

HB1831



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1831

Introduced 2/17/2021, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

225 ILCS 447/40-5

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that reasonable attorney's fees and costs may be awarded to a licensee, interested party, or person injured if he or she successfully obtains injunctive relief, whether by consent or otherwise. Effective immediately.

LRB102 13569 SPS 18917 b

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 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8 (Section scheduled to be repealed on January 1, 2024)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
17 suspended, revoked, or not renewed is hereby declared to be
18 inimical to the public safety and welfare and to constitute a
19 public nuisance. The Secretary may, in the name of the People
20 of the State of Illinois through the Attorney General of the
21 State of Illinois or the State's Attorney of any county in
22 which the violation is alleged to have occurred in the State of
23 Illinois, petition for an order enjoining the violation or for

1 an order enforcing compliance with this Act. Upon the filing
2 of a verified petition in court, if satisfied by affidavit or
3 otherwise that the person, firm, corporation, or other legal
4 entity is or has been conducting activities in violation of
5 this Act, the court may enter a temporary restraining order or
6 preliminary injunction, without bond, enjoining the defendant
7 from further activity. A copy of the verified complaint shall
8 be served upon the defendant and the proceedings shall be
9 conducted as in civil cases. If it is established the
10 defendant has been or is conducting activities in violation of
11 this Act, the court may enter a judgment enjoining the
12 defendant from that activity. In case of violation of any
13 injunctive order or judgment entered under this Section, the
14 court may punish the offender for contempt of court.
15 Injunctive proceedings shall be in addition to all other
16 penalties under this Act.

17 (b) If any person practices as a private detective,
18 private security contractor, private alarm contractor,
19 fingerprint vendor, locksmith, private detective agency,
20 private security contractor agency, private alarm contractor
21 agency, fingerprint vendor agency, or locksmith agency or
22 holds himself or herself out as such without having a valid
23 license under this Act, then any licensee, any interested
24 party, or any person injured thereby may, in addition to the
25 Secretary, petition for relief as provided in subsection (a)
26 of this Section. Reasonable attorney's fees and costs may be

1 awarded to the licensee, interested party, or person injured
2 if he or she successfully obtains injunctive relief, whether
3 by consent or otherwise.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.