

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 Acts repealed on January 1, 2014.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8 Acts are repealed on January 1, 2014: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.

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

7 (225 ILCS 447/Art. 31 heading new)

8 ARTICLE 31. FINGERPRINT VENDORS.

9 (225 ILCS 447/31-5 new)

10 (Section scheduled to be repealed on January 1, 2014)

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

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

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

29 (225 ILCS 447/31-10 new)

30 (Section scheduled to be repealed on January 1, 2014)

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

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

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

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

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

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

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

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

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

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

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

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

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

1 that his or her actions as a fingerprint vendor are covered
2 by the liability insurance of his or her employer.

3 (11) pays the required licensure fee.

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

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

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

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

5 (225 ILCS 447/31-15 new)

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

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

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

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

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

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

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

35 (b) An individual licensed as a fingerprint vendor

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

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

22 (225 ILCS 447/31-20 new)

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

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

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

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

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

9 (c) Any certification of completion of the 20-hour basic
10 training issued under the Private Detective, Private Alarm,
11 Private Security, and Locksmith Act of 2004 or any prior Act
12 shall be accepted as proof of training under this Act.

13 (d) No registered employee of a licensed fingerprint vendor
14 agency may operate live scan fingerprint equipment or other
15 equipment designed to obtain fingerprint images for the purpose
16 of providing fingerprint images and associated demographic
17 data to the Department of State Police.

18 (225 ILCS 447/31-25 new)

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

20 Sec. 31-25. Customer identification; record keeping. A
21 fingerprint vendor or fingerprint vendor agency shall document
22 in the form of a work order when and where each and every
23 fingerprint service is provided. The work order shall also
24 include the name, address, date of birth, telephone number, and
25 driver's license number or other identification number of the
26 person requesting the service to be done, the signature of that
27 person, the routing number and any other information or
28 documentation as provided by rule. All work orders shall be
29 kept by the licensed fingerprint vendor for a period of 2 years
30 from the date of service and shall include the name and license
31 number of the fingerprint vendor and, if applicable, the name
32 and identification number of the registered employee who
33 performed the services. Work order forms required to be kept
34 under this Section shall be available for inspection by the
35 Department or by the Department of State Police.

1 (225 ILCS 447/31-30 new)

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

3 Sec. 31-30. Restrictions on firearms.

4 (a) Nothing in the Act or the rules adopted under this Act
5 shall authorize a person licensed as a fingerprint vendor or
6 any employee of a licensed fingerprint vendor agency to possess
7 or carry a firearm in the course of providing fingerprinting
8 services.

9 (b) Nothing in this Act or the rules adopted under this Act
10 shall grant or authorize the issuance of a firearm
11 authorization card to a fingerprint vendor or any employee of a
12 licensed fingerprint vendor agency.

13 (225 ILCS 447/35-30)

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

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

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

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

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

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

31 (4) ~~(D)~~ Has had a license or permanent employee
32 registration card denied, suspended, or revoked under this
33 Act (i) within one year before the date the person's
34 application for permanent employee registration card is

1 received by the Department; and (ii) that refusal, denial,
2 suspension, or revocation was based on any provision of
3 this Act other than Section 40-50, item (6) or (8) of
4 subsection (a) of Section 15-10, subsection (b) of Section
5 15-10, item (6) or (8) of subsection (a) of Section 20-10,
6 subsection (b) of Section 20-10, item (6) or (8) of
7 subsection (a) of Section 25-10, subsection (b) of Section
8 25-10, item (7) of subsection (a) of Section 30-10,
9 subsection (b) of Section 30-10, or Section 10-40.

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

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

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

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

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

28 (3) ~~(C)~~ That the person has not had a license or
29 employee registration denied, revoked, or suspended under
30 this Act (i) within one year before the date the person's
31 application for permanent employee registration card is
32 received by the Department; and (ii) that refusal, denial,
33 suspension, or revocation was based on any provision of
34 this Act other than Section 40-50, item (6) or (8) of
35 subsection (a) of Section 15-10, subsection (b) of Section
36 15-10, item (6) or (8) of subsection (a) of Section 20-10,

1 subsection (b) of Section 20-10, item (6) or (8) of
2 subsection (a) of Section 25-10, subsection (b) of Section
3 25-10, item (7) of subsection (a) of Section 30-10,
4 subsection (b) of Section 30-10, or Section 10-40.

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

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

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

10 (7) ~~(G)~~ Any other information as may be required by any
11 rule of the Department to show the good character,
12 competency, and integrity of the person executing the
13 statement.

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

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

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

19 (e) Each employer shall maintain a record of each employee
20 that is accessible to the duly authorized representatives of
21 the Department. The record shall contain the following
22 information:

23 (1) A photograph taken within 10 days of the date that
24 the employee begins employment with the employer. The
25 photograph shall be replaced with a current photograph
26 every 3 calendar years.

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

29 (3) All correspondence or documents relating to the
30 character and integrity of the employee received by the
31 employer from any official source or law enforcement
32 agency.

33 (4) In the case of former employees, the employee
34 identification card of that person issued under subsection
35 (f) of this Section. Each employee record shall duly note
36 if the employee is employed in an armed capacity. Armed

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

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

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

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

36 (h) Every employer shall obtain the identification card of

1 every employee who terminates employment with him or her.

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

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

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

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

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

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

26 (4) The agency maintains a separate roster of the names
27 of all employees whose applications are currently pending
28 with the Department and submits the roster to the
29 Department on a monthly basis. Rosters are to be maintained
30 by the agency for a period of at least 24 months.

31 An agency may employ only a permanent employee applicant
32 for which it either submitted a permanent employee application
33 and all required forms and fees or it confirms with the
34 Department that a permanent employee application and all
35 required forms and fees have been submitted by another agency,
36 licensee or the permanent employee and all other requirements

1 of this Section are met.

2 The Department shall have the authority to revoke, without
3 a hearing, the temporary authority of an individual to work
4 upon receipt of Federal Bureau of Investigation fingerprint
5 data or a report of another official authority indicating a
6 criminal conviction. If the Department has not received a
7 temporary employee's Federal Bureau of Investigation
8 fingerprint data within 120 days of the date the Department
9 received the Department of State Police fingerprint data, the
10 Department may, at its discretion, revoke the employee's
11 temporary authority to work with 15 days written notice to the
12 individual and the employing agency.

13 An agency may not employ a person in a temporary capacity
14 if it knows or reasonably should have known that the person has
15 been convicted of a crime under the laws of this State, has
16 been convicted in another state of any crime that is a crime
17 under the laws of this State, has been convicted of any crime
18 in a federal court, or has been posted as an unapproved
19 applicant by the Department. Notice by the Department to the
20 agency, via certified mail, personal delivery, electronic
21 mail, or posting on the Department's Internet site accessible
22 to the agency that the person has been convicted of a crime
23 shall be deemed constructive knowledge of the conviction on the
24 part of the agency. The Department may adopt rules to implement
25 this subsection (k).

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

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

32 (2) the person wears any portion of his or her official
33 uniform, emblem of authority, or equipment while so
34 employed.

35 (m) If information is discovered affecting the
36 registration of a person whose fingerprints were submitted

1 under this Section, the Department shall so notify the agency
2 that submitted the fingerprints on behalf of that person.

3 (n) Peace officers shall be exempt from the requirements of
4 this Section relating to permanent employee registration
5 cards. The agency shall remain responsible for any peace
6 officer employed under this exemption, regardless of whether
7 the peace officer is compensated as an employee or as an
8 independent contractor and as further defined by rule.

9 (o) Persons who have no access to confidential or security
10 information and who otherwise do not provide traditional
11 security services are exempt from employee registration.
12 Examples of exempt employees include, but are not limited to,
13 employees working in the capacity of ushers, directors, ticket
14 takers, cashiers, drivers, and reception personnel.
15 Confidential or security information is that which pertains to
16 employee files, scheduling, client contracts, or technical
17 security and alarm data.

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

19 (225 ILCS 447/35-35)

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

21 Sec. 35-35. Requirement of a firearm authorization card.

22 (a) No person shall perform duties that include the use,
23 carrying, or possession of a firearm in the performance of
24 those duties without complying with the provisions of this
25 Section and having been issued a valid firearm authorization
26 card by the Department.

27 (b) No employer shall employ any person to perform the
28 duties for which employee registration is required and allow
29 that person to carry a firearm unless that person has complied
30 with all the firearm training requirements of this Section and
31 has been issued a firearm authorization card. This Act permits
32 only the following to carry firearms while actually engaged in
33 the performance of their duties or while commuting directly to
34 or from their places of employment: persons licensed as private
35 detectives and their registered employees; persons licensed as

1 private security contractors and their registered employees;
2 persons licensed as private alarm contractors and their
3 registered employees; and employees of a registered armed
4 proprietary security force.

5 (c) Possession of a valid firearm authorization card allows
6 an employee to carry a firearm not otherwise prohibited by law
7 while the employee is engaged in the performance of his or her
8 duties or while the employee is commuting directly to or from
9 the employee's place or places of employment, provided that
10 this is accomplished within one hour from departure from home
11 or place of employment.

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

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

28 (f) The Department may, in addition to any other
29 disciplinary action permitted by this Act, refuse to issue,
30 suspend, or revoke a firearm authorization card if the
31 applicant or holder has been convicted of any felony or crime
32 involving the illegal use, carrying, or possession of a deadly
33 weapon or for a violation of this Act or rules promulgated
34 under this Act. The Department shall refuse to issue or shall
35 revoke a firearm authorization card if the applicant or holder
36 fails to possess a valid firearm owners identification card.

1 The Director shall summarily suspend a firearm authorization
2 card if the Director finds that its continued use would
3 constitute an imminent danger to the public. A hearing shall be
4 held before the Board within 30 days if the Director summarily
5 suspends a firearm authorization card.

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

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

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

12 (225 ILCS 447/40-5)

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

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

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

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

11 (225 ILCS 447/40-10)

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

13 Sec. 40-10. Disciplinary sanctions.

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

21 (1) Fraud or deception in obtaining or renewing of a
22 license or registration.

23 (2) Professional incompetence as manifested by poor
24 standards of service.

25 (3) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,
27 defraud, or harm the public.

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

33 (5) Performing any services in a grossly negligent
34 manner or permitting any of a licensee's employees to
35 perform services in a grossly negligent manner, regardless

1 of whether actual damage to the public is established.

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

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

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

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

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

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

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

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

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

32 (12) Engaging in false or misleading advertising.

33 (13) Aiding, assisting, or willingly permitting
34 another person to violate this Act or rules promulgated
35 under it.

36 (14) Performing and charging for services without

1 authorization to do so from the person or entity serviced.

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

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

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

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

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

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

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

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

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

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

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

30 (c) The Department shall adopt rules that set forth
31 standards of service for the following: (i) acceptable error
32 rate in the transmission of fingerprint images and other data
33 to the Department of State Police; (ii) acceptable error rate
34 in the collection and documentation of information used to
35 generate fingerprint work orders; and (iii) any other standard
36 of service that affects fingerprinting services as determined

1 by the Department.

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

3 (225 ILCS 447/45-50)

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

5 Sec. 45-50. Unlicensed practice; fraud in obtaining a
6 license.

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

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

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

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

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

35 (c) In addition to any other penalty provided by law, a

1 person who violates any provision of this Section shall pay a
2 civil penalty to the Department in an amount not to exceed
3 \$5,000 for each offense, as determined by the Department. The
4 civil penalty shall be imposed in accordance with this Act.

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

6 (225 ILCS 447/50-10)

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

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

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

30 (b) Members shall serve 4 year terms and may serve until
31 their successors are appointed. No member shall serve for more
32 than 2 successive terms. Appointments to fill vacancies shall
33 be made in the same manner as the original appointments for the
34 unexpired portion of the vacated term. Members of the Board in
35 office on the effective date of this Act pursuant to the

1 Private Detective, Private Alarm, Private Security, and
2 Locksmith Act of 1993 shall serve for the duration of their
3 terms and may be appointed for one additional term.

4 (c) A member of the Board may be removed for cause. A
5 member subject to formal disciplinary proceedings shall
6 disqualify himself or herself from all Board business until the
7 charge is resolved. A member also shall disqualify himself or
8 herself from any matter on which the member cannot act
9 objectively.

10 (d) Members shall receive compensation as set by law. Each
11 member shall receive reimbursement as set by the Governor's
12 Travel Control Board for expenses incurred in carrying out the
13 duties as a Board member.

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

16 (f) The Board shall elect a chairperson and vice
17 chairperson.

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

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

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

25 (225 ILCS 447/50-25)

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

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

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

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

3 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

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

16 In the case of applicants, the notification shall be sent
17 as soon as practical after the filing of the application. In
18 the case of recipients, the notice shall be sent at such time
19 as may be established by rule of the Illinois Department.

20 The notice shall be accompanied by the forms or
21 questionnaires provided in Section 10-5. It shall inform the
22 relative that he may be liable for reimbursement of any support
23 furnished from public aid funds prior to determination of the
24 relative's financial circumstances, as well as for future
25 support. In the alternative, when support is sought on behalf
26 of applicants for or recipients of financial aid under Article
27 IV of this Code and other persons who are given access to the
28 child support enforcement services of this Article as provided
29 in Section 10-1, the notice shall inform the relative that the
30 relative may be required to pay support for a period before the
31 date an administrative support order is entered, as well as
32 future support.

33 Neither the mailing nor receipt of such notice shall be
34 deemed a jurisdictional requirement for the subsequent
35 exercise of the investigative procedures undertaken by an

1 administrative enforcement unit or the entry of any order or
2 determination of paternity or support or reimbursement by the
3 administrative enforcement unit; except that notice shall be
4 served by certified mail addressed to the responsible relative
5 at his or her last known address, return receipt requested, or
6 by a person who is licensed or registered as a private
7 detective under the Private Detective, Private Alarm, Private
8 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a
9 registered employee of a private detective agency certified
10 under that Act, or in counties with a population of less than
11 2,000,000 by any method provided by law for service of summons,
12 in cases where a determination of paternity or support by
13 default is sought on behalf of applicants for or recipients of
14 financial aid under Article IV of this Act and other persons
15 who are given access to the child support enforcement services
16 of this Article as provided in Section 10-1.

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

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

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

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

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

34 (b) The Secretary is further empowered to and he may, in

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

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

1 (c) Secretary of State may issue registration lists. The
2 Secretary of State shall compile and publish, at least
3 annually, a list of all registered vehicles. Each list of
4 registered vehicles shall be arranged serially according to the
5 registration numbers assigned to registered vehicles and shall
6 contain in addition the names and addresses of registered
7 owners and a brief description of each vehicle including the
8 serial or other identifying number thereof. Such compilation
9 may be in such form as in the discretion of the Secretary of
10 State may seem best for the purposes intended.

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

19 (e) (Blank).

20 (e-1) (Blank).

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

36 The Secretary of State shall certify a title or

1 registration record upon written request. The fee for
2 certification shall be \$5 in addition to the fee required for a
3 title or registration search. Certification shall be made under
4 the signature of the Secretary of State and shall be
5 authenticated by Seal of the Secretary of State.

6 The Secretary of State may notify the vehicle owner or
7 registrant of the request for purchase of his title or
8 registration information as the Secretary deems appropriate.

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

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

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

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

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

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

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

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

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

28 (5) For use in connection with any civil, criminal,
29 administrative, or arbitral proceeding in any federal,
30 State, or local court or agency or before any
31 self-regulatory body, including the service of process,
32 investigation in anticipation of litigation, and the
33 execution or enforcement of judgments and orders, or
34 pursuant to an order of a federal, State, or local court.

35 (6) For use by any insurer or insurance support
36 organization or by a self-insured entity or its agents,

1 employees, or contractors in connection with claims
2 investigation activities, antifraud activities, rating, or
3 underwriting.

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

6 (8) For use by any person licensed as a private
7 detective or firm licensed as a private detective agency
8 under the Private Detective, Private Alarm, Private
9 Security, Fingerprint Vendor, and Locksmith Act of 2004
10 ~~1993~~, private investigative agency or security service
11 licensed in Illinois for any purpose permitted under this
12 subsection.

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

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

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

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

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

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

35 (g) 1. The Secretary of State may, upon receipt of a
36 written request and a fee of \$6 before October 1, 2003 and

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

16 2. The Secretary of State shall not disclose or
17 otherwise make available to any person or entity any highly
18 restricted personal information obtained by the Secretary
19 of State in connection with a driver's license, vehicle, or
20 title registration record unless specifically authorized
21 by this Code. The Secretary of State may certify an
22 abstract of a driver's record upon written request
23 therefor. Such certification shall be made under the
24 signature of the Secretary of State and shall be
25 authenticated by the Seal of his office.

26 3. All requests for driving record information shall be
27 made in a manner prescribed by the Secretary and shall set
28 forth the intended use of the requested information.

29 The Secretary of State may notify the affected driver
30 of the request for purchase of his driver's record as the
31 Secretary deems appropriate.

32 No information shall be released to the requester until
33 expiration of a 10 day period. This 10 day period shall not
34 apply to requests for information made by law enforcement
35 officials, government agencies, financial institutions,
36 attorneys, insurers, employers, automobile associated

1 businesses, persons licensed as a private detective or
2 firms licensed as a private detective agency under the
3 Private Detective, Private Alarm, Private Security,
4 Fingerprint Vendor, and Locksmith Act of 2004, who are
5 employed by or are acting on behalf of law enforcement
6 officials, government agencies, financial institutions,
7 attorneys, insurers, employers, automobile associated
8 businesses, and other business entities for purposes
9 consistent with the Illinois Vehicle Code, the affected
10 driver or other entities as the Secretary may exempt by
11 rule and regulation.

12 Any misrepresentation made by a requestor of driver
13 information shall be punishable as a petty offense, except
14 in the case of persons licensed as a private detective or
15 firms licensed as a private detective agency which shall be
16 subject to disciplinary sanctions under Section 40-10 of
17 the Private Detective, Private Alarm, Private Security,
18 Fingerprint Vendor, and Locksmith Act of 2004.

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

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

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

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

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

30 7. Subject to any restrictions contained in the
31 Juvenile Court Act of 1987, and upon receipt of a proper
32 request and a fee of \$6 before October 1, 2003 and a fee of
33 \$12 on or after October 1, 2003, the Secretary of State
34 shall provide a driver's record to the affected driver, or
35 the affected driver's attorney, upon verification. Such
36 record shall contain all the information referred to in

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

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

29 (i) (Blank).

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

1 competent jurisdiction.

2 (k) All fees collected under this Section shall be paid
3 into the Road Fund of the State Treasury, except that (i) for
4 fees collected before October 1, 2003, \$3 of the \$6 fee for a
5 driver's record shall be paid into the Secretary of State
6 Special Services Fund, (ii) for fees collected on and after
7 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
8 be paid into the Secretary of State Special Services Fund and
9 \$6 shall be paid into the General Revenue Fund, and (iii) for
10 fees collected on and after October 1, 2003, 50% of the amounts
11 collected pursuant to subsection (b) shall be paid into the
12 General Revenue Fund.

13 (l) (Blank).

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

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

35 (o) The redisclosure of personally identifying information
36 obtained pursuant to this Section is prohibited, except to the

1 extent necessary to effectuate the purpose for which the
2 original disclosure of the information was permitted.

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

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

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

9 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

10 Sec. 24-2. Exemptions.

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

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

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

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

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

32 (5) Persons licensed as private security contractors,
33 private detectives, or private alarm contractors, or
34 employed by an agency certified by the Department of

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

21 (6) Any person regularly employed in a commercial or
22 industrial operation as a security guard for the protection
23 of persons employed and private property related to such
24 commercial or industrial operation, while actually engaged
25 in the performance of his or her duty or traveling between
26 sites or properties belonging to the employer, and who, as
27 a security guard, is a member of a security force of at
28 least 5 persons registered with the Department of
29 Professional Regulation; provided that such security guard
30 has successfully completed a course of study, approved by
31 and supervised by the Department of Professional
32 Regulation, consisting of not less than 40 hours of
33 training that includes the theory of law enforcement,
34 liability for acts, and the handling of weapons. A person
35 shall be considered eligible for this exemption if he or
36 she has completed the required 20 hours of training for a

1 security officer and 20 hours of required firearm training,
2 and has been issued a firearm authorization card by the
3 Department of Professional Regulation. Conditions for the
4 renewal of firearm authorization cards issued under the
5 provisions of this Section shall be the same as for those
6 cards issued under the provisions of the Private Detective,
7 Private Alarm, Private Security, Fingerprint Vendor, and
8 Locksmith Act of 2004. Such firearm authorization card
9 shall be carried by the security guard at all times when he
10 or she is in possession of a concealable weapon.

11 (7) Agents and investigators of the Illinois
12 Legislative Investigating Commission authorized by the
13 Commission to carry the weapons specified in subsections
14 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
15 any investigation for the Commission.

16 (8) Persons employed by a financial institution for the
17 protection of other employees and property related to such
18 financial institution, while actually engaged in the
19 performance of their duties, commuting between their homes
20 and places of employment, or traveling between sites or
21 properties owned or operated by such financial
22 institution, provided that any person so employed has
23 successfully completed a course of study, approved by and
24 supervised by the Department of Professional Regulation,
25 consisting of not less than 40 hours of training which
26 includes theory of law enforcement, liability for acts, and
27 the handling of weapons. A person shall be considered to be
28 eligible for this exemption if he or she has completed the
29 required 20 hours of training for a security officer and 20
30 hours of required firearm training, and has been issued a
31 firearm authorization card by the Department of
32 Professional Regulation. Conditions for renewal of firearm
33 authorization cards issued under the provisions of this
34 Section shall be the same as for those issued under the
35 provisions of the Private Detective, Private Alarm,
36 Private Security, Fingerprint Vendor, and Locksmith Act of

1 2004. Such firearm authorization card shall be carried by
2 the person so trained at all times when such person is in
3 possession of a concealable weapon. For purposes of this
4 subsection, "financial institution" means a bank, savings
5 and loan association, credit union or company providing
6 armored car services.

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

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

12 (11) Investigators of the Office of the State's
13 Attorneys Appellate Prosecutor authorized by the board of
14 governors of the Office of the State's Attorneys Appellate
15 Prosecutor to carry weapons pursuant to Section 7.06 of the
16 State's Attorneys Appellate Prosecutor's Act.

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

19 (12.5) Probation officers while in the performance of
20 their duties, or while commuting between their homes,
21 places of employment or specific locations that are part of
22 their assigned duties, with the consent of the chief judge
23 of the circuit for which they are employed.

24 (13) Court Security Officers while in the performance
25 of their official duties, or while commuting between their
26 homes and places of employment, with the consent of the
27 Sheriff.

28 (13.5) A person employed as an armed security guard at
29 a nuclear energy, storage, weapons or development site or
30 facility regulated by the Nuclear Regulatory Commission
31 who has completed the background screening and training
32 mandated by the rules and regulations of the Nuclear
33 Regulatory Commission.

34 (14) Manufacture, transportation, or sale of weapons
35 to persons authorized under subdivisions (1) through
36 (13.5) of this subsection to possess those weapons.

1 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
2 24-1.6 do not apply to or affect any of the following:

3 (1) Members of any club or organization organized for
4 the purpose of practicing shooting at targets upon
5 established target ranges, whether public or private, and
6 patrons of such ranges, while such members or patrons are
7 using their firearms on those target ranges.

8 (2) Duly authorized military or civil organizations
9 while parading, with the special permission of the
10 Governor.

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

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

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

17 (1) Peace officers while in performance of their
18 official duties.

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

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

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

30 (5) Persons licensed under federal law to manufacture
31 any weapon from which 8 or more shots or bullets can be
32 discharged by a single function of the firing device, or
33 ammunition for such weapons, and actually engaged in the
34 business of manufacturing such weapons or ammunition, but
35 only with respect to activities which are within the lawful
36 scope of such business, such as the manufacture,

1 transportation, or testing of such weapons or ammunition.
2 This exemption does not authorize the general private
3 possession of any weapon from which 8 or more shots or
4 bullets can be discharged by a single function of the
5 firing device, but only such possession and activities as
6 are within the lawful scope of a licensed manufacturing
7 business described in this paragraph.

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

11 (6) The manufacture, transport, testing, delivery,
12 transfer or sale, and all lawful commercial or experimental
13 activities necessary thereto, of rifles, shotguns, and
14 weapons made from rifles or shotguns, or ammunition for
15 such rifles, shotguns or weapons, where engaged in by a
16 person operating as a contractor or subcontractor pursuant
17 to a contract or subcontract for the development and supply
18 of such rifles, shotguns, weapons or ammunition to the
19 United States government or any branch of the Armed Forces
20 of the United States, when such activities are necessary
21 and incident to fulfilling the terms of such contract.

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

28 During transportation, any such weapon shall be broken
29 down in a non-functioning state, or not immediately
30 accessible.

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

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

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

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

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

11 (2) Bonafide collectors of antique or surplus military
12 ordinance.

13 (3) Laboratories having a department of forensic
14 ballistics, or specializing in the development of
15 ammunition or explosive ordinance.

16 (4) Commerce, preparation, assembly or possession of
17 explosive bullets by manufacturers of ammunition licensed
18 by the federal government, in connection with the supply of
19 those organizations and persons exempted by subdivision
20 (g)(1) of this Section, or like organizations and persons
21 outside this State, or the transportation of explosive
22 bullets to any organization or person exempted in this
23 Section by a common carrier or by a vehicle owned or leased
24 by an exempted manufacturer.

25 (g-5) Subsection 24-1(a)(6) does not apply to or affect
26 persons licensed under federal law to manufacture any device or
27 attachment of any kind designed, used, or intended for use in
28 silencing the report of any firearm, firearms, or ammunition
29 for those firearms equipped with those devices, and actually
30 engaged in the business of manufacturing those devices,
31 firearms, or ammunition, but only with respect to activities
32 that are within the lawful scope of that business, such as the
33 manufacture, transportation, or testing of those devices,
34 firearms, or ammunition. This exemption does not authorize the
35 general private possession of any device or attachment of any
36 kind designed, used, or intended for use in silencing the

1 report of any firearm, but only such possession and activities
2 as are within the lawful scope of a licensed manufacturing
3 business described in this subsection (g-5). During
4 transportation, those devices shall be detached from any weapon
5 or not immediately accessible.

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

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

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

26 Section 40. The Code of Civil Procedure is amended by
27 changing Section 2-202 as follows:

28 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

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

31 (a) Process shall be served by a sheriff, or if the sheriff
32 is disqualified, by a coroner of some county of the State. A
33 sheriff of a county with a population of less than 1,000,000
34 may employ civilian personnel to serve process. In counties

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

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

30 (b) Summons may be served upon the defendants wherever they
31 may be found in the State, by any person authorized to serve
32 process. An officer may serve summons in his or her official
33 capacity outside his or her county, but fees for mileage
34 outside the county of the officer cannot be taxed as costs. The
35 person serving the process in a foreign county may make return
36 by mail.

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

13 (d) If process is served by a sheriff or coroner, the court
14 may tax the fee of the sheriff or coroner as costs in the
15 proceeding. If process is served by a private person or entity,
16 the court may establish a fee therefor and tax such fee as
17 costs in the proceedings.

18 (e) In addition to the powers stated in Section 8.1a of the
19 Housing Authorities Act, in counties with a population of
20 3,000,000 or more inhabitants, members of a housing authority
21 police force may serve process for forcible entry and detainer
22 actions commenced by that housing authority and may execute
23 orders of possession for that housing authority.

24 (f) In counties with a population of 3,000,000 or more,
25 process may be served, with special appointment by the court,
26 by a private process server or a law enforcement agency other
27 than the county sheriff in proceedings instituted under the
28 Forcible Entry and Detainer Article of this Code as a result of
29 a lessor or lessor's assignee declaring a lease void pursuant
30 to Section 11 of the Controlled Substance and Cannabis Nuisance
31 Act.

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

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

1 (765 ILCS 1025/20) (from Ch. 141, par. 120)

2 Sec. 20. Determination of claims.

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

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

25 (c) In order to carry out the purpose of this Act, no
26 person or company shall be entitled to a fee for discovering
27 presumptively abandoned property until it has been in the
28 custody of the Unclaimed Property Division of the Office of the
29 State Treasurer for at least 24 months. Fees for discovering
30 property that has been in the custody of that division for more
31 than 24 months shall be limited to not more than 10% of the
32 amount collected.

33 (d) A person or company attempting to collect a contingent
34 fee for discovering, on behalf of an owner, presumptively
35 abandoned property must be licensed as a private detective
36 pursuant to the Private Detective, Private Alarm, Private

1 Security, Fingerprint Vendor, and Locksmith Act of 2004 ~~1993~~.

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

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

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