



Sen. John Connor

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10200HB4073sam001

LRB102 18168 AMQ 37900 a

1 AMENDMENT TO HOUSE BILL 4073

2 AMENDMENT NO. _____. Amend House Bill 4073 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 5-10 as follows:

7 (225 ILCS 447/5-10)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 5-10. Definitions. As used in this Act:

10 "Address of record" means the designated address recorded
11 by the Department in the applicant's application file or the
12 licensee's license file, as maintained by the Department's
13 licensure maintenance unit.

14 "Advertisement" means any public media, including printed
15 or electronic material, that is published or displayed in a
16 phone book, newspaper, magazine, pamphlet, newsletter,

1 website, or other similar type of publication or electronic
2 format that is intended to either attract business or merely
3 provide contact information to the public for an agency or
4 licensee. Advertisement shall not include a licensee's or an
5 agency's letterhead, business cards, or other stationery used
6 in routine business correspondence or customary name, address,
7 and number type listings in a telephone directory.

8 "Alarm system" means any system, including an electronic
9 access control system, a surveillance video system, a security
10 video system, a burglar alarm system, a fire alarm system, or
11 any other electronic system that activates an audible,
12 visible, remote, or recorded signal that is designed for the
13 protection or detection of intrusion, entry, theft, fire,
14 vandalism, escape, or trespass, or other electronic systems
15 designed for the protection of life by indicating the
16 existence of an emergency situation. "Alarm system" also
17 includes an emergency communication system and a mass
18 notification system. "Alarm system" includes a battery-charged
19 fence alarm as defined in this Section.

20 "Applicant" means a person or business applying for
21 licensure, registration, or authorization under this Act. Any
22 applicant or person who holds himself or herself out as an
23 applicant is considered a licensee or registrant for the
24 purposes of enforcement, investigation, hearings, and the
25 Illinois Administrative Procedure Act.

26 "Armed employee" means a licensee or registered person who

1 is employed by an agency licensed or an armed proprietary
2 security force registered under this Act who carries a weapon
3 while engaged in the performance of official duties within the
4 course and scope of his or her employment during the hours and
5 times the employee is scheduled to work or is commuting
6 between his or her home or place of employment.

7 "Armed proprietary security force" means a security force
8 made up of one or more armed individuals employed by a
9 commercial or industrial operation or by a financial
10 institution as security officers for the protection of persons
11 or property.

12 "Battery-charged fence alarm" means an alarm system and
13 ancillary components or equipment attached to such a system,
14 including, but not limited to, a fence that is connected to
15 battery-operated energizer which is intended to periodically
16 deliver voltage impulses to the fence and battery charging
17 device used exclusively to charge the battery. A
18 "battery-charged fence alarm":

19 (1) interfaces with a monitored alarm device in a
20 manner that enables the alarm system to transmit a
21 signal intended to summon a business or law
22 enforcement agency in response to an intrusion or
23 burglary;

24 (2) is located on property that is not designated
25 by a municipality or county for residential use;

26 (3) has an energizer that is driven by a

1 commercial storage battery that is not more than 12
2 volts of direct current;

3 (4) produces an electric charge on contact that
4 does not exceed energizer characteristics set for
5 electric fence energizers by the International
6 Electrotechnical Commission Standard 60335.2.76,
7 Current Edition;

8 (5) is completely surrounded by a nonelectric
9 perimeter fence or wall that is not less than 5 feet in
10 height;

11 (6) is not more than the higher of:

12 (A) ten feet in height; or

13 (B) two feet higher than the height of the
14 nonelectric perimeter fence or wall; and

15 (7) is marked with conspicuous warning signs that
16 are located on the battery-charged fence at not more
17 than 40-foot intervals and that reads:
18 "WARNING-ELECTRIC FENCE".

19 "Board" means the Private Detective, Private Alarm,
20 Private Security, Fingerprint Vendor, and Locksmith Board.

21 "Branch office" means a business location removed from the
22 place of business for which an agency license has been issued,
23 including, but not limited to, locations where active employee
24 records that are required to be maintained under this Act are
25 kept, where prospective new employees are processed, or where
26 members of the public are invited in to transact business. A

1 branch office does not include an office or other facility
2 located on the property of an existing client that is utilized
3 solely for the benefit of that client and is not owned or
4 leased by the agency.

5 "Canine handler" means a person who uses or handles a
6 trained dog to protect persons or property or to conduct
7 investigations.

8 "Canine handler authorization card" means a card issued by
9 the Department that authorizes the holder to use or handle a
10 trained dog to protect persons or property or to conduct
11 investigations during the performance of his or her duties as
12 specified in this Act.

13 "Canine trainer" means a person who acts as a dog trainer
14 for the purpose of training dogs to protect persons or
15 property or to conduct investigations.

16 "Canine trainer authorization card" means a card issued by
17 the Department that authorizes the holder to train a dog to
18 protect persons or property or to conduct investigations
19 during the performance of his or her duties as specified in
20 this Act.

21 "Canine training facility" means a facility operated by a
22 licensed private detective agency or private security
23 contractor agency wherein dogs are trained for the purposes of
24 protecting persons or property or to conduct investigations.

25 "Corporation" means an artificial person or legal entity
26 created by or under the authority of the laws of a state,

1 including without limitation a corporation, limited liability
2 company, or any other legal entity.

3 "Department" means the Department of Financial and
4 Professional Regulation.

5 "Emergency communication system" means any system that
6 communicates information about emergencies, including but not
7 limited to fire, terrorist activities, shootings, other
8 dangerous situations, accidents, and natural disasters.

9 "Employee" means a person who works for a person or agency
10 that has the right to control the details of the work performed
11 and is not dependent upon whether or not federal or state
12 payroll taxes are withheld.

13 "Fingerprint vendor" means a person that offers,
14 advertises, or provides services to fingerprint individuals,
15 through electronic or other means, for the purpose of
16 providing fingerprint images and associated demographic data
17 to the Illinois State Police for processing fingerprint based
18 criminal history record information inquiries.

19 "Fingerprint vendor agency" means a person, firm,
20 corporation, or other legal entity that engages in the
21 fingerprint vendor business and employs, in addition to the
22 fingerprint vendor licensee-in-charge, at least one other
23 person in conducting that business.

24 "Fingerprint vendor licensee-in-charge" means a person who
25 has been designated by a fingerprint vendor agency to be the
26 licensee-in-charge of an agency who is a full-time management

1 employee or owner who assumes sole responsibility for
2 maintaining all records required by this Act and who assumes
3 sole responsibility for assuring the licensed agency's
4 compliance with its responsibilities as stated in this Act.
5 The Department shall adopt rules mandating licensee-in-charge
6 participation in agency affairs.

7 "Fire alarm system" means any system that is activated by
8 an automatic or manual device in the detection of smoke, heat,
9 or fire that activates an audible, visible, or remote signal
10 requiring a response.

11 "Firearm control card" means a card issued by the
12 Department that authorizes the holder, who has complied with
13 the training and other requirements of this Act, to carry a
14 weapon during the performance of his or her duties as
15 specified in this Act.

16 "Firm" means an unincorporated business entity, including
17 but not limited to proprietorships and partnerships.

18 "Licensee" means a person or business licensed under this
19 Act. Anyone who holds himself or herself out as a licensee or
20 who is accused of unlicensed practice is considered a licensee
21 for purposes of enforcement, investigation, hearings, and the
22 Illinois Administrative Procedure Act.

23 "Locksmith" means a person who engages in a business or
24 holds himself out to the public as providing a service that
25 includes, but is not limited to, the servicing, installing,
26 originating first keys, re-coding, repairing, maintaining,

1 manipulating, or bypassing of a mechanical or electronic
2 locking device, access control or video surveillance system at
3 premises, vehicles, safes, vaults, safe deposit boxes, or
4 automatic teller machines.

5 "Locksmith agency" means a person, firm, corporation, or
6 other legal entity that engages in the locksmith business and
7 employs, in addition to the locksmith licensee-in-charge, at
8 least one other person in conducting such business.

9 "Locksmith licensee-in-charge" means a person who has been
10 designated by agency to be the licensee-in-charge of an
11 agency, who is a full-time management employee or owner who
12 assumes sole responsibility for maintaining all records
13 required by this Act, and who assumes sole responsibility for
14 assuring the licensed agency's compliance with its
15 responsibilities as stated in this Act. The Department shall
16 adopt rules mandating licensee-in-charge participation in
17 agency affairs.

18 "Mass notification system" means any system that is used
19 to provide information and instructions to people in a
20 building or other space using voice communications, including
21 visible signals, text, graphics, tactile, or other
22 communication methods.

23 "Peace officer" or "police officer" means a person who, by
24 virtue of office or public employment, is vested by law with a
25 duty to maintain public order or to make arrests for offenses,
26 whether that duty extends to all offenses or is limited to

1 specific offenses. Officers, agents, or employees of the
2 federal government commissioned by federal statute to make
3 arrests for violations of federal laws are considered peace
4 officers.

5 "Permanent employee registration card" means a card issued
6 by the Department to an individual who has applied to the
7 Department and meets the requirements for employment by a
8 licensed agency under this Act.

9 "Person" means a natural person.

10 "Private alarm contractor" means a person who engages in a
11 business that individually or through others undertakes,
12 offers to undertake, purports to have the capacity to
13 undertake, or submits a bid to sell, install, design, monitor,
14 maintain, test, inspect, alter, repair, replace, or service
15 alarm and other security-related systems or parts thereof,
16 including fire alarm systems, at protected premises or
17 premises to be protected or responds to alarm systems at a
18 protected premises on an emergency basis and not as a
19 full-time security officer. "Private alarm contractor" does
20 not include a person, firm, or corporation that manufactures
21 or sells alarm systems only from its place of business and does
22 not sell, install, monitor, maintain, alter, repair, replace,
23 service, or respond to alarm systems at protected premises or
24 premises to be protected.

25 "Private alarm contractor agency" means a person,
26 corporation, or other entity that engages in the private alarm

1 contracting business and employs, in addition to the private
2 alarm contractor-in-charge, at least one other person in
3 conducting such business.

4 "Private alarm contractor licensee-in-charge" means a
5 person who has been designated by an agency to be the
6 licensee-in-charge of an agency, who is a full-time management
7 employee or owner who assumes sole responsibility for
8 maintaining all records required by this Act, and who assumes
9 sole responsibility for assuring the licensed agency's
10 compliance with its responsibilities as stated in this Act.
11 The Department shall adopt rules mandating licensee-in-charge
12 participation in agency affairs.

13 "Private detective" means any person who by any means,
14 including, but not limited to, manual, canine odor detection,
15 or electronic methods, engages in the business of, accepts
16 employment to furnish, or agrees to make or makes
17 investigations for a fee or other consideration to obtain
18 information relating to:

19 (1) Crimes or wrongs done or threatened against the
20 United States, any state or territory of the United
21 States, or any local government of a state or territory.

22 (2) The identity, habits, conduct, business
23 occupation, honesty, integrity, credibility, knowledge,
24 trustworthiness, efficiency, loyalty, activity,
25 movements, whereabouts, affiliations, associations,
26 transactions, acts, reputation, or character of any

1 person, firm, or other entity by any means, manual or
2 electronic.

3 (3) The location, disposition, or recovery of lost or
4 stolen property.

5 (4) The cause, origin, or responsibility for fires,
6 accidents, or injuries to individuals or real or personal
7 property.

8 (5) The truth or falsity of any statement or
9 representation.

10 (6) Securing evidence to be used before any court,
11 board, or investigating body.

12 (7) The protection of individuals from bodily harm or
13 death (bodyguard functions).

14 (8) Service of process in criminal and civil
15 proceedings.

16 "Private detective agency" means a person, firm,
17 corporation, or other legal entity that engages in the private
18 detective business and employs, in addition to the
19 licensee-in-charge, one or more persons in conducting such
20 business.

21 "Private detective licensee-in-charge" means a person who
22 has been designated by an agency to be the licensee-in-charge
23 of an agency, who is a full-time management employee or owner
24 who assumes sole responsibility for maintaining all records
25 required by this Act, and who assumes sole responsibility for
26 assuring the licensed agency's compliance with its

1 responsibilities as stated in this Act. The Department shall
2 adopt rules mandating licensee-in-charge participation in
3 agency affairs.

4 "Private security contractor" means a person who engages
5 in the business of providing a private security officer,
6 watchman, patrol, guard dog, canine odor detection, or a
7 similar service by any other title or name on a contractual
8 basis for another person, firm, corporation, or other entity
9 for a fee or other consideration and performing one or more of
10 the following functions:

11 (1) The prevention or detection of intrusion, entry,
12 theft, vandalism, abuse, fire, or trespass on private or
13 governmental property.

14 (2) The prevention, observation, or detection of any
15 unauthorized activity on private or governmental property.

16 (3) The protection of persons authorized to be on the
17 premises of the person, firm, or other entity for which
18 the security contractor contractually provides security
19 services.

20 (4) The prevention of the misappropriation or
21 concealment of goods, money, bonds, stocks, notes,
22 documents, or papers.

23 (5) The control, regulation, or direction of the
24 movement of the public for the time specifically required
25 for the protection of property owned or controlled by the
26 client.

1 (6) The protection of individuals from bodily harm or
2 death (bodyguard functions).

3 "Private security contractor agency" means a person, firm,
4 corporation, or other legal entity that engages in the private
5 security contractor business and that employs, in addition to
6 the licensee-in-charge, one or more persons in conducting such
7 business.

8 "Private security contractor licensee-in-charge" means a
9 person who has been designated by an agency to be the
10 licensee-in-charge of an agency, who is a full-time management
11 employee or owner who assumes sole responsibility for
12 maintaining all records required by this Act, and who assumes
13 sole responsibility for assuring the licensed agency's
14 compliance with its responsibilities as stated in this Act.
15 The Department shall adopt rules mandating licensee-in-charge
16 participation in agency affairs.

17 "Public member" means a person who is not a licensee or
18 related to a licensee, or who is not an employer or employee of
19 a licensee. The term "related to" shall be determined by the
20 rules of the Department.

21 "Secretary" means the Secretary of the Department of
22 Financial and Professional Regulation.

23 (Source: P.A. 102-152, eff. 1-1-22; 102-538, eff. 8-20-21;
24 revised 10-26-21.)".