person,  
7 firm, corporation, or other legal entity is or has been  
8 conducting unlicensed activities in violation of this Act, the  
9 court may enter a temporary restraining order or preliminary  
10 injunction, without bond, enjoining the defendant from further  
11 practicing in an unlicensed capacity. A copy of the verified  
12 complaint shall be served upon the defendant and the  
13 proceedings shall be conducted as in civil cases. If it is  
14 established the defendant has been or is conducting unlicensed  
15 activities in violation of this Act, the court may enter a  
16 judgment enjoining the defendant from that activity and may  
17 award the licensee, interested party, or person injured  
18 reasonable attorney's fees and costs regardless of whether the  
19 injunctive relief was obtained by consent or by court order. In  
20 case of violation of any injunctive order or judgment entered  
21 under this Section, the court may punish the offender for  
22 contempt of court. as provided in subsection (a) of this  
23 Section.

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

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".