

1 AN ACT in relation to the regulation of professions.

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

4 ARTICLE 5. GENERAL PROVISIONS.

5 Section 5-5. Short title; Act supersedes the Private
6 Detective, Private Alarm, Private Security, and Locksmith Act
7 of 1993. This Act may be cited as the Private Detective,
8 Private Alarm, Private Security, and Locksmith Act of 2004
9 and it supersedes the Private Detective, Private Alarm,
10 Private Security, and Locksmith Act of 1993 repealed by this
11 Act.

12 Section 5-10. Definitions. As used in this Act:

13 "Advertisement" means any printed material that is
14 published in a phone book, newspaper, magazine, pamphlet,
15 newsletter, or other similar type of publication that is
16 intended to either attract business or merely provide contact
17 information to the public for an agency or licensee.
18 Advertisement shall include any material published over the
19 Internet or other electronic formats, but shall not include a
20 licensee's or an agency's letterhead, business cards, or
21 other stationery used in routine business correspondence or
22 customary name, address, and number type listings in a
23 telephone directory.

24 "Alarm system" means any system, including an electronic
25 access control system, a surveillance video system, a
26 security video system, a burglar alarm system, a fire alarm
27 system, or any other electronic system, that activates an
28 audible, visible, remote, or recorded signal that is designed
29 for the protection or detection of intrusion, entry, theft,
30 fire, vandalism, escape, or trespass.

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

9 "Armed proprietary security force" means a security force
10 made up of 5 or more armed individuals employed by a private,
11 commercial, or industrial operation or one or more armed
12 individuals employed by a financial institution as security
13 officers for the protection of persons or property.

14 "Board" means the Private Detective, Private Alarm,
15 Private Security, and Locksmith Board.

16 "Branch office" means a business location where active
17 employee records that are required to be maintained under
18 this Act are kept, where prospective new employees are
19 processed, or where members of the public are invited in to
20 transact business. A branch office does not include an office
21 or other facility located on the property of an existing
22 client that is utilized solely for the benefit of that client
23 and is not owned or leased by the agency.

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

26 "Department" means the Department of Professional
27 Regulation.

28 "Director" means the Director of Professional Regulation.

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

33 "Fire alarm system" means any system that is activated by
34 an automatic or manual device in the detection of smoke,

1 heat, or fire that activates an audible, visible, or remote
2 signal requiring a response.

3 "Firearm authorization card" means a card issued by the
4 Department that authorizes the holder to carry a weapon
5 during the performance of his or her duties as specified in
6 this Act.

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

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

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

21 "Locksmith licensee-in-charge" means a person who has
22 been designated by a person, association, firm, or
23 corporation to be the licensee-in-charge of an agency, who is
24 a full-time executive employee or owner who assumes sole
25 responsibility for all employees of the agency and for their
26 actions, who assumes sole responsibility for maintaining all
27 records required by this Act, and who assumes sole
28 responsibility for assuring the licensed agency's compliance
29 with its responsibilities as stated in this Act.

30 "Peace officer" or "police officer" means a person who,
31 by virtue of office or public employment, is vested by law
32 with a duty to maintain public order or to make arrests for
33 offenses, whether that duty extends to all offenses or is
34 limited to specific offenses. Officers, agents, or employees

1 of the federal government commissioned by federal statute to
2 make arrests for violations of federal laws are considered
3 peace officers.

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

8 "Person" means a natural person.

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

24 "Private alarm contractor agency" means a person,
25 corporation, or other entity that engages in the private
26 alarm contracting business and employs, in addition to the
27 private alarm contractor-in-charge, at least one other person
28 in conducting such business.

29 "Private alarm contractor licensee-in-charge" means a
30 person who has been designated by a person, association,
31 firm, or corporation to be the licensee-in-charge of an
32 agency, who is a full-time executive employee or owner who
33 assumes sole responsibility for all employees of the agency
34 and for their actions, who assumes sole responsibility for

1 maintaining all records required by this Act, and who assumes
2 sole responsibility for assuring the licensed agency's
3 compliance with its responsibilities as stated in this Act.
4 If the licensee-in-charge is a person other than the
5 controlling interest owner, the full-time in-charge executive
6 employee shall work at least 30 hours per week for the
7 agency.

8 "Private detective" means any person who by any means,
9 including but not limited to manual or electronic methods,
10 engages in the business of, accepts employment to furnish, or
11 agrees to make or makes investigations for a fee or other
12 consideration to obtain information, from any source, public
13 or private, relating to:

14 (1) Crimes or wrongs done or threatened against the
15 United States, any state or territory of the United
16 States, or any local government of a state or territory.

17 (2) The identity, habits, conduct, business
18 occupation, honesty, integrity, credibility, knowledge,
19 trustworthiness, efficiency, loyalty, activity,
20 movements, whereabouts, affiliations, associations,
21 transactions, acts, reputation, or character of any
22 person, firm, or other entity by any means, manual or
23 electronic.

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

26 (4) The cause, origin, or responsibility for fires,
27 accidents, or injuries to individuals or real or personal
28 property.

29 (5) The truth or falsity of any statement or
30 representation.

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

33 (7) The protection of individuals from bodily harm
34 or death (bodyguard functions).

1 (8) Service of process in criminal and civil
2 proceedings without court order.

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

7 "Private detective licensee-in-charge" means a person who
8 has been designated by a person, association, firm, or
9 corporation to be the licensee-in-charge of an agency, who is
10 a full-time executive employee or owner who assumes sole
11 responsibility for all employees of the agency and for their
12 actions, who assumes sole responsibility for maintaining all
13 records required by this Act, and who assumes sole
14 responsibility for assuring the licensed agency's compliance
15 with its responsibilities as stated in this Act.

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

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

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

28 (3) The protection of persons authorized to be on
29 the premises of the person, firm, or other entity for
30 which the security contractor contractually provides
31 security services.

32 (4) The prevention of the misappropriation or
33 concealment of goods, money, bonds, stocks, notes,
34 documents, or papers.

1 (5) The control, regulation, or direction of the
 2 movement of the public for the time specifically required
 3 for the protection of property owned or controlled by the
 4 client.

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

7 "Private security contractor agency" means a person or
 8 other entity that engages in the private security contractor
 9 business and that employs, in addition to the
 10 licensee-in-charge, one or more persons in conducting such
 11 business.

12 "Private security contractor licensee-in-charge" means a
 13 person who has been designated by a person, association,
 14 firm, or corporation to be the licensee-in-charge of an
 15 agency, who is a full-time executive employee or owner who
 16 assumes sole responsibility for all employees of the agency
 17 and for their actions, who assumes sole responsibility for
 18 maintaining all records required by this Act, and who assumes
 19 sole responsibility for assuring the licensed agency's
 20 compliance with its responsibilities as stated in this Act.

21 "Public member" means a person who is not a licensee or
 22 related to a licensee, or who is not an employer or employee
 23 of a licensee. The term "related to" shall be determined by
 24 the rules of the Department.

25 Section 5-15. Legislative intent. The intent of the
 26 General Assembly in enacting this statute is to regulate
 27 persons and businesses licensed under this Act for the
 28 protection of the public. These practices are declared to
 29 affect the public health, safety, and welfare and are subject
 30 to State regulation and licensure. This Act shall be
 31 construed to carry out these purposes.

32 ARTICLE 10. GENERAL LICENSING PROVISIONS.

1 Section 10-5. Requirement of license.

2 (a) It is unlawful for a person to act as or provide the
3 functions of a private detective, private security
4 contractor, private alarm contractor, or locksmith or to
5 advertise or to assume to act as any one of these, or to use
6 these or any title implying that the person is engaged in any
7 of these activities unless licensed as such by the
8 Department. An individual or sole proprietor who does not
9 employ any employees other than himself or herself may
10 operate under a "doing business as" certification without
11 having to obtain an agency license.

12 (b) It is unlawful for a person, firm, or other entity
13 to act as an agency licensed under this Act, to advertise, or
14 to assume to act as a licensed agency or to use a title
15 implying that the person, firm, or other entity is engaged in
16 the practice as a private detective agency, private security
17 contractor agency, private alarm contractor agency, or
18 locksmith agency unless licensed by the Department.

19 (c) Any licensed agency that operates a branch office
20 shall apply for a branch office license for each location.

21 Section 10-10. General exemptions. This Act does not
22 apply to any of the following:

23 (1) A person, firm, or corporation engaging in fire
24 protection engineering, including the design, testing,
25 and inspection of fire protection systems.

26 (2) The practice of professional engineering as
27 defined in the Professional Engineering Practice Act of
28 1989.

29 (3) The practice of structural engineering as
30 defined in the Structural Engineering Practice Act of
31 1989.

32 (4) The practice of architecture as defined in the
33 Illinois Architecture Practice Act of 1989.

1 (5) The activities of persons or firms licensed
2 under the Illinois Public Accounting Act if performed in
3 the course of their professional practice.

4 (6) An attorney licensed to practice in Illinois
5 while engaging in the practice of law.

6 (7) A person engaged exclusively and employed by a
7 person, firm, association, or corporation in the business
8 of transporting persons or property in interstate
9 commerce and making an investigation related to the
10 business of that employer.

11 Section 10-15. Licensure classifications.

12 (a) The types of individual licenses issued pursuant to
13 this Act are:

- 14 (1) Private detective.
- 15 (2) Private security contractor.
- 16 (3) Private alarm contractor.
- 17 (4) Locksmith.

18 (b) The types of business licenses issued pursuant to
19 this Act are:

- 20 (1) Private detective agency.
- 21 (2) Private security contractor agency.
- 22 (3) Private alarm contractor agency.
- 23 (4) Locksmith agency.
- 24 (5) Agency branch office license.

25 Section 10-20. Application for license; forms.

26 (a) Each license application shall be on forms provided
27 by the Department.

28 (b) Application for a license by endorsement, without
29 examination, shall be made in accordance with the provisions
30 of Section 10-40.

31 (c) Every application for an original, renewal, or
32 restored license shall include the applicant's Social

1 Security number.

2 Section 10-25. Issuance of license; renewal; fees.

3 (a) The Department shall, upon the applicant's
4 satisfactory completion of the requirements set forth in this
5 Act and upon receipt of the fee, issue the license and wallet
6 card indicating the name and business location of the
7 licensee and the dates of issuance and expiration and
8 containing a photograph of the licensee provided to the
9 Department that is not more than one year old as of the date
10 of application for licensure and reflects any recent
11 appearance changes.

12 (b) An applicant may, upon satisfactory completion of
13 the requirements set forth in this Act and upon receipt of
14 fees related to the application and testing for licensure,
15 elect to defer the issuance of the applicant's initial
16 license for a period not longer than 6 years. An applicant
17 who fails to request issuance of his or her initial license
18 or agency license and to remit the fees required for that
19 license within 6 years shall be required to resubmit an
20 application together with all required fees.

21 (c) The expiration date, renewal period, and conditions
22 for renewal and restoration of each license, permanent
23 employee registration card, and firearm authorization card
24 shall be set by rule. The holder may renew the license,
25 permanent employee registration card, or firearm
26 authorization card during the 30 days preceding its
27 expiration by paying the required fee and by meeting
28 conditions that the Department may specify. Any license
29 holder who notifies the Department on forms prescribed by the
30 Department may place his or her license on inactive status
31 for a period of not longer than 6 years and shall, subject to
32 the rules of the Department, be excused from payment of
33 renewal fees until the license holder notifies the

1 Department, in writing, of an intention to resume active
2 status. Practice while on inactive status constitutes
3 unlicensed practice. A non-renewed license that has lapsed
4 for less than 6 years may be restored upon payment of the
5 restoration fee and all lapsed renewal fees. A license that
6 has lapsed for more than 6 years may be restored by paying
7 the required restoration fee and all lapsed renewal fees and
8 by providing evidence of competence to resume practice
9 satisfactory to the Department and the Board, which may
10 include passing a written examination. All restoration fees
11 and lapsed renewal fees shall be waived for an applicant
12 whose license lapsed while on active duty in the armed forces
13 of the United States if application for restoration is made
14 within 12 months after discharge from the service.

15 (d) The Department shall by rule provide for fees for
16 the administration and enforcement of this Act and such fees
17 are nonrefundable. All fees shall be deposited into the
18 General Professions Dedicated Fund and be appropriated to the
19 Department for the ordinary and contingent expenses of the
20 Department in the administration and enforcement of this Act.

21 Section 10-30. Unlawful acts. It is unlawful for a
22 licensee or an employee of a licensed agency:

23 (1) Upon termination of employment by the agency,
24 to fail to return upon demand or within 72 hours of
25 termination of employment any firearm issued by the
26 employer together with the employee's firearm
27 authorization card.

28 (2) Upon termination of employment by the agency,
29 to fail to return within 72 hours of termination of
30 employment any uniform, badge, identification card, or
31 equipment issued, but not sold, to the employee by the
32 agency.

33 (3) To falsify the employee's statement required by

1 this Act.

2 Section 10-35. Examination of applicants; forfeiture of
3 fee.

4 (a) Applicants for licensure shall be examined as
5 provided by this Section if they are qualified to be examined
6 under this Act. All applicants taking the examination shall
7 be evaluated using the same standards as others who are
8 examined for the respective license.

9 (b) Examinations for licensure shall be held at such
10 time and place as the Department may determine, but shall be
11 held at least twice a year.

12 (c) Examinations shall test the amount of knowledge and
13 skill needed to perform the duties set forth in this Act and
14 be in the interest of the protection of the public. All
15 applicants, except locksmith applicants, shall also be
16 examined on subject matter related to this Act, the
17 Constitutions of the United States and the State of Illinois,
18 Illinois government, and the Criminal Code of 1961. The
19 Department may contract with a testing service for the
20 preparation and conduct of the examination.

21 (d) If an applicant neglects, fails, or refuses to take
22 an examination within one year after filing an application,
23 the fee shall be forfeited. However, an applicant may, after
24 the one-year period, make a new application for examination,
25 accompanied by the required fee. If an applicant fails to
26 pass the examination within 3 years after filing an
27 application, the application shall be denied. An applicant
28 may make a new application after the 3-year period.

29 Section 10-40. Licensure by endorsement; reciprocity.
30 The Department shall promulgate rules for licensure by
31 endorsement without examination and may license under this
32 Act upon payment of the fee an applicant who is registered or

1 licensed under the laws of another state, territory, or
2 country if the requirements for registration or licensure in
3 the jurisdiction in which the applicant was licensed or
4 registered were, at the date of his or her registration or
5 licensure, substantially equal to the requirements then in
6 force in Illinois and that state or country has similar
7 requirements for licensure or registration by endorsement.
8 Applicants have 3 years from the date of application to
9 complete the application process. If the process has not been
10 completed in 3 years, the application shall be denied, the
11 fee forfeited, and the applicant must re-apply and meet the
12 requirements in effect at the time of reapplication.

13 Section 10-45. Emergency care without a fee. A license
14 holder, agency, or registered employee of a private security
15 contractor, as defined in Section 5-10 of this Act, who in
16 good faith provides emergency care without fee to any person
17 or takes actions in good faith that directly relate to the
18 employee's job responsibilities to protect people and
19 property, as defined by the areas in which registered
20 security officers receive training under Sections 20-20 and
21 25-20 shall not, as a result of his or her acts or omissions,
22 except willful and wanton misconduct, in providing the care,
23 be liable to a person to whom such care is provided for civil
24 damages.

25 ARTICLE 15. PRIVATE DETECTIVES.

26 Section 15-5. Exemptions; private detective. The
27 provisions of this Act relating to the licensure of private
28 detectives do not apply to any of the following:

29 (1) An employee of the United States, Illinois, or
30 a political subdivision of either while the employee is
31 engaged in the performance of his or her official duties

1 within the scope of his or her employment. However, any
2 such person who offers his or her services as a private
3 detective or uses a similar title when these services are
4 performed for compensation or other consideration,
5 whether received directly or indirectly, is subject to
6 this Act.

7 (2) A person, firm, or other entity engaged
8 exclusively in tracing and compiling lineage or ancestry
9 who does not hold himself or herself out to be a private
10 detective.

11 (3) A person engaged exclusively in obtaining and
12 furnishing information as to the financial rating or
13 creditworthiness of persons or a person who provides
14 reports in connection with (i) consumer credit
15 transactions, (ii) information for employment purposes,
16 or (iii) information for the underwriting of consumer
17 insurance.

18 (4) Insurance adjusters employed or under contract
19 as adjusters who engage in no other investigative
20 activities other than those directly connected with
21 adjustment of claims against an insurance company or a
22 self-insured entity by which they are employed or with
23 which they have a contract. No insurance adjuster or
24 company may use the term "investigation" or any
25 derivative thereof, in its name or in its advertising.

26 Section 15-10. Qualifications for licensure as a private
27 detective.

28 (a) A person is qualified for licensure as a private
29 detective if he or she meets all of the following
30 requirements:

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

32 (2) Has not been convicted of any felony in any
33 jurisdiction or at least 10 years have elapsed since the

1 time of full discharge from a sentence imposed for a
2 felony conviction.

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

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

12 (5) Is not suffering from dependence on alcohol or
13 from narcotic addiction or dependence.

14 (6) Has a minimum of 3 years experience of the 5
15 years immediately preceding application working full-time
16 for a licensed private detective agency as a registered
17 private detective agency employee or with 3 years
18 experience of the 5 years immediately preceding his or
19 her application employed as a full-time investigator for
20 a licensed attorney or in a law enforcement agency of a
21 federal or state political subdivision, which shall
22 include a state's attorney's office or a public
23 defender's office. The Board and the Department shall
24 approve such full-time investigator experience. An
25 applicant who has a baccalaureate degree, or higher, in
26 law enforcement or a related field or a business degree
27 from an accredited college or university shall be given
28 credit for 2 of the 3 years of the required experience.
29 An applicant who has an associate degree in law
30 enforcement or in a related field or in business from an
31 accredited college or university shall be given credit
32 for one of the 3 years of the required experience.

33 (7) Has not been dishonorably discharged from the
34 armed forces of the United States or has not been

1 discharged from a law enforcement agency of the United
2 States or of any state or of any political subdivision
3 thereof, which shall include a state's attorney's office,
4 for reasons relating to his or her conduct as an employee
5 of that law enforcement agency.

6 (8) Has passed an examination authorized by the
7 Department.

8 (b) It is the responsibility of the applicant to obtain
9 general liability insurance in an amount and coverage
10 appropriate for the applicant's circumstances as determined
11 by rule. The applicant shall provide evidence of insurance to
12 the Department before being issued a license. Failure to
13 maintain general liability insurance and to provide the
14 Department with written proof of the insurance shall result
15 in cancellation of the license.

16 Section 15-15. Qualifications for licensure as a private
17 detective agency.

18 (a) Upon receipt of the required fee and proof that the
19 applicant has a full-time Illinois licensed private
20 detective-in-charge, which is a continuing requirement for
21 agency licensure, the Department shall issue, without
22 examination, a license as a private detective agency to any
23 of the following:

24 (1) An individual who submits an application and is
25 a licensed private detective under this Act.

26 (2) A firm that submits an application and all of
27 the members of the firm are licensed private detectives
28 under this Act.

29 (3) A corporation or limited liability company
30 doing business in Illinois that is authorized by its
31 articles of incorporation or organization to engage in
32 the business of conducting a detective agency, provided
33 at least one full-time executive employee is licensed as

1 a private detective in Illinois and all unlicensed
2 officers and directors are determined by the Department
3 to be persons of good moral character.

4 (b) No private detective may be the licensee-in-charge
5 for more than one private detective agency. Upon written
6 request by a representative of an agency, within 10 days
7 after the loss of a licensee-in-charge of an agency because
8 of the death of that individual or because of the termination
9 of the employment of that individual, the Department shall
10 issue a temporary certificate of authority allowing the
11 continuing operation of the licensed agency. No temporary
12 certificate of authority shall be valid for more than 90
13 days. An extension of an additional 90 days may be granted
14 upon written request by the representative of the agency. Not
15 more than 2 extensions may be granted to any agency.

16 Section 15-25. Training.

17 (a) Registered employees of a private detective agency
18 shall complete, within 30 days of their employment, a minimum
19 of 20 hours of training provided by a qualified instructor.
20 The substance of the training shall be related to the work
21 performed by the registered employee.

22 (b) It is the responsibility of the employer to certify,
23 on a form provided by the Department, that the employee has
24 successfully completed the training. The form shall be a
25 permanent record of training completed by the employee and
26 shall be placed in the employee's file with the employer for
27 the period the employee remains with the employer. An agency
28 may place a notarized copy of the Department form in lieu of
29 the original into the permanent employee registration card
30 file. The original form shall be given to the employee when
31 his or her employment is terminated. Failure to return the
32 original form to the employee is grounds for disciplinary
33 action. The employee shall not be required to repeat the

1 required training once the employee has been issued the form.
2 An employer may provide or require additional training.

3 (c) Any certification of completion of the 20-hour basic
4 training issued under the Private Detective, Private Alarm,
5 Private Security, and Locksmith Act of 1993 or any prior Act
6 shall be accepted as proof of training under this Act.

7 ARTICLE 20. PRIVATE ALARM CONTRACTORS.

8 Section 20-5. Exemptions; private alarm contractor.

9 (a) The provisions of this Act related to the licensure
10 of private alarm contractors do not apply to any of the
11 following:

12 (1) A person who sells alarm system equipment and
13 is not an employee, agent, or independent contractor of
14 an entity that installs, monitors, maintains, alters,
15 repairs, services, or responds to alarm systems at
16 protected premises or premises to be protected if all of
17 the following conditions are met:

18 (A) The alarm systems are approved either by
19 Underwriters Laboratories or another authoritative
20 entity recognized by the Department and identified
21 by a federally registered trademark.

22 (B) The owner of the trademark has authorized
23 the person to sell the trademark owner's products
24 and the person provides proof to the Department of
25 this authorization.

26 (C) The owner of the trademark provides, upon
27 the Department's request, proof of liability
28 insurance for bodily injury or property damage from
29 defective products of not less than \$1,000,000
30 combined single limit. The insurance policy need not
31 apply exclusively to alarm systems.

32 (2) A person who sells, installs, maintains, or

1 repairs automobile alarm systems.

2 (3) A licensed electrical contractor who repairs or
3 services fire alarm systems on an emergency call-in basis
4 or who sells, installs, maintains, alters, repairs, or
5 services only fire alarm systems and not alarm or other
6 security related electronic systems.

7 (b) Persons who have no access to confidential or
8 security information and who otherwise do not provide
9 traditional security services are exempt from employee
10 registration. Examples of exempt employees include, but are
11 not limited to, employees working in the capacity of delivery
12 drivers, reception personnel, building cleaning, landscape
13 and maintenance personnel, and employees involved in vehicle
14 and equipment repair. Confidential or security information is
15 that which pertains to employee files, scheduling, client
16 contracts, or technical security and alarm data.

17 Section 20-10. Qualifications for licensure as a private
18 alarm contractor.

19 (a) A person is qualified for licensure as a private
20 alarm contractor if he or she meets all of the following
21 requirements:

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

23 (2) Has not been convicted of any felony in any
24 jurisdiction or at least 10 years have elapsed since the
25 time of full discharge from a sentence imposed for a
26 felony conviction.

27 (3) Is of good moral character. Good moral
28 character is a continuing requirement of licensure.
29 Conviction of crimes other than felonies may be used in
30 determining moral character, but shall not constitute an
31 absolute bar to licensure.

32 (4) Has not been declared by any court of competent
33 jurisdiction to be incompetent by reason of mental or

1 physical defect or disease, unless a court has
2 subsequently declared him or her to be competent.

3 (5) Is not suffering from dependence on alcohol or
4 from narcotic addiction or dependence.

5 (6) Has a minimum of 3 years experience of the 5
6 years immediately preceding application working as a
7 full-time manager for a licensed private alarm contractor
8 agency or for an entity that designs, sells, installs,
9 services, or monitors alarm systems that, in the judgment
10 of the Board, satisfies the standards of alarm industry
11 competence. An applicant who has received a 4-year degree
12 or higher in electrical engineering or a related field
13 from a program approved by the Board shall be given
14 credit for 2 years of the required experience. An
15 applicant who has successfully completed a national
16 certification program approved by the Board shall be
17 given credit for one year of the required experience.

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

20 (8) Has passed an examination authorized by the
21 Department.

22 (9) Submits the photographs, fingerprints, proof of
23 having general liability insurance required under
24 subsection (b), and the required license fee.

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

26 (b) It is the responsibility of the applicant to obtain
27 general liability insurance in an amount and coverage
28 appropriate for the applicant's circumstances as determined
29 by rule. The applicant shall provide evidence of insurance to
30 the Department before being issued a license. Failure to
31 maintain general liability insurance and to provide the
32 Department with written proof of the insurance shall result
33 in cancellation of the license.

1 Section 20-15. Qualifications for licensure as a private
2 alarm contractor agency.

3 (a) Upon receipt of the required fee and proof that the
4 applicant has a full-time Illinois licensed private alarm
5 contractor-in-charge, which is a continuing requirement for
6 agency licensure, the Department shall issue, without
7 examination, a license as a private alarm contractor agency
8 to any of the following:

9 (1) An individual who submits an application and is
10 a licensed private alarm contractor under this Act.

11 (2) A firm that submits an application and all of
12 the members of the firm are licensed private alarm
13 contractors under this Act.

14 (3) A corporation or limited liability company
15 doing business in Illinois that is authorized by its
16 articles of incorporation or organization to engage in
17 the business of conducting a private alarm contractor
18 agency if at least one executive employee is licensed as
19 a private alarm contractor under this Act and all
20 unlicensed officers and directors of the corporation or
21 limited liability company are determined by the
22 Department to be persons of good moral character.

23 (b) No private alarm contractor may be the private alarm
24 contractor-in-charge for more than one private alarm
25 contractor agency. Upon written request by a representative
26 of an agency, within 10 days after the loss of a licensed
27 private alarm contractor-in-charge of an agency because of
28 the death of that individual or because of the termination of
29 the employment of that individual, the Department shall issue
30 a temporary certificate of authority allowing the continuing
31 operation of the licensed agency. No temporary certificate of
32 authority shall be valid for more than 90 days. An extension
33 of an additional 90 days may be granted upon written request
34 by the representative of the agency. Not more than 2

1 extensions may be granted to any agency.

2 (c) No private alarm contractor, private alarm
3 contractor agency, or person may install or connect an alarm
4 system or fire alarm system that connects automatically and
5 directly to a governmentally operated police or fire dispatch
6 system in a manner that violates subsection (a) of Section
7 15.2 of the Emergency Telephone System Act. In addition to
8 the penalties provided by the Emergency Telephone System Act,
9 a private alarm contractor agency that violates this Section
10 shall pay the Department an additional penalty of \$250 per
11 occurrence.

12 Section 20-20. Training.

13 (a) Registered employees of the private alarm contractor
14 agency who carry a firearm and respond to alarm systems shall
15 complete, within 30 days of their employment, a minimum of 20
16 hours of classroom training provided by a qualified
17 instructor and shall include all of the following subjects:

18 (1) The law regarding arrest and search and seizure
19 as it applies to the private alarm industry.

20 (2) Civil and criminal liability for acts related
21 to the private alarm industry.

22 (3) The use of force.

23 (4) Arrest and control techniques.

24 (5) The offenses under the Criminal Code of 1961
25 that are directly related to the protection of persons
26 and property.

27 (6) The law on private alarm forces and on
28 reporting to law enforcement agencies.

29 (7) Fire prevention, fire equipment, and fire
30 safety.

31 (8) The procedures for service of process and for
32 report writing.

33 (9) Civil rights and public relations.

1 (b) All other employees of a private alarm contractor
2 agency shall complete a minimum of 20 hours of training
3 provided by a qualified instructor within 30 days of their
4 employment. The substance of the training shall be related to
5 the work performed by the registered employee.

6 (c) It is the responsibility of the employer to certify,
7 on a form provided by the Department, that the employee has
8 successfully completed the training. The form shall be a
9 permanent record of training completed by the employee and
10 shall be placed in the employee's file with the employer for
11 the period the employee remains with the employer. A private
12 alarm contractor agency may place a notarized copy of the
13 Department form in lieu of the original into the permanent
14 employee registration card file. The original form shall be
15 given to the employee when his or her employment is
16 terminated. Failure to return the original form to the
17 employee is grounds for disciplinary action. The employee
18 shall not be required to repeat the required training once
19 the employee has been issued the form. An employer may
20 provide or require additional training.

21 (d) Any certification of completion of the 20-hour basic
22 training issued under the Private Detective, Private Alarm,
23 Private Security, and Locksmith Act of 1993 or any prior Act
24 shall be accepted as proof of training under this Act.

25 ARTICLE 25. PRIVATE SECURITY CONTRACTORS.

26 Section 25-5. Exemptions; private security contractor.
27 The provisions of this Act related to licensure of a private
28 security contractor do not apply to any of the following:

29 (1) An employee of the United States, Illinois, or
30 a political subdivision of either while the employee is
31 engaged in the performance of his or her official duties
32 within the scope of his or her employment. However, any

1 such person who offers his or her services as a private
2 security contractor or uses a similar title when these
3 services are performed for compensation or other
4 consideration, whether received directly or indirectly,
5 is subject to this Act.

6 (2) A person employed as either an armed or unarmed
7 security officer at a nuclear energy, storage, weapons,
8 or development site or facility regulated by the United
9 States Nuclear Regulatory Commission who has completed
10 the background screening and training mandated by the
11 regulations of the United States Nuclear Regulatory
12 Commission.

13 (3) A person, watchman, or proprietary security
14 officer employed exclusively by only one employer in
15 connection with the exclusive activities of that
16 employer.

17 Section 25-10. Qualifications for licensure as a private
18 security contractor.

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

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

23 (2) Has not been convicted of any felony in any
24 jurisdiction or at least 10 years have elapsed since the
25 time of full discharge from a sentence imposed for a
26 felony conviction.

27 (3) Is of good moral character. Good character is a
28 continuing requirement of licensure. Conviction of crimes
29 other than felonies may be used in determining moral
30 character, but shall not constitute an absolute bar to
31 licensure.

32 (4) Has not been declared by any court of competent
33 jurisdiction to be incompetent by reason of mental or

1 physical defect or disease, unless a court has
2 subsequently declared him or her to be competent.

3 (5) Is not suffering from dependence on alcohol or
4 from narcotic addiction or dependence.

5 (6) Has a minimum of 3 years experience of the 5
6 years immediately preceding application working as a
7 full-time manager for a licensed private security
8 contractor agency or a manager of a proprietary security
9 force of 30 or more persons registered with the
10 Department or with 3 years experience of the 5 years
11 immediately preceding his or her application employed as
12 a full-time supervisor in a law enforcement agency of a
13 federal or state political subdivision, which shall
14 include a state's attorney's office or public defender's
15 office. The Board and the Department shall approve such
16 full-time supervisory experience. An applicant who has a
17 baccalaureate degree or higher in police science or a
18 related field or a business degree from an accredited
19 college or university shall be given credit for 2 of the
20 3 years of the required experience. An applicant who has
21 an associate degree in police science or in a related
22 field or in business from an accredited college or
23 university shall be given credit for one of the 3 years
24 of the required experience.

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

27 (8) Has passed an examination authorized by the
28 Department.

29 (b) It is the responsibility of the applicant to obtain
30 general liability insurance in an amount and coverage
31 appropriate for the applicant's circumstances as determined
32 by rule. The applicant shall provide evidence of insurance to
33 the Department before being issued a license. Failure to
34 maintain general liability insurance and to provide the

1 Department with written proof of the insurance shall result
2 in cancellation of the license.

3 Section 25-15. Qualifications for licensure as a private
4 security contractor agency.

5 (a) Upon receipt of the required fee and proof that the
6 applicant has a full-time Illinois licensed private security
7 contractor-in-charge, which is a continuing requirement for
8 agency licensure, the Department shall issue, without
9 examination, a license as a private security contractor
10 agency to any of the following:

11 (1) An individual who submits an application and is
12 a licensed private security contractor under this Act.

13 (2) A firm that submits an application and all of
14 the members of the firm are licensed private security
15 contractors under this Act.

16 (3) A corporation or limited liability company
17 doing business in Illinois that is authorized by its
18 articles of incorporation or organization to engage in
19 the business of conducting a private security contractor
20 agency if at least one officer or executive employee is
21 licensed as a private security contractor by this Act and
22 all unlicensed officers and directors are determined by
23 the Department to be persons of good moral character.

24 (b) No private security contractor may be the private
25 security contractor licensee-in-charge for more than one
26 private security contractor agency. Upon written request by a
27 representative of the agency, within 10 days after the loss
28 of a private security contractor licensee-in-charge of an
29 agency because of the death of that individual or because of
30 the termination of the employment of that individual, the
31 Department shall issue a temporary certificate of authority
32 allowing the continuing operation of the licensed agency. No
33 temporary certificate of authority shall be valid for more

1 than 90 days. An extension of an additional 90 days may be
2 granted upon written request by the representative of the
3 agency. Not more than 2 extensions may be granted to any
4 agency.

5 Section 25-20. Training.

6 (a) Registered employees of the private security
7 contractor agency who provide traditional guarding or other
8 private security related functions or who respond to alarm
9 systems shall complete, within 30 days of their employment, a
10 minimum of 20 hours of classroom training provided by a
11 qualified instructor, which shall include the following
12 subjects:

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

15 (2) Civil and criminal liability for acts related
16 to private security.

17 (3) The use of force.

18 (4) Arrest and control techniques.

19 (5) The offenses under the Criminal Code of 1961
20 that are directly related to the protection of persons
21 and property.

22 (6) The law on private security forces and on
23 reporting to law enforcement agencies.

24 (7) Fire prevention, fire equipment, and fire
25 safety.

26 (8) The procedures for service of process and for
27 report writing.

28 (9) Civil rights and public relations.

29 (b) All other employees of a private security contractor
30 agency shall complete a minimum of 20 hours of training
31 provided by the qualified instructor within 30 days of their
32 employment. The substance of the training shall be related to
33 the work performed by the registered employee.

1 (c) Registered employees of the private security
2 contractor shall complete, within 6 months of the start of
3 their employment, an additional 8 hours of on-the-job
4 training.

5 (d) Registered employees of a private security
6 contractor agency, with a minimum of one year of employment,
7 who provide traditional guarding or other private security
8 related functions, shall complete on an annual calendar year
9 basis a minimum of 8 hours of on-the-job training to meet
10 site specific requirements. The foregoing on-the-job
11 training is in addition to the basic training required under
12 this Section.

13 (e) It is the responsibility of the employer to certify,
14 on a form provided by the Department, that the employee has
15 successfully completed the training. The form shall be a
16 permanent record of training completed by the employee and
17 shall be placed in the employee's file with the employer for
18 the period the employee remains with the employer. An agency
19 may place a notarized copy of the Department form in lieu of
20 the original into the permanent employee registration card
21 file. The original form shall be given to the employee when
22 his or her employment is terminated. Failure to return the
23 original form to the employee is grounds for disciplinary
24 action. The employee shall not be required to repeat the
25 required training once the employee has been issued the form.
26 An employer may provide or require additional training.

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

31 Section 25-30. Uniforms.

32 (a) No licensee under this Act or any employee of a
33 licensed agency shall wear or display a badge, shoulder patch

1 or other identification that contains the words "law
2 enforcement". No license holder or employee of a licensed
3 agency shall imply in any manner that the person is an
4 employee or agent of a governmental entity, display a badge
5 or identification card, emblem, or uniform using the words
6 "police", "sheriff", "highway patrol", "trooper", "law
7 enforcement" or any similar term.

8 (b) All full uniforms, if worn, by employees of a
9 licensed private security contractor agency, must bear the
10 name of the private security contractor agency, which shall
11 be plainly visible on a patch, badge, or other insignia.

12 ARTICLE 30. LOCKSMITHS.

13 Section 30-5. Exemptions; locksmith. The provisions of
14 this Act do not apply to any of the following if the person
15 performing the service does not hold himself or herself out
16 as a locksmith:

17 (1) Automobile service dealers who service,
18 install, repair, or rebuild automobile locks.

19 (2) Police officers who open a lock on an emergency
20 dispatch situation.

21 (3) A retail merchant selling locks or similar
22 security accessories, duplicating keys, or installing,
23 programming, or servicing electronic garage door devices.

24 (4) A member of the building trades who installs or
25 removes complete locks or locking devices in the course
26 of residential or commercial new construction or
27 remodeling.

28 (5) An employee of a towing service, reposessor,
29 or automobile club opening automotive locks in the normal
30 course of his or her duties. Additionally, this Act shall
31 not prohibit an employee of a towing service from opening
32 motor vehicles to enable a vehicle to be moved without

1 towing, provided the towing service does not hold itself
2 out to the public, by directory advertisement, through a
3 sign at the facilities of the towing service, or by any
4 other form of advertisement, as a locksmith.

5 (6) A student in the course of study in locksmith
6 programs approved by the Department.

7 (7) Warranty service by a lock manufacturer or its
8 employees on the manufacturer's own products.

9 (8) A maintenance employee of a property management
10 company at a multi-family residential building who
11 services, installs, repairs, or opens locks for tenants.

12 (9) A person employed exclusively by only one
13 employer in connection with the exclusive activities of
14 that employer, providing that person does not hold
15 himself or herself out to the public as a locksmith.

16 (10) Persons who have no access to confidential or
17 security information and who otherwise do not provide
18 traditional locksmith services, as defined in this Act,
19 are exempt from employee registration. Examples of exempt
20 employees include, but are not limited to, employees
21 working in the capacity of key cutters, cashiers,
22 drivers, and reception personnel. Confidential or
23 security information is that which pertains to employee
24 files, scheduling, client contracts, master key charts,
25 access codes, or technical security and alarm data.

26 Section 30-10. Qualifications for licensure as a
27 locksmith.

28 (a) A person is qualified for licensure as a locksmith
29 if he or she meets all of the following requirements:

30 (1) Is at least 18 years of age.

31 (2) Has not been convicted of any felony in any
32 jurisdiction or at least 10 years have elapsed since the
33 time of full discharge from a sentence imposed for a

1 felony conviction.

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

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

11 (5) Is not suffering from dependence on alcohol or
12 from narcotic addiction or dependence.

13 (6) Has not been dishonorably discharged from the
14 armed forces of the United States.

15 (7) Has passed an examination authorized by the
16 Department.

17 (8) Submits the photographs, the fingerprints,
18 proof of having general liability insurance required
19 under subsection (b), and the required license fee.

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

21 (b) It is the responsibility of the applicant to obtain
22 general liability insurance in an amount and coverage
23 appropriate for the applicant's circumstances as determined
24 by rule. The applicant shall provide evidence of insurance to
25 the Department before being issued a license. Failure to
26 maintain general liability insurance and to provide the
27 Department with written proof of the insurance shall result
28 in cancellation of the license. A locksmith employed by a
29 licensed locksmith agency or employed by a private concern
30 may provide proof that his or her actions as a locksmith are
31 covered by the liability insurance of his or her employer.

32 Section 30-15. Qualifications for licensure as a
33 locksmith agency.

1 (a) Upon receipt of the required fee and proof that the
2 applicant is an Illinois licensed locksmith who shall assume
3 responsibility for the operation of the agency and the
4 directed actions of the agency's employees, which is a
5 continuing requirement for agency licensure, the Department
6 shall issue, without examination, a license as a locksmith
7 agency to any of the following:

8 (1) An individual who submits an application and is
9 a licensed locksmith under this Act.

10 (2) A firm that submits an application and all of
11 the members of the firm are licensed locksmiths under
12 this Act.

13 (3) A corporation or limited liability company
14 doing business in Illinois that is authorized by its
15 articles of incorporation or organization to engage in
16 the business of conducting a locksmith agency if at least
17 one officer or executive employee is a licensed locksmith
18 under this Act and all unlicensed officers and directors
19 of the corporation or limited liability company are
20 determined by the Department to be persons of good moral
21 character.

22 (b) An individual licensed as a locksmith operating
23 under a business name registered with the Department other
24 than the licensed locksmith's own name shall not be required
25 to obtain a locksmith agency license if that licensed
26 locksmith does not employ any persons to engage in the
27 practice of locksmithing.

28 (c) An applicant for licensure as a locksmith agency
29 shall submit to the Department proof of general liability
30 insurance sufficient for the agency's business circumstances.
31 The Department shall, by rule, specify the minimum general
32 liability insurance requirements. Failure to maintain the
33 general liability insurance shall result in cancellation of
34 the license.

1 (d) No locksmith may be the locksmith licensee-in-charge
2 for more than one locksmith agency. Upon written request by a
3 representative of the agency, within 10 days after the loss
4 of a locksmith-in-charge of an agency because of the death of
5 that individual or because of the termination of the
6 employment of that individual, the Department shall issue a
7 temporary certificate of authority allowing the continuing
8 operation of the licensed agency. No temporary certificate of
9 authority shall be valid for more than 90 days. An extension
10 of an additional 90 days may be granted upon written request
11 by the representative of the agency. Not more than 2
12 extensions may be granted to any agency.

13 Section 30-20. Training.

14 (a) Registered employees of a licensed locksmith agency
15 shall complete a minimum of 20 hours of training provided by
16 a qualified instructor within 30 days of their employment.
17 The substance of the training shall be prescribed by rule.

18 (b) It is the responsibility of the employer to certify,
19 on a form provided by the Department, that the employee has
20 successfully completed the training. The form shall be a
21 permanent record of training completed by the employee and
22 shall be placed in the employee's file with the employer for
23 the period the employee remains with the employer. An agency
24 may place a notarized copy of the Department form in lieu of
25 the original into the PERC file. The original form shall be
26 given to the employee when his or her employment is
27 terminated. Failure to return the original form to the
28 employee is grounds for disciplinary action. The employee
29 shall not be required to repeat the required training once
30 the employee has been issued the form. An employer may
31 provide or require additional training.

32 (c) Any certification of completion of the 20-hour basic
33 training issued under the Private Detective, Private Alarm,

1 Private Security and Locksmith Act of 1993 or any prior Act
2 shall be accepted as proof of training under this Act.

3 Section 30-25. Customer identification; record keeping.

4 (a) A locksmith who bypasses, manipulates, or originates
5 a first key by code for a device safeguarding an area where
6 access is meant to be limited, whether or not for
7 compensation, shall document where the work was performed and
8 the name, address, date of birth, telephone number, and
9 driver's license number or other identification number of the
10 person requesting the work to be done and shall obtain the
11 signature of that person. This documentation shall be
12 retained by the locksmith for at least 2 years and shall be
13 available for inspection upon written request made at least 3
14 days in advance by a law enforcement agency.

15 (b) A locksmith who bypasses, manipulates, or originates
16 a first key for a motor vehicle, whether or not for
17 compensation, shall document the name, address, date of
18 birth, telephone number, vehicle identification number, and
19 driver's license number or other identification number of the
20 person requesting entry and obtain the signature of that
21 person. Documentation shall be retained by the locksmith for
22 at least 2 years and shall be available for inspection upon
23 written request made at least 3 days in advance by a law
24 enforcement agency.

25 ARTICLE 35. BUSINESS PRACTICE PROVISIONS.

26 Section 35-5. Display of license. Each licensee shall
27 prominently display his or her individual, agency, or branch
28 office license at each place where business is being
29 conducted, as required under this Act.

30 Section 35-10. Inspection of facilities. Each licensee

1 shall permit his or her office facilities and registered
2 employee files to be audited or inspected at reasonable times
3 and in a reasonable manner upon 24 hours notice by the
4 Department.

5 Section 35-15. Advertisements; penalties.

6 (a) No licensee providing services regulated by this Act
7 may knowingly advertise those services without including his
8 or her license number in the advertisement. The publisher of
9 the advertising, however, is not required to verify the
10 accuracy of the advertisement or the license number.

11 (b) A licensee who advertises services regulated by this
12 Act who knowingly (i) fails to display his or her license at
13 his or her place of business, (ii) fails to provide the
14 publisher with the current license number, or (iii) provides
15 the publisher with a false license number or a license number
16 other than that of the person or agency doing the advertising
17 or a licensee who knowingly allows his or her license number
18 to be displayed or used by another person or agency to
19 circumvent any provision of this subsection, is guilty of a
20 Class A misdemeanor. Each day an advertisement is published
21 or a licensee allows his or her license to be used in
22 violation of this Section constitutes a separate offense. In
23 addition to the penalties and remedies provided in this
24 Section, a licensee who violates any provision of this
25 Section shall be subject to the disciplinary action, fines,
26 and civil penalty provisions of this Act.

27 Section 35-20. Renewal provisions.

28 (a) As a condition of renewal of a license, each
29 licensee shall report information pertaining to the
30 licensee's business location, status as active or inactive,
31 proof of continued general liability insurance coverage, and
32 any other data as determined by rule to be reasonably related

1 to the administration of this Act. Licensees shall report
2 this information as a condition of renewal, except that a
3 change in home or office address or a change of the
4 licensee-in-charge shall be reported within 10 days of when
5 it occurs.

6 (b) Upon renewal, every licensee shall report to the
7 Department every instance during the licensure period in
8 which the quality of his or her professional services in the
9 State of Illinois was the subject of legal action that
10 resulted in a settlement or a verdict in excess of \$10,000.

11 Section 35-25. Duplicate licenses. If a license,
12 permanent employee registration card, or firearm
13 authorization card is lost, a duplicate shall be issued upon
14 proof of such loss together with the payment of the required
15 fee. If a licensee decides to change his or her name, the
16 Department shall issue a license in the new name upon proof
17 that the change was done pursuant to law and payment of the
18 required fee. Notification of a name change shall be made to
19 the Department within 30 days after the change.

20 Section 35-30. Employee requirements. All employees of a
21 licensed agency, other than those exempted, shall apply for a
22 permanent employee registration card. The holder of an agency
23 license issued under this Act, known in this Section as
24 "employer", may employ in the conduct of his or her business
25 employees under the following provisions:

26 (1) No person shall be issued a permanent employee
27 registration card who:

28 (A) Is younger than 18 years of age.

29 (B) Is younger than 21 years of age if the services
30 will include being armed.

31 (C) Has been determined by the Department to be
32 unfit by reason of conviction of an offense in this or

1 another state, other than a traffic offense. The
2 Department shall adopt rules for making those
3 determinations that shall afford the applicant due
4 process of law.

5 (D) Has had a license or permanent employee
6 registration card denied, suspended, or revoked under
7 this Act within the previous 12 months from the date of
8 the denial, suspension, or revocation.

9 (E) Has been declared incompetent by any court of
10 competent jurisdiction by reason of mental disease or
11 defect and has not been restored.

12 (F) Has been dishonorably discharged from the armed
13 services of the United States.

14 (2) No person may be employed by a private detective
15 agency, private security contractor agency, private alarm
16 contractor agency, or locksmith agency under this Section
17 until he or she has executed and furnished to the employer,
18 on forms furnished by the Department, a verified statement to
19 be known as "Employee's Statement" setting forth:

20 (A) The person's full name, age, and residence
21 address.

22 (B) The business or occupation engaged in for the 5
23 years immediately before the date of the execution of the
24 statement, the place where the business or occupation was
25 engaged in, and the names of employers, if any.

26 (C) That the person has not had a license or
27 employee registration denied, revoked, or suspended under
28 this Act.

29 (D) Any conviction of a felony or misdemeanor.

30 (E) Any declaration of incompetence by a court of
31 competent jurisdiction that has not been restored.

32 (F) Any dishonorable discharge from the armed
33 services of the United States.

34 (G) Any other information as may be required by any

1 rule of the Department to show the good character,
2 competency, and integrity of the person executing the
3 statement.

4 (c) Each applicant for a permanent employee registration
5 card shall have his or her fingerprints submitted to the
6 Department of State Police in an electronic format that
7 complies with the form and manner for requesting and
8 furnishing criminal history record information as prescribed
9 by the Department of State Police. These fingerprints shall
10 be checked against the Department of State Police and Federal
11 Bureau of Investigation criminal history record databases now
12 and hereafter filed. The Department of State Police shall
13 charge applicants a fee for conducting the criminal history
14 records check, which shall be deposited in the State Police
15 Services Fund and shall not exceed the actual cost of the
16 records check. The Department of State Police shall furnish
17 positive records of Illinois convictions to the Department.
18 The Department may require applicants to pay a separate
19 fingerprinting fee, either to the Department or directly to
20 the vendor. The Department, at its discretion, may allow an
21 applicant who does not have reasonable access to a vendor to
22 provide his or her fingerprints in another manner. The
23 Department, at its discretion, may also use other procedures
24 in performing or obtaining criminal checks of applicants.
25 Instead of submitting his or her fingerprints, an individual
26 may submit proof that is satisfactory to the Department that
27 an equivalent security clearance has been conducted. Also, an
28 individual who has retired as a peace officer within 12
29 months of application may submit verification, on forms
30 provided by the Department and signed by his or her employer,
31 of his or her previous full-time employment as a peace
32 officer.

33 (d) The Department shall issue a permanent employee
34 registration card, in a form the Department prescribes, to

1 all qualified applicants. The Department shall notify the
2 submitting licensed agency within 10 days upon the issuance
3 of or intent to deny the permanent employee registration
4 card. The holder of a permanent employee registration card
5 shall carry the card at all times while actually engaged in
6 the performance of the duties of his or her employment.
7 Expiration and requirements for renewal of permanent employee
8 registration cards shall be established by rule of the
9 Department.

10 Possession of a permanent employee registration card does
11 not in any way imply that the holder of the card is employed
12 by an agency unless the permanent employee registration card
13 is accompanied by the employee identification card required
14 by subsection (f) of this Section.

15 (e) Each employer shall maintain a record of each
16 employee that is accessible to the duly authorized
17 representatives of the Department. The record shall contain
18 the following information:

19 (1) A photograph taken within 10 days of the date
20 that the employee begins employment with the employer.
21 The photograph shall be replaced with a current
22 photograph every 3 calendar years.

23 (2) The Employee's Statement specified in
24 subsection (b) of this Section.

25 (3) All correspondence or documents relating to the
26 character and integrity of the employee received by the
27 employer from any official source or law enforcement
28 agency.

29 (4) In the case of former employees, the employee
30 identification card of that person issued under
31 subsection (f) of this Section. Each employee record
32 shall duly note if the employee is employed in an armed
33 capacity. Armed employee files shall contain a copy of an
34 active firearm owner's identification card and a copy of

1 an active firearm authorization card. Each employer shall
2 maintain a record for each armed employee of each
3 instance in which the employee's weapon was discharged
4 during the course of his or her professional duties or
5 activities. The record shall be maintained on forms
6 provided by the Department, a copy of which must be filed
7 with the Department within 15 days of an instance. The
8 record shall include the date and time of the occurrence,
9 the circumstances involved in the occurrence, and any
10 other information as the Department may require. Failure
11 to provide this information to the Department or failure
12 to maintain the record as a part of each armed employee's
13 permanent file is grounds for disciplinary action. The
14 Department, upon receipt of a report, shall have the
15 authority to make any investigation it considers
16 appropriate into any occurrence in which an employee's
17 weapon was discharged and to take disciplinary action as
18 may be appropriate.

19 (5) The Department may, by rule, prescribe further
20 record requirements.

21 (f) Every employer shall furnish an employee
22 identification card to each of his or her employees. This
23 employee identification card shall contain a recent
24 photograph of the employee, the employee's name, the name and
25 agency license number of the employer, the employee's
26 personal description, the signature of the employer, the
27 signature of that employee, the date of issuance, and an
28 employee identification card number.

29 (g) No employer may issue an employee identification
30 card to any person who is not employed by the employer in
31 accordance with this Section or falsely state or represent
32 that a person is or has been in his or her employ. It is
33 unlawful for an applicant for registered employment to file
34 with the Department the fingerprints of a person other than

1 himself or herself.

2 (h) Every employer shall obtain the identification card
3 of every employee who terminates employment with him or her.

4 (i) Every employer shall maintain a separate roster of
5 the names of all employees currently working in an armed
6 capacity and submit the roster to the Department on request.

7 (j) No agency may employ any person to perform a
8 licensed activity under this Act unless the person possesses
9 a valid permanent employee registration card or a valid
10 license under this Act, or is exempt pursuant to subsection
11 (n).

12 (k) Notwithstanding the provisions of subsection (j), an
13 agency may employ a person in a temporary capacity if all of
14 the following conditions are met:

15 (1) The agency completes in its entirety and
16 submits to the Department an application for a permanent
17 employee registration card, including the required
18 fingerprint receipt and fees.

19 (2) The agency has verification from the Department
20 that the applicant has no record of any criminal
21 conviction pursuant to the criminal history check
22 conducted by the Department of State Police. The agency
23 shall maintain the verification of the results of the
24 Department of State Police criminal history check as part
25 of the employee record as required under subsection (e)
26 of this Section.

27 (3) The agency exercises due diligence to ensure
28 that the person is qualified under the requirements of
29 the Act to be issued a permanent employee registration
30 card.

31 (4) The agency maintains a separate roster of the
32 names of all employees whose applications are currently
33 pending with the Department and submits the roster to the
34 Department on a monthly basis. Rosters are to be

1 maintained by the agency for a period of at least 24
2 months.

3 An agency may employ only a permanent employee applicant
4 for which it either submitted a permanent employee
5 application and all required forms and fees or it confirms
6 with the Department that a permanent employee application and
7 all required forms and fees have been submitted by another
8 agency, licensee or the permanent employee and all other
9 requirements of this Section are met.

10 The Department shall have the authority to revoke,
11 without a hearing, the temporary authority of an individual
12 to work upon receipt of Federal Bureau of Investigation
13 fingerprint data or a report of another official authority
14 indicating a criminal conviction. If the Department has not
15 received a temporary employee's Federal Bureau of
16 Investigation fingerprint data within 120 days of the date
17 the Department received the Department of State Police
18 fingerprint data, the Department may, at its discretion,
19 revoke the employee's temporary authority to work with 15
20 days written notice to the individual and the employing
21 agency.

22 An agency may not employ a person in a temporary capacity
23 if it knows or reasonably should have known that the person
24 has been convicted of a crime under the laws of this State,
25 has been convicted in another state of any crime that is a
26 crime under the laws of this State, has been convicted of any
27 crime in a federal court, or has been posted as an unapproved
28 applicant by the Department. Notice by the Department to the
29 agency, via certified mail, personal delivery, electronic
30 mail, or posting on the Department's Internet site accessible
31 to the agency that the person has been convicted of a crime
32 shall be deemed constructive knowledge of the conviction on
33 the part of the agency.

34 The Department may adopt rules to implement this

1 subsection (k).

2 (1) No person may be employed under this Section in any
3 capacity if:

4 (1) the person, while so employed, is being paid by
5 the United States or any political subdivision for the
6 time so employed in addition to any payments he or she
7 may receive from the employer; or

8 (2) the person wears any portion of his or her
9 official uniform, emblem of authority, or equipment while
10 so employed.

11 (m) If information is discovered affecting the
12 registration of a person whose fingerprints were submitted
13 under this Section, the Department shall so notify the agency
14 that submitted the fingerprints on behalf of that person.

15 (n) Peace officers shall be exempt from the requirements
16 of this Section relating to permanent employee registration
17 cards. The agency shall remain responsible for any peace
18 officer employed under this exemption, regardless of whether
19 the peace officer is compensated as an employee or as an
20 independent contractor and as further defined by rule.

21 (o) Persons who have no access to confidential or
22 security information and who otherwise do not provide
23 traditional security services are exempt from employee
24 registration. Examples of exempt employees include, but are
25 not limited to, employees working in the capacity of ushers,
26 directors, ticket takers, cashiers, drivers, and reception
27 personnel. Confidential or security information is that which
28 pertains to employee files, scheduling, client contracts, or
29 technical security and alarm data.

30 Section 35-35. Requirement of a firearm authorization
31 card.

32 (a) No person shall perform duties that include the use,
33 carrying, or possession of a firearm in the performance of

1 those duties without complying with the provisions of this
2 Section and having been issued a valid firearm authorization
3 card by the Department.

4 (b) No employer shall employ any person to perform the
5 duties for which employee registration is required and allow
6 that person to carry a firearm unless that person has
7 complied with all the firearm training requirements of this
8 Section and has been issued a firearm authorization card.
9 This Act permits only the following to carry firearms while
10 actually engaged in the performance of their duties or while
11 commuting directly to or from their places of employment:
12 persons licensed as private detectives and their registered
13 employees; persons licensed as private security contractors
14 and their registered employees; persons licensed as private
15 alarm contractors and their registered employees; and
16 employees of a registered armed proprietary security force.

17 (c) Possession of a valid firearm authorization card
18 allows an employee to carry a firearm not otherwise
19 prohibited by law while the employee is engaged in the
20 performance of his or her duties or while the employee is
21 commuting directly to or from the employee's place or places
22 of employment, provided that this is accomplished within one
23 hour from departure from home or place of employment.

24 (d) The Department shall issue a firearm authorization
25 card to a person who has passed an approved firearm training
26 course, who is currently employed by an agency licensed by
27 this Act and has met all the requirements of this Act, and
28 who possesses a valid firearm owner identification card.
29 Application for the firearm authorization card shall be made
30 by the employer to the Department on forms provided by the
31 Department. The Department shall forward the card to the
32 employer who shall be responsible for its issuance to the
33 employee. The firearm authorization card shall be issued by
34 the Department and shall identify the person holding it and

1 the name of the course where the employee received firearm
2 instruction and shall specify the type of weapon or weapons
3 the person is authorized by the Department to carry and for
4 which the person has been trained.

5 (e) Expiration and requirements for renewal of firearm
6 authorization cards shall be determined by rule.

7 (f) The Department may, in addition to any other
8 disciplinary action permitted by this Act, refuse to issue,
9 suspend, or revoke a firearm authorization card if the
10 applicant or holder has been convicted of any felony or crime
11 involving the illegal use, carrying, or possession of a
12 deadly weapon or for a violation of this Act or rules
13 promulgated under this Act. The Department shall refuse to
14 issue or shall revoke a firearm authorization card if the
15 applicant or holder fails to possess a valid firearm owners
16 identification card. The Director shall summarily suspend a
17 firearm authorization card if the Director finds that its
18 continued use would constitute an imminent danger to the
19 public. A hearing shall be held before the Board within 30
20 days if the Director summarily suspends a firearm
21 authorization card.

22 (g) The Department shall promulgate rules for the
23 expedited issuance of firearm authorization cards to
24 registered employees who hold a valid firearm authorization
25 card and on whose behalf another agency is applying due to a
26 change in employment by the registered employee.

27 Section 35-40. Firearm authorization; training
28 requirements.

29 (a) The Department shall, pursuant to rule, approve or
30 disapprove training programs for the firearm training course,
31 which shall be taught by a qualified instructor.
32 Qualifications for instructors shall be set by rule. The
33 firearm training course shall be conducted by entities, by a

1 licensee, or by an agency licensed by this Act, provided the
2 course is approved by the Department. The firearm course
3 shall consist of the following minimum requirements:

4 (1) 40 hours of training, 20 hours of which shall
5 be as described in Sections 15-20, 20-20, or 25-20, as
6 applicable, and 20 hours of which shall include all of
7 the following:

8 (A) Instruction in the dangers of and misuse
9 of firearms, their storage, safety rules, and care
10 and cleaning of firearms.

11 (B) Practice firing on a range with live
12 ammunition.

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

14 (D) A presentation of the ethical and moral
15 considerations necessary for any person who
16 possesses a firearm.

17 (E) A review of the laws regarding arrest,
18 search, and seizure.

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

21 (2) An examination shall be given at the completion
22 of the course. The examination shall consist of a
23 firearms qualification course and a written examination.

24 (b) The firearm training requirement may be waived for
25 an employee who has completed training provided by the
26 Illinois Law Enforcement Training Standards Board or the
27 equivalent public body of another state, provided
28 documentation showing requalification with the weapon on the
29 firing range is submitted to the Department.

30 Section 35-45. Armed proprietary security force.

31 (a) All financial institutions that employ one or more
32 armed security guards and all commercial or industrial
33 operations that employ 5 or more persons as armed security

1 guards shall register their security forces with the
2 Department on forms provided by the Department.

3 (b) All armed security employees of the registered
4 proprietary security force must complete a 20-hour basic
5 training course and 20-hour firearm training.

6 (c) Every proprietary security force is required to
7 apply to the Department, on forms supplied by the Department,
8 for a firearm authorization card for each armed employee.

9 (d) The Department may provide rules for the
10 administration of this Section.

11 ARTICLE 40. DISCIPLINARY PROVISIONS.

12 Section 40-5. Injunctive relief. The practice of a
13 private detective, private security contractor, private alarm
14 contractor, locksmith, private detective agency, private
15 security contractor agency, private alarm contractor agency,
16 or locksmith agency by any person, firm, or other entity that
17 has not been issued a license by the Department or whose
18 license has been suspended, revoked, or not renewed is hereby
19 declared to be inimical to the public safety and welfare and
20 to constitute a public nuisance.

21 The Director, through the Attorney General, the State's
22 Attorney of any county, any resident of the State, or any
23 legal entity within the State may apply for injunctive relief
24 in any court to enjoin any person, firm, or other entity that
25 has not been issued a license or whose license has been
26 suspended, revoked, or not renewed from conducting a licensed
27 activity. Upon the filing of a verified petition in court, if
28 satisfied by affidavit or otherwise that the person, firm, or
29 other entity is or has been conducting activities in
30 violation of this Act, the court may enter a temporary
31 restraining order or preliminary injunction, without bond,
32 enjoining the defendant from further activity. A copy of the

1 verified complaint shall be served upon the defendant and the
2 proceedings shall be conducted as in civil cases. If it is
3 established the defendant has been or is conducting
4 activities in violation of this Act, the court may enter a
5 judgment enjoining the defendant from that activity. In case
6 of violation of any injunctive order or judgment entered
7 under this Section, the court may punish the offender for
8 contempt of court. Injunctive proceedings shall be in
9 addition to all other penalties under this Act.

10 Section 40-10. Disciplinary sanctions.

11 (a) The Department may deny issuance, refuse to renew,
12 or restore or may reprimand, place on probation, suspend, or
13 revoke any license, registration, permanent employee
14 registration card, or firearm authorization card, and it may
15 impose a fine not to exceed \$1,500 for a first violation and
16 not to exceed \$5,000 for a second or subsequent violation for
17 any of the following:

18 (1) Fraud or deception in obtaining or renewing of
19 a license or registration.

20 (2) Professional incompetence as manifested by poor
21 standards of service.

22 (3) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public.

25 (4) Conviction in Illinois or another state of any
26 crime that is a felony under the laws of Illinois; a
27 felony in a federal court; a misdemeanor, an essential
28 element of which is dishonesty; or directly related to
29 professional practice.

30 (5) Performing any services in a grossly negligent
31 manner or permitting any of a licensee's employees to
32 perform services in a grossly negligent manner,
33 regardless of whether actual damage to the public is

1 established.

2 (6) Continued practice, although the licensee has
3 become unfit to practice due to any of the following:

4 (A) Physical illness, including, but not
5 limited to, deterioration through the aging process
6 or loss of motor skills that results in the
7 inability to serve the public with reasonable
8 judgment, skill, or safety.

9 (B) Mental disability demonstrated by the
10 entry of an order or judgment by a court that a
11 licensee is in need of mental treatment or is
12 incompetent.

13 (C) Addiction to or dependency on alcohol or
14 drugs that is likely to endanger the public. If the
15 Department has reasonable cause to believe that a
16 licensee is addicted to or dependent on alcohol or
17 drugs that may endanger the public, the Department
18 may require the licensee to undergo an examination
19 to determine the extent of the addiction or
20 dependency.

21 (7) Receiving, directly or indirectly, compensation
22 for any services not rendered.

23 (8) Willfully deceiving or defrauding the public on
24 a material matter.

25 (9) Failing to account for or remit any moneys or
26 documents illegally coming into the licensee's possession
27 that belong to another person or entity.

28 (10) Discipline by a federal jurisdiction or
29 foreign nation, if at least one of the grounds for the
30 discipline is the same or substantially equivalent to
31 those set forth in this Act.

32 (11) Giving differential treatment to a person that
33 is to that person's detriment because of race, color,
34 creed, sex, religion, or national origin.

1 (12) Engaging in false or misleading advertising.

2 (13) Aiding, assisting, or willingly permitting
3 another person to violate this Act or rules promulgated
4 under it.

5 (14) Performing and charging for services without
6 authorization to do so from the person or entity
7 serviced.

8 (15) Directly or indirectly offering or accepting
9 any benefit to or from any employee, agent, or fiduciary
10 without the consent of the latter's employer or principal
11 with intent to or the understanding that this action will
12 influence his or her conduct in relation to his or her
13 employer's or principal's affairs.

14 (16) Violation of any disciplinary order imposed on
15 a licensee by the Department.

16 (17) Failing to comply with any provision of this
17 Act or rule promulgated under it.

18 (18) Conducting an agency without a valid license.

19 (19) Revealing confidential information, except as
20 required by law, including but not limited to information
21 available under Section 2-123 of the Illinois Vehicle
22 Code.

23 (20) Failing to make available to the Department,
24 upon request, any books, records, or forms required by
25 this Act.

26 (21) Failing, within 30 days, to respond to a
27 written request for information from the Department.

28 (22) Failing to provide employment information or
29 experience information required by the Department
30 regarding an applicant for licensure.

31 (23) Failing to make available to the Department at
32 the time of the request any indicia of licensure or
33 registration issued under this Act.

34 (24) The Department shall seek to be consistent in

1 the application of disciplinary sanctions.

2 Section 40-15. Suspension or revocation of permanent
3 employee registration card. Individuals registered as
4 employees pursuant to the provisions of Section 35-30 of this
5 Act shall be subject to the disciplinary sanctions of this
6 Act and shall otherwise comply with this Act and the rules
7 promulgated under it. Notwithstanding any other provision in
8 this Act to the contrary, registered employees of an agency
9 shall not be responsible for compliance with any requirement
10 that this Act assigns to the agency or the licensee-in-charge
11 regardless of the employee's job title, job duties, or
12 position in the agency. The procedures for disciplining a
13 licensee shall also apply in taking action against a
14 registered employee.

15 Section 40-20. Confidential information; violation. Any
16 person who is or has been an employee of a licensee shall not
17 divulge to anyone, other than to his or her employer, except
18 as required by law or at his employer's direction, any
19 confidential or proprietary information acquired during his
20 or her employment. Any individual who violates this Section
21 or who files false papers or reports to his or her employer
22 is guilty of a Class A misdemeanor.

23 Section 40-30. Submission to physical or mental
24 examination. The Department may order a licensee or a
25 registrant to submit to a reasonable physical or mental
26 examination if the licensee or registrant's mental or
27 physical capacity to work safely is an issue in a
28 disciplinary proceeding. The failure to submit to a
29 Director's order to submit to a reasonable mental or physical
30 exam shall constitute a violation of this Act subject to the
31 disciplinary provisions in Section 40-10.

1 Section 40-35. Insufficient funds; checks. A person who
2 delivers a check or other payment to the Department that is
3 returned to the Department unpaid by the financial
4 institution upon which it was drawn shall pay to the
5 Department, in addition to the amount already owed, a penalty
6 of \$50. The Department shall notify the person, by certified
7 mail return receipt requested, that his or her check or
8 payment was returned and that the person shall pay to the
9 Department by certified check or money order the amount of
10 the returned check plus a \$50 penalty within 30 calendar days
11 after the date of the notification. If, after the expiration
12 of 30 calendar days of the notification, the person has
13 failed to remit the necessary funds and penalty, the
14 Department shall automatically terminate the license or deny
15 the application without a hearing. If the returned check or
16 other payment was for issuance of a license under this Act
17 and that person practices as a licensee, that person may be
18 subject to discipline for unlicensed practice as provided in
19 this Act. If, after termination or denial, the person seeks a
20 license, he or she shall petition the Department for
21 restoration and he or she may be subject to additional
22 discipline or fines. The Director may waive the penalties or
23 fines due under this Section in individual cases where the
24 Director finds that the penalties or fines would be
25 unreasonable or unnecessarily burdensome.

26 Section 40-40. Disciplinary action for educational loan
27 defaults. The Department shall deny a license or renewal
28 authorized by this Act to a person who has defaulted on an
29 educational loan or scholarship provided or guaranteed by the
30 Illinois Student Assistance Commission or any governmental
31 agency of this State. The Department may issue a license or
32 renewal if the person has established a satisfactory
33 repayment record as determined by the Illinois Student

1 Assistance Commission or other appropriate governmental
2 agency of this State. Additionally, a license issued by the
3 Department may be suspended or revoked if the Director, after
4 the opportunity for a hearing under this Act, finds that the
5 licensee has failed to make satisfactory repayment to the
6 Illinois Student Assistance Commission for a delinquent or
7 defaulted loan.

8 Section 40-45. Nonpayment of child support. In cases
9 where the Department of Public Aid or any circuit court has
10 previously determined that a licensee or a potential licensee
11 is more than 30 days delinquent in the payment of child
12 support and has subsequently certified the delinquency to the
13 Department, the Department may refuse to issue or renew or
14 may revoke or suspend that person's license or may take other
15 disciplinary action against that person based solely upon the
16 certification of delinquency made by the Department of Public
17 Aid or a circuit court. Redetermination of the delinquency by
18 the Department shall not be required. In cases regarding the
19 renewal of a license, the Department shall not renew any
20 license if the Department of Public Aid or a circuit court
21 has certified the licensee to be more than 30 days delinquent
22 in the payment of child support, unless the licensee has
23 arranged for payment of past and current child support
24 obligations in a manner satisfactory to the Department of
25 Public Aid or circuit court. The Department may impose
26 conditions, restrictions or disciplinary action upon that
27 renewal in accordance with Section 40-10 of this Act.

28 Section 40-50. Failure to file a tax return. The
29 Department may refuse to issue or may suspend the license of
30 any person, firm, or other entity that fails to file a tax
31 return, to pay a tax, penalty, or interest shown in a filed
32 return, or to pay any final assessment of a tax, penalty, or

1 interest, as required by any law administered by the
2 Department of Revenue until the requirements of the law are
3 satisfied or a repayment agreement with the Department of
4 Revenue has been entered into.

5 ARTICLE 45. INVESTIGATION AND HEARING PROVISIONS.

6 Section 45-10. Complaints investigated by the
7 Department.

8 (a) The Department shall investigate all complaints
9 concerning violations regarding licensees or unlicensed
10 activity.

11 (b) Following an investigation, the Department may file
12 formal charges against the licensee. The formal charges shall
13 inform the licensee of the facts that are the basis of the
14 charges with enough specificity to enable the licensee to
15 prepare an intelligent defense.

16 (c) Each licensee whose conduct is the subject of a
17 formal charge that seeks to impose disciplinary action
18 against the licensee shall be served notice of that charge at
19 least 30 days before the date of the hearing. The hearing
20 shall be presided over by a Board member or by a hearing
21 officer authorized by the Department. Service shall be
22 considered to have been given if the notice was personally
23 received by the licensee or if the notice was mailed by
24 certified mail, return receipt requested, to the licensee at
25 the licensee's address on file with the Department.

26 (d) The notice of formal charges shall consist of the
27 following information:

28 (1) The time, place, and date of the hearing.

29 (2) That the licensee shall appear personally at
30 the hearing and may be represented by counsel.

31 (3) That the licensee may produce witnesses and
32 evidence on his or her behalf and has the right to

1 cross-examine witnesses and evidence produced against him
2 or her.

3 (4) That the hearing could result in disciplinary
4 action.

5 (5) That rules for the conduct of hearings are
6 available from the Department.

7 (6) That a hearing officer authorized by the
8 Department shall conduct the hearing and, following the
9 conclusion of that hearing, shall make findings of fact,
10 conclusions of law, and recommendations, separately
11 stated, to the Director as to what disciplinary action,
12 if any, should be imposed on the licensee.

13 (7) That the licensee shall file a written answer
14 to the Board within 20 days after the service of the
15 notice and if the licensee fails to file an answer,
16 default will be taken and the license may be reprimanded,
17 suspended, revoked, or placed on probationary status, as
18 the Director may deem appropriate.

19 Section 45-15. Hearing; rehearing; public record.

20 (a) The Board or the hearing officer authorized by the
21 Department shall hear evidence in support of the formal
22 charges and evidence produced by the licensee. At the
23 conclusion of the hearing, the Board shall make findings of
24 fact, conclusions of law, and recommendations and submit them
25 to the Director and to all parties to the proceeding.

26 (b) The Board's findings of fact, conclusions of law,
27 and recommendations shall be served on the licensee in the
28 same manner as was the service of the notice of formal
29 charges. Within 20 days after the service, any party to the
30 proceeding may present to the Director a motion, in writing,
31 specifying the grounds for a rehearing or reconsideration of
32 the decision or sanctions.

33 (c) The Director, following the time allowed for filing

1 a motion for rehearing or reconsideration, shall review the
2 Board's findings of fact, conclusions of law and
3 recommendations and any subsequently filed motions. After
4 review of the information, the Director may hear oral
5 arguments and thereafter shall issue an order. The report of
6 findings of fact, conclusions of law and recommendations of
7 the Board shall be the basis for the Department's order. If
8 the Director finds that substantial justice was not done, the
9 Director may issue an order in contravention of the Board's
10 recommendations. The Director shall promptly provide the
11 Board with a written explanation of any deviation and shall
12 specify the reasons for the action. The findings of the Board
13 and the Director are not admissible as evidence against the
14 person in a criminal prosecution brought for the violation of
15 this Act.

16 (d) All proceedings under this Section are matters of
17 public record and shall be preserved.

18 (e) Upon the suspension or revocation of a license, the
19 licensee shall surrender the license to the Department and,
20 upon failure to do so, the Department shall seize the same.

21 Section 45-20. Temporary suspension of a license. The
22 Director may temporarily suspend a license without a hearing,
23 simultaneously with the initiation of the procedure for a
24 hearing provided for in this Act, if the Director finds that
25 evidence indicates that a licensee's continuation in business
26 would constitute an imminent danger to the public. If the
27 Director temporarily suspends a license without a hearing, a
28 hearing by the Department shall be held within 30 days after
29 the suspension has occurred or the temporary suspension shall
30 be rescinded.

31 Section 45-25. Disposition by consent order. Disposition
32 may be made of any formal charge by consent order between the

1 Department and the licensee. The Board shall be apprised of
2 the consent order at its next meeting and shall promptly
3 submit its view of the consent order to the Department.

4 Section 45-30. Restoration of license after disciplinary
5 proceedings. The Department shall reinstate any license to
6 good standing upon a recommendation by the Board to the
7 Director after a hearing before a hearing officer authorized
8 by the Department.

9 Section 45-35. Cease and desist orders. Whenever the
10 Department believes a person, firm, or other entity has
11 violated any provision of Section 10-5, the Department may
12 issue a rule to show cause why an order to cease and desist
13 should not be entered against that person, firm, or other
14 entity. The rule shall clearly set forth the grounds relied
15 upon by the Department. The respondent shall be given 21 days
16 from the date of mailing of the rule to respond. The failure
17 by the respondent to respond to a rule to show cause may
18 result in an order to cease and desist to be issued by the
19 Director immediately.

20 Section 45-40. Administrative review. All final
21 administrative decisions of the Department, as defined in the
22 Code of Civil Procedure, are subject to judicial review under
23 the Code of Civil Procedure. The proceedings for judicial
24 review shall be commenced in the circuit court of the county
25 in which the party applying for review resides. If the party
26 is not a resident of Illinois, the venue shall be in Sangamon
27 County. The Department shall not be required to certify any
28 record to the court or to file any answer in court or
29 otherwise appear in any court in a judicial review
30 proceeding, unless there is filed in the court with the
31 complaint, a receipt from the Department acknowledging

1 payment of the costs of furnishing and certifying the record,
2 computed at the cost of preparing the record. Exhibits shall
3 be certified without cost. Failure by the licensee to file a
4 receipt in court is grounds for dismissal of the action.
5 During all judicial proceedings relating to a disciplinary
6 action, the sanction imposed upon a licensee by the
7 Department shall remain in effect, unless the court
8 determines justice requires a stay of the order.

9 Section 45-45. Prima facie proof. An order of revocation
10 or suspension or placing a license on probationary status or
11 other disciplinary action as the Department may consider
12 proper or a certified copy thereof, over the seal of the
13 Department and purporting to be signed by the Director, is
14 prima facie proof that:

- 15 (1) the signature is that of the Director;
- 16 (2) the Director is qualified to act; and
- 17 (3) the members of the Board are qualified to act.

18 Section 45-50. Unlicensed practice; fraud in obtaining a
19 license.

20 (a) A person who violates any of the following
21 provisions shall be guilty of a Class A misdemeanor; a person
22 who commits a second or subsequent violation of these
23 provisions is guilty of a Class 4 felony:

24 (1) The practice of or attempted practice of or
25 holding out as available to practice as a private
26 detective, private security contractor, private alarm
27 contractor, or locksmith without a license.

28 (2) Operation of or attempt to operate a private
29 detective agency, private security contractor agency,
30 private alarm contractor agency, or locksmith agency
31 without ever having been issued a valid agency license.

32 (3) The obtaining of or the attempt to obtain any

1 license or authorization issued under this Act by
2 fraudulent misrepresentation.

3 (b) Whenever a licensee is convicted of a felony related
4 to the violations set forth in this Section, the clerk of the
5 court in any jurisdiction shall promptly report the
6 conviction to the Department and the Department shall
7 immediately revoke any license as a private detective,
8 private security contractor, private alarm contractor, or
9 locksmith held by that licensee. The individual shall not be
10 eligible for licensure until at least 10 years have elapsed
11 since the time of full discharge from any sentence imposed
12 for a felony conviction. If any person in making any oath or
13 affidavit required by this Act swears falsely, the person is
14 guilty of perjury and may be punished accordingly.

15 (c) In addition to any other penalty provided by law, a
16 person who violates any provision of this Section shall pay a
17 civil penalty to the Department in an amount not to exceed
18 \$5,000 for each offense, as determined by the Department. The
19 civil penalty shall be imposed in accordance with this Act.

20 Section 45-55. Subpoenas.

21 (a) The Department may subpoena and bring before it any
22 person to take the testimony with the same fees and in the
23 same manner as prescribed in civil cases.

24 (b) Any court, upon the application of the licensee or
25 Department may petition a circuit court for enforcement of
26 the subpoena. The circuit court may compel obedience to its
27 order for enforcement of the subpoena as in other civil
28 matters.

29 (c) The Director, the hearing officer or a certified
30 shorthand court reporter may administer oaths at any hearing
31 the Department conducts. Notwithstanding any other statute or
32 Department rule to the contrary, all requests for testimony,
33 production of documents or records shall be strictly in

1 accordance with this Act.

2 Section 45-60. Stenographers. The Department, at its
3 expense, shall provide a stenographer to preserve a record of
4 all hearing and pre-hearing proceedings if a license may be
5 revoked, suspended, or placed on probationary status or
6 other disciplinary action is taken. The notice of hearing,
7 the complaint, all other documents in the nature of pleadings
8 and written motions filed in the proceedings, the transcript
9 of testimony, the report of the Board, and the orders of the
10 Department shall constitute the record of the proceedings.
11 The Department shall furnish a transcript of the record upon
12 payment of the costs of copying and transmitting the record.

13 ARTICLE 50. ADMINISTRATIVE PROVISIONS.

14 Section 50-5. Personnel; investigators. The Director
15 shall employ, pursuant to the Personnel Code, personnel, on a
16 full-time or part-time basis, for the effective enforcement
17 of this Act. Each investigator shall have a minimum of 2
18 years investigative experience out of the immediately
19 preceding 5 years. No investigator may hold an active license
20 issued pursuant to this Act, nor may an investigator have a
21 financial interest in a business licensed under this Act.
22 This prohibition, however, does not apply to an investigator
23 holding stock in a business licensed under this Act, provided
24 the investigator does not hold more than 5% of the stock in
25 the business. Any person licensed under this Act who is
26 employed by the Department shall surrender his or her license
27 to the Department for the duration of that employment. The
28 licensee shall be exempt from all renewal fees while
29 employed. While employed by the Department, the licensee is
30 not required to maintain the general liability insurance
31 coverage required by this Act.

1 Section 50-10. The Private Detective, Private Security,
2 Private Alarm, and Locksmith Board.

3 (a) The Private Detective, Private Security, Private
4 Alarm, and Locksmith Board shall consist of 11 members
5 appointed by the Director and comprised of 2 licensed private
6 detectives, 3 licensed private security contractors, 2
7 licensed private alarm contractors, 2 licensed locksmiths,
8 one public member who is not licensed or registered under
9 this Act and who has no connection with a business licensed
10 under this Act, and one member representing the employees
11 registered under this Act. Each member shall be a resident of
12 Illinois. Each licensed member shall have at least 5 years
13 experience as a licensee in the professional area in which
14 the person is licensed and be in good standing and actively
15 engaged in that profession. In making appointments, the
16 Director shall consider the recommendations of the
17 professionals and the professional organizations representing
18 the licensees. The membership shall reasonably reflect the
19 different geographic areas in Illinois.

20 (b) Members shall serve 4-year terms and may serve until
21 their successors are appointed. No member shall serve for
22 more than 2 successive terms. Appointments to fill vacancies
23 shall be made in the same manner as the original appointments
24 for the unexpired portion of the vacated term. Members of the
25 Board in office on the effective date of this Act pursuant to
26 the Private Detective, Private Alarm, Private Security, and
27 Locksmith Act of 1993 shall serve for the duration of their
28 terms and may be appointed for one additional term.

29 (c) A member of the Board may be removed for cause. A
30 member subject to formal disciplinary proceedings shall
31 disqualify himself or herself from all Board business until
32 the charge is resolved. A member also shall disqualify
33 himself or herself from any matter on which the member cannot
34 act objectively.

1 (d) Members shall receive compensation as set by law.
2 Each member shall receive reimbursement as set by the
3 Governor's Travel Control Board for expenses incurred in
4 carrying out the duties as a Board member.

5 (e) A majority of Board members constitutes a quorum. A
6 majority vote of the quorum is required for a decision.

7 (f) The Board shall elect a chairperson and vice
8 chairperson.

9 (g) Board members are not liable for their acts,
10 omissions, decisions, or other conduct in connection with
11 their duties on the Board, except those determined to be
12 willful, wanton, or intentional misconduct.

13 (h) The Board may recommend policies, procedures, and
14 rules relevant to the administration and enforcement of this
15 Act.

16 Section 50-15. Powers and duties of the Department.

17 (a) The Department shall exercise the powers and duties
18 prescribed by the Civil Administrative Code of Illinois and
19 shall exercise all other powers and duties set forth in this
20 Act.

21 (b) The Director shall prescribe forms to be issued for
22 the administration and enforcement of this Act.

23 Section 50-20. Rules. The Department may promulgate
24 rules for the administration and enforcement of this Act. The
25 rules shall include standards for registration, licensure,
26 professional conduct, and discipline. The Department shall
27 consult with the Board prior to promulgating any rule.
28 Proposed rules shall be transmitted, prior to publication in
29 the Illinois Register, to the Board and the Department shall
30 review the Board's recommendations and shall notify the Board
31 with an explanation of any deviations from the Board's
32 recommendations.

1 Section 50-25. Home rule. Pursuant to paragraph (h) of
2 Section 6 of Article VII of the Illinois Constitution of
3 1970, the power to regulate the private detective, private
4 security, private alarm, or locksmith business or their
5 employees shall be exercised exclusively by the State and may
6 not be exercised by any unit of local government, including
7 home rule units.

8 Section 50-30. Deposit of fees and fines. All of the
9 fees and fines collected under this Act shall be deposited
10 into the General Professions Dedicated Fund.

11 Section 50-35. Rosters. The Department shall, upon
12 request and payment of the fee, provide a list of the names
13 and addresses of all licensees under this Act.

14 Section 50-40. Rights and obligations. All rights and
15 obligations incurred and any actions commenced under the
16 Private Detective, Private Alarm, Private Security, and
17 Locksmith Act of 1993 shall not be impaired by the enactment
18 of this Act. Rules adopted under the Private Detective,
19 Private Alarm, Private Security, and Locksmith Act of 1993,
20 unless inconsistent with this Act, shall remain in effect
21 until amended or revoked. All licenses issued by the
22 Department permitting the holder to act as a private
23 detective, private detective agency, private security
24 contractor, private security contractor agency, private alarm
25 contractor, private alarm contractor agency, locksmith, or
26 locksmith agency that are valid on the effective date of this
27 Act shall be considered valid under this Act.

28 ARTICLE 90. AMENDATORY PROVISIONS.

29 Section 90-5. The Regulatory Sunset Act is amended by

1 changing Sections 4.14 and 4.24 as follows:

2 (5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

3 Sec. 4.14. Acts repealed.

4 (a) The following Act is ~~Acts-are~~ repealed December 31,
5 2003:

6 ~~The--Private--Detective,--Private-Alarm,--and-Private~~
7 ~~Security-Act-of-1993.~~

8 The Illinois Occupational Therapy Practice Act.

9 (b) The following Acts are repealed January 1, 2004:

10 The Illinois Certified Shorthand Reporters Act of
11 1984.

12 The Veterinary Medicine and Surgery Practice Act of
13 1994.

14 (Source: P.A. 92-457, eff 8-21-01.)

15 (5 ILCS 80/4.24)

16 Sec. 4.24. Acts repealed on January 1, 2014. The
17 following Acts are repealed on January 1, 2014:

18 The Electrologist Licensing Act.

19 The Illinois Public Accounting Act.

20 The Private Detective, Private Alarm, Private Security,
21 and Locksmith Act of 2004.

22 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

23 Section 90-10. The Criminal Identification Act is
24 amended by changing Section 3-1 as follows:

25 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

26 Sec. 3.1. (a) The Department may furnish, pursuant to
27 positive identification, records of convictions to the
28 Department of Professional Regulation for the purpose of
29 meeting registration or licensure requirements under The
30 Private Detective, Private Alarm, Private Security, and

1 Locksmith Act of 2004 and Private Security Act of 1983.

2 (b) The Department may furnish, pursuant to positive
3 identification, records of convictions to policing bodies of
4 this State for the purpose of assisting local liquor control
5 commissioners in carrying out their duty to refuse to issue
6 licenses to persons specified in paragraphs (4), (5) and (6)
7 of Section 6-2 of The Liquor Control Act of 1934.

8 (c) The Department shall charge an application fee,
9 based on actual costs, for the dissemination of records
10 pursuant to this Section. Fees received for the
11 dissemination of records pursuant to this Section shall be
12 deposited in the State Police Services Fund. The Department
13 is empowered to establish this fee and to prescribe the form
14 and manner for requesting and furnishing conviction
15 information pursuant to this Section.

16 (d) Any dissemination of any information obtained
17 pursuant to this Section to any person not specifically
18 authorized hereby to receive or use it for the purpose for
19 which it was disseminated shall constitute a violation of
20 Section 7.

21 (Source: P.A. 85-1440.)

22 Section 90-15. The Service Contract Act is amended by
23 changing Section 10 as follows:

24 (215 ILCS 152/10)

25 Sec. 10. Exemptions. Service contract providers and
26 related service contract sellers and administrators complying
27 with this Act are not required to comply with and are not
28 subject to any provision of the Illinois Insurance Code. A
29 service contract provider who is the manufacturer or a
30 wholly-owned subsidiary of the manufacturer of the product or
31 the builder, seller, or lessor of the product that is the
32 subject of the service contract is required to comply only

1 with Sections 30, 35, 45, and 50 of this Act; except that, a
2 service contract provider who sells a motor vehicle,
3 excluding a motorcycle as defined in Section 1-147 of the
4 Illinois Vehicle Code, or who leases, but is not the
5 manufacturer of, the motor vehicle, excluding a motorcycle as
6 defined in Section 1-147 of the Illinois Vehicle Code, that
7 is the subject of the service contract must comply with this
8 Act in its entirety. Contracts for the repair and monitoring
9 of private alarm or private security systems regulated under
10 the Private Detective, Private Alarm, Private Security, and
11 Locksmith Act of 2004 1993 are not required to comply with
12 this Act and are not subject to any provision of the Illinois
13 Insurance Code.

14 (Source: P.A. 91-430, eff. 1-1-00; 92-16, eff. 6-28-01.)

15 (225 ILCS 446/Act rep.)

16 Section 90-20. The Private Detective, Private Alarm,
17 Private Security, and Locksmith Act of 1993 is repealed.

18 Section 90-25. The Illinois Vehicle Code is amended by
19 changing Section 2-123 as follows:

20 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

21 Sec. 2-123. Sale and Distribution of Information.

22 (a) Except as otherwise provided in this Section, the
23 Secretary may make the driver's license, vehicle and title
24 registration lists, in part or in whole, and any statistical
25 information derived from these lists available to local
26 governments, elected state officials, state educational
27 institutions, and all other governmental units of the State
28 and Federal Government requesting them for governmental
29 purposes. The Secretary shall require any such applicant for
30 services to pay for the costs of furnishing such services and
31 the use of the equipment involved, and in addition is

1 empowered to establish prices and charges for the services so
2 furnished and for the use of the electronic equipment
3 utilized.

4 (b) The Secretary is further empowered to and he may, in
5 his discretion, furnish to any applicant, other than listed
6 in subsection (a) of this Section, vehicle or driver data on
7 a computer tape, disk, other electronic format or computer
8 processable medium, or printout at a fixed fee of \$250 in
9 advance and require in addition a further sufficient deposit
10 based upon the Secretary of State's estimate of the total
11 cost of the information requested and a charge of \$25 per
12 1,000 units or part thereof identified or the actual cost,
13 whichever is greater. The Secretary is authorized to refund
14 any difference between the additional deposit and the actual
15 cost of the request. This service shall not be in lieu of an
16 abstract of a driver's record nor of a title or registration
17 search. This service may be limited to entities purchasing a
18 minimum number of records as required by administrative rule.
19 The information sold pursuant to this subsection shall be the
20 entire vehicle or driver data list, or part thereof. The
21 information sold pursuant to this subsection shall not
22 contain personally identifying information unless the
23 information is to be used for one of the purposes identified
24 in subsection (f-5) of this Section. Commercial purchasers
25 of driver and vehicle record databases shall enter into a
26 written agreement with the Secretary of State that includes
27 disclosure of the commercial use of the information to be
28 purchased.

29 (c) Secretary of State may issue registration lists.
30 The Secretary of State shall compile and publish, at least
31 annually, a list of all registered vehicles. Each list of
32 registered vehicles shall be arranged serially according to
33 the registration numbers assigned to registered vehicles and
34 shall contain in addition the names and addresses of

1 registered owners and a brief description of each vehicle
2 including the serial or other identifying number thereof.
3 Such compilation may be in such form as in the discretion of
4 the Secretary of State may seem best for the purposes
5 intended.

6 (d) The Secretary of State shall furnish no more than 2
7 current available lists of such registrations to the sheriffs
8 of all counties and to the chiefs of police of all cities and
9 villages and towns of 2,000 population and over in this State
10 at no cost. Additional copies may be purchased by the
11 sheriffs or chiefs of police at the fee of \$500 each or at
12 the cost of producing the list as determined by the Secretary
13 of State. Such lists are to be used for governmental
14 purposes only.

15 (e) (Blank).

16 (e-1) (Blank).

17 (f) The Secretary of State shall make a title or
18 registration search of the records of his office and a
19 written report on the same for any person, upon written
20 application of such person, accompanied by a fee of \$5 for
21 each registration or title search. The written application
22 shall set forth the intended use of the requested
23 information. No fee shall be charged for a title or
24 registration search, or for the certification thereof
25 requested by a government agency. The report of the title or
26 registration search shall not contain personally identifying
27 information unless the request for a search was made for one
28 of the purposes identified in subsection (f-5) of this
29 Section.

30 The Secretary of State shall certify a title or
31 registration record upon written request. The fee for
32 certification shall be \$5 in addition to the fee required for
33 a title or registration search. Certification shall be made
34 under the signature of the Secretary of State and shall be

1 authenticated by Seal of the Secretary of State.

2 The Secretary of State may notify the vehicle owner or
3 registrant of the request for purchase of his title or
4 registration information as the Secretary deems appropriate.

5 No information shall be released to the requestor until
6 expiration of a 10 day period. This 10 day period shall not
7 apply to requests for information made by law enforcement
8 officials, government agencies, financial institutions,
9 attorneys, insurers, employers, automobile associated
10 businesses, persons licensed as a private detective or firms
11 licensed as a private detective agency under the Private
12 Detective, Private Alarm, Private Security, and Locksmith Act
13 of 2004 and-Private-Security-Act-of-1983, who are employed by
14 or are acting on behalf of law enforcement officials,
15 government agencies, financial institutions, attorneys,
16 insurers, employers, automobile associated businesses, and
17 other business entities for purposes consistent with the
18 Illinois Vehicle Code, the vehicle owner or registrant or
19 other entities as the Secretary may exempt by rule and
20 regulation.

21 Any misrepresentation made by a requestor of title or
22 vehicle information shall be punishable as a petty offense,
23 except in the case of persons licensed as a private detective
24 or firms licensed as a private detective agency which shall
25 be subject to disciplinary sanctions under Section 40-10 22
26 er--25 of the Private Detective, Private Alarm, Private
27 Security, and Locksmith Act of 2004 and-Private-Security--Act
28 of-1983.

29 (f-5) The Secretary of State shall not disclose or
30 otherwise make available to any person or entity any
31 personally identifying information obtained by the Secretary
32 of State in connection with a driver's license, vehicle, or
33 title registration record unless the information is disclosed
34 for one of the following purposes:

1 (1) For use by any government agency, including any
2 court or law enforcement agency, in carrying out its
3 functions, or any private person or entity acting on
4 behalf of a federal, State, or local agency in carrying
5 out its functions.

6 (2) For use in connection with matters of motor
7 vehicle or driver safety and theft; motor vehicle
8 emissions; motor vehicle product alterations, recalls, or
9 advisories; performance monitoring of motor vehicles,
10 motor vehicle parts, and dealers; and removal of
11 non-owner records from the original owner records of
12 motor vehicle manufacturers.

13 (3) For use in the normal course of business by a
14 legitimate business or its agents, employees, or
15 contractors, but only:

16 (A) to verify the accuracy of personal
17 information submitted by an individual to the
18 business or its agents, employees, or contractors;
19 and

20 (B) if such information as so submitted is not
21 correct or is no longer correct, to obtain the
22 correct information, but only for the purposes of
23 preventing fraud by, pursuing legal remedies
24 against, or recovering on a debt or security
25 interest against, the individual.

26 (4) For use in research activities and for use in
27 producing statistical reports, if the personally
28 identifying information is not published, redisclosed, or
29 used to contact individuals.

30 (5) For use in connection with any civil, criminal,
31 administrative, or arbitral proceeding in any federal,
32 State, or local court or agency or before any
33 self-regulatory body, including the service of process,
34 investigation in anticipation of litigation, and the

1 execution or enforcement of judgments and orders, or
2 pursuant to an order of a federal, State, or local court.

3 (6) For use by any insurer or insurance support
4 organization or by a self-insured entity or its agents,
5 employees, or contractors in connection with claims
6 investigation activities, antifraud activities, rating,
7 or underwriting.

8 (7) For use in providing notice to the owners of
9 towed or impounded vehicles.

10 (8) For use by any private investigative agency or
11 security service licensed in Illinois for any purpose
12 permitted under this subsection.

13 (9) For use by an employer or its agent or insurer
14 to obtain or verify information relating to a holder of a
15 commercial driver's license that is required under
16 chapter 313 of title 49 of the United States Code.

17 (10) For use in connection with the operation of
18 private toll transportation facilities.

19 (11) For use by any requester, if the requester
20 demonstrates it has obtained the written consent of the
21 individual to whom the information pertains.

22 (12) For use by members of the news media, as
23 defined in Section 1-148.5, for the purpose of
24 newsgathering when the request relates to the operation
25 of a motor vehicle or public safety.

26 (13) For any other use specifically authorized by
27 law, if that use is related to the operation of a motor
28 vehicle or public safety.

29 (g) 1. The Secretary of State may, upon receipt of a
30 written request and a fee of \$6, furnish to the person or
31 agency so requesting a driver's record. Such document
32 may include a record of: current driver's license
33 issuance information, except that the information on
34 judicial driving permits shall be available only as

1 otherwise provided by this Code; convictions; orders
2 entered revoking, suspending or cancelling a driver's
3 license or privilege; and notations of accident
4 involvement. All other information, unless otherwise
5 permitted by this Code, shall remain confidential.
6 Information released pursuant to a request for a driver's
7 record shall not contain personally identifying
8 information, unless the request for the driver's record
9 was made for one of the purposes set forth in subsection
10 (f-5) of this Section.

11 2. The Secretary of State may certify an abstract
12 of a driver's record upon written request therefor.
13 Such certification shall be made under the signature of
14 the Secretary of State and shall be authenticated by the
15 Seal of his office.

16 3. All requests for driving record information
17 shall be made in a manner prescribed by the Secretary and
18 shall set forth the intended use of the requested
19 information.

20 The Secretary of State may notify the affected
21 driver of the request for purchase of his driver's record
22 as the Secretary deems appropriate.

23 No information shall be released to the requester
24 until expiration of a 10 day period. This 10 day period
25 shall not apply to requests for information made by law
26 enforcement officials, government agencies, financial
27 institutions, attorneys, insurers, employers, automobile
28 associated businesses, persons licensed as a private
29 detective or firms licensed as a private detective agency
30 under the Private Detective, Private Alarm, Private
31 Security, and Locksmith Act of 2004 and-Private-Security
32 Act-of-1983, who are employed by or are acting on behalf
33 of law enforcement officials, government agencies,
34 financial institutions, attorneys, insurers, employers,

1 automobile associated businesses, and other business
2 entities for purposes consistent with the Illinois
3 Vehicle Code, the affected driver or other entities as
4 the Secretary may exempt by rule and regulation.

5 Any misrepresentation made by a requestor of driver
6 information shall be punishable as a petty offense,
7 except in the case of persons licensed as a private
8 detective or firms licensed as a private detective agency
9 which shall be subject to disciplinary sanctions under
10 Section 40-10 22-~~or~~-25 of the Private Detective, Private
11 Alarm, Private Security, and Locksmith Act of 2004 and
12 Private-Security-Act-of-1983.

13 4. The Secretary of State may furnish without fee,
14 upon the written request of a law enforcement agency, any
15 information from a driver's record on file with the
16 Secretary of State when such information is required in
17 the enforcement of this Code or any other law relating to
18 the operation of motor vehicles, including records of
19 dispositions; documented information involving the use of
20 a motor vehicle; whether such individual has, or
21 previously had, a driver's license; and the address and
22 personal description as reflected on said driver's
23 record.

24 5. Except as otherwise provided in this Section,
25 the Secretary of State may furnish, without fee,
26 information from an individual driver's record on file,
27 if a written request therefor is submitted by any public
28 transit system or authority, public defender, law
29 enforcement agency, a state or federal agency, or an
30 Illinois local intergovernmental association, if the
31 request is for the purpose of a background check of
32 applicants for employment with the requesting agency, or
33 for the purpose of an official investigation conducted by
34 the agency, or to determine a current address for the

1 driver so public funds can be recovered or paid to the
2 driver, or for any other purpose set forth in subsection
3 (f-5) of this Section.

4 The Secretary may also furnish the courts a copy of
5 an abstract of a driver's record, without fee, subsequent
6 to an arrest for a violation of Section 11-501 or a
7 similar provision of a local ordinance. Such abstract
8 may include records of dispositions; documented
9 information involving the use of a motor vehicle as
10 contained in the current file; whether such individual
11 has, or previously had, a driver's license; and the
12 address and personal description as reflected on said
13 driver's record.

14 6. Any certified abstract issued by the Secretary
15 of State or transmitted electronically by the Secretary
16 of State pursuant to this Section, to a court or on
17 request of a law enforcement agency, for the record of a
18 named person as to the status of the person's driver's
19 license shall be prima facie evidence of the facts
20 therein stated and if the name appearing in such abstract
21 is the same as that of a person named in an information
22 or warrant, such abstract shall be prima facie evidence
23 that the person named in such information or warrant is
24 the same person as the person named in such abstract and
25 shall be admissible for any prosecution under this Code
26 and be admitted as proof of any prior conviction or proof
27 of records, notices, or orders recorded on individual
28 driving records maintained by the Secretary of State.

29 7. Subject to any restrictions contained in the
30 Juvenile Court Act of 1987, and upon receipt of a proper
31 request and a fee of \$6, the Secretary of State shall
32 provide a driver's record to the affected driver, or the
33 affected driver's attorney, upon verification. Such
34 record shall contain all the information referred to in

1 paragraph 1 of this subsection (g) plus: any recorded
2 accident involvement as a driver; information recorded
3 pursuant to subsection (e) of Section 6-117 and paragraph
4 (4) of subsection (a) of Section 6-204 of this Code. All
5 other information, unless otherwise permitted by this
6 Code, shall remain confidential.

7 (h) The Secretary shall not disclose social security
8 numbers except pursuant to a written request by, or with the
9 prior written consent of, the individual except: (1) to
10 officers and employees of the Secretary who have a need to
11 know the social security numbers in performance of their
12 official duties, (2) to law enforcement officials for a
13 lawful, civil or criminal law enforcement investigation, and
14 if the head of the law enforcement agency has made a written
15 request to the Secretary specifying the law enforcement
16 investigation for which the social security numbers are being
17 sought, (3) to the United States Department of
18 Transportation, or any other State, pursuant to the
19 administration and enforcement of the Commercial Motor
20 Vehicle Safety Act of 1986, (4) pursuant to the order of a
21 court of competent jurisdiction, or (5) to the Department of
22 Public Aid for utilization in the child support enforcement
23 duties assigned to that Department under provisions of the
24 Public Aid Code after the individual has received advanced
25 meaningful notification of what redisclosure is sought by the
26 Secretary in accordance with the federal Privacy Act.

27 (i) (Blank).

28 (j) Medical statements or medical reports received in
29 the Secretary of State's Office shall be confidential. No
30 confidential information may be open to public inspection or
31 the contents disclosed to anyone, except officers and
32 employees of the Secretary who have a need to know the
33 information contained in the medical reports and the Driver
34 License Medical Advisory Board, unless so directed by an

1 order of a court of competent jurisdiction.

2 (k) All fees collected under this Section shall be paid
3 into the Road Fund of the State Treasury, except that \$3 of
4 the \$6 fee for a driver's record shall be paid into the
5 Secretary of State Special Services Fund.

6 (l) (Blank).

7 (m) Notations of accident involvement that may be
8 disclosed under this Section shall not include notations
9 relating to damage to a vehicle or other property being
10 transported by a tow truck. This information shall remain
11 confidential, provided that nothing in this subsection (m)
12 shall limit disclosure of any notification of accident
13 involvement to any law enforcement agency or official.

14 (n) Requests made by the news media for driver's
15 license, vehicle, or title registration information may be
16 furnished without charge or at a reduced charge, as
17 determined by the Secretary, when the specific purpose for
18 requesting the documents is deemed to be in the public
19 interest. Waiver or reduction of the fee is in the public
20 interest if the principal purpose of the request is to access
21 and disseminate information regarding the health, safety, and
22 welfare or the legal rights of the general public and is not
23 for the principal purpose of gaining a personal or commercial
24 benefit. The information provided pursuant to this subsection
25 shall not contain personally identifying information unless
26 the information is to be used for one of the purposes
27 identified in subsection (f-5) of this Section.

28 (o) The redisclosure of personally identifying
29 information obtained pursuant to this Section is prohibited,
30 except to the extent necessary to effectuate the purpose for
31 which the original disclosure of the information was
32 permitted.

33 (p) The Secretary of State is empowered to adopt rules
34 to effectuate this Section.

1 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;
2 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff.
3 7-11-02.)

4 Section 90-30. The Criminal Code of 1961 is amended by
5 changing Section 24-2 as follows:

6 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10)
9 and Section 24-1.6 do not apply to or affect any of the
10 following:

11 (1) Peace officers, and any person summoned by a
12 peace officer to assist in making arrests or preserving
13 the peace, while actually engaged in assisting such
14 officer.

15 (2) Wardens, superintendents and keepers of
16 prisons, penitentiaries, jails and other institutions for
17 the detention of persons accused or convicted of an
18 offense, while in the performance of their official duty,
19 or while commuting between their homes and places of
20 employment.

21 (3) Members of the Armed Services or Reserve Forces
22 of the United States or the Illinois National Guard or
23 the Reserve Officers Training Corps, while in the
24 performance of their official duty.

25 (4) Special agents employed by a railroad or a
26 public utility to perform police functions, and guards of
27 armored car companies, while actually engaged in the
28 performance of the duties of their employment or
29 commuting between their homes and places of employment;
30 and watchmen while actually engaged in the performance of
31 the duties of their employment.

32 (5) Persons licensed as private security

1 contractors, private detectives, or private alarm
2 contractors, or employed by an agency certified by the
3 Department of Professional Regulation, if their duties
4 include the carrying of a weapon under the provisions of
5 the Private Detective, Private Alarm, Private Security,
6 and Locksmith Act of 2004 and--Private--Security--Act--of
7 1983, while actually engaged in the performance of the
8 duties of their employment or commuting between their
9 homes and places of employment, provided that such
10 commuting is accomplished within one hour from departure
11 from home or place of employment, as the case may be.
12 Persons exempted under this subdivision (a)(5) shall be
13 required to have completed a course of study in firearms
14 handling and training approved and supervised by the
15 Department of Professional Regulation as prescribed by
16 Section 28 of the Private Detective, Private Alarm,
17 Private Security, and Locksmith Act of 2004 and-Private
18 ~~Security-Act-of-1983~~, prior to becoming eligible for this
19 exemption. The Department of Professional Regulation
20 shall provide suitable documentation demonstrating the
21 successful completion of the prescribed firearms
22 training. Such documentation shall be carried at all
23 times when such persons are in possession of a
24 concealable weapon.

25 (6) Any person regularly employed in a commercial
26 or industrial operation as a security guard for the
27 protection of persons employed and private property
28 related to such commercial or industrial operation, while
29 actually engaged in the performance of his or her duty or
30 traveling between sites or properties belonging to the
31 employer, and who, as a security guard, is a member of a
32 security force of at least 5 persons registered with the
33 Department of Professional Regulation; provided that such
34 security guard has successfully completed a course of

1 study, approved by and supervised by the Department of
2 Professional Regulation, consisting of not less than 40
3 hours of training that includes the theory of law
4 enforcement, liability for acts, and the handling of
5 weapons. A person shall be considered eligible for this
6 exemption if he or she has completed the required 20
7 hours of training for a security officer and 20 hours of
8 required firearm training, and has been issued a firearm
9 authorization card by the Department of Professional
10 Regulation. Conditions for the renewal of firearm
11 authorization cards issued under the provisions of this
12 Section shall be the same as for those cards issued under
13 the provisions of the Private Detective, Private Alarm,
14 Private Security, and Locksmith Act of 2004 and--Private
15 ~~Security--Act--of--1983~~. Such firearm authorization card
16 shall be carried by the security guard at all times when
17 he or she is in possession of a concealable weapon.

18 (7) Agents and investigators of the Illinois
19 Legislative Investigating Commission authorized by the
20 Commission to carry the weapons specified in subsections
21 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
22 any investigation for the Commission.

23 (8) Persons employed by a financial institution for
24 the protection of other employees and property related to
25 such financial institution, while actually engaged in the
26 performance of their duties, commuting between their
27 homes and places of employment, or traveling between
28 sites or properties owned or operated by such financial
29 institution, provided that any person so employed has
30 successfully completed a course of study, approved by and
31 supervised by the Department of Professional Regulation,
32 consisting of not less than 40 hours of training which
33 includes theory of law enforcement, liability for acts,
34 and the handling of weapons. A person shall be considered

1 to be eligible for this exemption if he or she has
2 completed the required 20 hours of training for a
3 security officer and 20 hours of required firearm
4 training, and has been issued a firearm authorization
5 card by the Department of Professional Regulation.
6 Conditions for renewal of firearm authorization cards
7 issued under the provisions of this Section shall be the
8 same as for those issued under the provisions of the
9 Private Detective, Private Alarm, Private Security, and
10 Locksmith Act of 2004 and ~~Private Security Act of 1983~~.
11 Such firearm authorization card shall be carried by the
12 person so trained at all times when such person is in
13 possession of a concealable weapon. For purposes of this
14 subsection, "financial institution" means a bank, savings
15 and loan association, credit union or company providing
16 armored car services.

17 (9) Any person employed by an armored car company
18 to drive an armored car, while actually engaged in the
19 performance of his duties.

20 (10) Persons who have been classified as peace
21 officers pursuant to the Peace Officer Fire Investigation
22 Act.

23 (11) Investigators of the Office of the State's
24 Attorneys Appellate Prosecutor authorized by the board of
25 governors of the Office of the State's Attorneys
26 Appellate Prosecutor to carry weapons pursuant to Section
27 7.06 of the State's Attorneys Appellate Prosecutor's Act.

28 (12) Special investigators appointed by a State's
29 Attorney under Section 3-9005 of the Counties Code.

30 (13) Court Security Officers while in the
31 performance of their official duties, or while commuting
32 between their homes and places of employment, with the
33 consent of the Sheriff.

34 (13.5) A person employed as an armed security guard

1 at a nuclear energy, storage, weapons or development site
2 or facility regulated by the Nuclear Regulatory
3 Commission who has completed the background screening and
4 training mandated by the rules and regulations of the
5 Nuclear Regulatory Commission.

6 (14) Manufacture, transportation, or sale of
7 weapons to persons authorized under subdivisions (1)
8 through (13.5) of this subsection to possess those
9 weapons.

10 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
11 24-1.6 do not apply to or affect any of the following:

12 (1) Members of any club or organization organized
13 for the purpose of practicing shooting at targets upon
14 established target ranges, whether public or private, and
15 patrons of such ranges, while such members or patrons are
16 using their firearms on those target ranges.

17 (2) Duly authorized military or civil organizations
18 while parading, with the special permission of the
19 Governor.

20 (3) Hunters, trappers or fishermen with a license
21 or permit while engaged in hunting, trapping or fishing.

22 (4) Transportation of weapons that are broken down
23 in a non-functioning state or are not immediately
24 accessible.

25 (c) Subsection 24-1(a)(7) does not apply to or affect
26 any of the following:

27 (1) Peace officers while in performance of their
28 official duties.

29 (2) Wardens, superintendents and keepers of
30 prisons, penitentiaries, jails and other institutions for
31 the detention of persons accused or convicted of an
32 offense.

33 (3) Members of the Armed Services or Reserve Forces
34 of the United States or the Illinois National Guard,

1 while in the performance of their official duty.

2 (4) Manufacture, transportation, or sale of machine
3 guns to persons authorized under subdivisions (1) through
4 (3) of this subsection to possess machine guns, if the
5 machine guns are broken down in a non-functioning state
6 or are not immediately accessible.

7 (5) Persons licensed under federal law to
8 manufacture any weapon from which 8 or more shots or
9 bullets can be discharged by a single function of the
10 firing device, or ammunition for such weapons, and
11 actually engaged in the business of manufacturing such
12 weapons or ammunition, but only with respect to
13 activities which are within the lawful scope of such
14 business, such as the manufacture, transportation, or
15 testing of such weapons or ammunition. This exemption
16 does not authorize the general private possession of any
17 weapon from which 8 or more shots or bullets can be
18 discharged by a single function of the firing device, but
19 only such possession and activities as are within the
20 lawful scope of a licensed manufacturing business
21 described in this paragraph.

22 During transportation, such weapons shall be broken
23 down in a non-functioning state or not immediately
24 accessible.

25 (6) The manufacture, transport, testing, delivery,
26 transfer or sale, and all lawful commercial or
27 experimental activities necessary thereto, of rifles,
28 shotguns, and weapons made from rifles or shotguns, or
29 ammunition for such rifles, shotguns or weapons, where
30 engaged in by a person operating as a contractor or
31 subcontractor pursuant to a contract or subcontract for
32 the development and supply of such rifles, shotguns,
33 weapons or ammunition to the United States government or
34 any branch of the Armed Forces of the United States, when

1 such activities are necessary and incident to fulfilling
2 the terms of such contract.

3 The exemption granted under this subdivision (c)(6)
4 shall also apply to any authorized agent of any such
5 contractor or subcontractor who is operating within the
6 scope of his employment, where such activities involving
7 such weapon, weapons or ammunition are necessary and
8 incident to fulfilling the terms of such contract.

9 During transportation, any such weapon shall be
10 broken down in a non-functioning state, or not
11 immediately accessible.

12 (d) Subsection 24-1(a)(1) does not apply to the
13 purchase, possession or carrying of a black-jack or
14 slung-shot by a peace officer.

15 (e) Subsection 24-1(a)(8) does not apply to any owner,
16 manager or authorized employee of any place specified in that
17 subsection nor to any law enforcement officer.

18 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
19 Section 24-1.6 do not apply to members of any club or
20 organization organized for the purpose of practicing shooting
21 at targets upon established target ranges, whether public or
22 private, while using their firearms on those target ranges.

23 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not
24 apply to:

25 (1) Members of the Armed Services or Reserve Forces
26 of the United States or the Illinois National Guard,
27 while in the performance of their official duty.

28 (2) Bonafide collectors of antique or surplus
29 military ordinance.

30 (3) Laboratories having a department of forensic
31 ballistics, or specializing in the development of
32 ammunition or explosive ordinance.

33 (4) Commerce, preparation, assembly or possession
34 of explosive bullets by manufacturers of ammunition

1 licensed by the federal government, in connection with
2 the supply of those organizations and persons exempted by
3 subdivision (g)(1) of this Section, or like organizations
4 and persons outside this State, or the transportation of
5 explosive bullets to any organization or person exempted
6 in this Section by a common carrier or by a vehicle owned
7 or leased by an exempted manufacturer.

8 (h) An information or indictment based upon a violation
9 of any subsection of this Article need not negative any
10 exemptions contained in this Article. The defendant shall
11 have the burden of proving such an exemption.

12 (i) Nothing in this Article shall prohibit, apply to, or
13 affect the transportation, carrying, or possession, of any
14 pistol or revolver, stun gun, taser, or other firearm
15 consigned to a common carrier operating under license of the
16 State of Illinois or the federal government, where such
17 transportation, carrying, or possession is incident to the
18 lawful transportation in which such common carrier is
19 engaged; and nothing in this Article shall prohibit, apply
20 to, or affect the transportation, carrying, or possession of
21 any pistol, revolver, stun gun, taser, or other firearm, not
22 the subject of and regulated by subsection 24-1(a)(7) or
23 subsection 24-2(c) of this Article, which is unloaded and
24 enclosed in a case, firearm carrying box, shipping box, or
25 other container, by the possessor of a valid Firearm Owners
26 Identification Card.

27 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;
28 92-325, eff. 8-9-01.)

29 Section 90-35. The Code of Civil Procedure is amended by
30 changing Section 2-202 as follows:

31 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

32 Sec. 2-202. Persons authorized to serve process; Place of

1 service; Failure to make return.

2 (a) Process shall be served by a sheriff, or if the
3 sheriff is disqualified, by a coroner of some county of the
4 State. A sheriff of a county with a population of less than
5 1,000,000 may employ civilian personnel to serve process. In
6 counties with a population of less than 1,000,000, process
7 may be served, without special appointment, by a person who
8 is licensed or registered as a private detective under the
9 Private Detective, Private Alarm, Private Security, and
10 Locksmith Act of 2004 1993 or by a registered employee of a
11 private detective agency certified under that Act. A private
12 detective or licensed employee must supply the sheriff of any
13 county in which he serves process with a copy of his license
14 or certificate; however, the failure of a person to supply
15 the copy shall not in any way impair the validity of process
16 served by the person. The court may, in its discretion upon
17 motion, order service to be made by a private person over 18
18 years of age and not a party to the action. It is not
19 necessary that service be made by a sheriff or coroner of the
20 county in which service is made. If served or sought to be
21 served by a sheriff or coroner, he or she shall endorse his
22 or her return thereon, and if by a private person the return
23 shall be by affidavit.

24 (a-5) Upon motion and in its discretion, the court may
25 appoint as a special process server a private detective
26 agency certified under the Private Detective, Private Alarm,
27 Private Security, and Locksmith Act of 2004 1993. Under the
28 appointment, any employee of the private detective agency who
29 is registered under that Act may serve the process. The
30 motion and the order of appointment must contain the number
31 of the certificate issued to the private detective agency by
32 the Department of Professional Regulation under the Private
33 Detective, Private Alarm, Private Security, and Locksmith Act
34 of 2004 1993.

1 (b) Summons may be served upon the defendants wherever
2 they may be found in the State, by any person authorized to
3 serve process. An officer may serve summons in his or her
4 official capacity outside his or her county, but fees for
5 mileage outside the county of the officer cannot be taxed as
6 costs. The person serving the process in a foreign county may
7 make return by mail.

8 (c) If any sheriff, coroner, or other person to whom any
9 process is delivered, neglects or refuses to make return of
10 the same, the plaintiff may petition the court to enter a
11 rule requiring the sheriff, coroner, or other person, to make
12 return of the process on a day to be fixed by the court, or
13 to show cause on that day why that person should not be
14 attached for contempt of the court. The plaintiff shall then
15 cause a written notice of the rule to be served on the
16 sheriff, coroner, or other person. If good and sufficient
17 cause be not shown to excuse the officer or other person, the
18 court shall adjudge him or her guilty of a contempt, and
19 shall impose punishment as in other cases of contempt.

20 (d) If process is served by a sheriff or coroner, the
21 court may tax the fee of the sheriff or coroner as costs in
22 the proceeding. If process is served by a private person or
23 entity, the court may establish a fee therefor and tax such
24 fee as costs in the proceedings.

25 (e) In addition to the powers stated in Section 8.1a of
26 the Housing Authorities Act, in counties with a population of
27 3,000,000 or more inhabitants, members of a housing authority
28 police force may serve process for forcible entry and
29 detainer actions commenced by that housing authority and may
30 execute orders of possession for that housing authority.

31 (f) In counties with a population of 3,000,000 or more,
32 process may be served, with special appointment by the court,
33 by a private process server or a law enforcement agency other
34 than the county sheriff in proceedings instituted under the

1 Forcible Entry and Detainer Article of this Code as a result
2 of a lessor or lessor's assignee declaring a lease void
3 pursuant to Section 11 of the Controlled Substance and
4 Cannabis Nuisance Act.

5 (Source: P.A. 90-557, eff. 6-1-98; 91-95, eff. 7-9-99.)

6 ARTICLE 99. EFFECTIVE DATE.

7 Section 99-5. Effective date. This Act takes effect upon
8 becoming law.