

SB0463



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0463

Introduced 2/8/2007, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

See Index

Amends the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Replaces references to "firearm authorization card" with "firearm control card" throughout the Act. Makes changes in the definitions of "branch office" and "private alarm contractor". Adds a provision concerning continuing education for licensed private detectives and licensed private security contractors. Makes changes to provisions concerning the training of employees of licensees, qualifications for licensure as a private alarm contractor, uniforms, qualifications of licensure as a locksmith agency, and the Private Detective, Private Alarm, Private Security, and Locksmith Board. Amends the Criminal Code of 1961 to make corresponding changes. Effective immediately.

LRB095 07222 RAS 27357 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, 10-25, 10-30, 15-25, 20-10, 20-20, 25-20, 25-30,
7 30-15, 35-10, 35-25, 35-30, 35-35, 35-40, 35-45, 40-10, 45-50,
8 45-55, and 50-10 and by adding Sections 15-20 and 25-25 as
9 follows:

10 (225 ILCS 447/5-10)

11 (Section scheduled to be repealed on January 1, 2014)

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

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

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

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

17 "Armed proprietary security force" means a security force
18 made up of 5 or more armed individuals employed by a private,
19 commercial, or industrial operation or one or more armed
20 individuals employed by a financial institution as security
21 officers for the protection of persons or property.

22 "Board" means the Private Detective, Private Alarm,
23 Private Security, and Locksmith Board.

24 "Branch office" means a business location removed from the
25 place of business for which an agency license has been issued,
26 including but not limited to locations where active employee

1 records that are required to be maintained under this Act are
2 kept, where prospective new employees are processed, ~~or~~ where
3 members of the public are invited in to transact business, or
4 any address advertised to the public that is not the address
5 for the license issued by the Department. A branch office does
6 not include an office or other facility located on the property
7 of an existing client that is utilized solely for the benefit
8 of that client and is not owned or leased by the agency.

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

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

15 "Director" means the Director of Professional Regulation.

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

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

24 "Firearm control authorization card" means a card issued by
25 the Department that authorizes the holder, who has complied
26 with the training and other requirements of this Act, to carry

1 a weapon during the performance of his or her duties as
2 specified in this Act.

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

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

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

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

25 "Peace officer" or "police officer" means a person who, by
26 virtue of office or public employment, is vested by law with a

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

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

11 "Person" means a natural person.

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

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

26 "Private alarm contractor agency" means a person,

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

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

14 "Private detective" means any person who by any means,
15 including but not limited to manual or electronic methods,
16 engages in the business of, accepts employment to furnish, or
17 agrees to make or makes investigations for a fee or other
18 consideration to obtain 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, or a similar service by any other title or name on a
6 contractual basis for another person, firm, corporation, or
7 other entity for a fee or other consideration and performing
8 one or more of the following functions:

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

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

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

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

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

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

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

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

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

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

20 (225 ILCS 447/10-25)

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

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

23 (a) The Department shall, upon the applicant's
24 satisfactory completion of the requirements set forth in this
25 Act and upon receipt of the fee, issue the license indicating

1 the name and business location of the licensee and the date of
2 expiration.

3 (b) An applicant may, upon satisfactory completion of the
4 requirements set forth in this Act and upon receipt of fees
5 related to the application and testing for licensure, elect to
6 defer the issuance of the applicant's initial license for a
7 period not longer than 6 years. An applicant who fails to
8 request issuance of his or her initial license or agency
9 license and to remit the fees required for that license within
10 6 years shall be required to resubmit an application together
11 with all required fees.

12 (c) The expiration date, renewal period, and conditions for
13 renewal and restoration of each license, permanent employee
14 registration card, and firearm control ~~authorization~~ card
15 shall be set by rule. The holder may renew the license,
16 permanent employee registration card, or firearm control
17 ~~authorization~~ card during the 30 days preceding its expiration
18 by paying the required fee and by meeting conditions that the
19 Department may specify. Any license holder who notifies the
20 Department on forms prescribed by the Department may place his
21 or her license on inactive status for a period of not longer
22 than 6 years and shall, subject to the rules of the Department,
23 be excused from payment of renewal fees until the license
24 holder notifies the Department, in writing, of an intention to
25 resume active status. Practice while on inactive status
26 constitutes unlicensed practice. A non-renewed license that

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

12 (d) Any permanent employee registration card expired for
13 less than one year may be restored upon payment of lapsed
14 renewal fees. Any permanent employee registration card expired
15 for one year or more may be restored by making application to
16 the Department and filing proof acceptable to the Department of
17 the licensee's fitness to have the permanent employee
18 registration card restored, including verification of
19 fingerprint processing through the Department of State Police
20 and Federal Bureau of Investigation and paying the restoration
21 fee.

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

23 (225 ILCS 447/10-30)

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

25 Sec. 10-30. Unlawful acts. It is unlawful for a licensee or

1 an employee of a licensed agency:

2 (1) Upon termination of employment by the agency, to
3 fail to return upon demand or within 72 hours of
4 termination of employment any firearm issued by the
5 employer together with the employee's firearm control
6 ~~authorization~~ card.

7 (2) Upon termination of employment by the agency, to
8 fail to return within 72 hours of termination of employment
9 any uniform, badge, identification card, or equipment
10 issued, but not sold, to the employee by the agency.

11 (3) To falsify the employee's statement required by
12 this Act.

13 (4) To have a badge, shoulder patch, or any other
14 identification that contains the words "law enforcement".
15 In addition, no license holder or employee of a licensed
16 agency shall in any manner imply that the person is an
17 employee or agent of a governmental agency or display a
18 badge or identification card, emblem, or uniform citing the
19 words "police", "sheriff", "highway patrol trooper", or
20 "law enforcement".

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

22 (225 ILCS 447/15-20 new)

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

24 Sec. 15-20. Continuing education. The Department must
25 adopt rules requiring continuing education for private

1 detective licensees beginning January 1, 2009. The rules shall
2 set forth the amount of approved continuing education units
3 that each licensee must meet within every license renewal
4 period. The rules shall also allow exemptions for persons who
5 are serving in the Armed Forces of the United States or of this
6 State, persons who are ill for an extended period, and persons
7 who may have a hardship that would prevent full compliance with
8 this Section and the rules adopted thereunder. The rules shall
9 provide for the determination of course approval, as well as
10 for the approval of course sponsors. Each licensee shall be
11 responsible for maintaining all records relevant for
12 compliance and shall produce those records upon request by the
13 Department.

14 (225 ILCS 447/15-25)

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

16 Sec. 15-25. Training; private detective and employees.

17 (a) Registered employees of a private detective agency
18 shall complete, within 30 days of their employment, a minimum
19 of 20 hours of training provided by a qualified instructor. The
20 substance of the training shall be related to the work
21 performed by the registered employee and shall include relevant
22 information as to the identification of terrorists, acts of
23 terrorism, and terrorist organizations, as defined by federal
24 and State statutes.

25 (b) It is the responsibility of the employer to certify, on

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

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

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

19 (225 ILCS 447/20-10)

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

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

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

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

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

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

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

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

17 (6) Has a minimum of 3 years experience of the 5 years
18 immediately preceding application working as a full-time
19 manager for a licensed private alarm contractor agency or
20 for an entity that designs, sells, installs, services, or
21 monitors alarm systems that, in the judgment of the Board,
22 satisfies the standards of alarm industry competence. An
23 applicant who has received a 4-year degree or higher in
24 electrical engineering or a related field from a program
25 approved by the Board shall be given credit for 2 years of
26 the required experience. An applicant who has successfully

1 completed a national certification program approved by the
2 Board shall be given credit for one year of the required
3 experience.

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

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

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

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

12 (b) (Blank). ~~A person is qualified to receive a license as~~
13 ~~a private alarm contractor without meeting the requirement of~~
14 ~~item (8) of subsection (a) if he or she:~~

15 ~~(1) applies for a license between September 2, 2003 and~~
16 ~~September 5, 2003 in writing on forms supplied by the~~
17 ~~Department;~~

18 ~~(2) provides proof of ownership of a licensed alarm~~
19 ~~contractor agency; and~~

20 ~~(3) provides proof of at least 7 years of experience in~~
21 ~~the installation, design, sales, repair, maintenance,~~
22 ~~alteration, or service of alarm systems or any other low~~
23 ~~voltage electronic systems.~~

24 (c) It is the responsibility of the applicant to obtain
25 general liability insurance in an amount and coverage
26 appropriate for the applicant's circumstances as determined by

1 rule. The applicant shall provide evidence of insurance to the
2 Department before being issued a license. Failure to maintain
3 general liability insurance and to provide the Department with
4 written proof of the insurance shall result in cancellation of
5 the license.

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

7 (225 ILCS 447/20-20)

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

9 Sec. 20-20. Training; private alarm contractor and
10 employees.

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

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

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

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

23 (4) Arrest and control techniques.

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

1 property.

2 (6) The law on private alarm forces and on reporting to
3 law enforcement agencies.

4 (7) Fire prevention, fire equipment, and fire safety.

5 (8) Civil rights and public relations.

6 (9) The identification of terrorists, acts of
7 terrorism, and terrorist organizations, as defined by
8 federal and State statutes.

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

14 (c) It is the responsibility of the employer to certify, on
15 forms provided by the Department, that the employee has
16 successfully completed the training. The form shall be a
17 permanent record of training completed by the employee and
18 shall be placed in the employee's file with the employer for
19 the term the employee is retained by the employer. A private
20 alarm contractor agency may place a notarized copy of the
21 Department form in lieu of the original into the permanent
22 employee registration card file. The form shall be returned to
23 the employee when his or her employment is terminated. Failure
24 to return the form to the employee is grounds for discipline.
25 The employee shall not be required to complete the training
26 required under this Act once the employee has been issued a

1 form.

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

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

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

11 (225 ILCS 447/25-20)

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

13 Sec. 25-20. Training; private security contractor and
14 employees.

15 (a) Registered employees of the private security
16 contractor agency who provide traditional guarding or other
17 private security related functions or who respond to alarm
18 systems shall complete, within 30 days of their employment, a
19 minimum of 20 hours of classroom basic training provided by a
20 qualified instructor, which shall include the following
21 subjects:

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

24 (2) Civil and criminal liability for acts related to
25 private security.

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

4 (4) Arrest and control techniques.

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

8 (6) The law on private security forces and on reporting
9 to law enforcement agencies.

10 (7) Fire prevention, fire equipment, and fire safety.

11 (8) The procedures for service of process and for
12 report writing.

13 (9) Civil rights and public relations.

14 (10) The identification of terrorists, acts of
15 terrorism, and terrorist organizations, as defined by
16 federal and State statutes.

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

22 (c) Registered employees of the private security
23 contractor agency who provide guarding or other private
24 security related functions, in addition to the classroom
25 training required under subsection (a), within 6 months of
26 their employment, shall complete an additional 8 hours of

1 training on subjects to be determined by the employer, which
2 training may be site-specific and may be conducted on the job.

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

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

26 (f) Any certification of completion of the 20-hour basic

1 training issued under the Private Detective, Private Alarm,
2 Private Security and Locksmith Act of 1993 or any prior Act
3 shall be accepted as proof of training under this Act.

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

5 (225 ILCS 447/25-25 new)

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

7 Sec. 25-25. Continuing education. The Department must
8 adopt rules requiring continuing education for private
9 security contractor licensees beginning January 1, 2009. The
10 rules must set forth the amount of approved continuing
11 education units that each licensee shall meet within every
12 license renewal period. The rules shall also allow exemptions
13 for persons who are serving in the Armed Forces of the United
14 States or of this State, persons who are ill for an extended
15 period, and persons who may have a hardship that would prevent
16 full compliance with this Section and the rules adopted
17 thereunder. The rules shall provide for the determination of
18 course approval, as well as for the approval of course
19 sponsors. Each licensee shall be responsible for maintaining
20 all records relevant for compliance and shall produce those
21 records upon request by the Department.

22 (225 ILCS 447/25-30)

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

24 Sec. 25-30. Uniforms.

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

10 (b) All military-style uniforms, if worn~~7~~ by employees of a
11 licensed private security contractor agency, must bear the name
12 of the private security contractor agency, which shall be
13 plainly visible on a patch, badge, or other insignia.

14 (c) All uniforms, if worn by employees of a licensed
15 private security contractor agency, may only be worn in the
16 performance of their duties or while commuting directly to or
17 from the employee's place or places of employment, provided
18 this is accomplished within one hour from departure from home
19 or place of employment.

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

21 (225 ILCS 447/30-15)

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

23 Sec. 30-15. Qualifications for licensure as a locksmith
24 agency.

25 (a) Upon receipt of the required fee and proof that the

1 applicant is an Illinois licensed locksmith who shall assume
2 responsibility for the operation of the agency and the directed
3 actions of the agency's employees, which is a continuing
4 requirement for agency licensure, the Department shall issue a
5 license as a locksmith agency to any of the following:

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

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

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

18 (4) A corporation or limited liability company not
19 located in Illinois that is authorized by its articles of
20 incorporation or organization to engage in the business of
21 conducting a locksmith agency providing the
22 licensee-in-charge either reports full-time to a local
23 locksmith agency office or is a full-time resident of
24 Illinois.

25 (b) An individual licensed as a locksmith operating under a
26 business name other than the licensed locksmith's own name

1 shall not be required to obtain a locksmith agency license if
2 that licensed locksmith does not employ any persons to engage
3 in the practice of locksmithing and registers under the Assumed
4 Business Name Act.

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

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

21 (225 ILCS 447/35-10)

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

23 Sec. 35-10. Inspection of facilities. Each licensee shall
24 permit his or her office facilities and registered employee
25 files to be audited or inspected at reasonable times and in a

1 reasonable manner upon at least 24 hours notice by the
2 Department.

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

4 (225 ILCS 447/35-25)

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

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

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

16 (225 ILCS 447/35-30)

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

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

24 (a) ~~(1)~~ No person shall be issued a permanent employee

1 registration card who:

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

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

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

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

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

26 (6) ~~(F)~~ Has been dishonorably discharged from the armed

1 services of the United States.

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

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

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

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

- 1 (4) ~~(D)~~ Any conviction of a felony or misdemeanor.
- 2 (5) ~~(E)~~ Any declaration of incompetence by a court of
3 competent jurisdiction that has not been restored.
- 4 (6) ~~(F)~~ Any dishonorable discharge from the armed
5 services of the United States.
- 6 (7) Satisfactory proof of United States citizenship or
7 at least 3 years of legal status and residency in the
8 United States.
- 9 (8) ~~(G)~~ Any other information as may be required by any
10 rule of the Department to show the good character,
11 competency, and integrity of the person executing the
12 statement.
- 13 (c) Each applicant for a permanent employee registration
14 card shall have his or her fingerprints submitted to the
15 Department of State Police in an electronic format that
16 complies with the form and manner for requesting and furnishing
17 criminal history record information as prescribed by the
18 Department of State Police. These fingerprints shall be checked
19 against the Department of State Police and Federal Bureau of
20 Investigation criminal history record databases now and
21 hereafter filed. The Department of State Police shall charge
22 applicants a fee for conducting the criminal history records
23 check, which shall be deposited in the State Police Services
24 Fund and shall not exceed the actual cost of the records check.
25 The Department of State Police shall furnish, pursuant to
26 positive identification, records of Illinois convictions to

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

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

1 identification card required by subsection (f) of this Section.

2 (e) Each employer shall maintain a record of each employee
3 that is accessible to the duly authorized representatives of
4 the Department. The record shall contain the following
5 information:

6 (1) A photograph taken within 10 days of the date that
7 the employee begins employment with the employer. The
8 photograph shall be replaced with a current photograph
9 every 3 calendar years.

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

12 (3) All correspondence or documents relating to the
13 character and integrity of the employee received by the
14 employer from any official source or law enforcement
15 agency.

16 (4) In the case of former employees, the employee
17 identification card of that person issued under subsection
18 (f) of this Section. Each employee record shall duly note
19 if the employee is employed in an armed capacity. Armed
20 employee files shall contain a copy of an active firearm
21 owner's identification card and a copy of an active firearm
22 control authorization card. Each employer shall maintain a
23 record for each armed employee of each instance in which
24 the employee's weapon was discharged during the course of
25 his or her professional duties or activities. The record
26 shall be maintained on forms provided by the Department, a

1 copy of which must be filed with the Department within 15
2 days of an instance. The record shall include the date and
3 time of the occurrence, the circumstances involved in the
4 occurrence, and any other information as the Department may
5 require. Failure to provide this information to the
6 Department or failure to maintain the record as a part of
7 each armed employee's permanent file is grounds for
8 disciplinary action. The Department, upon receipt of a
9 report, shall have the authority to make any investigation
10 it considers appropriate into any occurrence in which an
11 employee's weapon was discharged and to take disciplinary
12 action as may be appropriate.

13 (5) The Department may, by rule, prescribe further
14 record requirements.

15 (f) Every employer shall furnish an employee
16 identification card to each of his or her employees. This
17 employee identification card shall contain a recent photograph
18 of the employee, the employee's name, the name and agency
19 license number of the employer, the employee's personal
20 description, the signature of the employer, the signature of
21 that employee, the date of issuance, and an employee
22 identification card number.

23 (g) No employer may issue an employee identification card
24 to any person who is not employed by the employer in accordance
25 with this Section or falsely state or represent that a person
26 is or has been in his or her employ. It is unlawful for an

1 applicant for registered employment to file with the Department
2 the fingerprints of a person other than himself or herself.

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

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

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

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

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

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

26 (3) The agency exercises due diligence to ensure that

1 the person is qualified under the requirements of the Act
2 to be issued a permanent employee registration card.

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

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

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

26 An agency may not employ a person in a temporary capacity

1 if it knows or reasonably should have known that the person has
2 been convicted of a crime under the laws of this State, has
3 been convicted in another state of any crime that is a crime
4 under the laws of this State, has been convicted of any crime
5 in a federal court, or has been posted as an unapproved
6 applicant by the Department. Notice by the Department to the
7 agency, via certified mail, personal delivery, electronic
8 mail, or posting on the Department's Internet site accessible
9 to the agency that the person has been convicted of a crime
10 shall be deemed constructive knowledge of the conviction on the
11 part of the agency. The Department may adopt rules to implement
12 this subsection (k).

13 (l) No person may be employed under this Section in any
14 capacity if:

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

19 (2) the person wears any portion of his or her official
20 uniform, emblem of authority, or equipment while so
21 employed.

22 (m) If information is discovered affecting the
23 registration of a person whose fingerprints were submitted
24 under this Section, the Department shall so notify the agency
25 that submitted the fingerprints on behalf of that person.

26 (n) Peace officers shall be exempt from the requirements of

1 this Section relating to permanent employee registration
2 cards. The agency shall remain responsible for any peace
3 officer employed under this exemption, regardless of whether
4 the peace officer is compensated as an employee or as an
5 independent contractor and as further defined by rule.

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

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

16 (225 ILCS 447/35-35)

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

18 Sec. 35-35. Requirement of a firearm control ~~authorization~~
19 card.

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

25 (b) No employer shall employ any person to perform the

1 duties for which employee registration is required and allow
2 that person to carry a firearm unless that person has complied
3 with all the firearm training requirements of this Section and
4 has been issued a firearm control ~~authorization~~ card. This Act
5 permits only the following to carry firearms while actually
6 engaged in the performance of their duties or while commuting
7 directly to or from their places of employment: persons
8 licensed as private detectives and their registered employees;
9 persons licensed as private security contractors and their
10 registered employees; persons licensed as private alarm
11 contractors and their registered employees; and employees of a
12 registered armed proprietary security force.

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

20 (d) The Department shall issue a firearm control
21 ~~authorization~~ card to a person who has passed an approved
22 firearm training course, who is currently employed by an agency
23 licensed by this Act and has met all the requirements of this
24 Act, and who possesses a valid firearm owner identification
25 card. Application for the firearm control ~~authorization~~ card
26 shall be made by the employer to the Department on forms

1 provided by the Department. The Department shall forward the
2 card to the employer who shall be responsible for its issuance
3 to the employee. The firearm control ~~authorization~~ card shall
4 be issued by the Department and shall identify the person
5 holding it and the name of the course where the employee
6 received firearm instruction and shall specify the type of
7 weapon or weapons the person is authorized by the Department to
8 carry and for which the person has been trained.

9 (e) Expiration and requirements for renewal of firearm
10 control ~~authorization~~ cards shall be determined by rule.

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

25 (g) Notwithstanding any other provision of this Act to the
26 contrary, all requirements relating to firearms control

1 ~~authorization~~ cards do not apply to a peace officer.

2 (h) The Department may issue a temporary firearm control
3 card pending issuance of a new firearm control card upon an
4 agency's acquiring of an established armed account. An agency
5 that has acquired armed employees as a result of acquiring an
6 established armed account may, on forms supplied by the
7 Department, request the issuance of a temporary firearm control
8 card for each acquired employee who held a valid firearm
9 control card under his or her employment with the
10 newly-acquired established armed account immediately preceding
11 the acquiring of the account and who continues to meet all of
12 the qualifications for issuance of a firearm control card set
13 forth in this Act and any rules adopted under this Act. The
14 Department shall, by rule, set the fee for issuance of a
15 temporary firearm control card.

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

17 (225 ILCS 447/35-40)

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

19 Sec. 35-40. Firearm control ~~authorization~~; training
20 requirements.

21 (a) The Department shall, pursuant to rule, approve or
22 disapprove training programs for the firearm training course,
23 which shall be taught by a qualified instructor. Qualifications
24 for instructors shall be set by rule. The firearm training
25 course shall be conducted by entities, by a licensee, or by an

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

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

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

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

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

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

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

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

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

25 (b) The firearm training requirement may be waived for an
26 employee who has completed training provided by the Illinois

1 Law Enforcement Training Standards Board or the equivalent
2 public body of another state, provided documentation showing
3 requalification with the weapon on the firing range is
4 submitted to the Department.

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

6 (225 ILCS 447/35-45)

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

8 Sec. 35-45. Armed proprietary security force.

9 (a) All financial institutions that employ one or more
10 armed employees and all commercial or industrial operations
11 that employ 5 or more persons as armed employees shall register
12 their security forces with the Department on forms provided by
13 the Department.

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

17 (c) Every proprietary security force is required to apply
18 to the Department, on forms supplied by the Department, for a
19 firearm control ~~authorization~~ card for each armed employee.

20 (d) The Department may provide rules for the administration
21 of this Section.

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

23 (225 ILCS 447/40-10)

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

1 Sec. 40-10. Disciplinary sanctions.

2 (a) The Department may deny issuance, refuse to renew, or
3 restore or may reprimand, place on probation, suspend, or
4 revoke any license, registration, permanent employee
5 registration card, or firearm control ~~authorization~~ card, and
6 it may impose a fine not to exceed \$1,500 for a first violation
7 and not to exceed \$5,000 for a second or subsequent violation
8 for any of the following:

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

11 (2) Professional incompetence as manifested by poor
12 standards of service.

13 (3) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 (4) Conviction in Illinois or another state of any
17 crime that is a felony under the laws of Illinois; a felony
18 in a federal court; a misdemeanor, an essential element of
19 which is dishonesty; or directly related to professional
20 practice.

21 (5) Performing any services in a grossly negligent
22 manner or permitting any of a licensee's employees to
23 perform services in a grossly negligent manner, regardless
24 of whether actual damage to the public is established.

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

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

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

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

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

17 (8) Willfully deceiving or defrauding the public on a
18 material matter.

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

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

26 (11) Giving differential treatment to a person that is

1 to that person's detriment because of race, color, creed,
2 sex, religion, or national origin.

3 (12) Engaging in false or misleading advertising.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (225 ILCS 447/45-50)

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

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

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

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

24 (2) Operation of or attempt to operate a private
25 detective agency, private security contractor agency,

1 private alarm contractor agency, or locksmith agency
2 without ever having been issued a valid agency license.

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

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

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

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

25 (225 ILCS 447/45-55)

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

2 Sec. 45-55. Subpoenas.

3 (a) The Department may subpoena and bring before it any
4 person to take the oral or written testimony with the same fees
5 and mileage and in the same manner as prescribed in civil
6 cases.

7 (b) Any circuit court, upon the application of the
8 licensee, the Department, or the Board, may order the
9 attendance of witnesses and the production of relevant books
10 and papers before the Board in any hearing under this Act. The
11 circuit court may compel obedience to its order by proceedings
12 for contempt.

13 (c) The Director, the hearing officer or a certified
14 shorthand court reporter may administer oaths at any hearing
15 the Department conducts. Notwithstanding any other statute or
16 Department rule to the contrary, all requests for testimony,
17 production of documents or records shall be in accordance with
18 this Act.

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

20 (225 ILCS 447/50-10)

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

22 Sec. 50-10. The Private Detective, Private Alarm, Private
23 Security, and Locksmith Board.

24 (a) The Private Detective, Private Alarm, Private
25 Security, and Locksmith Board shall consist of 11 members

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

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

25 (c) A member of the Board may be removed for cause. A
26 member subject to formal disciplinary proceedings shall

1 disqualify himself or herself from all Board business until the
2 charge is resolved. A member also shall disqualify himself or
3 herself from any matter on which the member cannot act
4 objectively.

5 (d) Members shall receive compensation as set by law. Each
6 member shall receive reimbursement as set by the Governor's
7 Travel Control Board for expenses incurred in carrying out the
8 duties as a Board member.

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

11 (f) The Board shall elect a chairperson and vice
12 chairperson.

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

17 (h) The Board may recommend policies, procedures, and rules
18 relevant to the administration and enforcement of this Act,
19 including all matters relating to continuing education for
20 those licensees subject to continuing education requirements
21 under the provisions of this Act, such as the number of hours
22 necessary for license renewal, waivers for persons unable to
23 meet the requirements, acceptable course content and approval
24 of the sponsors of such programs. Recommendations submitted
25 under this subsection (h) may not impose an undue burden on the
26 Department or an unreasonable restriction on those seeking

1 license renewal.

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

3 Section 10. The Criminal Code of 1961 is amended by
4 changing Section 24-2 as follows:

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

6 Sec. 24-2. Exemptions.

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

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

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

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

21 (4) Special agents employed by a railroad or a public
22 utility to perform police functions, and guards of armored
23 car companies, while actually engaged in the performance of
24 the duties of their employment or commuting between their

1 homes and places of employment; and watchmen while actually
2 engaged in the performance of the duties of their
3 employment.

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

1 (6) Any person regularly employed in a commercial or
2 industrial operation as a security guard for the protection
3 of persons employed and private property related to such
4 commercial or industrial operation, while actually engaged
5 in the performance of his or her duty or traveling between
6 sites or properties belonging to the employer, and who, as
7 a security guard, is a member of a security force of at
8 least 5 persons registered with the Department of
9 Professional Regulation; provided that such security guard
10 has successfully completed a course of study, approved by
11 and supervised by the Department of Professional
12 Regulation, consisting of not less than 40 hours of
13 training that includes the theory of law enforcement,
14 liability for acts, and the handling of weapons. A person
15 shall be considered eligible for this exemption if he or
16 she has completed the required 20 hours of training for a
17 security officer and 20 hours of required firearm training,
18 and has been issued a firearm control ~~authorization~~ card by
19 the Department of Professional Regulation. Conditions for
20 the renewal of firearm control ~~authorization~~ cards issued
21 under the provisions of this Section shall be the same as
22 for those cards issued under the provisions of the Private
23 Detective, Private Alarm, Private Security, and Locksmith
24 Act of 2004. Such firearm control ~~authorization~~ card shall
25 be carried by the security guard at all times when he or
26 she is in possession of a concealable weapon.

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

6 (8) Persons employed by a financial institution for the
7 protection of other employees and property related to such
8 financial institution, while actually engaged in the
9 performance of their duties, commuting between their homes
10 and places of employment, or traveling between sites or
11 properties owned or operated by such financial
12 institution, provided that any person so employed has
13 successfully completed a course of study, approved by and
14 supervised by the Department of Professional Regulation,
15 consisting of not less than 40 hours of training which
16 includes theory of law enforcement, liability for acts, and
17 the handling of weapons. A person shall be considered to be
18 eligible for this exemption if he or she has completed the
19 required 20 hours of training for a security officer and 20
20 hours of required firearm training, and has been issued a
21 firearm control ~~authorization~~ card by the Department of
22 Professional Regulation. Conditions for renewal of firearm
23 control ~~authorization~~ cards issued under the provisions of
24 this Section shall be the same as for those issued under
25 the provisions of the Private Detective, Private Alarm,
26 Private Security, and Locksmith Act of 2004. Such firearm

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

1 Sheriff.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 business described in this paragraph.

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

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

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

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

25 (d) Subsection 24-1(a)(1) does not apply to the purchase,
26 possession or carrying of a black-jack or slung-shot by a peace

1 officer.

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

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

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

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

15 (2) Bonafide collectors of antique or surplus military
16 ordinance.

17 (3) Laboratories having a department of forensic
18 ballistics, or specializing in the development of
19 ammunition or explosive ordinance.

20 (4) Commerce, preparation, assembly or possession of
21 explosive bullets by manufacturers of ammunition licensed
22 by the federal government, in connection with the supply of
23 those organizations and persons exempted by subdivision
24 (g)(1) of this Section, or like organizations and persons
25 outside this State, or the transportation of explosive
26 bullets to any organization or person exempted in this

1 Section by a common carrier or by a vehicle owned or leased
2 by an exempted manufacturer.

3 (g-5) Subsection 24-1(a)(6) does not apply to or affect
4 persons licensed under federal law to manufacture any device or
5 attachment of any kind designed, used, or intended for use in
6 silencing the report of any firearm, firearms, or ammunition
7 for those firearms equipped with those devices, and actually
8 engaged in the business of manufacturing those devices,
9 firearms, or ammunition, but only with respect to activities
10 that are within the lawful scope of that business, such as the
11 manufacture, transportation, or testing of those devices,
12 firearms, or ammunition. This exemption does not authorize the
13 general private possession of any device or attachment of any
14 kind designed, used, or intended for use in silencing the
15 report of any firearm, but only such possession and activities
16 as are within the lawful scope of a licensed manufacturing
17 business described in this subsection (g-5). During
18 transportation, those devices shall be detached from any weapon
19 or not immediately accessible.

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

24 (i) Nothing in this Article shall prohibit, apply to, or
25 affect the transportation, carrying, or possession, of any
26 pistol or revolver, stun gun, taser, or other firearm consigned

1 to a common carrier operating under license of the State of
2 Illinois or the federal government, where such transportation,
3 carrying, or possession is incident to the lawful
4 transportation in which such common carrier is engaged; and
5 nothing in this Article shall prohibit, apply to, or affect the
6 transportation, carrying, or possession of any pistol,
7 revolver, stun gun, taser, or other firearm, not the subject of
8 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
9 this Article, which is unloaded and enclosed in a case, firearm
10 carrying box, shipping box, or other container, by the
11 possessor of a valid Firearm Owners Identification Card.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.

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