



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2745

Introduced 1/20/2006, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.24	
20 ILCS 2630/3.1	from Ch. 38, par. 206-3.1
215 ILCS 152/10	
225 ILCS 447/5-5	
225 ILCS 447/5-10	
225 ILCS 447/10-5	
225 ILCS 447/Art. 31 heading new	
225 ILCS 447/31-5 new	
225 ILCS 447/31-10 new	
225 ILCS 447/31-15 new	
225 ILCS 447/31-20 new	
225 ILCS 447/31-25 new	
225 ILCS 447/31-30 new	
225 ILCS 447/35-30	
225 ILCS 447/35-35	
225 ILCS 447/40-5	
225 ILCS 447/40-10	
225 ILCS 447/45-50	
225 ILCS 447/50-10	
225 ILCS 447/50-25	
305 ILCS 5/10-4	from Ch. 23, par. 10-4
625 ILCS 5/2-123	from Ch. 95 1/2, par. 2-123
720 ILCS 5/24-2	from Ch. 38, par. 24-2
735 ILCS 5/2-202	from Ch. 110, par. 2-202
765 ILCS 1025/20	from Ch. 141, par. 120

Amends the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Changes the short title to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and makes conforming changes in various other Acts. Adds provisions to the Act requiring the licensure of fingerprint vendors (persons that offer, advertise, or provide services to fingerprint individuals, through electronic or other means, for the purpose of providing fingerprint images and associated demographic data to the Department of State Police for processing fingerprint based criminal history record information inquiries). Preempts home rule powers. Effective immediately.

LRB094 17391 RAS 52686 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.24 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts repealed on January 1, 2014. The following
8 Acts are repealed on January 1, 2014:

9 The Electrologist Licensing Act.

10 The Illinois Certified Shorthand Reporters Act of 1984.

11 The Illinois Occupational Therapy Practice Act.

12 The Illinois Public Accounting Act.

13 The Private Detective, Private Alarm, Private Security,
14 Fingerprint Vendor, and Locksmith Act of 2004.

15 The Registered Surgical Assistant and Registered Surgical
16 Technologist Title Protection Act.

17 The Veterinary Medicine and Surgery Practice Act of 2004.

18 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03;
19 93-280, eff. 7-1-04; 93-281, eff. 12-31-03; 93-438, eff.
20 8-5-03; 93-460, eff. 8-8-03; 93-461, eff. 8-8-03; revised
21 10-29-04.)

22 Section 10. The Criminal Identification Act is amended by
23 changing Section 3.1 as follows:

24 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

25 Sec. 3.1. (a) The Department may furnish, pursuant to
26 positive identification, records of convictions to the
27 Department of Professional Regulation for the purpose of
28 meeting registration or licensure requirements under The
29 Private Detective, Private Alarm, Private Security,
30 Fingerprint Vendor, and Locksmith Act of 2004.

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

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

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

18 (Source: P.A. 93-438, eff. 8-5-03.)

19 Section 15. The Service Contract Act is amended by changing
20 Section 10 as follows:

21 (215 ILCS 152/10)

22 Sec. 10. Exemptions. Service contract providers and
23 related service contract sellers and administrators complying
24 with this Act are not required to comply with and are not
25 subject to any provision of the Illinois Insurance Code. A
26 service contract provider who is the manufacturer or a
27 wholly-owned subsidiary of the manufacturer of the product or
28 the builder, seller, or lessor of the product that is the
29 subject of the service contract is required to comply only with
30 Sections 30, 35, 45, and 50 of this Act; except that, a service
31 contract provider who sells a motor vehicle, excluding a
32 motorcycle as defined in Section 1-147 of the Illinois Vehicle
33 Code, or who leases, but is not the manufacturer of, the motor
34 vehicle, excluding a motorcycle as defined in Section 1-147 of

1 the Illinois Vehicle Code, that is the subject of the service
2 contract must comply with this Act in its entirety. Contracts
3 for the repair and monitoring of private alarm or private
4 security systems regulated under the Private Detective,
5 Private Alarm, Private Security, Fingerprint Vendor, and
6 Locksmith Act of 2004 are not required to comply with this Act
7 and are not subject to any provision of the Illinois Insurance
8 Code.

9 (Source: P.A. 92-16, eff. 6-28-01; 93-438, eff. 8-5-03.)

10 Section 20. The Private Detective, Private Alarm, Private
11 Security, and Locksmith Act of 2004 is amended by changing
12 Sections 5-5, 5-10, and 10-5 and Sections 35-30, 35-35, 40-5,
13 40-10, 45-50, 50-10, and 50-25 and by adding Article 31 as
14 follows:

15 (225 ILCS 447/5-5)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 5-5. Short title; Act supersedes the Private
18 Detective, Private Alarm, Private Security, and Locksmith Act
19 of 1993. This Act may be cited as the Private Detective,
20 Private Alarm, Private Security, Fingerprint Vendor, and
21 Locksmith Act of 2004 and it supersedes the Private Detective,
22 Private Alarm, Private Security, and Locksmith Act of 1993
23 repealed by this Act.

24 (Source: P.A. 93-438, eff. 8-5-03.)

25 (225 ILCS 447/5-10)

26 (Section scheduled to be repealed on January 1, 2014)

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

28 "Advertisement" means any printed material that is
29 published in a phone book, newspaper, magazine, pamphlet,
30 newsletter, or other similar type of publication that is
31 intended to either attract business or merely provide contact
32 information to the public for an agency or licensee.
33 Advertisement shall include any material disseminated by

1 printed or electronic means or media, but shall not include a
2 licensee's or an agency's letterhead, business cards, or other
3 stationery used in routine business correspondence or
4 customary name, address, and number type listings in a
5 telephone directory.

6 "Alarm system" means any system, including an electronic
7 access control system, a surveillance video system, a security
8 video system, a burglar alarm system, a fire alarm system, or
9 any other electronic system, that activates an audible,
10 visible, remote, or recorded signal that is designed for the
11 protection or detection of intrusion, entry, theft, fire,
12 vandalism, escape, or trespass.

13 "Armed employee" means a licensee or registered person who
14 is employed by an agency licensed or an armed proprietary
15 security force registered under this Act who carries a weapon
16 while engaged in the performance of official duties within the
17 course and scope of his or her employment during the hours and
18 times the employee is scheduled to work or is commuting between
19 his or her home or place of employment, provided that commuting
20 is accomplished within one hour from departure from home or
21 place of employment.

22 "Armed proprietary security force" means a security force
23 made up of 5 or more armed individuals employed by a private,
24 commercial, or industrial operation or one or more armed
25 individuals employed by a financial institution as security
26 officers for the protection of persons or property.

27 "Board" means the Private Detective, Private Alarm,
28 Private Security, Fingerprint Vendor, and Locksmith Board.

29 "Branch office" means a business location removed from the
30 place of business for which an agency license has been issued,
31 including but not limited to locations where active employee
32 records that are required to be maintained under this Act are
33 kept, where prospective new employees are processed, or where
34 members of the public are invited in to transact business. A
35 branch office does not include an office or other facility
36 located on the property of an existing client that is utilized

1 solely for the benefit of that client and is not owned or
2 leased by the agency.

3 "Corporation" means an artificial person or legal entity
4 created by or under the authority of the laws of a state,
5 including without limitation a corporation, limited liability
6 company, or any other legal entity.

7 "Department" means the Department of Professional
8 Regulation.

9 "Director" means the Director of Professional Regulation.

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

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

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

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

34 "Fire alarm system" means any system that is activated by
35 an automatic or manual device in the detection of smoke, heat,
36 or fire that activates an audible, visible, or remote signal

1 requiring a response.

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

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

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

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

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

27 "Peace officer" or "police officer" means a person who, by
28 virtue of office or public employment, is vested by law with a
29 duty to maintain public order or to make arrests for offenses,
30 whether that duty extends to all offenses or is limited to
31 specific offenses. Officers, agents, or employees of the
32 federal government commissioned by federal statute to make
33 arrests for violations of federal laws are considered peace
34 officers.

35 "Permanent employee registration card" means a card issued
36 by the Department to an individual who has applied to the

1 Department and meets the requirements for employment by a
2 licensed agency under this Act.

3 "Person" means a natural person.

4 "Private alarm contractor" means a person who engages in a
5 business that individually or through others undertakes,
6 offers to undertake, purports to have the capacity to
7 undertake, or submits a bid to sell, install, monitor,
8 maintain, alter, repair, replace, or service alarm and other
9 security-related systems or parts thereof, including fire
10 alarm systems, at protected premises or premises to be
11 protected or responds to alarm systems at a protected premises
12 on an emergency basis and not as a full-time security officer.

13 "Private alarm contractor" does not include a person, firm, or
14 corporation that manufactures or sells alarm systems only from
15 its place of business and does not sell, install, monitor,
16 maintain, alter, repair, replace, service, or respond to alarm
17 systems at protected premises or premises to be protected.

18 "Private alarm contractor agency" means a person,
19 corporation, or other entity that engages in the private alarm
20 contracting business and employs, in addition to the private
21 alarm contractor-in-charge, at least one other person in
22 conducting such business.

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

32 "Private detective" means any person who by any means,
33 including but not limited to manual or electronic methods,
34 engages in the business of, accepts employment to furnish, or
35 agrees to make or makes investigations for a fee or other
36 consideration to obtain information relating to:

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

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

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

12 (4) The cause, origin, or responsibility for fires,
13 accidents, or injuries to individuals or real or personal
14 property.

15 (5) The truth or falsity of any statement or
16 representation.

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

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

21 (8) Service of process in criminal and civil
22 proceedings without court order.

23 "Private detective agency" means a person, firm,
24 corporation, or other legal entity that engages in the private
25 detective business and employs, in addition to the
26 licensee-in-charge, one or more persons in conducting such
27 business.

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

1 "Private security contractor" means a person who engages in
2 the business of providing a private security officer, watchman,
3 patrol, or a similar service by any other title or name on a
4 contractual basis for another person, firm, corporation, or
5 other entity for a fee or other consideration and performing
6 one or more of the following functions:

7 (1) The prevention or detection of intrusion, entry,
8 theft, vandalism, abuse, fire, or trespass on private or
9 governmental property.

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

12 (3) The protection of persons authorized to be on the
13 premises of the person, firm, or other entity for which the
14 security contractor contractually provides security
15 services.

16 (4) The prevention of the misappropriation or
17 concealment of goods, money, bonds, stocks, notes,
18 documents, or papers.

19 (5) The control, regulation, or direction of the
20 movement of the public for the time specifically required
21 for the protection of property owned or controlled by the
22 client.

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

25 "Private security contractor agency" means a person, firm,
26 corporation, or other legal entity that engages in the private
27 security contractor business and that employs, in addition to
28 the licensee-in-charge, one or more persons in conducting such
29 business.

30 "Private security contractor licensee-in-charge" means a
31 person who has been designated by an agency to be the
32 licensee-in-charge of an agency, who is a full-time management
33 employee or owner who assumes sole responsibility for
34 maintaining all records required by this Act, and who assumes
35 sole responsibility for assuring the licensed agency's
36 compliance with its responsibilities as stated in this Act. The

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

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

7 (Source: P.A. 93-438, eff. 8-5-03.)

8 (225 ILCS 447/10-5)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 10-5. Requirement of license.

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

22 (b) It is unlawful for a person, firm, corporation, or
23 other legal entity to act as an agency licensed under this Act,
24 to advertise, or to assume to act as a licensed agency or to
25 use a title implying that the person, firm, or other entity is
26 engaged in the practice as a private detective agency, private
27 security contractor agency, private alarm contractor agency,
28 fingerprint vendor agency, or locksmith agency unless licensed
29 by the Department.

30 (c) No agency shall operate a branch office without first
31 applying for and receiving a branch office license for each
32 location.

33 (d) It is unlawful for a person to operate live scan
34 fingerprint equipment or other equipment designed to obtain
35 fingerprint images for the purpose of providing fingerprint

1 images and associated demographic data to the Department of
2 State Police, unless he or she has successfully completed a
3 fingerprint training course conducted or authorized by the
4 Department of State Police and is licensed as a fingerprint
5 vendor or has obtained a permanent employee registration card
6 under this Act.

7 (Source: P.A. 93-438, eff. 8-5-03.)

8 (225 ILCS 447/Art. 31 heading new)

9 ARTICLE 31. FINGERPRINT VENDORS.

10 (225 ILCS 447/31-5 new)

11 (Section scheduled to be repealed on January 1, 2014)

12 Sec. 31-5. Exemptions. The provisions of this Act regarding
13 fingerprint vendors do not apply to any of the following, if
14 the person performing the service does not hold himself or
15 herself out as a fingerprint vendor or fingerprint vendor
16 agency:

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

26 (2) A person employed exclusively by only one employer
27 in connection with the exclusive activities of that
28 employer, provided that person does not hold himself or
29 herself out to the public as a fingerprint vendor.

30 (225 ILCS 447/31-10 new)

31 (Section scheduled to be repealed on January 1, 2014)

32 Sec. 31-10. Qualifications for licensure as a fingerprint
33 vendor.

1 (a) A person is qualified for licensure as a fingerprint
2 vendor if he or she meets all of the following requirements:

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

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

8 (3) Is of good moral character. Good moral character is
9 a continuing requirement of licensure. Conviction of
10 crimes other than felonies may be used in determining moral
11 character, but shall not constitute an absolute bar to
12 licensure, except where the applicant is a registered sex
13 offender.

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

18 (5) Is not suffering from dependence on alcohol or from
19 narcotic addiction or dependence.

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

22 (7) Submits certification issued by the Department of
23 State Police that the applicant has successfully completed
24 a fingerprint vendor training course conducted or
25 authorized by the Department of State Police.

26 (8) Submits his or her fingerprints, in accordance with
27 subsection (b).

28 (9) Has not violated any provision of this Act or any
29 rule adopted under this Act.

30 (10) Provides evidence satisfactory to the Department
31 that the applicant has obtained general liability
32 insurance in an amount and with coverage as determined by
33 rule. Failure to maintain general liability insurance and
34 failure to provide the Department with written proof of the
35 insurance, upon request, shall result in cancellation of
36 the license without hearing. A fingerprint vendor employed

1 by a licensed fingerprint vendor agency may provide proof
2 that his or her actions as a fingerprint vendor are covered
3 by the liability insurance of his or her employer.

4 (11) pays the required licensure fee.

5 (12) submits certification issued by the Department of
6 State Police that the applicant's fingerprinting equipment
7 and software meets all specifications required by the
8 Department of State Police. Compliance with Department of
9 State Police fingerprinting equipment and software
10 specifications is a continuing requirement for licensure.

11 (13) Submits proof that the applicant maintains a
12 business office located in the State of Illinois.

13 (b) Each applicant for a fingerprint vendor license shall
14 have his or her fingerprints submitted to the Department of
15 State Police in an electronic format that complies with the
16 form and manner for requesting and furnishing criminal history
17 record information as prescribed by the Department of State
18 Police. These fingerprints shall be checked against the
19 Department of State Police and Federal Bureau of Investigation
20 criminal history record databases now and hereafter filed. The
21 Department of State Police shall charge applicants a fee for
22 conducting the criminal history records check, which shall be
23 deposited in the State Police Services Fund and shall not
24 exceed the actual cost of the records check. The Department of
25 State Police shall furnish, pursuant to positive
26 identification, records of Illinois convictions to the
27 Department. The Department may require applicants to pay a
28 separate fingerprinting fee, either to the Department or
29 directly to the vendor. The Department, in its discretion, may
30 allow an applicant who does not have reasonable access to a
31 designated vendor to provide his or her fingerprints in an
32 alternative manner. The Department, in its discretion, may also
33 use other procedures in performing or obtaining criminal
34 background checks of applicants. Instead of submitting his or
35 her fingerprints, an individual may submit proof that is
36 satisfactory to the Department that an equivalent security

1 clearance has been conducted. Also, an individual who has
2 retired as a peace officer within 12 months of application may
3 submit verification, on forms provided by the Department and
4 signed by his or her employer, of his or her previous full-time
5 employment as a peace officer.

6 (225 ILCS 447/31-15 new)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 31-15. Qualifications for licensure as a fingerprint
9 vendor agency.

10 (a) Upon receipt of the required fee and proof that the
11 applicant is an Illinois licensed fingerprint vendor who shall
12 assume responsibility for the operation of the agency and the
13 directed actions of the agency's employees, which is a
14 continuing requirement for agency licensure, the Department
15 may issue a license as a fingerprint vendor agency to any of
16 the following:

17 (1) An individual who submits an application and is a
18 licensed fingerprint vendor under this Act.

19 (2) A firm that submits an application and all of the
20 members of the firm are licensed fingerprint vendors under
21 this Act.

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

31 (4) Submits proof that the applicant has successfully
32 completed a fingerprint vendor course conducted or
33 authorized by the Department of State Police and that the
34 applicant's fingerprinting equipment and software meet all
35 specifications required by the Department of State police.

1 (b) An individual licensed as a fingerprint vendor
2 operating under a business name other than the licensed
3 fingerprint vendor's own name shall not be required to obtain a
4 fingerprint vendor agency license if that licensed fingerprint
5 vendor does not employ any persons to provide fingerprinting
6 services.

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

23 (225 ILCS 447/31-20 new)

24 (Section scheduled to be repealed on January 1, 2014)

25 Sec. 31-20. Training; fingerprint vendor and employees.

26 (a) Registered employees of a licensed Fingerprint Vendor
27 agency shall complete a minimum of 20 hours of training
28 provided by a qualified instructor within 31 days of their
29 employment. The substance of the training shall be prescribed
30 by rule.

31 (b) It is the responsibility of the employer to certify, on
32 a form provided by the Department, that the employee has
33 successfully completed the training. The form shall be a
34 permanent record of training completed by the employee and
35 shall be placed in the employee's file with the employer for

1 the period the employee remains with the employer. An agency
2 may place a notarized copy of the Department form, in lieu of
3 the original, into the permanent employee registration card
4 file. The original form shall be given to the employee when his
5 or her employment is terminated. Failure to return the original
6 form to the employee is grounds for disciplinary action. The
7 employee shall not be required to repeat the required training
8 once the employee has been issued the form. An employer may
9 provide or require additional training.

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

14 (d) No registered employee of a licensed fingerprint vendor
15 agency may operate live scan fingerprint equipment or other
16 equipment designed to obtain fingerprint images for the purpose
17 of providing fingerprint images and associated demographic
18 data to the Department of State Police unless he or she has
19 successfully completed a fingerprint training course conducted
20 or authorized by the Department of State Police. The original
21 certificate of fingerprint training shall be placed in the
22 employee's file with the employer for the period the employee
23 remains with the employer. The original certification shall be
24 given to the employee when his or her employment is terminated.
25 Failure to return the original certification to the employee is
26 grounds for disciplinary action.

27 (225 ILCS 447/31-25 new)

28 (Section scheduled to be repealed on January 1, 2014)

29 Sec. 31-25. Customer identification; record keeping. A
30 fingerprint vendor or fingerprint vendor agency shall document
31 in the form of a work order when and where each and every
32 fingerprint service is provided. The work order shall also
33 include the name, address, date of birth, telephone number, and
34 driver's license number or other identification number of the
35 person requesting the service to be done, the signature of that

1 person, the routing number and any other information or
2 documentation as provided by rule. All work orders shall be
3 kept by the licensed fingerprint vendor for a period of 2 years
4 from the date of service and shall include the name and license
5 number of the fingerprint vendor and, if applicable, the name
6 and identification number of the registered employee who
7 performed the services. Work order forms required to be kept
8 under this Section shall be available for inspection by the
9 Department or by the Department of State Police.

10 (225 ILCS 447/31-30 new)

11 (Section scheduled to be repealed on January 1, 2014)

12 Sec. 31-30. Restrictions on firearms.

13 (a) Nothing in the Act or the rules adopted under this Act
14 shall authorize a person licensed as a fingerprint vendor or
15 any employee of a licensed fingerprint vendor agency to possess
16 or carry a firearm in the course of providing fingerprinting
17 services.

18 (b) Nothing in this Act or the rules adopted under this Act
19 shall grant or authorize the issuance of a firearm
20 authorization card to a fingerprint vendor or any employee of a
21 licensed fingerprint vendor agency.

22 (225 ILCS 447/35-30)

23 (Section scheduled to be repealed on January 1, 2014)

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

30 (a) ~~(1)~~ No person shall be issued a permanent employee
31 registration card who:

32 (1) ~~(A)~~ Is younger than 18 years of age.

33 (2) ~~(B)~~ Is younger than 21 years of age if the services
34 will include being armed.

1 (3) ~~(C)~~ Has been determined by the Department to be
2 unfit by reason of conviction of an offense in this or
3 another state, other than a traffic offense. The Department
4 shall adopt rules for making those determinations that
5 shall afford the applicant due process of law.

6 (4) ~~(D)~~ Has had a license or permanent employee
7 registration card denied, suspended, or revoked under this
8 Act (i) within one year before the date the person's
9 application for permanent employee registration card is
10 received by the Department; and (ii) that refusal, denial,
11 suspension, or revocation was based on any provision of
12 this Act other than Section 40-50, item (6) or (8) of
13 subsection (a) of Section 15-10, subsection (b) of Section
14 15-10, item (6) or (8) of subsection (a) of Section 20-10,
15 subsection (b) of Section 20-10, item (6) or (8) of
16 subsection (a) of Section 25-10, subsection (b) of Section
17 25-10, item (7) of subsection (a) of Section 30-10,
18 subsection (b) of Section 30-10, or Section 10-40.

19 (5) ~~(E)~~ Has been declared incompetent by any court of
20 competent jurisdiction by reason of mental disease or
21 defect and has not been restored.

22 (6) ~~(F)~~ Has been dishonorably discharged from the armed
23 services of the United States.

24 (b) ~~(2)~~ No person may be employed by a private detective
25 agency, private security contractor agency, private alarm
26 contractor agency, fingerprint vendor agency, or locksmith
27 agency under this Section until he or she has executed and
28 furnished to the employer, on forms furnished by the
29 Department, a verified statement to be known as "Employee's
30 Statement" setting forth:

31 (1) ~~(A)~~ The person's full name, age, and residence
32 address.

33 (2) ~~(B)~~ The business or occupation engaged in for the 5
34 years immediately before the date of the execution of the
35 statement, the place where the business or occupation was
36 engaged in, and the names of employers, if any.

1 (3) ~~(C)~~ That the person has not had a license or
2 employee registration denied, revoked, or suspended under
3 this Act (i) within one year before the date the person's
4 application for permanent employee registration card is
5 received by the Department; and (ii) that refusal, denial,
6 suspension, or revocation was based on any provision of
7 this Act other than Section 40-50, item (6) or (8) of
8 subsection (a) of Section 15-10, subsection (b) of Section
9 15-10, item (6) or (8) of subsection (a) of Section 20-10,
10 subsection (b) of Section 20-10, item (6) or (8) of
11 subsection (a) of Section 25-10, subsection (b) of Section
12 25-10, item (7) of subsection (a) of Section 30-10,
13 subsection (b) of Section 30-10, or Section 10-40.

14 (4) ~~(D)~~ Any conviction of a felony or misdemeanor.

15 (5) ~~(E)~~ Any declaration of incompetence by a court of
16 competent jurisdiction that has not been restored.

17 (6) ~~(F)~~ Any dishonorable discharge from the armed
18 services of the United States.

19 (7) ~~(G)~~ Any other information as may be required by any
20 rule of the Department to show the good character,
21 competency, and integrity of the person executing the
22 statement.

23 (c) Each applicant for a permanent employee registration
24 card shall have his or her fingerprints submitted to the
25 Department of State Police in an electronic format that
26 complies with the form and manner for requesting and furnishing
27 criminal history record information as prescribed by the
28 Department of State Police. These fingerprints shall be checked
29 against the Department of State Police and Federal Bureau of
30 Investigation criminal history record databases now and
31 hereafter filed. The Department of State Police shall charge
32 applicants a fee for conducting the criminal history records
33 check, which shall be deposited in the State Police Services
34 Fund and shall not exceed the actual cost of the records check.
35 The Department of State Police shall furnish, pursuant to
36 positive identification, records of Illinois convictions to

1 the Department. The Department may require applicants to pay a
2 separate fingerprinting fee, either to the Department or
3 directly to the vendor. The Department, in its discretion, may
4 allow an applicant who does not have reasonable access to a
5 designated vendor to provide his or her fingerprints in an
6 alternative manner. The Department, in its discretion, may also
7 use other procedures in performing or obtaining criminal
8 background checks of applicants. Instead of submitting his or
9 her fingerprints, an individual may submit proof that is
10 satisfactory to the Department that an equivalent security
11 clearance has been conducted. Also, an individual who has
12 retired as a peace officer within 12 months of application may
13 submit verification, on forms provided by the Department and
14 signed by his or her employer, of his or her previous full-time
15 employment as a peace officer.

16 (d) The Department shall issue a permanent employee
17 registration card, in a form the Department prescribes, to all
18 qualified applicants. The holder of a permanent employee
19 registration card shall carry the card at all times while
20 actually engaged in the performance of the duties of his or her
21 employment. Expiration and requirements for renewal of
22 permanent employee registration cards shall be established by
23 rule of the Department. Possession of a permanent employee
24 registration card does not in any way imply that the holder of
25 the card is employed by an agency unless the permanent employee
26 registration card is accompanied by the employee
27 identification card required by subsection (f) of this Section.

28 (e) Each employer shall maintain a record of each employee
29 that is accessible to the duly authorized representatives of
30 the Department. The record shall contain the following
31 information:

32 (1) A photograph taken within 10 days of the date that
33 the employee begins employment with the employer. The
34 photograph shall be replaced with a current photograph
35 every 3 calendar years.

36 (2) The Employee's Statement specified in subsection

1 (b) of this Section.

2 (3) All correspondence or documents relating to the
3 character and integrity of the employee received by the
4 employer from any official source or law enforcement
5 agency.

6 (4) In the case of former employees, the employee
7 identification card of that person issued under subsection
8 (f) of this Section. Each employee record shall duly note
9 if the employee is employed in an armed capacity. Armed
10 employee files shall contain a copy of an active firearm
11 owner's identification card and a copy of an active firearm
12 authorization card. Each employer shall maintain a record
13 for each armed employee of each instance in which the
14 employee's weapon was discharged during the course of his
15 or her professional duties or activities. The record shall
16 be maintained on forms provided by the Department, a copy
17 of which must be filed with the Department within 15 days
18 of an instance. The record shall include the date and time
19 of the occurrence, the circumstances involved in the
20 occurrence, and any other information as the Department may
21 require. Failure to provide this information to the
22 Department or failure to maintain the record as a part of
23 each armed employee's permanent file is grounds for
24 disciplinary action. The Department, upon receipt of a
25 report, shall have the authority to make any investigation
26 it considers appropriate into any occurrence in which an
27 employee's weapon was discharged and to take disciplinary
28 action as may be appropriate.

29 (5) The Department may, by rule, prescribe further
30 record requirements.

31 (f) Every employer shall furnish an employee
32 identification card to each of his or her employees. This
33 employee identification card shall contain a recent photograph
34 of the employee, the employee's name, the name and agency
35 license number of the employer, the employee's personal
36 description, the signature of the employer, the signature of

1 that employee, the date of issuance, and an employee
2 identification card number.

3 (g) No employer may issue an employee identification card
4 to any person who is not employed by the employer in accordance
5 with this Section or falsely state or represent that a person
6 is or has been in his or her employ. It is unlawful for an
7 applicant for registered employment to file with the Department
8 the fingerprints of a person other than himself or herself.

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

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

14 (j) No agency may employ any person to perform a licensed
15 activity under this Act unless the person possesses a valid
16 permanent employee registration card or a valid license under
17 this Act, or is exempt pursuant to subsection (n).

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

21 (1) The agency completes in its entirety and submits to
22 the Department an application for a permanent employee
23 registration card, including the required fingerprint
24 receipt and fees.

25 (2) The agency has verification from the Department
26 that the applicant has no record of any criminal conviction
27 pursuant to the criminal history check conducted by the
28 Department of State Police. The agency shall maintain the
29 verification of the results of the Department of State
30 Police criminal history check as part of the employee
31 record as required under subsection (e) of this Section.

32 (3) The agency exercises due diligence to ensure that
33 the person is qualified under the requirements of the Act
34 to be issued a permanent employee registration card.

35 (4) The agency maintains a separate roster of the names
36 of all employees whose applications are currently pending

1 with the Department and submits the roster to the
2 Department on a monthly basis. Rosters are to be maintained
3 by the agency for a period of at least 24 months.

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

11 The Department shall have the authority to revoke, without
12 a hearing, the temporary authority of an individual to work
13 upon receipt of Federal Bureau of Investigation fingerprint
14 data or a report of another official authority indicating a
15 criminal conviction. If the Department has not received a
16 temporary employee's Federal Bureau of Investigation
17 fingerprint data within 120 days of the date the Department
18 received the Department of State Police fingerprint data, the
19 Department may, at its discretion, revoke the employee's
20 temporary authority to work with 15 days written notice to the
21 individual and the employing 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 has
24 been convicted of a crime under the laws of this State, has
25 been convicted in another state of any crime that is a crime
26 under the laws of this State, has been convicted of any crime
27 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 the
33 part of the agency. The Department may adopt rules to implement
34 this subsection (k).

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

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

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

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

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

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

27 (Source: P.A. 93-438, eff. 8-5-03; revised 10-18-05.)

28 (225 ILCS 447/35-35)

29 (Section scheduled to be repealed on January 1, 2014)

30 Sec. 35-35. Requirement of a firearm authorization 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
34 Section and having been issued a valid firearm authorization
35 card by the Department.

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

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

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

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

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

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

18 (h) The Department shall not issue a firearm authorization
19 card to employees of a licensed fingerprint vendor agency.

20 (Source: P.A. 93-438, eff. 8-5-03.)

21 (225 ILCS 447/40-5)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 40-5. Injunctive relief. The practice of a private
24 detective, private security contractor, private alarm
25 contractor, fingerprint vendor agency, locksmith, private
26 detective agency, private security contractor agency, private
27 alarm contractor agency, fingerprint vendor agency, or
28 locksmith agency by any person, firm, corporation, or other
29 legal entity that has not been issued a license by the
30 Department or whose license has been suspended, revoked, or not
31 renewed is hereby declared to be inimical to the public safety
32 and welfare and to constitute a public nuisance. The Director,
33 through the Attorney General, the State's Attorney of any
34 county, any resident of the State, or any legal entity within
35 the State may apply for injunctive relief in any court to

1 enjoin any person, firm, or other entity that has not been
2 issued a license or whose license has been suspended, revoked,
3 or not renewed from conducting a licensed activity. Upon the
4 filing of a verified petition in court, if satisfied by
5 affidavit or otherwise that the person, firm, corporation, or
6 other legal entity is or has been conducting activities in
7 violation of this Act, the court may enter a temporary
8 restraining order or preliminary injunction, without bond,
9 enjoining the defendant from further activity. A copy of the
10 verified complaint shall be served upon the defendant and the
11 proceedings shall be conducted as in civil cases. If it is
12 established the defendant has been or is conducting activities
13 in violation of this Act, the court may enter a judgment
14 enjoining the defendant from that activity. In case of
15 violation of any injunctive order or judgment entered under
16 this Section, the court may punish the offender for contempt of
17 court. Injunctive proceedings shall be in addition to all other
18 penalties under this Act.

19 (Source: P.A. 93-438, eff. 8-5-03.)

20 (225 ILCS 447/40-10)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 40-10. Disciplinary sanctions.

23 (a) The Department may deny issuance, refuse to renew, or
24 restore or may reprimand, place on probation, suspend, or
25 revoke any license, registration, permanent employee
26 registration card, or firearm authorization card, and it may
27 impose a fine not to exceed \$1,500 for a first violation and
28 not to exceed \$5,000 for a second or subsequent violation for
29 any of the following:

30 (1) Fraud or deception in obtaining or renewing of a
31 license or registration.

32 (2) Professional incompetence as manifested by poor
33 standards of service.

34 (3) Engaging in dishonorable, unethical, or
35 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

2 (4) Conviction in Illinois or another state of any
3 crime that is a felony under the laws of Illinois; a felony
4 in a federal court; a misdemeanor, an essential element of
5 which is dishonesty; or directly related to professional
6 practice.

7 (5) Performing any services in a grossly negligent
8 manner or permitting any of a licensee's employees to
9 perform services in a grossly negligent manner, regardless
10 of whether actual damage to the public is established.

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

13 (A) Physical illness, including, but not limited
14 to, deterioration through the aging process or loss of
15 motor skills that results in the inability to serve the
16 public with reasonable judgment, skill, or safety.

17 (B) Mental disability demonstrated by the entry of
18 an order or judgment by a court that a person is in
19 need of mental treatment or is incompetent.

20 (C) Addiction to or dependency on alcohol or drugs
21 that is likely to endanger the public. If the
22 Department has reasonable cause to believe that a
23 person is addicted to or dependent on alcohol or drugs
24 that may endanger the public, the Department may
25 require the person to undergo an examination to
26 determine the extent of the addiction or dependency.

27 (7) Receiving, directly or indirectly, compensation
28 for any services not rendered.

29 (8) Willfully deceiving or defrauding the public on a
30 material matter.

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

34 (10) Discipline by another United States jurisdiction
35 or foreign nation, if at least one of the grounds for the
36 discipline is the same or substantially equivalent to those

1 set forth in this Act.

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

5 (12) Engaging in false or misleading advertising.

6 (13) Aiding, assisting, or willingly permitting
7 another person to violate this Act or rules promulgated
8 under it.

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

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

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

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

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

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

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

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

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

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

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

1 (b) The Department shall seek to be consistent in the
2 application of disciplinary sanctions.

3 (c) The Department shall adopt rules that set forth
4 standards of service for the following: (i) acceptable error
5 rate in the transmission of fingerprint images and other data
6 to the Department of State Police; (ii) acceptable error rate
7 in the collection and documentation of information used to
8 generate fingerprint work orders; and (iii) any other standard
9 of service that affects fingerprinting services as determined
10 by the Department.

11 (Source: P.A. 93-438, eff. 8-5-03.)

12 (225 ILCS 447/45-50)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 45-50. Unlicensed practice; fraud in obtaining a
15 license.

16 (a) A person who violates any of the following provisions
17 shall be guilty of a Class A misdemeanor; a person who commits
18 a second or subsequent violation of these provisions is guilty
19 of a Class 4 felony:

20 (1) The practice of or attempted practice of or holding
21 out as available to practice as a private detective,
22 private security contractor, private alarm contractor,
23 fingerprint vendor, or locksmith without a license.

24 (2) Operation of or attempt to operate a private
25 detective agency, private security contractor agency,
26 private alarm contractor agency, fingerprint vendor
27 agency, or locksmith agency without ever having been issued
28 a valid agency license.

29 (3) The obtaining of or the attempt to obtain any
30 license or authorization issued under this Act by
31 fraudulent misrepresentation.

32 (b) Whenever a licensee is convicted of a felony related to
33 the violations set forth in this Section, the clerk of the
34 court in any jurisdiction shall promptly report the conviction
35 to the Department and the Department shall immediately revoke

1 any license as a private detective, private security
2 contractor, private alarm contractor, fingerprint vendor, or
3 locksmith held by that licensee. The individual shall not be
4 eligible for licensure under this Act until at least 10 years
5 have elapsed since the time of full discharge from any sentence
6 imposed for a felony conviction. If any person in making any
7 oath or affidavit required by this Act swears falsely, the
8 person is guilty of perjury and may be punished accordingly.

9 (c) In addition to any other penalty provided by law, a
10 person who violates any provision of this Section shall pay a
11 civil penalty to the Department in an amount not to exceed
12 \$5,000 for each offense, as determined by the Department. The
13 civil penalty shall be imposed in accordance with this Act.

14 (Source: P.A. 93-438, eff. 8-5-03.)

15 (225 ILCS 447/50-10)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 50-10. The Private Detective, Private Alarm, Private
18 Security, Fingerprint Vendor, and Locksmith Board.

19 (a) The Private Detective, Private Alarm, Private
20 Security, Fingerprint Vendor, and Locksmith Board shall
21 consist of 12 ~~11~~ members appointed by the Director and
22 comprised of 2 licensed private detectives, 3 licensed private
23 security contractors, 2 licensed private alarm contractors, 1
24 licensed fingerprint vendor, 2 licensed locksmiths, one public
25 member who is not licensed or registered under this Act and who
26 has no connection with a business licensed under this Act, and
27 one member representing the employees registered under this
28 Act. Each member shall be a resident of Illinois. Except for
29 the initial appointment of a licensed fingerprint vendor after
30 the effective date of this amendatory Act of the 94th General
31 Assembly, each ~~Each~~ licensed member shall have at least 5 years
32 experience as a licensee in the professional area in which the
33 person is licensed and be in good standing and actively engaged
34 in that profession. In making appointments, the Director shall
35 consider the recommendations of the professionals and the

1 professional organizations representing the licensees. The
2 membership shall reasonably reflect the different geographic
3 areas in Illinois.

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

13 (c) A member of the Board may be removed for cause. A
14 member subject to formal disciplinary proceedings shall
15 disqualify himself or herself from all Board business until the
16 charge is resolved. A member also shall disqualify himself or
17 herself from any matter on which the member cannot act
18 objectively.

19 (d) Members shall receive compensation as set by law. Each
20 member shall receive reimbursement as set by the Governor's
21 Travel Control Board for expenses incurred in carrying out the
22 duties as a Board member.

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

25 (f) The Board shall elect a chairperson and vice
26 chairperson.

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

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

33 (Source: P.A. 93-438, eff. 8-5-03.)

34 (225 ILCS 447/50-25)

35 (Section scheduled to be repealed on January 1, 2014)

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

8 (Source: P.A. 93-438, eff. 8-5-03.)

9 Section 25. The Illinois Public Aid Code is amended by
10 changing Section 10-4 as follows:

11 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

12 Sec. 10-4. Notification of Support Obligation. The
13 administrative enforcement unit within the authorized area of
14 its operation shall notify each responsible relative of an
15 applicant or recipient, or responsible relatives of other
16 persons given access to the child support enforcement services
17 of this Article, of his legal obligation to support and shall
18 request such information concerning his financial status as may
19 be necessary to determine whether he is financially able to
20 provide such support, in whole or in part. In cases involving a
21 child born out of wedlock, the notification shall include a
22 statement that the responsible relative has been named as the
23 biological father of the child identified in the notification.

24 In the case of applicants, the notification shall be sent
25 as soon as practical after the filing of the application. In
26 the case of recipients, the notice shall be sent at such time
27 as may be established by rule of the Illinois Department.

28 The notice shall be accompanied by the forms or
29 questionnaires provided in Section 10-5. It shall inform the
30 relative that he may be liable for reimbursement of any support
31 furnished from public aid funds prior to determination of the
32 relative's financial circumstances, as well as for future
33 support. In the alternative, when support is sought on behalf
34 of applicants for or recipients of financial aid under Article

1 IV of this Code and other persons who are given access to the
2 child support enforcement services of this Article as provided
3 in Section 10-1, the notice shall inform the relative that the
4 relative may be required to pay support for a period before the
5 date an administrative support order is entered, as well as
6 future support.

7 Neither the mailing nor receipt of such notice shall be
8 deemed a jurisdictional requirement for the subsequent
9 exercise of the investigative procedures undertaken by an
10 administrative enforcement unit or the entry of any order or
11 determination of paternity or support or reimbursement by the
12 administrative enforcement unit; except that notice shall be
13 served by certified mail addressed to the responsible relative
14 at his or her last known address, return receipt requested, or
15 by a person who is licensed or registered as a private
16 detective under the Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a
18 registered employee of a private detective agency certified
19 under that Act, or in counties with a population of less than
20 2,000,000 by any method provided by law for service of summons,
21 in cases where a determination of paternity or support by
22 default is sought on behalf of applicants for or recipients of
23 financial aid under Article IV of this Act and other persons
24 who are given access to the child support enforcement services
25 of this Article as provided in Section 10-1.

26 (Source: P.A. 94-92, eff. 6-30-05.)

27 Section 30. The Illinois Vehicle Code is amended by
28 changing Section 2-123 as follows:

29 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

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

31 (a) Except as otherwise provided in this Section, the
32 Secretary may make the driver's license, vehicle and title
33 registration lists, in part or in whole, and any statistical
34 information derived from these lists available to local

1 governments, elected state officials, state educational
2 institutions, and all other governmental units of the State and
3 Federal Government requesting them for governmental purposes.
4 The Secretary shall require any such applicant for services to
5 pay for the costs of furnishing such services and the use of
6 the equipment involved, and in addition is empowered to
7 establish prices and charges for the services so furnished and
8 for the use of the electronic equipment utilized.

9 (b) The Secretary is further empowered to and he may, in
10 his discretion, furnish to any applicant, other than listed in
11 subsection (a) of this Section, vehicle or driver data on a
12 computer tape, disk, other electronic format or computer
13 processable medium, or printout at a fixed fee of \$250 for
14 orders received before October 1, 2003 and \$500 for orders
15 received on or after October 1, 2003, in advance, and require
16 in addition a further sufficient deposit based upon the
17 Secretary of State's estimate of the total cost of the
18 information requested and a charge of \$25 for orders received
19 before October 1, 2003 and \$50 for orders received on or after
20 October 1, 2003, per 1,000 units or part thereof identified or
21 the actual cost, whichever is greater. The Secretary is
22 authorized to refund any difference between the additional
23 deposit and the actual cost of the request. This service shall
24 not be in lieu of an abstract of a driver's record nor of a
25 title or registration search. This service may be limited to
26 entities purchasing a minimum number of records as required by
27 administrative rule. The information sold pursuant to this
28 subsection shall be the entire vehicle or driver data list, or
29 part thereof. The information sold pursuant to this subsection
30 shall not contain personally identifying information unless
31 the information is to be used for one of the purposes
32 identified in subsection (f-5) of this Section. Commercial
33 purchasers of driver and vehicle record databases shall enter
34 into a written agreement with the Secretary of State that
35 includes disclosure of the commercial use of the information to
36 be purchased.

1 (b-1) The Secretary is further empowered to and may, in his
2 or her discretion, furnish vehicle or driver data on a computer
3 tape, disk, or other electronic format or computer processible
4 medium, at no fee, to any State or local governmental agency
5 that uses the information provided by the Secretary to transmit
6 data back to the Secretary that enables the Secretary to
7 maintain accurate driving records, including dispositions of
8 traffic cases. This information may be provided without fee not
9 more often than once every 6 months.

10 (c) Secretary of State may issue registration lists. The
11 Secretary of State shall compile and publish, at least
12 annually, a list of all registered vehicles. Each list of
13 registered vehicles shall be arranged serially according to the
14 registration numbers assigned to registered vehicles and shall
15 contain in addition the names and addresses of registered
16 owners and a brief description of each vehicle including the
17 serial or other identifying number thereof. Such compilation
18 may be in such form as in the discretion of the Secretary of
19 State may seem best for the purposes intended.

20 (d) The Secretary of State shall furnish no more than 2
21 current available lists of such registrations to the sheriffs
22 of all counties and to the chiefs of police of all cities and
23 villages and towns of 2,000 population and over in this State
24 at no cost. Additional copies may be purchased by the sheriffs
25 or chiefs of police at the fee of \$500 each or at the cost of
26 producing the list as determined by the Secretary of State.
27 Such lists are to be used for governmental purposes only.

28 (e) (Blank).

29 (e-1) (Blank).

30 (f) The Secretary of State shall make a title or
31 registration search of the records of his office and a written
32 report on the same for any person, upon written application of
33 such person, accompanied by a fee of \$5 for each registration
34 or title search. The written application shall set forth the
35 intended use of the requested information. No fee shall be
36 charged for a title or registration search, or for the

1 certification thereof requested by a government agency. The
2 report of the title or registration search shall not contain
3 personally identifying information unless the request for a
4 search was made for one of the purposes identified in
5 subsection (f-5) of this Section. The report of the title or
6 registration search shall not contain highly restricted
7 personal information unless specifically authorized by this
8 Code.

9 The Secretary of State shall certify a title or
10 registration record upon written request. The fee for
11 certification shall be \$5 in addition to the fee required for a
12 title or registration search. Certification shall be made under
13 the signature of the Secretary of State and shall be
14 authenticated by Seal of the Secretary of State.

15 The Secretary of State may notify the vehicle owner or
16 registrant of the request for purchase of his title or
17 registration information as the Secretary deems appropriate.

18 No information shall be released to the requestor until
19 expiration of a 10 day period. This 10 day period shall not
20 apply to requests for information made by law enforcement
21 officials, government agencies, financial institutions,
22 attorneys, insurers, employers, automobile associated
23 businesses, persons licensed as a private detective or firms
24 licensed as a private detective agency under the Private
25 Detective, Private Alarm, Private Security, Fingerprint
26 Vendor, and Locksmith Act of 2004, who are employed by or are
27 acting on behalf of law enforcement officials, government
28 agencies, financial institutions, attorneys, insurers,
29 employers, automobile associated businesses, and other
30 business entities for purposes consistent with the Illinois
31 Vehicle Code, the vehicle owner or registrant or other entities
32 as the Secretary may exempt by rule and regulation.

33 Any misrepresentation made by a requestor of title or
34 vehicle information shall be punishable as a petty offense,
35 except in the case of persons licensed as a private detective
36 or firms licensed as a private detective agency which shall be

1 subject to disciplinary sanctions under Section 40-10 of the
2 Private Detective, Private Alarm, Private Security, and
3 Locksmith Act of 2004.

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

10 (1) For use by any government agency, including any
11 court or law enforcement agency, in carrying out its
12 functions, or any private person or entity acting on behalf
13 of a federal, State, or local agency in carrying out its
14 functions.

15 (2) For use in connection with matters of motor vehicle
16 or driver safety and theft; motor vehicle emissions; motor
17 vehicle product alterations, recalls, or advisories;
18 performance monitoring of motor vehicles, motor vehicle
19 parts, and dealers; and removal of non-owner records from
20 the original owner records of motor vehicle manufacturers.

21 (3) For use in the normal course of business by a
22 legitimate business or its agents, employees, or
23 contractors, but only:

24 (A) to verify the accuracy of personal information
25 submitted by an individual to the business or its
26 agents, employees, or contractors; and

27 (B) if such information as so submitted is not
28 correct or is no longer correct, to obtain the correct
29 information, but only for the purposes of preventing
30 fraud by, pursuing legal remedies against, or
31 recovering on a debt or security interest against, the
32 individual.

33 (4) For use in research activities and for use in
34 producing statistical reports, if the personally
35 identifying information is not published, redisclosed, or
36 used to contact individuals.

1 (5) For use in connection with any civil, criminal,
2 administrative, or arbitral proceeding in any federal,
3 State, or local court or agency or before any
4 self-regulatory body, including the service of process,
5 investigation in anticipation of litigation, and the
6 execution or enforcement of judgments and orders, or
7 pursuant to an order of a federal, State, or local court.

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

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

15 (8) For use by any person licensed as a private
16 detective or firm licensed as a private detective agency
17 under the Private Detective, Private Alarm, Private
18 Security, Fingerprint Vendor, and Locksmith Act of 2004
19 ~~1993~~, private investigative agency or security service
20 licensed in Illinois for any purpose permitted under this
21 subsection.

22 (9) For use by an employer or its agent or insurer to
23 obtain or verify information relating to a holder of a
24 commercial driver's license that is required under chapter
25 313 of title 49 of the United States Code.

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

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

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

35 (13) For any other use specifically authorized by law,
36 if that use is related to the operation of a motor vehicle

1 or public safety.

2 (f-6) The Secretary of State shall not disclose or
3 otherwise make available to any person or entity any highly
4 restricted personal information obtained by the Secretary of
5 State in connection with a driver's license, vehicle, or title
6 registration record unless specifically authorized by this
7 Code.

8 (g) 1. The Secretary of State may, upon receipt of a
9 written request and a fee of \$6 before October 1, 2003 and
10 a fee of \$12 on and after October 1, 2003, furnish to the
11 person or agency so requesting a driver's record. Such
12 document may include a record of: current driver's license
13 issuance information, except that the information on
14 judicial driving permits shall be available only as
15 otherwise provided by this Code; convictions; orders
16 entered revoking, suspending or cancelling a driver's
17 license or privilege; and notations of accident
18 involvement. All other information, unless otherwise
19 permitted by this Code, shall remain confidential.
20 Information released pursuant to a request for a driver's
21 record shall not contain personally identifying
22 information, unless the request for the driver's record was
23 made for one of the purposes set forth in subsection (f-5)
24 of this Section.

25 2. The Secretary of State shall not disclose or
26 otherwise make available to any person or entity any highly
27 restricted personal information obtained by the Secretary
28 of State in connection with a driver's license, vehicle, or
29 title registration record unless specifically authorized
30 by this Code. The Secretary of State may certify an
31 abstract of a driver's record upon written request
32 therefor. Such certification shall be made under the
33 signature of the Secretary of State and shall be
34 authenticated by the Seal of his office.

35 3. All requests for driving record information shall be
36 made in a manner prescribed by the Secretary and shall set

1 forth the intended use of the requested information.

2 The Secretary of State may notify the affected driver
3 of the request for purchase of his driver's record as the
4 Secretary deems appropriate.

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

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

28 4. The Secretary of State may furnish without fee, upon
29 the written request of a law enforcement agency, any
30 information from a driver's record on file with the
31 Secretary of State when such information is required in the
32 enforcement of this Code or any other law relating to the
33 operation of motor vehicles, including records of
34 dispositions; documented information involving the use of
35 a motor vehicle; whether such individual has, or previously
36 had, a driver's license; and the address and personal

1 description as reflected on said driver's record.

2 5. Except as otherwise provided in this Section, the
3 Secretary of State may furnish, without fee, information
4 from an individual driver's record on file, if a written
5 request therefor is submitted by any public transit system
6 or authority, public defender, law enforcement agency, a
7 state or federal agency, or an Illinois local
8 intergovernmental association, if the request is for the
9 purpose of a background check of applicants for employment
10 with the requesting agency, or for the purpose of an
11 official investigation conducted by the agency, or to
12 determine a current address for the driver so public funds
13 can be recovered or paid to the driver, or for any other
14 purpose set forth in subsection (f-5) of this Section.

15 The Secretary may also furnish the courts a copy of an
16 abstract of a driver's record, without fee, subsequent to
17 an arrest for a violation of Section 11-501 or a similar
18 provision of a local ordinance. Such abstract may include
19 records of dispositions; documented information involving
20 the use of a motor vehicle as contained in the current
21 file; whether such individual has, or previously had, a
22 driver's license; and the address and personal description
23 as reflected on said driver's record.

24 6. Any certified abstract issued by the Secretary of
25 State or transmitted electronically by the Secretary of
26 State pursuant to this Section, to a court or on request of
27 a law enforcement agency, for the record of a named person
28 as to the status of the person's driver's license shall be
29 prima facie evidence of the facts therein stated and if the
30 name appearing in such abstract is the same as that of a
31 person named in an information or warrant, such abstract
32 shall be prima facie evidence that the person named in such
33 information or warrant is the same person as the person
34 named in such abstract and shall be admissible for any
35 prosecution under this Code and be admitted as proof of any
36 prior conviction or proof of records, notices, or orders

1 recorded on individual driving records maintained by the
2 Secretary of State.

3 7. Subject to any restrictions contained in the
4 Juvenile Court Act of 1987, and upon receipt of a proper
5 request and a fee of \$6 before October 1, 2003 and a fee of
6 \$12 on or after October 1, 2003, the Secretary of State
7 shall provide a driver's record to the affected driver, or
8 the affected driver's attorney, upon verification. Such
9 record shall contain all the information referred to in
10 paragraph 1 of this subsection (g) plus: any recorded
11 accident involvement as a driver; information recorded
12 pursuant to subsection (e) of Section 6-117 and paragraph
13 (4) of subsection (a) of Section 6-204 of this Code. All
14 other information, unless otherwise permitted by this
15 Code, shall remain confidential.

16 (h) The Secretary shall not disclose social security
17 numbers or any associated information obtained from the Social
18 Security Administration except pursuant to a written request
19 by, or with the prior written consent of, the individual
20 except: (1) to officers and employees of the Secretary who have
21 a need to know the social security numbers in performance of
22 their official duties, (2) to law enforcement officials for a
23 lawful, civil or criminal law enforcement investigation, and if
24 the head of the law enforcement agency has made a written
25 request to the Secretary specifying the law enforcement
26 investigation for which the social security numbers are being
27 sought, (3) to the United States Department of Transportation,
28 or any other State, pursuant to the administration and
29 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
30 (4) pursuant to the order of a court of competent jurisdiction,
31 or (5) to the Department of Healthcare and Family Services
32 (formerly Department of Public Aid) for utilization in the
33 child support enforcement duties assigned to that Department
34 under provisions of the Illinois Public Aid Code after the
35 individual has received advanced meaningful notification of
36 what redisclosure is sought by the Secretary in accordance with

1 the federal Privacy Act.

2 (i) (Blank).

3 (j) Medical statements or medical reports received in the
4 Secretary of State's Office shall be confidential. No
5 confidential information may be open to public inspection or
6 the contents disclosed to anyone, except officers and employees
7 of the Secretary who have a need to know the information
8 contained in the medical reports and the Driver License Medical
9 Advisory Board, unless so directed by an order of a court of
10 competent jurisdiction.

11 (k) All fees collected under this Section shall be paid
12 into the Road Fund of the State Treasury, except that (i) for
13 fees collected before October 1, 2003, \$3 of the \$6 fee for a
14 driver's record shall be paid into the Secretary of State
15 Special Services Fund, (ii) for fees collected on and after
16 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
17 be paid into the Secretary of State Special Services Fund and
18 \$6 shall be paid into the General Revenue Fund, and (iii) for
19 fees collected on and after October 1, 2003, 50% of the amounts
20 collected pursuant to subsection (b) shall be paid into the
21 General Revenue Fund.

22 (l) (Blank).

23 (m) Notations of accident involvement that may be disclosed
24 under this Section shall not include notations relating to
25 damage to a vehicle or other property being transported by a
26 tow truck. This information shall remain confidential,
27 provided that nothing in this subsection (m) shall limit
28 disclosure of any notification of accident involvement to any
29 law enforcement agency or official.

30 (n) Requests made by the news media for driver's license,
31 vehicle, or title registration information may be furnished
32 without charge or at a reduced charge, as determined by the
33 Secretary, when the specific purpose for requesting the
34 documents is deemed to be in the public interest. Waiver or
35 reduction of the fee is in the public interest if the principal
36 purpose of the request is to access and disseminate information

1 regarding the health, safety, and welfare or the legal rights
2 of the general public and is not for the principal purpose of
3 gaining a personal or commercial benefit. The information
4 provided pursuant to this subsection shall not contain
5 personally identifying information unless the information is
6 to be used for one of the purposes identified in subsection
7 (f-5) of this Section.

8 (o) The redisclosure of personally identifying information
9 obtained pursuant to this Section is prohibited, except to the
10 extent necessary to effectuate the purpose for which the
11 original disclosure of the information was permitted.

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

14 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,
15 eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

16 Section 35. The Criminal Code of 1961 is amended by
17 changing Section 24-2 as follows:

18 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

19 Sec. 24-2. Exemptions.

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

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

25 (2) Wardens, superintendents and keepers of prisons,
26 penitentiaries, jails and other institutions for the
27 detention of persons accused or convicted of an offense,
28 while in the performance of their official duty, or while
29 commuting between their homes and places of employment.

30 (3) Members of the Armed Services or Reserve Forces of
31 the United States or the Illinois National Guard or the
32 Reserve Officers Training Corps, while in the performance
33 of their official duty.

34 (4) Special agents employed by a railroad or a public

1 utility to perform police functions, and guards of armored
2 car companies, while actually engaged in the performance of
3 the duties of their employment or commuting between their
4 homes and places of employment; and watchmen while actually
5 engaged in the performance of the duties of their
6 employment.

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

30 (6) Any person regularly employed in a commercial or
31 industrial operation as a security guard for the protection
32 of persons employed and private property related to such
33 commercial or industrial operation, while actually engaged
34 in the performance of his or her duty or traveling between
35 sites or properties belonging to the employer, and who, as
36 a security guard, is a member of a security force of at

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

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

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

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

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

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

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

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

28 (12.5) Probation officers while in the performance of
29 their duties, or while commuting between their homes,
30 places of employment or specific locations that are part of
31 their assigned duties, with the consent of the chief judge
32 of the circuit for which they are employed.

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

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

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

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

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

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

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

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

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

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

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

31 (3) Members of the Armed Services or Reserve Forces of
32 the United States or the Illinois National Guard, while in
33 the performance of their official duty.

34 (4) Manufacture, transportation, or sale of machine
35 guns to persons authorized under subdivisions (1) through
36 (3) of this subsection to possess machine guns, if the

1 machine guns are broken down in a non-functioning state or
2 are not immediately accessible.

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

17 During transportation, such weapons shall be broken
18 down in a non-functioning state or not immediately
19 accessible.

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

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

1 During transportation, any such weapon shall be broken
2 down in a non-functioning state, or not immediately
3 accessible.

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

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

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

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

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

20 (2) Bonafide collectors of antique or surplus military
21 ordinance.

22 (3) Laboratories having a department of forensic
23 ballistics, or specializing in the development of
24 ammunition or explosive ordinance.

25 (4) Commerce, preparation, assembly or possession of
26 explosive bullets by manufacturers of ammunition licensed
27 by the federal government, in connection with the supply of
28 those organizations and persons exempted by subdivision
29 (g)(1) of this Section, or like organizations and persons
30 outside this State, or the transportation of explosive
31 bullets to any organization or person exempted in this
32 Section by a common carrier or by a vehicle owned or leased
33 by an exempted manufacturer.

34 (g-5) Subsection 24-1(a)(6) does not apply to or affect
35 persons licensed under federal law to manufacture any device or
36 attachment of any kind designed, used, or intended for use in

1 silencing the report of any firearm, firearms, or ammunition
2 for those firearms equipped with those devices, and actually
3 engaged in the business of manufacturing those devices,
4 firearms, or ammunition, but only with respect to activities
5 that are within the lawful scope of that business, such as the
6 manufacture, transportation, or testing of those devices,
7 firearms, or ammunition. This exemption does not authorize the
8 general private possession of any device or attachment of any
9 kind designed, used, or intended for use in silencing the
10 report of any firearm, but only such possession and activities
11 as are within the lawful scope of a licensed manufacturing
12 business described in this subsection (g-5). During
13 transportation, those devices shall be detached from any weapon
14 or not immediately accessible.

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

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

33 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
34 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

35 Section 40. The Code of Civil Procedure is amended by

1 changing Section 2-202 as follows:

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

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

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

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

1 Detective, Private Alarm, Private Security, Fingerprint
2 Vendor, and Locksmith Act of 2004.

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

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

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

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

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

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

5 (Source: P.A. 93-438, eff. 8-5-03.)

6 Section 45. The Uniform Disposition of Unclaimed Property
7 Act is amended by changing Section 20 as follows:

8 (765 ILCS 1025/20) (from Ch. 141, par. 120)

9 Sec. 20. Determination of claims.

10 (a) The State Treasurer shall consider any claim filed
11 under this Act and may, in his discretion, hold a hearing and
12 receive evidence concerning it. Such hearing shall be conducted
13 by the State Treasurer or by a hearing officer designated by
14 him. No hearings shall be held if the payment of the claim is
15 ordered by a court, if the claimant is under court
16 jurisdiction, or if the claim is paid under Article XXV of the
17 Probate Act of 1975. The State Treasurer or hearing officer
18 shall prepare a finding and a decision in writing on each
19 hearing, stating the substance of any evidence heard by him,
20 his findings of fact in respect thereto, and the reasons for
21 his decision. The State Treasurer shall review the findings and
22 decision of each hearing conducted by a hearing officer and
23 issue a final written decision. The final decision shall be a
24 public record. Any claim of an interest in property that is
25 filed pursuant to this Act shall be considered and a finding
26 and decision shall be issued by the Office of the State
27 Treasurer in a timely and expeditious manner.

28 (b) If the claim is allowed, and after deducting an amount
29 not to exceed \$20 to cover the cost of notice publication and
30 related clerical expenses, the State Treasurer shall make
31 payment forthwith.

32 (c) In order to carry out the purpose of this Act, no
33 person or company shall be entitled to a fee for discovering
34 presumptively abandoned property until it has been in the

1 custody of the Unclaimed Property Division of the Office of the
2 State Treasurer for at least 24 months. Fees for discovering
3 property that has been in the custody of that division for more
4 than 24 months shall be limited to not more than 10% of the
5 amount collected.

6 (d) A person or company attempting to collect a contingent
7 fee for discovering, on behalf of an owner, presumptively
8 abandoned property must be licensed as a private detective
9 pursuant to the Private Detective, Private Alarm, Private
10 Security, Fingerprint Vendor, and Locksmith Act of 1993.

11 (e) This Section shall not apply to the fees of an attorney
12 at law duly appointed to practice in a state of the United
13 States who is employed by a claimant with regard to probate
14 matters on a contractual basis.

15 (Source: P.A. 93-531, eff. 8-14-03.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.