

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10 Private Security, and Locksmith Act of 1993 repealed by this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 disseminated by
19 printed or electronic means or media, 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 or an armed proprietary
3 security force registered under this Act who carries a weapon
4 while engaged in the performance of official duties within
5 the course and scope of his or her employment during the
6 hours and times the employee is scheduled to work or is
7 commuting between his or her home or place of employment,
8 provided that commuting is accomplished within one hour from
9 departure from home or place of employment.

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

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

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

27 "Corporation" means an artificial person or legal entity
28 created by or under the authority of the laws of a state,
29 including without limitation a corporation, limited liability
30 company, or any other legal entity.

31 "Department" means the Department of Professional
32 Regulation.

33 "Director" means the Director of Professional Regulation.

34 "Employee" means a person who works for a person or

1 agency that has the right to control the details of the work
2 performed and is not dependent upon whether or not federal or
3 state payroll taxes are withheld.

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

8 "Firearm authorization card" means a card issued by the
9 Department that authorizes the holder to carry a weapon
10 during the performance of his or her duties as specified in
11 this Act.

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

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

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

26 "Locksmith licensee-in-charge" means a person who has
27 been designated by agency to be the licensee-in-charge of an
28 agency, who is a full-time management employee or owner who
29 assumes sole responsibility for maintaining all records
30 required by this Act, and who assumes sole responsibility for
31 assuring the licensed agency's compliance with its
32 responsibilities as stated in this Act. The Department shall
33 adopt rules mandating licensee-in-charge participation in
34 agency affairs.

1 "Peace officer" or "police officer" means a person who,
2 by virtue of office or public employment, is vested by law
3 with a duty to maintain public order or to make arrests for
4 offenses, whether that duty extends to all offenses or is
5 limited to specific offenses. Officers, agents, or employees
6 of the federal government commissioned by federal statute to
7 make arrests for violations of federal laws are considered
8 peace officers.

9 "Permanent employee registration card" means a card
10 issued by the Department to an individual who has applied to
11 the Department and meets the requirements for employment by a
12 licensed agency under this Act.

13 "Person" means a natural person.

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

29 "Private alarm contractor agency" means a person,
30 corporation, or other entity that engages in the private
31 alarm contracting business and employs, in addition to the
32 private alarm contractor-in-charge, at least one other person
33 in conducting such business.

34 "Private alarm contractor licensee-in-charge" means a

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

9 "Private detective" means any person who by any means,
10 including but not limited to manual or electronic methods,
11 engages in the business of, accepts employment to furnish, or
12 agrees to make or makes investigations for a fee or other
13 consideration to obtain information 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,
4 corporation, or other legal entity that engages in the
5 private detective business and employs, in addition to the
6 licensee-in-charge, one or more persons in conducting such
7 business.

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

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

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

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

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

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

1 documents, or papers.

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

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

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

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

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

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

1 ARTICLE 10. GENERAL LICENSING PROVISIONS.

2 Section 10-5. Requirement of license.

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

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

23 (c) No agency shall operate a branch office without
 24 first applying for and receiving a branch office license for
 25 each location.

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

28 (1) A person, firm, or corporation engaging in fire
 29 protection engineering, including the design, testing,
 30 and inspection of fire protection systems.

31 (2) The practice of professional engineering as
 32 defined in the Professional Engineering Practice Act of

1 1989.

2 (3) The practice of structural engineering as
3 defined in the Structural Engineering Practice Act of
4 1989.

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

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

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

12 (7) A person engaged exclusively and employed by a
13 person, firm, association, or corporation in the business
14 of transporting persons or property in interstate
15 commerce and making an investigation related to the
16 business of that employer.

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

18 (a) Each license application shall be on forms provided
19 by the Department.

20 (b) Application for a license by endorsement shall be
21 made in accordance with the provisions of Section 10-40.

22 (c) Every application for an original, renewal, or
23 restored license shall include the applicant's Social
24 Security number.

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

26 (a) The Department shall, upon the applicant's
27 satisfactory completion of the requirements set forth in this
28 Act and upon receipt of the fee, issue the license indicating
29 the name and business location of the licensee and the date
30 of expiration.

31 (b) An applicant may, upon satisfactory completion of
32 the requirements set forth in this Act and upon receipt of

1 fees related to the application and testing for licensure,
2 elect to defer the issuance of the applicant's initial
3 license for a period not longer than 6 years. An applicant
4 who fails to request issuance of his or her initial license
5 or agency license and to remit the fees required for that
6 license within 6 years shall be required to resubmit an
7 application together with all required fees.

8 (c) The expiration date, renewal period, and conditions
9 for renewal and restoration of each license, permanent
10 employee registration card, and firearm authorization card
11 shall be set by rule. The holder may renew the license,
12 permanent employee registration card, or firearm
13 authorization card during the 30 days preceding its
14 expiration by paying the required fee and by meeting
15 conditions that the Department may specify. Any license
16 holder who notifies the Department on forms prescribed by the
17 Department may place his or her license on inactive status
18 for a period of not longer than 6 years and shall, subject to
19 the rules of the Department, be excused from payment of
20 renewal fees until the license holder notifies the
21 Department, in writing, of an intention to resume active
22 status. Practice while on inactive status constitutes
23 unlicensed practice. A non-renewed license that has lapsed
24 for less than 6 years may be restored upon payment of the
25 restoration fee and all lapsed renewal fees. A license that
26 has lapsed for more than 6 years may be restored by paying
27 the required restoration fee and all lapsed renewal fees and
28 by providing evidence of competence to resume practice
29 satisfactory to the Department and the Board, which may
30 include passing a written examination. All restoration fees
31 and lapsed renewal fees shall be waived for an applicant
32 whose license lapsed while on active duty in the armed forces
33 of the United States if application for restoration is made
34 within 12 months after discharge from the service.

1 (d) Any permanent employee registration card expired for
2 less than one year may be restored upon payment of lapsed
3 renewal fees. Any permanent employee registration card
4 expired for one year or more may be restored by making
5 application to the Department and filing proof acceptable to
6 the Department of the licensee's fitness to have the
7 permanent employee registration card restored, including
8 verification of fingerprint processing through the Department
9 of State Police and Federal Bureau of Investigation and
10 paying the restoration fee.

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

13 (1) Upon termination of employment by the agency,
14 to fail to return upon demand or within 72 hours of
15 termination of employment any firearm issued by the
16 employer together with the employee's firearm
17 authorization card.

18 (2) Upon termination of employment by the agency,
19 to fail to return within 72 hours of termination of
20 employment any uniform, badge, identification card, or
21 equipment issued, but not sold, to the employee by the
22 agency.

23 (3) To falsify the employee's statement required by
24 this Act.

25 (4) To have a badge, shoulder patch, or any other
26 identification that contains the words "law enforcement".
27 In addition, no license holder or employee of a licensed
28 agency shall in any manner imply that the person is an
29 employee or agent of a governmental agency or display a
30 badge or identification card, emblem, or uniform citing
31 the words "police", "sheriff", "highway patrol trooper",
32 or "law enforcement".

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

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

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

11 (c) Examinations shall test the amount of knowledge and
12 skill needed to perform the duties set forth in this Act and
13 be in the interest of the protection of the public. The
14 Department may contract with a testing service for the
15 preparation and conduct of the examination.

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

24 Section 10-40. Licensure by endorsement. The Department
25 shall promulgate rules for licensure by endorsement without
26 examination and may license under this Act upon payment of
27 the fee an applicant who is registered or licensed under the
28 laws of another state, territory, or country if the
29 requirements for registration or licensure in the
30 jurisdiction in which the applicant was licensed or
31 registered were, at the date of his or her registration or
32 licensure, substantially equal to the requirements then in
33 force in Illinois and that state or country has similar

1 requirements for licensure or registration by endorsement.
2 Applicants have 3 years from the date of application to
3 complete the application process. If the process has not been
4 completed in 3 years, the application shall be denied, the
5 fee forfeited, and the applicant must re-apply and meet the
6 requirements in effect at the time of reapplication.

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

19 ARTICLE 15. PRIVATE DETECTIVES.

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

23 (1) An employee of the United States, Illinois, or
24 a political subdivision of either while the employee is
25 engaged in the performance of his or her official duties
26 within the scope of his or her employment. However, any
27 such person who offers his or her services as a private
28 detective or uses a similar title when these services are
29 performed for compensation or other consideration,
30 whether received directly or indirectly, is subject to
31 this Act.

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

5 (3) A person engaged exclusively in obtaining and
6 furnishing information as to the financial rating or
7 creditworthiness of persons or a person who provides
8 reports in connection with (i) consumer credit
9 transactions, (ii) information for employment purposes,
10 or (iii) information for the underwriting of consumer
11 insurance.

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

20 Section 15-10. Qualifications for licensure as a private
21 detective.

22 (a) A person is qualified for licensure as a private
23 detective if he or she meets all of the following
24 requirements:

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

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

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

1 licensure.

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

6 (5) Is not suffering from dependence on alcohol or
7 from narcotic addiction or dependence.

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

27 (7) Has not been dishonorably discharged from the
28 armed forces of the United States or has not been
29 discharged from a law enforcement agency of the United
30 States or of any state or of any political subdivision
31 thereof, which shall include a state's attorney's office,
32 for reasons relating to his or her conduct as an employee
33 of that law enforcement agency.

34 (8) Has passed an examination authorized by the

1 Department.

2 (9) Submits his or her fingerprints, proof of
3 having general liability insurance required under
4 subsection (b), and the required license fee.

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

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

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

16 (a) Upon receipt of the required fee and proof that the
17 applicant has a full-time Illinois licensed private
18 detective-in-charge, which is a continuing requirement for
19 agency licensure, the Department shall issue a license as a
20 private detective agency to any of the following:

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

23 (2) A firm that submits an application and all of
24 the members of the firm are licensed private detectives
25 under this Act.

26 (3) A corporation or limited liability company
27 doing business in Illinois that is authorized by its
28 articles of incorporation or organization to engage in
29 the business of conducting a private detective agency,
30 provided at least one full-time executive employee is
31 licensed as a private detective under this Act and all
32 unlicensed officers and directors of the corporation or
33 limited liability company are determined by the

1 Department to be persons of good moral character.

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

18 Section 15-25. Training; private detective and
19 employees.

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

25 (b) It is the responsibility of the employer to certify,
26 on a form provided by the Department, that the employee has
27 successfully completed the training. The form shall be a
28 permanent record of training completed by the employee and
29 shall be placed in the employee's file with the employer for
30 the period the employee remains with the employer. An agency
31 may place a notarized copy of the Department form in lieu of
32 the original into the permanent employee registration card
33 file. The original form shall be given to the employee when

1 his or her employment is terminated. Failure to return the
2 original form to the employee is grounds for disciplinary
3 action. The employee shall not be required to repeat the
4 required training once the employee has been issued the form.
5 An employer may provide or require additional training.

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

10 ARTICLE 20. PRIVATE ALARM CONTRACTORS.

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

12 (a) The provisions of this Act related to the licensure
13 of private alarm contractors do not apply to any of the
14 following:

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

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

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

29 (C) The owner of the trademark maintains and
30 provides, upon the Department's request, proof of
31 liability insurance for bodily injury or property
32 damage from defective products of not less than

1 \$1,000,000 combined single limit. The insurance
2 policy need not apply exclusively to alarm systems.

3 (2) A person who sells, installs, maintains, or
4 repairs automobile alarm systems.

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

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

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

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

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

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

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

1 absolute bar to licensure.

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

6 (5) Is not suffering from dependence on alcohol or
7 from narcotic addiction or dependence.

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

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

23 (8) Has passed an examination authorized by the
24 Department.

25 (9) Submits his or her fingerprints, proof of
26 having general liability insurance required under
27 subsection (c), and the required license fee.

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

29 (b) A person is qualified to receive a license as a
30 private alarm contractor without meeting the requirement of
31 item (8) of subsection (a) if he or she:

32 (1) applies for a license between September 2, 2003
33 and September 5, 2003 in writing on forms supplied by the
34 Department;

1 (2) provides proof of ownership of a licensed alarm
2 contractor agency; and

3 (3) provides proof of at least 7 years of
4 experience in the installation, design, sales, repair,
5 maintenance, alteration, or service of alarm systems or
6 any other low voltage electronic systems.

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

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

17 (a) Upon receipt of the required fee and proof that the
18 applicant has a full-time Illinois licensed private alarm
19 contractor-in-charge, which is a continuing requirement for
20 agency licensure, the Department shall issue a license as a
21 private alarm contractor agency to any of the following:

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

24 (2) A firm that submits an application and all of
25 the members of the firm are licensed private alarm
26 contractors under this Act.

27 (3) A corporation or limited liability company
28 doing business in Illinois that is authorized by its
29 articles of incorporation or organization to engage in
30 the business of conducting a private alarm contractor
31 agency if at least one executive employee is licensed as
32 a private alarm contractor under this Act and all
33 unlicensed officers and directors of the corporation or

1 limited liability company are determined by the
2 Department to be persons of good moral character.

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

19 (c) No private alarm contractor, private alarm
20 contractor agency, or person may install or connect an alarm
21 system or fire alarm system that connects automatically and
22 directly to a governmentally operated police or fire dispatch
23 system in a manner that violates subsection (a) of Section
24 15.2 of the Emergency Telephone System Act. In addition to
25 the penalties provided by the Emergency Telephone System Act,
26 a private alarm contractor agency that violates this Section
27 shall pay the Department an additional penalty of \$250 per
28 occurrence.

29 Section 20-20. Training; private alarm contractor and
30 employees.

31 (a) Registered employees of the private alarm contractor
32 agency who carry a firearm and respond to alarm systems shall
33 complete, within 30 days of their employment, a minimum of 20

1 hours of classroom training provided by a qualified
2 instructor and shall include all of the following subjects:

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

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

7 (3) The use of force, including but not limited to
8 the use of nonlethal force (i.e., disabling spray, baton,
9 stungun, or similar weapon).

10 (4) Arrest and control techniques.

11 (5) The offenses under the Criminal Code of 1961
12 that are directly related to the protection of persons
13 and property.

14 (6) The law on private alarm forces and on
15 reporting to law enforcement agencies.

16 (7) Fire prevention, fire equipment, and fire
17 safety.

18 (8) Civil rights and public relations.

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

24 (c) It is the responsibility of the employer to certify,
25 on forms provided by the Department, that the employee has
26 successfully completed the training. The form shall be a
27 permanent record of training completed by the employee and
28 shall be placed in the employee's file with the employer for
29 the term the employee is retained by the employer. A private
30 alarm contractor agency may place a notarized copy of the
31 Department form in lieu of the original into the permanent
32 employee registration card file. The form shall be returned
33 to the employee when his or her employment is terminated.
34 Failure to return the form to the employee is grounds for

1 discipline. The employee shall not be required to complete
2 the training required under this Act once the employee has
3 been issued a form.

4 (d) Nothing in this Act prevents any employer from
5 providing or requiring additional training beyond the
6 required 20 hours that the employer feels is necessary and
7 appropriate for competent job performance.

8 (e) Any certification of completion of the 20-hour basic
9 training issued under the Private Detective, Private Alarm,
10 Private Security, and Locksmith Act of 1993 or any prior Act
11 shall be accepted as proof of training under this Act.

12 ARTICLE 25. PRIVATE SECURITY CONTRACTORS.

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

16 (1) An employee of the United States, Illinois, or
17 a political subdivision of either while the employee is
18 engaged in the performance of his or her official duties
19 within the scope of his or her employment. However, any
20 such person who offers his or her services as a private
21 security contractor or uses a similar title when these
22 services are performed for compensation or other
23 consideration, whether received directly or indirectly,
24 is subject to this Act.

25 (2) A person employed as either an armed or unarmed
26 security officer at a nuclear energy, storage, weapons,
27 or development site or facility regulated by the United
28 States Nuclear Regulatory Commission who has completed
29 the background screening and training mandated by the
30 regulations of the United States Nuclear Regulatory
31 Commission.

32 (3) A person, watchman, or proprietary security

1 officer employed exclusively by only one employer in
2 connection with the exclusive activities of that
3 employer.

4 Section 25-10. Qualifications for licensure as a private
5 security contractor.

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

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

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

14 (3) Is of good moral character. Good character is a
15 continuing requirement of licensure. Conviction of crimes
16 other than felonies may be used in determining moral
17 character, but shall not constitute an absolute bar to
18 licensure.

19 (4) Has not been declared by any court of competent
20 jurisdiction to be incompetent by reason of mental or
21 physical defect or disease, unless a court has
22 subsequently declared him or her to be competent.

23 (5) Is not suffering from dependence on alcohol or
24 from narcotic addiction or dependence.

25 (6) Has a minimum of 3 years experience of the 5
26 years immediately preceding application working as a
27 full-time manager for a licensed private security
28 contractor agency or a manager of a proprietary security
29 force of 30 or more persons registered with the
30 Department or with 3 years experience of the 5 years
31 immediately preceding his or her application employed as
32 a full-time supervisor in a law enforcement agency of a
33 federal or state political subdivision, which shall

1 include a state's attorney's office or public defender's
2 office. The Board and the Department shall approve such
3 full-time supervisory experience. An applicant who has a
4 baccalaureate degree or higher in police science or a
5 related field or a business degree from an accredited
6 college or university shall be given credit for 2 of the
7 3 years of the required experience. An applicant who has
8 an associate degree in police science or in a related
9 field or in business from an accredited college or
10 university shall be given credit for one of the 3 years
11 of the required experience.

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

14 (8) Has passed an examination authorized by the
15 Department.

16 (9) Submits his or her fingerprints, proof of
17 having general liability insurance required under
18 subsection (b), and the required license fee.

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

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

28 Section 25-15. Qualifications for licensure as a private
29 security contractor agency.

30 (a) Upon receipt of the required fee and proof that the
31 applicant has a full-time Illinois licensed private security
32 contractor-in-charge, which is a continuing requirement for
33 agency licensure, the Department shall issue a license as a

1 private security contractor agency to any of the following:

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

4 (2) A firm that submits an application and all of
5 the members of the firm are licensed private security
6 contractors under this Act.

7 (3) A corporation or limited liability company
8 doing business in Illinois that is authorized by its
9 articles of incorporation or organization to engage in
10 the business of conducting a private security contractor
11 agency if at least one officer or executive employee is
12 licensed as a private security contractor under this Act
13 and all unlicensed officers and directors of the
14 corporation or limited liability company are determined
15 by the Department to be persons of good moral character.

16 (b) No private security contractor may be the private
17 security contractor licensee-in-charge for more than one
18 private security contractor agency. Upon written request by a
19 representative of the agency, within 10 days after the loss
20 of a private security contractor licensee-in-charge of an
21 agency because of the death of that individual or because of
22 the termination of the employment of that individual, the
23 Department shall issue a temporary certificate of authority
24 allowing the continuing operation of the licensed agency. No
25 temporary certificate of authority shall be valid for more
26 than 90 days. An extension of an additional 90 days may be
27 granted upon written request by the representative of the
28 agency. Not more than 2 extensions may be granted to any
29 agency. No temporary permit shall be issued for loss of the
30 licensee-in-charge because of disciplinary action by the
31 Department related to his or her conduct on behalf of the
32 agency.

33 Section 25-20. Training; private security contractor and

1 employees.

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

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

11 (2) Civil and criminal liability for acts related
12 to private security.

13 (3) The use of force, including but not limited to
14 the use of nonlethal force (i.e., disabling spray, baton,
15 stungun or similar weapon).

16 (4) Arrest and control techniques.

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

20 (6) The law on private security forces and on
21 reporting to law enforcement agencies.

22 (7) Fire prevention, fire equipment, and fire
23 safety.

24 (8) The procedures for service of process and for
25 report writing.

26 (9) Civil rights and public relations.

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

32 (c) Registered employees of the private security
33 contractor agency who provide guarding or other private
34 security related functions, in addition to the classroom

1 training required under subsection (a), within 6 months of
2 their employment, shall complete an additional 8 hours of
3 training on subjects to be determined by the employer, which
4 training may be site-specific and may be conducted on the
5 job.

6 (d) In addition to the basic training provided for in
7 subsections (a) and (c), registered employees of the private
8 security contractor agency who provide guarding or other
9 private security related functions shall complete an
10 additional 8 hours of refresher training on subjects to be
11 determined by the employer each calendar year commencing with
12 the calendar year following the employee's first employment
13 anniversary date, which refresher training may be
14 site-specific and may be conducted on the job.

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

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

1 Section 25-30. Uniforms.

2 (a) No licensee under this Act or any employee of a
3 licensed agency shall wear or display a badge, shoulder patch
4 or other identification that contains the words "law
5 enforcement". No license holder or employee of a licensed
6 agency shall imply in any manner that the person is an
7 employee or agent of a governmental entity, display a badge
8 or identification card, emblem, or uniform using the words
9 "police", "sheriff", "highway patrol", "trooper", "law
10 enforcement" or any similar term.

11 (b) All military-style uniforms, if worn, by employees
12 of a licensed private security contractor agency, must bear
13 the name of the private security contractor agency, which
14 shall be plainly visible on a patch, badge, or other
15 insignia.

16 ARTICLE 30. LOCKSMITHS.

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

21 (1) Automobile service dealers who service,
22 install, repair, or rebuild automobile locks.

23 (2) Police officers, firefighters, or municipal
24 employees who open a lock in an emergency situation.

25 (3) A retail merchant selling locks or similar
26 security accessories, duplicating keys, or installing,
27 programming, repairing, maintaining, reprogramming,
28 rebuilding, or servicing electronic garage door devices.

29 (4) A member of the building trades who installs or
30 removes complete locks or locking devices in the course
31 of residential or commercial new construction or
32 remodeling.

1 (5) An employee of a towing service, reposessor,
2 or automobile club opening automotive locks in the normal
3 course of his or her duties. Additionally, this Act shall
4 not prohibit an employee of a towing service from opening
5 motor vehicles to enable a vehicle to be moved without
6 towing, provided the towing service does not hold itself
7 out to the public, by directory advertisement, through a
8 sign at the facilities of the towing service, or by any
9 other form of advertisement, as a locksmith.

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

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

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

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

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

31 Section 30-10. Qualifications for licensure as a
32 locksmith.

33 (a) A person is qualified for licensure as a locksmith

1 if he or she meets all of the following requirements:

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

3 (2) Has not been convicted of any felony in any
4 jurisdiction or at least 10 years have elapsed since the
5 time of full discharge from a sentence imposed for a
6 felony conviction.

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

12 (4) Has not been declared by any court of competent
13 jurisdiction to be incompetent by reason of mental or
14 physical defect or disease, unless a court has
15 subsequently declared him or her to be competent.

16 (5) Is not suffering from dependence on alcohol or
17 from narcotic addiction or dependence.

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

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

22 (8) Submits his or her fingerprints, proof of
23 having general liability insurance required under
24 subsection (b), and the required license fee.

25 (9) Has not violated Section 10-5 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. A locksmith employed by a
34 licensed locksmith agency or employed by a private concern

1 may provide proof that his or her actions as a locksmith are
2 covered by the liability insurance of his or her employer.

3 Section 30-15. Qualifications for licensure as a
4 locksmith agency.

5 (a) Upon receipt of the required fee and proof that the
6 applicant is an Illinois licensed locksmith who shall assume
7 responsibility for the operation of the agency and the
8 directed actions of the agency's employees, which is a
9 continuing requirement for agency licensure, the Department
10 shall issue a license as a locksmith agency to any of the
11 following:

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

14 (2) A firm that submits an application and all of
15 the members of the firm are licensed locksmiths under
16 this Act.

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

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

31 (c) No locksmith may be the locksmith licensee in-charge
32 for more than one locksmith agency. Upon written request by a
33 representative of the agency, within 10 days after the loss

1 of a locksmith-in-charge of an agency because of the death of
2 that individual or because of the termination of the
3 employment of that individual, the Department shall issue a
4 temporary certificate of authority allowing the continuing
5 operation of the licensed agency. No temporary certificate of
6 authority shall be valid for more than 90 days. An extension
7 of an additional 90 days may be granted upon written request
8 by the representative of the agency. Not more than 2
9 extensions may be granted to any agency. No temporary permit
10 shall be issued for loss of the licensee-in-charge because of
11 disciplinary action by the Department related to his or her
12 conduct on behalf of the agency.

13 Section 30-20. Training; locksmith and employees.

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 permanent employee registration card
26 file. The original form shall be given to the employee when
27 his or her employment is terminated. Failure to return the
28 original form to the employee is grounds for disciplinary
29 action. The employee shall not be required to repeat the
30 required training once the employee has been issued the form.
31 An employer may 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. A copy of the work order form shall
12 be kept by the licensed locksmith for a period of 2 years and
13 shall include the name and license number of the locksmith or
14 the name and identification number of the registered employee
15 who performed the services. Work order forms required to be
16 kept under this Section shall be available for inspection
17 upon written request made 3 days in advance by a law
18 enforcement agency.

19 (b) A locksmith who bypasses, manipulates, or originates
20 a first key for a motor vehicle, whether or not for
21 compensation, shall document the name, address, date of
22 birth, telephone number, vehicle identification number, and
23 driver's license number or other identification number of the
24 person requesting entry and obtain the signature of that
25 person. A copy of the work order form shall be kept by the
26 licensed locksmith for a period of 2 years and shall include
27 the name and license number of the locksmith or the name and
28 identification number of the registered employee who
29 performed the services. Work order forms required to be kept
30 under this Section shall be available for inspection upon
31 written request made 3 days in advance by a law enforcement
32 agency.

1 ARTICLE 35. BUSINESS PRACTICE PROVISIONS.

2 Section 35-5. Display of license. Each licensee shall
3 prominently display his or her individual, agency, or branch
4 office license at each place where business is being
5 conducted, as required under this Act. A licensee-in-charge
6 is required to post his or her license only at the agency
7 office.

8 Section 35-10. Inspection of facilities. Each licensee
9 shall permit his or her office facilities and registered
10 employee files to be audited or inspected at reasonable times
11 and in a reasonable manner upon 24 hours notice by the
12 Department.

13 Section 35-15. Advertisements; penalties.

14 (a) No licensee providing services regulated by this Act
15 may knowingly advertise those services without including his
16 or her license number in the advertisement. The publisher of
17 the advertising, however, is not required to verify the
18 accuracy of the advertisement or the license number.

19 (b) A licensee who advertises services regulated by this
20 Act who knowingly (i) fails to display his or her license at
21 his or her place of business, (ii) fails to provide the
22 publisher with the current license number, or (iii) provides
23 the publisher with a false license number or a license number
24 other than that of the person or agency doing the advertising
25 or a licensee who knowingly allows his or her license number
26 to be displayed or used by another person or agency to
27 circumvent any provision of this subsection, is guilty of a
28 Class A misdemeanor. Each day an advertisement is published
29 or a licensee allows his or her license to be used in
30 violation of this Section constitutes a separate offense. In
31 addition to the penalties and remedies provided in this

1 Section, a licensee who violates any provision of this
2 Section shall be subject to the disciplinary action, fines,
3 and civil penalty provisions of this Act.

4 Section 35-20. Renewal provisions.

5 (a) As a condition of renewal of a license, each
6 licensee shall report to the Department information
7 pertaining to the licensee's business location, status as
8 active or inactive, proof of continued general liability
9 insurance coverage, and any other data as determined by rule
10 to be reasonably related to the administration of this Act.
11 Licensees shall report this information as a condition of
12 renewal, except that a change in home or office address or a
13 change of the licensee-in-charge shall be reported within 10
14 days of when it occurs.

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

20 Section 35-25. Duplicate licenses. If a license,
21 permanent employee registration card, or firearm
22 authorization card is lost, a duplicate shall be issued upon
23 proof of such loss together with the payment of the required
24 fee. If a licensee decides to change his or her name, the
25 Department shall issue a license in the new name upon proof
26 that the change was done pursuant to law and payment of the
27 required fee. Notification of a name change shall be made to
28 the Department within 30 days after the change.

29 Section 35-30. Employee requirements. All employees of a
30 licensed agency, other than those exempted, shall apply for a
31 permanent employee registration card. The holder of an agency

1 license issued under this Act, known in this Section as
2 "employer", may employ in the conduct of his or her business
3 employees under the following provisions:

4 (1) No person shall be issued a permanent employee
5 registration card who:

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

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

9 (C) Has been determined by the Department to
10 be unfit by reason of conviction of an offense in
11 this or another state, other than a traffic offense.
12 The Department shall adopt rules for making those
13 determinations that shall afford the applicant due
14 process of law.

15 (D) Has had a license or permanent employee
16 registration card denied, suspended, or revoked
17 under this Act (i) within one year before the date
18 the person's application for permanent employee
19 registration card is received by the Department; and
20 (ii) that refusal, denial, suspension, or revocation
21 was based on any provision of this Act other than
22 Section 40-50, item (6) or (8) of subsection (a) of
23 Section 15-10, subsection (b) of Section 15-10, item
24 (6) or (8) of subsection (a) of Section 20-10,
25 subsection (b) of Section 20-10, item (6) or (8) of
26 subsection (a) of Section 25-10, subsection (b) of
27 Section 25-10, item (7) of subsection (a) of Section
28 30-10, subsection (b) of Section 30-10, or Section
29 10-40.

30 (E) Has been declared incompetent by any court
31 of competent jurisdiction by reason of mental
32 disease or defect and has not been restored.

33 (F) Has been dishonorably discharged from the
34 armed services of the United States.

1 (2) No person may be employed by a private
2 detective agency, private security contractor agency,
3 private alarm contractor agency, or locksmith agency
4 under this Section until he or she has executed and
5 furnished to the employer, on forms furnished by the
6 Department, a verified statement to be known as
7 "Employee's Statement" setting forth:

8 (A) The person's full name, age, and residence
9 address.

10 (B) The business or occupation engaged in for
11 the 5 years immediately before the date of the
12 execution of the statement, the place where the
13 business or occupation was engaged in, and the names
14 of employers, if any.

15 (C) That the person has not had a license or
16 employee registration denied, revoked, or suspended
17 under this Act (i) within one year before the date
18 the person's application for permanent employee
19 registration card is received by the Department; and
20 (ii) that refusal, denial, suspension, or revocation
21 was based on any provision of this Act other than
22 Section 40-50, item (6) or (8) of subsection (a) of
23 Section 15-10, subsection (b) of Section 15-10, item
24 (6) or (8) of subsection (a) of Section 20-10,
25 subsection (b) of Section 20-10, item (6) or (8) of
26 subsection (a) of Section 25-10, subsection (b) of
27 Section 25-10, item (7) of subsection (a) of Section
28 30-10, subsection (b) of Section 30-10, or Section
29 10-40.

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

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

34 (F) Any dishonorable discharge from the armed

1 services of the United States.

2 (G) Any other information as may be required
3 by any rule of the Department to show the good
4 character, competency, and integrity of the person
5 executing the statement.

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

1 officer.

2 (d) The Department shall issue a permanent employee
3 registration card, in a form the Department prescribes, to
4 all qualified applicants. The holder of a permanent employee
5 registration card shall carry the card at all times while
6 actually engaged in the performance of the duties of his or
7 her employment. Expiration and requirements for renewal of
8 permanent employee registration cards shall be established by
9 rule of the Department. Possession of a permanent employee
10 registration card does not in any way imply that the holder
11 of the card is employed by an agency unless the permanent
12 employee registration card is accompanied by the employee
13 identification card required by subsection (f) of this
14 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. The Department may adopt rules to
34 implement this subsection (k).

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

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

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

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

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

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

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

31 (a) No person shall perform duties that include the use,
32 carrying, or possession of a firearm in the performance of
33 those duties without complying with the provisions of this

1 Section and having been issued a valid firearm authorization
2 card by the Department.

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

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

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

1 instruction and shall specify the type of weapon or weapons
2 the person is authorized by the Department to carry and for
3 which the person has been trained.

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

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

21 (g) Notwithstanding any other provision of this Act to
22 the contrary, all requirements relating to firearms
23 authorization cards do not apply to a peace officer.

24 Section 35-40. Firearm authorization; training
25 requirements.

26 (a) The Department shall, pursuant to rule, approve or
27 disapprove training programs for the firearm training course,
28 which shall be taught by a qualified instructor.
29 Qualifications for instructors shall be set by rule. The
30 firearm training course shall be conducted by entities, by a
31 licensee, or by an agency licensed by this Act, provided the
32 course is approved by the Department. The firearm course
33 shall consist of the following minimum requirements:

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

5 (A) Instruction in the dangers of and misuse
6 of firearms, their storage, safety rules, and care
7 and cleaning of firearms.

8 (B) Practice firing on a range with live
9 ammunition.

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

11 (D) A presentation of the ethical and moral
12 considerations necessary for any person who
13 possesses a firearm.

14 (E) A review of the laws regarding arrest,
15 search, and seizure.

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

18 (2) An examination shall be given at the completion
19 of the course. The examination shall consist of a
20 firearms qualification course and a written examination.
21 Successful completion shall be determined by the
22 Department.

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

29 Section 35-45. Armed proprietary security force.

30 (a) All financial institutions that employ one or more
31 armed employees and all commercial or industrial operations
32 that employ 5 or more persons as armed employees shall
33 register their security forces with the Department on forms

1 provided by the Department.

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

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

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

10 ARTICLE 40. DISCIPLINARY PROVISIONS.

11 Section 40-5. Injunctive relief. The practice of a
12 private detective, private security contractor, private alarm
13 contractor, locksmith, private detective agency, private
14 security contractor agency, private alarm contractor agency,
15 or locksmith agency by any person, firm, corporation, or
16 other legal entity that has not been issued a license by the
17 Department or whose license has been suspended, revoked, or
18 not renewed is hereby declared to be inimical to the public
19 safety and welfare and to constitute a public nuisance. The
20 Director, through the Attorney General, the State's Attorney
21 of any county, any resident of the State, or any legal entity
22 within the State may apply for injunctive relief in any court
23 to enjoin any person, firm, or other entity that has not been
24 issued a license or whose license has been suspended,
25 revoked, or not renewed from conducting a licensed activity.
26 Upon the filing of a verified petition in court, if satisfied
27 by affidavit or otherwise that the person, firm, corporation,
28 or other legal entity is or has been conducting activities in
29 violation of this Act, the court may enter a temporary
30 restraining order or preliminary injunction, without bond,
31 enjoining the defendant from further activity. A copy of the
32 verified complaint shall be served upon the defendant and the

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

9 Section 40-10. Disciplinary sanctions.

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

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

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

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

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

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

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

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

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

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

19 (7) Receiving, directly or indirectly, compensation
20 for any services not rendered.

21 (8) Willfully deceiving or defrauding the public on
22 a material matter.

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

26 (10) Discipline by another United States
27 jurisdiction or foreign nation, if at least one of the
28 grounds for the discipline is the same or substantially
29 equivalent to those set forth in this Act.

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

33 (12) Engaging in false or misleading advertising.

34 (13) Aiding, assisting, or willingly permitting

1 another person to violate this Act or rules promulgated
2 under it.

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

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

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

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

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

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

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

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

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

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

32 (24) Purporting to be a licensee-in-charge of an
33 agency without active participation in the agency.

34 (b) The Department shall seek to be consistent in the

1 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 may be disciplined under Section 40-10 of this Act.

23 Section 40-25. 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 40-30. 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 first class
7 mail that his or her check or payment was returned and that
8 the person shall pay to the Department by certified check or
9 money order the amount of the returned check plus a \$50
10 penalty within 30 calendar days after the date of the
11 notification. If, after the expiration of 30 calendar days of
12 the notification, the person has failed to remit the
13 necessary funds and penalty, the Department shall
14 automatically terminate the license or deny the application
15 without a hearing. If the returned check or other payment was
16 for issuance of a license under this Act and that person
17 practices as a licensee, that person may be subject to
18 discipline for unlicensed practice as provided in this Act.
19 If, after termination or denial, the person seeks a license,
20 he or she shall petition the Department for restoration and
21 he or she may be subject to additional discipline or fines.
22 The Director may waive the penalties or fines due under this
23 Section in individual cases where the Director finds that the
24 penalties or fines would be unreasonable or unnecessarily
25 burdensome.

26 Section 40-35. 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 40-40. 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 40-45. 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 Section 40-50. Statute of limitations. No action may be
6 taken under this Act against a person or entity licensed
7 under this Act unless the action is commenced within 5 years
8 after the occurrence of the alleged violations. A continuing
9 violation shall be deemed to have occurred on the date when
10 the circumstances last existed that give rise to the alleged
11 violation.

12 ARTICLE 45. INVESTIGATION AND HEARING PROVISIONS

13 Section 45-10. Complaints investigated by the
14 Department.

15 (a) The Department shall investigate all complaints
16 concerning violations regarding licensees or unlicensed
17 activity.

18 (b) Following an investigation, the Department may file
19 formal charges against the licensee. The formal charges shall
20 inform the licensee of the facts that are the basis of the
21 charges with enough specificity to enable the licensee to
22 prepare an intelligent defense.

23 (c) Each licensee whose conduct is the subject of a
24 formal charge that seeks to impose disciplinary action
25 against the licensee shall be served notice of that charge at
26 least 30 days before the date of the hearing. The hearing
27 shall be presided over by a Board member or by a hearing
28 officer authorized by the Department. Service shall be
29 considered to have been given if the notice was personally
30 received by the licensee or if the notice was mailed by
31 certified mail, return receipt requested, to the licensee at

1 the licensee's address on file with the Department.

2 (d) The notice of formal charges shall consist of the
3 following information:

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

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

7 (3) That the licensee may produce witnesses and
8 evidence on his or her behalf and has the right to cross-
9 examine witnesses and evidence produced against him or
10 her.

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

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

15 (6) That a hearing officer authorized by the
16 Department shall conduct the hearing and, following the
17 conclusion of that hearing, shall make findings of fact,
18 conclusions of law, and recommendations, separately
19 stated, to the Board as to what disciplinary action, if
20 any, should be imposed on the licensee.

21 (7) That the licensee shall file a written answer
22 to the Board under oath within 20 days after the service
23 of the notice, and that if the licensee fails to file an
24 answer default will be taken and the license or
25 certificate may be suspended, revoked, or placed on
26 probationary status, or other disciplinary action may be
27 taken, including limiting the scope, nature, or extent of
28 practice, as the Director may consider proper.

29 In case the licensee, after receiving notice, fails
30 to file an answer, that person's license or certificate
31 may, in the discretion of the Director, having received
32 first the recommendation of the Board, be suspended,
33 revoked, or placed on probationary status; or the
34 Director may take whatever disciplinary action is

1 considered under this Act, including limiting the scope,
2 nature, or extent of the person's practice, without a
3 hearing, if the act or acts charged constitute sufficient
4 grounds for the action under this Act.

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

6 (a) The Board or the hearing officer authorized by the
7 Department shall hear evidence in support of the formal
8 charges and evidence produced by the licensee. At the
9 conclusion of the hearing, the Board shall make findings of
10 fact, conclusions of law, and recommendations and submit them
11 to the Director and to all parties to the proceeding.

12 (b) The Board's findings of fact, conclusions of law,
13 and recommendations shall be served on the licensee in the
14 same manner as was the service of the notice of formal
15 charges. Within 20 days after the service, any party to the
16 proceeding may present to the Director a motion, in writing,
17 specifying the grounds for a rehearing or reconsideration of
18 the decision or sanctions.

19 (c) The Director, following the time allowed for filing
20 a motion for rehearing or reconsideration, shall review the
21 Board's findings of fact, conclusions of law and
22 recommendations and any subsequently filed motions. After
23 review of the information, the Director may hear oral
24 arguments and thereafter shall issue an order. The report of
25 findings of fact, conclusions of law and recommendations of
26 the Board shall be the basis for the Department's order. If
27 the Director finds that substantial justice was not done, the
28 Director may issue an order in contravention of the Board's
29 recommendations. The Director shall provide the Board with a
30 written explanation of any deviation and shall specify the
31 reasons for the action. The findings of the Board and the
32 Director are not admissible as evidence against the person in
33 a criminal prosecution brought for the violation of this Act.

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

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

6 Section 45-20. Temporary suspension of a license. The
7 Director may temporarily suspend a license without a hearing,
8 simultaneously with the initiation of the procedure for a
9 hearing provided for in this Act, if the Director finds that
10 evidence indicates that a licensee's continuation in business
11 would constitute an imminent danger to the public. If the
12 Director temporarily suspends a license without a hearing, a
13 hearing by the Department shall be held within 30 days after
14 the suspension has occurred.

15 Section 45-25. Disposition by consent order. Disposition
16 may be made of any charge by consent order between the
17 Department and the licensee. The Board shall be apprised of
18 the consent order at its next meeting.

19 Section 45-30. Restoration of license after disciplinary
20 proceedings. The Department shall reinstate any license to
21 good standing under this Act upon recommendation to the
22 Director, after a hearing before the Board or a hearing
23 officer authorized by the Department. The Department shall be
24 satisfied that the applicant's renewed practice is not
25 contrary to the public interest.

26 Section 45-35. Cease and desist orders. Whenever the
27 Department has reason to believe a person, firm, corporation,
28 or other legal entity has violated any provision of Section
29 10-5, the Department may issue a rule to show cause why an
30 order to cease and desist should not be entered against that

1 person, firm, corporation, or other legal entity. The rule
2 shall clearly set forth the grounds relied upon by the
3 Department and shall provide a period of 7 days from the date
4 of the rule to file an answer to the satisfaction of the
5 Department. Failure to answer to the satisfaction of the
6 Department shall cause an order to cease and desist to be
7 issued immediately.

8 Section 45-40. Administrative review. All final
9 administrative decisions of the Department are subject to
10 judicial review under Article III of the Code of Civil
11 Procedure. The term "administrative decision" is defined as
12 in Section 3-101 of the Code of Civil Procedure. The
13 proceedings for judicial review shall be commenced in the
14 circuit court of the county in which the party applying for
15 review resides; but if the party is not a resident of
16 Illinois, the venue shall be in Sangamon County. The
17 Department shall not be required to certify any record to the
18 court or file any answer in court or otherwise appear in any
19 court in a judicial review proceeding, unless there is filed
20 in the court with the complaint a receipt from the Department
21 acknowledging payment of the costs of furnishing and
22 certifying the record. Costs shall be computed at the cost of
23 preparing the record. Exhibits shall be certified without
24 cost. Failure on the part of the applicant or licensee to
25 file a receipt in court is grounds for dismissal of the
26 action. During all judicial proceedings incident to a
27 disciplinary action, the sanctions imposed upon a licensee by
28 the Department shall remain in effect, unless the court
29 determines justice requires a stay of the order.

30 Section 45-45. Prima facie proof. An order of revocation
31 or suspension or placing a license on probationary status or
32 other disciplinary action as the Department may consider

1 proper or a certified copy thereof, over the seal of the
2 Department and purporting to be signed by the Director, is
3 prima facie proof that:

- 4 (1) the signature is that of the Director;
- 5 (2) the Director is qualified to act; and
- 6 (3) the members of the Board are qualified to act.

7 Section 45-50. Unlicensed practice; fraud in obtaining a
8 license.

9 (a) A person who violates any of the following
10 provisions shall be guilty of a Class A misdemeanor; a person
11 who commits a second or subsequent violation of these
12 provisions is guilty of a Class 4 felony:

13 (1) The practice of or attempted practice of or
14 holding out as available to practice as a private
15 detective, private security contractor, private alarm
16 contractor, or locksmith without a license.

17 (2) Operation of or attempt to operate a private
18 detective agency, private security contractor agency,
19 private alarm contractor agency, or locksmith agency
20 without ever having been issued a valid agency license.

21 (3) The obtaining of or the attempt to obtain any
22 license or authorization issued under this Act by
23 fraudulent misrepresentation.

24 (b) Whenever a licensee is convicted of a felony related
25 to the violations set forth in this Section, the clerk of the
26 court in any jurisdiction shall promptly report the
27 conviction to the Department and the Department shall
28 immediately revoke any license as a private detective,
29 private security contractor, private alarm contractor, or
30 locksmith held by that licensee. The individual shall not be
31 eligible for licensure under this Act until at least 10 years
32 have elapsed since the time of full discharge from any
33 sentence imposed for a felony conviction. If any person in

1 making any oath or affidavit required by this Act swears
2 falsely, the person is guilty of perjury and may be punished
3 accordingly.

4 (c) In addition to any other penalty provided by law, a
5 person who violates any provision of this Section shall pay a
6 civil penalty to the Department in an amount not to exceed
7 \$5,000 for each offense, as determined by the Department. The
8 civil penalty shall be imposed in accordance with this Act.

9 Section 45-55. Subpoenas.

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

13 (b) Any circuit court, upon the application of the
14 licensee, the Department, or the Board, may order the
15 attendance of witnesses and the production of relevant books
16 and papers before the Board in any hearing under this Act.
17 The circuit court may compel obedience to its order by
18 proceedings for contempt.

19 (c) The Director, the hearing officer or a certified
20 shorthand court reporter may administer oaths at any hearing
21 the Department conducts. Notwithstanding any other statute or
22 Department rule to the contrary, all requests for testimony,
23 production of documents or records shall be in accordance
24 with this Act.

25 Section 45-60. Stenographers. The Department, at its
26 expense, shall provide a stenographer to preserve a record of
27 all hearing and pre-hearing proceedings if a license may be
28 revoked, suspended, or placed on probationary status or other
29 disciplinary action is taken. The notice of hearing, the
30 complaint, all other documents in the nature of pleadings and
31 written motions filed in the proceedings, the transcript of
32 testimony, the report of the Board, and the orders of the

1 Department shall constitute the record of the proceedings.
2 The Department shall furnish a transcript of the record upon
3 payment of the costs of copying and transmitting the record.

4 ARTICLE 50. ADMINISTRATIVE PROVISIONS

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

23 Section 50-10. The Private Detective, Private Alarm,
24 Private Security, and Locksmith Board.

25 (a) The Private Detective, Private Alarm, Private
26 Security, and Locksmith Board shall consist of 11 members
27 appointed by the Director and comprised of 2 licensed private
28 detectives, 3 licensed private security contractors, 2
29 licensed private alarm contractors, 2 licensed locksmiths,
30 one public member who is not licensed or registered under
31 this Act and who has no connection with a business licensed

1 under this Act, and one member representing the employees
2 registered under this Act. Each member shall be a resident of
3 Illinois. Each licensed member shall have at least 5 years
4 experience as a licensee in the professional area in which
5 the person is licensed and be in good standing and actively
6 engaged in that profession. In making appointments, the
7 Director shall consider the recommendations of the
8 professionals and the professional organizations representing
9 the licensees. The membership shall reasonably reflect the
10 different geographic areas in Illinois.

11 (b) Members shall serve 4 year terms and may serve until
12 their successors are appointed. No member shall serve for
13 more than 2 successive terms. Appointments to fill vacancies
14 shall be made in the same manner as the original appointments
15 for the unexpired portion of the vacated term. Members of the
16 Board in office on the effective date of this Act pursuant to
17 the Private Detective, Private Alarm, Private Security, and
18 Locksmith Act of 1993 shall serve for the duration of their
19 terms and may be appointed for one additional term.

20 (c) A member of the Board may be removed for cause. A
21 member subject to formal disciplinary proceedings shall
22 disqualify himself or herself from all Board business until
23 the charge is resolved. A member also shall disqualify
24 himself or herself from any matter on which the member cannot
25 act objectively.

26 (d) Members shall receive compensation as set by law.
27 Each member shall receive reimbursement as set by the
28 Governor's Travel Control Board for expenses incurred in
29 carrying out the duties as a Board member.

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

32 (f) The Board shall elect a chairperson and vice
33 chairperson.

34 (g) Board members are not liable for their acts,

1 omissions, decisions, or other conduct in connection with
2 their duties on the Board, except those determined to be
3 willful, wanton, or intentional misconduct.

4 (h) The Board may recommend policies, procedures, and
5 rules relevant to the administration and enforcement of this
6 Act.

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

8 (a) The Department shall exercise the powers and duties
9 prescribed by the Civil Administrative Code of Illinois and
10 shall exercise all other powers and duties set forth in this
11 Act.

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

14 Section 50-20. Rules. The Department may promulgate
15 rules for the administration and enforcement of this Act. The
16 rules shall include standards for registration, licensure,
17 professional conduct, and discipline. The Department shall
18 consult with the Board prior to promulgating any rule.
19 Proposed rules shall be transmitted, prior to publication in
20 the Illinois Register, to the Board and the Department shall
21 review the Board's recommendations and shall notify the Board
22 with an explanation of any deviations from the Board's
23 recommendations.

24 Section 50-25. Home rule. Pursuant to paragraph (h) of
25 Section 6 of Article VII of the Illinois Constitution of
26 1970, the power to regulate the private detective, private
27 security, private alarm, or locksmith business or their
28 employees shall be exercised exclusively by the State and may
29 not be exercised by any unit of local government, including
30 home rule units.

1 Section 90-5. The Regulatory Sunset Act is amended by
2 changing Sections 4.14 and 4.24 as follows:

3 (5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)
4 Sec. 4.14. Acts repealed.

5 (a) The following Act is ~~Acts-are~~ repealed December 31,
6 2003:

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

9 The Illinois Occupational Therapy Practice Act.

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

11 The Illinois Certified Shorthand Reporters Act of
12 1984.

13 The Veterinary Medicine and Surgery Practice Act of
14 1994.

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

16 (5 ILCS 80/4.24)

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

19 The Electrologist Licensing Act.

20 The Illinois Public Accounting Act.

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

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

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

26 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

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

1 Private Detective, Private Alarm, Private Security, and
2 Locksmith Act of 2004 and ~~Private Security Act of 1983.~~

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

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

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

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

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

25 (215 ILCS 152/10)

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

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

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

16 (225 ILCS 446/Act rep.)

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

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

21 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

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

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

1 the use of the equipment involved, and in addition is
2 empowered to establish prices and charges for the services so
3 furnished and for the use of the electronic equipment
4 utilized.

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

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

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

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

16 (e) (Blank).

17 (e-1) (Blank).

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

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

1 under the signature of the Secretary of State and shall be
2 authenticated by Seal of the Secretary of State.

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

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

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

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

1 for one of the following purposes:

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

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

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

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

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

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

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

1 investigation in anticipation of litigation, and the
2 execution or enforcement of judgments and orders, or
3 pursuant to an order of a federal, State, or local court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (i) (Blank).

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

1 License Medical Advisory Board, unless so directed by an
2 order of a court of competent jurisdiction.

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

7 (l) (Blank).

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

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

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

34 (p) The Secretary of State is empowered to adopt rules

1 to effectuate this Section.

2 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;
3 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff.
4 7-11-02.)

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

7 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

8 Sec. 24-2. Exemptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (11) Investigators of the Office of the State's
25 Attorneys Appellate Prosecutor authorized by the board of
26 governors of the Office of the State's Attorneys
27 Appellate Prosecutor to carry weapons pursuant to Section
28 7.06 of the State's Attorneys Appellate Prosecutor's Act.

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

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

1 (13.5) A person employed as an armed security guard
2 at a nuclear energy, storage, weapons or development site
3 or facility regulated by the Nuclear Regulatory
4 Commission who has completed the background screening and
5 training mandated by the rules and regulations of the
6 Nuclear Regulatory Commission.

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

11 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
12 24-1.6 do not apply to or affect any of the following:

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

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

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

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

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

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

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

34 (3) Members of the Armed Services or Reserve Forces

1 of the United States or the Illinois National Guard,
2 while in the performance of their official duty.

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

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

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

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

1 any branch of the Armed Forces of the United States, when
2 such activities are necessary and incident to fulfilling
3 the terms of such contract.

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

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

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

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

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

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

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

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

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

34 (4) Commerce, preparation, assembly or possession

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

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

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

28 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;
29 92-325, eff. 8-9-01.)

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

32 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

1 Sec. 2-202. Persons authorized to serve process; Place of
2 service; Failure to make return.

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

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

1 of 2004 ~~1993~~.

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

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

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

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

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

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

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

7 ARTICLE 99. EFFECTIVE DATE.

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