



Sen. John Connor

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10200HB4073sam002

LRB102 18168 AMQ 38931 a

1 AMENDMENT TO HOUSE BILL 4073

2 AMENDMENT NO. _____. Amend House Bill 4073, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Private Detective, Private Alarm, Private
6 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
7 amended by changing Section 5-10 as follows:

8 (225 ILCS 447/5-10)

9 (Section scheduled to be repealed on January 1, 2024)

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

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

15 "Advertisement" means any public media, including printed
16 or electronic material, that is published or displayed in a

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

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

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

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

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

13 "Battery-charged fence alarm" means:

14 (1) an alarm system and ancillary components or
15 equipment attached to such a system, including, but not
16 limited to, a fence that is connected to battery-operated
17 energizer intended to periodically deliver voltage
18 impulses to the fence and battery-charging device used
19 exclusively to charge the battery, and:

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

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

1 (C) has an energizer that is driven by a
2 commercial storage battery that is not more than 12
3 volts of direct current;

4 (D) produces an electric charge on contact that
5 does not exceed energizer characteristics set for
6 electric fence energizers by the International
7 Electrotechnical Commission Standard 60335-2-76,
8 Current Edition;

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

12 (F) is not more than the higher of:

13 (i) ten feet in height; or

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

16 (G) is marked with conspicuous warning signs that
17 are located on the battery-charged fence at not more
18 than 30-foot intervals and that reads:

19 "WARNING-ELECTRIC FENCE"; or

20 (2) an alarm system and ancillary components or
21 equipment attached to such a system, including, but not
22 limited to, a fence that is connected to a
23 battery-operated energizer intended to periodically
24 deliver voltage impulses to the fence and battery-charging
25 device used exclusively to charge the battery, and
26 interfaces with a monitored alarm device in a manner that

1 enables the alarm system to transmit a signal intended to
2 summon a business or law enforcement agency in response to
3 an intrusion or burglary.

4 "Board" means the Private Detective, Private Alarm,
5 Private Security, Fingerprint Vendor, and Locksmith Board.

6 "Branch office" means a business location removed from the
7 place of business for which an agency license has been issued,
8 including, but not limited to, locations where active employee
9 records that are required to be maintained under this Act are
10 kept, where prospective new employees are processed, or where
11 members of the public are invited in to transact business. A
12 branch office does not include an office or other facility
13 located on the property of an existing client that is utilized
14 solely for the benefit of that client and is not owned or
15 leased by the agency.

16 "Canine handler" means a person who uses or handles a
17 trained dog to protect persons or property or to conduct
18 investigations.

19 "Canine handler authorization card" means a card issued by
20 the Department that authorizes the holder to use or handle a
21 trained dog to protect persons or property or to conduct
22 investigations during the performance of his or her duties as
23 specified in this Act.

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

1 "Canine trainer authorization card" means a card issued by
2 the Department that authorizes the holder to train a dog to
3 protect persons or property or to conduct investigations
4 during the performance of his or her duties as specified in
5 this Act.

6 "Canine training facility" means a facility operated by a
7 licensed private detective agency or private security
8 contractor agency wherein dogs are trained for the purposes of
9 protecting persons or property or to conduct investigations.

10 "Corporation" means an artificial person or legal entity
11 created by or under the authority of the laws of a state,
12 including without limitation a corporation, limited liability
13 company, or any other legal entity.

14 "Department" means the Department of Financial and
15 Professional Regulation.

16 "Emergency communication system" means any system that
17 communicates information about emergencies, including but not
18 limited to fire, terrorist activities, shootings, other
19 dangerous situations, accidents, and natural disasters.

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

24 "Fingerprint vendor" means a person that offers,
25 advertises, or provides services to fingerprint individuals,
26 through electronic or other means, for the purpose of

1 providing fingerprint images and associated demographic data
2 to the Illinois State Police for processing fingerprint based
3 criminal history record information inquiries.

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

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

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

22 "Firearm control card" means a card issued by the
23 Department that authorizes the holder, who has complied with
24 the training and other requirements of this Act, to carry a
25 weapon during the performance of his or her duties as
26 specified in this Act.

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

3 "Licensee" means a person or business licensed under this
4 Act. Anyone who holds himself or herself out as a licensee or
5 who is accused of unlicensed practice is considered a licensee
6 for purposes of enforcement, investigation, hearings, and the
7 Illinois Administrative Procedure Act.

8 "Locksmith" means a person who engages in a business or
9 holds himself out to the public as providing a service that
10 includes, but is not limited to, the servicing, installing,
11 originating first keys, re-coding, repairing, maintaining,
12 manipulating, or bypassing of a mechanical or electronic
13 locking device, access control or video surveillance system at
14 premises, vehicles, safes, vaults, safe deposit boxes, or
15 automatic teller machines.

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

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

1 adopt rules mandating licensee-in-charge participation in
2 agency affairs.

3 "Mass notification system" means any system that is used
4 to provide information and instructions to people in a
5 building or other space using voice communications, including
6 visible signals, text, graphics, tactile, or other
7 communication methods.

8 "Peace officer" or "police officer" means a person who, by
9 virtue of office or public employment, is vested by law with a
10 duty to maintain public order or to make arrests for offenses,
11 whether that duty extends to all offenses or is limited to
12 specific offenses. Officers, agents, or employees of the
13 federal government commissioned by federal statute to make
14 arrests for violations of federal laws are considered peace
15 officers.

16 "Permanent employee registration card" means a card issued
17 by the Department to an individual who has applied to the
18 Department and meets the requirements for employment by a
19 licensed agency under this Act.

20 "Person" means a natural person.

21 "Private alarm contractor" means a person who engages in a
22 business that individually or through others undertakes,
23 offers to undertake, purports to have the capacity to
24 undertake, or submits a bid to sell, install, design, monitor,
25 maintain, test, inspect, alter, repair, replace, or service
26 alarm and other security-related systems or parts thereof,

1 including fire alarm systems, at protected premises or
2 premises to be protected or responds to alarm systems at a
3 protected premises on an emergency basis and not as a
4 full-time security officer. "Private alarm contractor" does
5 not include a person, firm, or corporation that manufactures
6 or sells alarm systems only from its place of business and does
7 not sell, install, monitor, maintain, alter, repair, replace,
8 service, or respond to alarm systems at protected premises or
9 premises to be protected.

10 "Private alarm contractor agency" means a person,
11 corporation, or other entity that engages in the private alarm
12 contracting business and employs, in addition to the private
13 alarm contractor-in-charge, at least one other person in
14 conducting such business.

15 "Private alarm contractor licensee-in-charge" means a
16 person who has been designated by an agency to be the
17 licensee-in-charge of an agency, who is a full-time management
18 employee or owner who assumes sole responsibility for
19 maintaining all records required by this Act, and who assumes
20 sole responsibility for assuring the licensed agency's
21 compliance with its responsibilities as stated in this Act.
22 The Department shall adopt rules mandating licensee-in-charge
23 participation in agency affairs.

24 "Private detective" means any person who by any means,
25 including, but not limited to, manual, canine odor detection,
26 or electronic methods, engages in the business of, accepts

1 employment to furnish, or agrees to make or makes
2 investigations for a fee or other consideration to obtain
3 information relating to:

4 (1) Crimes or wrongs done or threatened against the
5 United States, any state or territory of the United
6 States, or any local government of a state or territory.

7 (2) The identity, habits, conduct, business
8 occupation, honesty, integrity, credibility, knowledge,
9 trustworthiness, efficiency, loyalty, activity,
10 movements, whereabouts, affiliations, associations,
11 transactions, acts, reputation, or character of any
12 person, firm, or other entity by any means, manual or
13 electronic.

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

16 (4) The cause, origin, or responsibility for fires,
17 accidents, or injuries to individuals or real or personal
18 property.

19 (5) The truth or falsity of any statement or
20 representation.

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

23 (7) The protection of individuals from bodily harm or
24 death (bodyguard functions).

25 (8) Service of process in criminal and civil
26 proceedings.

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

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

15 "Private security contractor" means a person who engages
16 in the business of providing a private security officer,
17 watchman, patrol, guard dog, canine odor detection, or a
18 similar service by any other title or name on a contractual
19 basis for another person, firm, corporation, or other entity
20 for a fee or other consideration and performing one or more of
21 the following functions:

22 (1) The prevention or detection of intrusion, entry,
23 theft, vandalism, abuse, fire, or trespass on private or
24 governmental property.

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

1 (3) The protection of persons authorized to be on the
2 premises of the person, firm, or other entity for which
3 the security contractor contractually provides security
4 services.

5 (4) The prevention of the misappropriation or
6 concealment of goods, money, bonds, stocks, notes,
7 documents, or papers.

8 (5) The control, regulation, or direction of the
9 movement of the public for the time specifically required
10 for the protection of property owned or controlled by the
11 client.

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

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

19 "Private security contractor licensee-in-charge" means a
20 person who has been designated by an agency to be the
21 licensee-in-charge of an agency, who is a full-time management
22 employee or owner who assumes sole responsibility for
23 maintaining all records required by this Act, and who assumes
24 sole responsibility for assuring the licensed agency's
25 compliance with its responsibilities as stated in this Act.
26 The Department shall adopt rules mandating licensee-in-charge

1 participation in agency affairs.

2 "Public member" means a person who is not a licensee or
3 related to a licensee, or who is not an employer or employee of
4 a licensee. The term "related to" shall be determined by the
5 rules of the Department.

6 "Secretary" means the Secretary of the Department of
7 Financial and Professional Regulation.

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