



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1275

Introduced 2/15/2007, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

See Index

Amends the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Provides for the regulation of canine handlers through the issuance of canine handler authorization cards and the regulation of canine trainers through the issuance of canine trainer authorization cards issued by the Department of Financial and Professional Regulation. Provides for the licensure as private detectives and private security contractors, without examination, of any person who has been providing canine odor detection services since January 1, 2005. Changes the membership of the Private Detective, Private Alarm, Private Security, and Locksmith Board from 11 members to 13 by adding one licensed private detective who provides canine odor detection services and one licensed private security contractor who provides canine odor detection services. Makes other changes. Amends the Animal Welfare Act to exempt private detective agencies and private security agencies licensed under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 that provide guard dog or canine odor detection services from the Act. Effective January 1, 2008.

LRB095 08131 RAS 28296 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Private Detective, Private Alarm, Private
5 Security, and Locksmith Act of 2004 is amended by changing
6 Sections 5-10, 10-5, 10-10, 10-25, 15-10, 25-10, 35-10, 40-10,
7 and 50-10 and by adding Sections 5-3, 35-41, 35-42, and 35-43
8 as follows:

9 (225 ILCS 447/5-3 new)

10 Sec. 5-3. References to Department or Director of
11 Professional Regulation. References in this Act (i) to the
12 Department of Professional Regulation are deemed, in
13 appropriate contexts, to be references to the Department of
14 Financial and Professional Regulation and (ii) to the Director
15 of Professional Regulation are deemed, in appropriate
16 contexts, to be references to the Secretary of Financial and
17 Professional Regulation.

18 (225 ILCS 447/5-10)

19 (Section scheduled to be repealed on January 1, 2014)

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

21 "Advertisement" means any printed material that is
22 published in a phone book, newspaper, magazine, pamphlet,

1 newsletter, or other similar type of publication that is
2 intended to either attract business or merely provide contact
3 information to the public for an agency or licensee.
4 Advertisement shall include any material disseminated by
5 printed or electronic means or media, but shall not include a
6 licensee's or an agency's letterhead, business cards, or other
7 stationery used in routine business correspondence or
8 customary name, address, and number type listings in a
9 telephone directory.

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

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

26 "Armed proprietary security force" means a security force

1 made up of 5 or more armed individuals employed by a private,
2 commercial, or industrial operation or one or more armed
3 individuals employed by a financial institution as security
4 officers for the protection of persons or property.

5 "Board" means the Private Detective, Private Alarm,
6 Private Security, and Locksmith Board.

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

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

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

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

1 or to conduct investigations.

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

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

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

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

16 "Director" means the Director of Professional Regulation.

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

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

25 "Firearm authorization card" means a card issued by the
26 Department that authorizes the holder to carry a weapon during

1 the performance of his or her duties as specified in this Act.

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

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

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

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

24 "Peace officer" or "police officer" means a person who, by
25 virtue of office or public employment, is vested by law with a
26 duty to maintain public order or to make arrests for offenses,

1 whether that duty extends to all offenses or is limited to
2 specific offenses. Officers, agents, or employees of the
3 federal government commissioned by federal statute to make
4 arrests for violations of federal laws are considered peace
5 officers.

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

10 "Person" means a natural person.

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

20 "Private alarm contractor" does not include a person, firm, or
21 corporation that manufactures or sells alarm systems only from
22 its place of business and does not sell, install, monitor,
23 maintain, alter, repair, replace, service, or respond to alarm
24 systems at protected premises or premises to be protected.

25 "Private alarm contractor agency" means a person,
26 corporation, or other entity that engages in the private alarm

1 contracting business and employs, in addition to the private
2 alarm contractor-in-charge, at least one other person in
3 conducting such business.

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

13 "Private detective" means any person who by any means,
14 including, but not limited to, manual, canine odor detection,
15 or electronic methods, engages in the business of, accepts
16 employment to furnish, or agrees to make or makes
17 investigations for a fee or other consideration to obtain
18 information relating to:

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

22 (2) The identity, habits, conduct, business
23 occupation, honesty, integrity, credibility, knowledge,
24 trustworthiness, efficiency, loyalty, activity, movements,
25 whereabouts, affiliations, associations, transactions,
26 acts, reputation, or character of any person, firm, or

1 other entity by any means, manual or electronic.

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

4 (4) The cause, origin, or responsibility for fires,
5 accidents, or injuries to individuals or real or personal
6 property.

7 (5) The truth or falsity of any statement or
8 representation.

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

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

13 (8) Service of process in criminal and civil
14 proceedings without court order.

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

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

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

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

10 (1) The prevention or detection of intrusion, entry,
11 theft, vandalism, abuse, fire, or trespass on private or
12 governmental property.

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

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

19 (4) The prevention of the misappropriation or
20 concealment of goods, money, bonds, stocks, notes,
21 documents, or papers.

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

26 (6) The protection of individuals from bodily harm or

1 death (bodyguard functions).

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

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

16 "Public member" means a person who is not a licensee or
17 related to a licensee, or who is not an employer or employee of
18 a licensee. The term "related to" shall be determined by the
19 rules of the Department.

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

21 (225 ILCS 447/10-5)

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

23 Sec. 10-5. Requirement of license.

24 (a) It is unlawful for a person to act as or provide the
25 functions of a private detective, private security contractor,

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

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

17 (c) No agency shall operate a branch office without first
18 applying for and receiving a branch office license for each
19 location.

20 (d) No person shall operate a canine training facility
21 unless licensed as a private detective agency or private
22 security contractor agency under this Act, and no person shall
23 act as a canine trainer unless he or she is licensed as a
24 private detective or private security contractor or is a
25 registered employee of a private detective agency or private
26 security contractor agency.

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

2 (225 ILCS 447/10-10)

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

4 Sec. 10-10. General exemptions. This Act does not apply to
5 any of the following:

6 (1) A person, firm, or corporation engaging in fire
7 protection engineering, including the design, testing, and
8 inspection of fire protection systems.

9 (2) The practice of professional engineering as
10 defined in the Professional Engineering Practice Act of
11 1989.

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

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

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

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

21 (7) A person engaged exclusively and employed by a
22 person, firm, association, or corporation in the business
23 of transporting persons or property in interstate commerce
24 and making an investigation related to the business of that
25 employer.

1 (8) A person who provides canine odor detection
2 services to a unit of federal, State, or local government
3 on an emergency call-out or volunteer and not-for-hire
4 basis.

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

6 (225 ILCS 447/10-25)

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

8 Sec. 10-25. Issuance of license; renewal; fees.

9 (a) The Department shall, upon the applicant's
10 satisfactory completion of the requirements set forth in this
11 Act and upon receipt of the fee, issue the license indicating
12 the name and business location of the licensee and the date of
13 expiration.

14 (b) An applicant may, upon satisfactory completion of the
15 requirements set forth in this Act and upon receipt of fees
16 related to the application and testing for licensure, elect to
17 defer the issuance of the applicant's initial license for a
18 period not longer than 6 years. An applicant who fails to
19 request issuance of his or her initial license or agency
20 license and to remit the fees required for that license within
21 6 years shall be required to resubmit an application together
22 with all required fees.

23 (c) The expiration date, renewal period, and conditions for
24 renewal and restoration of each license, permanent employee
25 registration card, canine handler authorization card, canine

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

26 (d) Any permanent employee registration card expired for

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

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

11 (225 ILCS 447/15-10)

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

13 Sec. 15-10. Qualifications for licensure as a private
14 detective.

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

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

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

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

1 licensure.

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

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

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

1 (7) Has not been dishonorably discharged from the armed
2 forces of the United States or has not been discharged from
3 a law enforcement agency of the United States or of any
4 state or of any political subdivision thereof, which shall
5 include a state's attorney's office, for reasons relating
6 to his or her conduct as an employee of that law
7 enforcement agency.

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

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

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

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

22 (c) Any person who has been providing canine odor detection
23 services for hire since January 1, 2005 shall be granted a
24 private detective license without examination upon the
25 submission of a completed application, the payment of
26 applicable fees, and the satisfactory demonstration to the

1 Department of evidence of the provision of such services.

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

3 (225 ILCS 447/25-10)

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

5 Sec. 25-10. Qualifications for licensure as a private
6 security contractor.

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

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

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

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

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

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

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

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

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

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

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

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

10 (c) Any person who has been providing canine odor detection
11 services for hire since January 1, 2005 shall be granted a
12 private security contractor license without examination upon
13 the submission of a completed application, the payment of
14 applicable fees, and the satisfactory demonstration to the
15 Department of evidence of the provision of such services.

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

17 (225 ILCS 447/35-10)

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

19 Sec. 35-10. Inspection of facilities. Each licensee shall
20 permit his or her office facilities, canine training
21 facilities, and registered employee files to be audited or
22 inspected at reasonable times and in a reasonable manner upon
23 24 hours notice by the Department.

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

1 (225 ILCS 447/35-41 new)

2 Sec. 35-41. Requirement of a canine handler authorization
3 card.

4 (a) No person shall perform duties that include the use or
5 handling of a canine to protect persons or property or to
6 conduct investigations without having been issued a valid
7 canine handler authorization card by the Department.

8 (b) No employer shall employ any person to perform the
9 duties for which employee registration is required and allow
10 that person to use or handle a canine to protect persons or
11 property or to conduct investigations unless that person has
12 been issued a canine handler authorization card.

13 (c) The Department shall issue a canine handler
14 authorization card to a person who (i) has passed an approved
15 canine handler training course, (ii) is currently employed by
16 an agency licensed under this Act, and (iii) has met all of the
17 applicable requirements of this Act. Application for the canine
18 handler authorization card shall be made by the employer to the
19 Department on forms provided by the Department. The Department
20 shall forward the card to the employer who shall be responsible
21 for its issuance to the employee. The canine handler
22 authorization card shall be issued by the Department and must
23 identify the person holding it and the name of the canine
24 training facility where the employee received canine handler
25 instruction and must specify the name of each canine the holder
26 is authorized by the Department to use or handle.

1 (d) The Department may, in addition to any other
2 disciplinary action permitted by this Act, refuse to issue,
3 suspend, or revoke a canine handler authorization card if the
4 applicant or holder has been convicted of any felony or
5 misdemeanor involving cruelty to animals or for a violation of
6 this Act or rules adopted under this Act.

7 (225 ILCS 447/35-42 new)

8 Sec. 35-42. Canine handler authorization; training
9 requirements.

10 (a) The Department shall, pursuant to rule, approve or
11 disapprove training programs for the canine handler training
12 course, which shall be taught by a qualified instructor.
13 Qualifications for instructors shall be set by rule. The canine
14 handler training course must be conducted by a licensee under
15 this Act and approved by the Department. A canine handler
16 course must consist of each of the following minimum
17 requirements:

18 (1) Sixty hours of training, which shall include the
19 following subjects:

20 (A) canine handling safety procedures;

21 (B) basic veterinary health and wellness
22 principles, including canine first aid;

23 (C) principles of canine conditioning;

24 (D) canine obedience techniques;

25 (E) search patterns and techniques; and

1 (F) legal guidelines affecting canine odor
2 detection operations.

3 (2) An examination given at the completion of the
4 course, which shall consist of a canine practical
5 qualification course and a written examination. Successful
6 completion of the examination shall be determined by the
7 canine training facility.

8 (b) The canine handler training requirement may be waived
9 for an employee who has completed training provided by an
10 approved canine training program as determined by rule.

11 (225 ILCS 447/35-43 new)

12 Sec. 35-43. Requirement of a canine trainer authorization
13 card; qualifications.

14 (a) No person may perform duties that include the training
15 of canine handlers and canines to protect persons or property
16 or to conduct investigations without having been issued a valid
17 canine trainer authorization card by the Department.

18 (b) No employer shall employ any person to perform the
19 duties for which employee registration is required under this
20 Act and allow that person to train canine handlers and canines
21 unless that person has been issued a canine trainer
22 authorization card.

23 (c) The Department shall issue a canine trainer
24 authorization card to a person who (i) has passed an approved
25 canine trainer training course, (ii) is currently employed by

1 an agency licensed under this Act, and (iii) has met all of the
2 applicable requirements of this Act. Application for the canine
3 trainer authorization card shall be made by the employer to the
4 Department on forms provided by the Department. The Department
5 shall forward the card to the employer who shall be responsible
6 for its issuance to the employee.

7 (d) The Department may, in addition to any other
8 disciplinary action permitted by this Act, refuse to issue,
9 suspend, or revoke a canine trainer authorization card if the
10 applicant or holder has been convicted of any felony or
11 misdemeanor involving cruelty to animals or for a violation of
12 this Act or rules promulgated under this Act.

13 (e) Qualifications for canine trainers shall be set by the
14 Department by rule.

15 (225 ILCS 447/40-10)

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

17 Sec. 40-10. Disciplinary sanctions.

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

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

3 (2) Professional incompetence as manifested by poor
4 standards of service.

5 (3) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public.

8 (4) Conviction in Illinois or another state of any
9 crime that is a felony under the laws of Illinois; a felony
10 in a federal court; a misdemeanor, an essential element of
11 which is dishonesty; or directly related to professional
12 practice.

13 (5) Performing any services in a grossly negligent
14 manner or permitting any of a licensee's employees to
15 perform services in a grossly negligent manner, regardless
16 of whether actual damage to the public is established.

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

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

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

26 (C) Addiction to or dependency on alcohol or drugs

1 that is likely to endanger the public. If the
2 Department has reasonable cause to believe that a
3 person is addicted to or dependent on alcohol or drugs
4 that may endanger the public, the Department may
5 require the person to undergo an examination to
6 determine the extent of the addiction or dependency.

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

9 (8) Willfully deceiving or defrauding the public on a
10 material matter.

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

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

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

21 (12) Engaging in false or misleading advertising.

22 (13) Aiding, assisting, or willingly permitting
23 another person to violate this Act or rules promulgated
24 under it.

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (225 ILCS 447/50-10)

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

6 Sec. 50-10. The Private Detective, Private Alarm, Private
7 Security, and Locksmith Board.

8 (a) The Private Detective, Private Alarm, Private
9 Security, and Locksmith Board shall consist of 13 ~~11~~ members
10 appointed by the Director and comprised of 3 ~~2~~ licensed private
11 detectives, one of whom provides canine odor detection
12 services; ~~4~~ ~~3~~ licensed private security contractors, one of
13 whom provides canine odor detection services; ~~1~~ 2 licensed
14 private alarm contractors; ~~1~~ 2 licensed locksmiths; ~~1~~ one public
15 member who is not licensed or registered under this Act and who
16 has no connection with a business licensed under this Act; ~~1~~ and
17 one member representing the employees registered under this
18 Act. Each member shall be a resident of Illinois. Each licensed
19 member shall have at least 5 years experience as a licensee in
20 the professional area in which the person is licensed and be in
21 good standing and actively engaged in that profession. In
22 making appointments, the Director shall consider the
23 recommendations of the professionals and the professional
24 organizations representing the licensees. The membership shall
25 reasonably reflect the different geographic areas in Illinois.

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

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

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

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

22 (f) The Board shall elect a chairperson and vice
23 chairperson.

24 (g) Board members are not liable for their acts, omissions,
25 decisions, or other conduct in connection with their duties on
26 the Board, except those determined to be willful, wanton, or

1 intentional misconduct.

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

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

5 Section 10. The Animal Welfare Act is amended by changing
6 Section 3 as follows:

7 (225 ILCS 605/3) (from Ch. 8, par. 303)

8 Sec. 3. (a) Except as provided in subsection (b) of this
9 Section, no ~~No~~ person shall engage in business as a pet shop
10 operator, dog dealer, kennel operator, cattery operator, or
11 operate a guard dog service, an animal control facility or
12 animal shelter or any combination thereof, in this State
13 without a license therefor issued by the Department. Only one
14 license shall be required for any combination of businesses at
15 one location, except that a separate license shall be required
16 to operate a guard dog service. Guard dog services that are
17 located outside this State but provide services within this
18 State are required to obtain a license from the Department.
19 Out-of-state guard dog services are required to comply with the
20 requirements of this Act with regard to guard dogs and sentry
21 dogs transported to or used within this State.

22 (b) This Act does not apply to a private detective agency
23 or private security agency licensed under the Private
24 Detective, Private Alarm, Private Security, and Locksmith Act

1 of 2004 that provides guard dog or canine odor detection
2 services and does not otherwise operate a kennel for hire.

3 (Source: P.A. 89-178, eff. 7-19-95.)

4 Section 99. Effective date. This Act takes effect January
5 1, 2008.

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