

1 AN ACT concerning regulation.

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

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

6 (5 ILCS 80/4.24)

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 Acts repealed on January 1, 2014.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8 Acts are repealed on January 1, 2014:

9 The Electrologist Licensing Act.

10 The Illinois Certified Shorthand Reporters Act of 1984.

11 The Illinois Occupational Therapy Practice Act.

12 The Illinois Public Accounting Act.

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

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

17 The Veterinary Medicine and Surgery Practice Act of 2004.

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

22 Section 10. The Criminal Identification Act is amended by

1 changing Section 3.1 as follows:

2 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

3 Sec. 3.1. (a) The Department may furnish, pursuant to
4 positive identification, records of convictions to the
5 Department of Professional Regulation for the purpose of
6 meeting registration or licensure requirements under The
7 Private Detective, Private Alarm, Private Security,
8 Fingerprint Vendor, and Locksmith Act of 2004.

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

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

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

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

2 Section 15. The Service Contract Act is amended by changing
3 Section 10 as follows:

4 (215 ILCS 152/10)

5 Sec. 10. Exemptions. Service contract providers and
6 related service contract sellers and administrators complying
7 with this Act are not required to comply with and are not
8 subject to any provision of the Illinois Insurance Code. A
9 service contract provider who is the manufacturer or a
10 wholly-owned subsidiary of the manufacturer of the product or
11 the builder, seller, or lessor of the product that is the
12 subject of the service contract is required to comply only with
13 Sections 30, 35, 45, and 50 of this Act; except that, a service
14 contract provider who sells a motor vehicle, excluding a
15 motorcycle as defined in Section 1-147 of the Illinois Vehicle
16 Code, or who leases, but is not the manufacturer of, the motor
17 vehicle, excluding a motorcycle as defined in Section 1-147 of
18 the Illinois Vehicle Code, that is the subject of the service
19 contract must comply with this Act in its entirety. Contracts
20 for the repair and monitoring of private alarm or private
21 security systems regulated under the Private Detective,
22 Private Alarm, Private Security, Fingerprint Vendor, and
23 Locksmith Act of 2004 are not required to comply with this Act
24 and are not subject to any provision of the Illinois Insurance

1 Code.

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

3 Section 20. The Massage Licensing Act is amended by
4 changing Section 20 as follows:

5 (225 ILCS 57/20)

6 (Section scheduled to be repealed on January 1, 2012)

7 Sec. 20. Grandfathering provision.

8 (a) For a period of one year after the effective date of
9 the rules adopted under this Act, the Department may issue a
10 license to an individual who, in addition to meeting the
11 requirements set forth in paragraphs (1) and (2) of subsection
12 (a) and subsection (b) of Section 15, produces proof that he or
13 she has met at least one of the following requirements before
14 the effective date of this Act:

15 (1) has been an active member, for a period of at least
16 one year prior to the application for licensure, of a
17 national professional massage therapy organization
18 established prior to the year 2000, which offers
19 professional liability insurance and a code of ethics;

20 (2) has passed the National Certification Exam of
21 Therapeutic Massage and Bodywork and has kept his or her
22 certification current;

23 (3) has practiced massage therapy an average of at
24 least 10 hours per week for at least 10 years; or

1 (4) has practiced massage therapy an average of at
2 least 10 hours per week for at least one year prior to the
3 effective date of this Act and has completed at least 100
4 hours of formal training in massage therapy.

5 (a-5) The Department may issue a license to an individual
6 who failed to apply for licensure under subsection (a) of this
7 Section before October 31, 2005 (one year after the effective
8 date of the rules adopted under this Act), but who otherwise
9 meets the qualifications set forth in subsection (a) of this
10 Section, provided that the individual submits a completed
11 application for licensure as required under subsection (a) of
12 this Section within 10 days after the effective date of this
13 amendatory Act of the 95th General Assembly.

14 (b) An applicant who can show proof of having engaged in
15 the practice of massage therapy for at least 10 hours per week
16 for a minimum of one year prior to the effective date of this
17 Act and has less than 100 hours of formal training or has been
18 practicing for less than one year with 100 hours of formal
19 training must complete at least 100 additional hours of formal
20 training consisting of at least 25 hours in anatomy and
21 physiology by January 1, 2005.

22 (c) An applicant who has training from another state or
23 country may qualify for a license under subsection (a) by
24 showing proof of meeting the requirements of that state or
25 country and demonstrating that those requirements are
26 substantially the same as the requirements in this Section.

1 (d) For purposes of this Section, "formal training" means a
2 massage therapy curriculum approved by the Illinois State Board
3 of Education or the Illinois Board of Higher Education or
4 course work provided by continuing education sponsors approved
5 by the Department.

6 (Source: P.A. 92-860, eff. 6-1-03; 93-524, eff. 8-12-03;
7 93-908, eff. 8-11-04.)

8 Section 25. The Private Detective, Private Alarm, Private
9 Security, and Locksmith Act of 2004 is amended by changing
10 Sections 5-5, 5-10, 10-5, 10-10, 10-25, 10-30, 15-10, 15-15,
11 15-25, 20-10, 20-20, 25-10, 25-15, 25-20, 25-30, 30-15, 35-10,
12 35-25, 35-30, 35-35, 35-40, 35-45, 40-5, 40-10, 45-50, 45-55,
13 50-10, and 50-25 and by adding Sections 5-3, 10-27, 35-41,
14 35-42, and 35-43 and Article 31 as follows:

15 (225 ILCS 447/5-3 new)

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

17 Sec. 5-3. References to Department or Director of
18 Professional Regulation. References in this Act (i) to the
19 Department of Professional Regulation are deemed, in
20 appropriate contexts, to be references to the Department of
21 Financial and Professional Regulation and (ii) to the Director
22 of Professional Regulation are deemed, in appropriate
23 contexts, to be references to the Secretary of Financial and
24 Professional Regulation.

1 (225 ILCS 447/5-5)

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

3 Sec. 5-5. Short title; Act supersedes the Private
4 Detective, Private Alarm, Private Security, and Locksmith Act
5 of 1993. This Act may be cited as the Private Detective,
6 Private Alarm, Private Security, Fingerprint Vendor, and
7 Locksmith Act of 2004 and it supersedes the Private Detective,
8 Private Alarm, Private Security, and Locksmith Act of 1993
9 repealed by this Act.

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

11 (225 ILCS 447/5-10)

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

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

14 "Advertisement" means any printed material that is
15 published in a phone book, newspaper, magazine, pamphlet,
16 newsletter, or other similar type of publication that is
17 intended to either attract business or merely provide contact
18 information to the public for an agency or licensee.
19 Advertisement shall include any material disseminated by
20 printed or electronic means or media, but shall not include a
21 licensee's or an agency's letterhead, business cards, or other
22 stationery used in routine business correspondence or
23 customary name, address, and number type listings in a
24 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, Fingerprint Vendor, 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. A
4 branch office does not include an office or other facility
5 located on the property of an existing client that is utilized
6 solely for the benefit of that client and is not owned or
7 leased by the agency.

8 "Canine handler" means a person who uses or handles a
9 trained dog to protect persons or property or to conduct
10 investigations.

11 "Canine handler authorization card" means a card issued by
12 the Department that authorizes the holder to use or handle a
13 trained dog to protect persons or property or to conduct
14 investigations during the performance of his or her duties as
15 specified in this Act.

16 "Canine trainer" means a person who acts as a dog trainer
17 for the purpose of training dogs to protect persons or property
18 or to conduct investigations.

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

23 "Canine training facility" means a facility operated by a
24 licensed private detective agency or private security agency
25 wherein dogs are trained for the purposes of protecting persons
26 or property or to conduct investigations.

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

5 "Department" means the Department of Financial and
6 Professional Regulation.

7 ~~"Director" means the Director of Professional Regulation.~~

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

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

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

23 "Fingerprint vendor licensee-in-charge" means a person who
24 has been designated by a fingerprint vendor agency to be the
25 licensee-in-charge of an agency who is a full-time management
26 employee or owner who assumes sole responsibility for

1 maintaining all records required by this Act and who assumes
2 sole responsibility for assuring the licensed agency's
3 compliance with its responsibilities as stated in this Act. The
4 Department shall adopt rules mandating licensee-in-charge
5 participation in agency affairs.

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

10 "Firearm control ~~authorization~~ card" means a card issued by
11 the Department that authorizes the holder, who has complied
12 with the training and other requirements of this Act, to carry
13 a weapon during the performance of his or her duties as
14 specified in this Act.

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

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

25 "Locksmith agency" means a person, firm, corporation, or
26 other legal entity that engages in the locksmith business and

1 employs, in addition to the locksmith licensee-in-charge, at
2 least one other person in conducting such business.

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

11 "Peace officer" or "police officer" means a person who, by
12 virtue of office or public employment, is vested by law with a
13 duty to maintain public order or to make arrests for offenses,
14 whether that duty extends to all offenses or is limited to
15 specific offenses. Officers, agents, or employees of the
16 federal government commissioned by federal statute to make
17 arrests for violations of federal laws are considered peace
18 officers.

19 "Permanent employee registration card" means a card issued
20 by the Department to an individual who has applied to the
21 Department and meets the requirements for employment by a
22 licensed agency under this Act.

23 "Person" means a natural person.

24 "Private alarm contractor" means a person who engages in a
25 business that individually or through others undertakes,
26 offers to undertake, purports to have the capacity to

1 undertake, or submits a bid to sell, install, design, monitor,
2 maintain, alter, repair, replace, or service alarm and other
3 security-related systems or parts thereof, including fire
4 alarm systems, at protected premises or premises to be
5 protected or responds to alarm systems at a protected premises
6 on an emergency basis and not as a full-time security officer.
7 "Private alarm contractor" does not include a person, firm, or
8 corporation that manufactures or sells alarm systems only from
9 its place of business and does not sell, install, monitor,
10 maintain, alter, repair, replace, service, or respond to alarm
11 systems at protected premises or premises to be protected.

12 "Private alarm contractor agency" means a person,
13 corporation, or other entity that engages in the private alarm
14 contracting business and employs, in addition to the private
15 alarm contractor-in-charge, at least one other person in
16 conducting such business.

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

26 "Private detective" means any person who by any means,

1 including, but not limited to, manual, canine odor detection,
2 or electronic methods, engages in the business of, accepts
3 employment to furnish, or agrees to make or makes
4 investigations for a fee or other consideration to obtain
5 information relating to:

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

9 (2) The identity, habits, conduct, business
10 occupation, honesty, integrity, credibility, knowledge,
11 trustworthiness, efficiency, loyalty, activity, movements,
12 whereabouts, affiliations, associations, transactions,
13 acts, reputation, or character of any person, firm, or
14 other entity by any means, manual or electronic.

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

17 (4) The cause, origin, or responsibility for fires,
18 accidents, or injuries to individuals or real or personal
19 property.

20 (5) The truth or falsity of any statement or
21 representation.

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

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

26 (8) Service of process in criminal and civil

1 proceedings without court order.

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

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

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

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

26 (2) The prevention, observation, or detection of any

1 unauthorized activity on private or governmental property.

2 (3) The protection of persons authorized to be on the
3 premises of the person, firm, or other entity for which the
4 security contractor contractually provides security
5 services.

6 (4) The prevention of the misappropriation or
7 concealment of goods, money, bonds, stocks, notes,
8 documents, or papers.

9 (5) The control, regulation, or direction of the
10 movement of the public for the time specifically required
11 for the protection of property owned or controlled by the
12 client.

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

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

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

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

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

7 "Secretary" means the Secretary of Financial and
8 Professional Regulation.

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

10 (225 ILCS 447/10-5)

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

12 Sec. 10-5. Requirement of license.

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

24 (b) It is unlawful for a person, firm, corporation, or
25 other legal entity to act as an agency licensed under this Act,

1 to advertise, or to assume to act as a licensed agency or to
2 use a title implying that the person, firm, or other entity is
3 engaged in the practice as a private detective agency, private
4 security contractor agency, private alarm contractor agency,
5 fingerprint vendor agency, or locksmith agency unless licensed
6 by the Department.

7 (c) No agency shall operate a branch office without first
8 applying for and receiving a branch office license for each
9 location.

10 (d) Beginning 12 months after the adoption of rules
11 providing for the licensure of fingerprint vendors under this
12 Act, it is unlawful for a person to operate live scan
13 fingerprint equipment or other equipment designed to obtain
14 fingerprint images for the purpose of providing fingerprint
15 images and associated demographic data to the Department of
16 State Police, unless he or she has successfully completed a
17 fingerprint training course conducted or authorized by the
18 Department of State Police and is licensed as a fingerprint
19 vendor.

20 (e) Beginning 12 months after the adoption of rules
21 providing for the licensure of canine handlers and canine
22 trainers under this Act, no person shall operate a canine
23 training facility unless licensed as a private detective agency
24 or private security contractor agency under this Act, and no
25 person shall act as a canine trainer unless he or she is
26 licensed as a private detective or private security contractor

1 or is a registered employee of a private detective agency or
2 private security contractor agency approved by the Department.

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

4 (225 ILCS 447/10-10)

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

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

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

11 (2) The practice of professional engineering as
12 defined in the Professional Engineering Practice Act of
13 1989.

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

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

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

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

23 (7) A person engaged exclusively and employed by a
24 person, firm, association, or corporation in the business
25 of transporting persons or property in interstate commerce

1 and making an investigation related to the business of that
2 employer.

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

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

8 (225 ILCS 447/10-25)

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

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

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

16 (b) An applicant may, upon satisfactory completion of the
17 requirements set forth in this Act and upon receipt of fees
18 related to the application and testing for licensure, elect to
19 defer the issuance of the applicant's initial license for a
20 period not longer than 6 years. An applicant who fails to
21 request issuance of his or her initial license or agency
22 license and to remit the fees required for that license within
23 6 years shall be required to resubmit an application together
24 with all required fees.

25 (c) The expiration date, renewal period, and conditions for

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

1 restoration is made within 12 months after discharge from the
2 service.

3 Any person seeking renewal or restoration under this
4 subsection (c) shall be subject to the continuing education
5 requirements established pursuant to Section 10-27 of this Act.

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

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

17 (225 ILCS 447/10-27 new)

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

19 Sec. 10-27. Continuing education. The Department may adopt
20 rules of continuing education for persons licensed under this
21 Act. The Department shall consider the recommendations of the
22 Board in establishing guidelines for the continuing education
23 requirements.

24 (225 ILCS 447/10-30)

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

2 Sec. 10-30. Unlawful acts. It is unlawful for a licensee or
3 an employee of a licensed agency:

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

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

13 (3) To falsify the employee's statement required by
14 this Act.

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

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

24 (225 ILCS 447/15-10)

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

1 Sec. 15-10. Qualifications for licensure as a private
2 detective.

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

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

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

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

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

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

21 (6) Has a minimum of 3 years experience of the 5 years
22 immediately preceding application working full-time for a
23 licensed private detective agency as a registered private
24 detective agency employee or with 3 years experience of the
25 5 years immediately preceding his or her application
26 employed as a full-time investigator for a licensed

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

14 (7) Has not been dishonorably discharged from the armed
15 forces of the United States or has not been discharged from
16 a law enforcement agency of the United States or of any
17 state or of any political subdivision thereof, which shall
18 include a state's attorney's office, for reasons relating
19 to his or her conduct as an employee of that law
20 enforcement agency.

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

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

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

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

9 (c) Any person who has been providing canine odor detection
10 services for hire prior to January 1, 2005 is exempt from the
11 requirements of item (6) of subsection (a) of this Section and
12 may be granted a private detective license if (i) he or she
13 meets the requirements of items (1) through (5) and items (7)
14 through (10) of subsection (a) of this Section, (ii) pays all
15 applicable fees, and (iii) presents satisfactory evidence to
16 the Department of the provision of canine odor detection
17 services for hire since January 1, 2005.

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

19 (225 ILCS 447/15-15)

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

21 Sec. 15-15. Qualifications for licensure as a private
22 detective agency.

23 (a) Upon receipt of the required fee and proof that the
24 applicant has a full-time Illinois licensed private
25 detective-in-charge, which is a continuing requirement for

1 agency licensure, the Department shall issue a license as a
2 private detective agency to any of the following:

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

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

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

17 (b) No private detective may be the licensee-in-charge for
18 more than one private detective agency. Upon written request by
19 a representative of an agency, within 10 days after the loss of
20 a licensee-in-charge of an agency because of the death of that
21 individual or because of the termination of the employment of
22 that individual, the Department shall issue a temporary
23 certificate of authority allowing the continuing operation of
24 the licensed agency. No temporary certificate of authority
25 shall be valid for more than 90 days. An extension of an
26 additional 90 days may be granted upon written request by the

1 representative of the agency. Not more than 2 extensions may be
2 granted to any agency. No temporary permit shall be issued for
3 a loss of the licensee-in-charge because of disciplinary action
4 by the Department related to his or her conduct on behalf of
5 the agency.

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

7 (225 ILCS 447/15-25)

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

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

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

18 (b) It is the responsibility of the employer to certify, on
19 a form provided by the Department, that the employee has
20 successfully completed the training. The form shall be a
21 permanent record of training completed by the employee and
22 shall be placed in the employee's file with the employer for
23 the period the employee remains with the employer. An agency
24 may place a notarized copy of the Department form in lieu of
25 the original into the permanent employee registration card

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

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

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

12 (225 ILCS 447/20-10)

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

14 Sec. 20-10. Qualifications for licensure as a private alarm
15 contractor.

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

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

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

24 (3) Is of good moral character. Good moral character is
25 a continuing requirement of licensure. Conviction of

1 crimes other than felonies may be used in determining moral
2 character, but shall not constitute an absolute bar to
3 licensure.

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

8 (5) Is not suffering from dependence on alcohol or from
9 narcotic addiction or dependence.

10 (6) Has (i) a minimum of 3 years experience of the 5
11 years immediately preceding application working as a
12 full-time manager for a licensed private alarm contractor
13 agency or for an entity that designs, sells, installs,
14 services, or monitors alarm systems that, in the judgment
15 of the Board, satisfies the standards of alarm industry
16 competence or (ii) has a minimum of 10 years experience
17 working for a licensed private alarm contractor agency or
18 for an entity that designs, sells, installs, services, or
19 monitors alarm systems that, in the judgment of the Board,
20 satisfies the standards of alarm industry competence, has
21 successfully completed a National Institute for
22 Certification of Engineering Technologies (NICET) level 2
23 certification examination, and applies on or before July 1,
24 2007. An applicant who has received a 4-year degree or
25 higher in electrical engineering or a related field from a
26 program approved by the Board shall be given credit for 2

1 years of the required experience. An applicant who has
2 successfully completed a national certification program
3 approved by the Board shall be given credit for one year of
4 the required experience.

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

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

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

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

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

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

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

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

25 (c) It is the responsibility of the applicant to obtain
26 general liability insurance in an amount and coverage

1 appropriate for the applicant's circumstances as determined by
2 rule. The applicant shall provide evidence of insurance to the
3 Department before being issued a license. Failure to maintain
4 general liability insurance and to provide the Department with
5 written proof of the insurance shall result in cancellation of
6 the license.

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

8 (225 ILCS 447/20-20)

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

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

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

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

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

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

24 (4) Arrest and control techniques.

25 (5) The offenses under the Criminal Code of 1961 that

1 are directly related to the protection of persons and
2 property.

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

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

6 (8) Civil rights and public relations.

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

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

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

1 required under this Act once the employee has been issued a
2 form.

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

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

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

12 (225 ILCS 447/25-10)

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

14 Sec. 25-10. Qualifications for licensure as a private
15 security contractor.

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

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

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

24 (3) Is of good moral character. Good character is a
25 continuing requirement of licensure. Conviction of crimes

1 other than felonies may be used in determining moral
2 character, but shall not constitute an absolute bar to
3 licensure.

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

8 (5) Is not suffering from dependence on alcohol or from
9 narcotic addiction or dependence.

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

1 accredited college or university shall be given credit for
2 one of the 3 years of the required experience.

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

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

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

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

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

19 (c) Any person who has been providing canine odor detection
20 services for hire prior to January 1, 2005 is exempt from the
21 requirements of item (6) of subsection (a) of this Section and
22 may be granted a private security contractor license if (i) he
23 or she meets the requirements of items (1) through (5) and
24 items (7) through (10) of subsections (a) of this Section, (ii)
25 pays all applicable fees, and (iii) presents satisfactory
26 evidence to the Department of the provision of canine odor

1 detection services for hire since January 1, 2005.

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

3 (225 ILCS 447/25-15)

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

5 Sec. 25-15. Qualifications for licensure as a private
6 security contractor agency.

7 (a) Upon receipt of the required fee and proof that the
8 applicant has a full-time Illinois licensed private security
9 contractor-in-charge, which is a continuing requirement for
10 agency licensure, the Department shall issue a license as a
11 private security contractor agency to any of the following:

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

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

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

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

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

19 (225 ILCS 447/25-20)

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

21 Sec. 25-20. Training; private security contractor and
22 employees.

23 (a) Registered employees of the private security
24 contractor agency who provide traditional guarding or other
25 private security related functions or who respond to alarm

1 systems shall complete, within 30 days of their employment, a
2 minimum of 20 hours of classroom basic training provided by a
3 qualified instructor, which shall include the following
4 subjects:

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

7 (2) Civil and criminal liability for acts related to
8 private security.

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

12 (4) Arrest and control techniques.

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

16 (6) The law on private security forces and on reporting
17 to law enforcement agencies.

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

19 (8) The procedures for service of process and for
20 report writing.

21 (9) Civil rights and public relations.

22 (10) The identification of terrorists, acts of
23 terrorism, and terrorist organizations, as defined by
24 federal and State statutes.

25 (b) All other employees of a private security contractor
26 agency shall complete a minimum of 20 hours of training

1 provided by the qualified instructor within 30 days of their
2 employment. The substance of the training shall be related to
3 the work performed by the registered employee.

4 (c) Registered employees of the private security
5 contractor agency who provide guarding or other private
6 security related functions, in addition to the classroom
7 training required under subsection (a), within 6 months of
8 their employment, shall complete an additional 8 hours of
9 training on subjects to be determined by the employer, which
10 training may be site-specific and may be conducted on the job.

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

20 (e) It is the responsibility of the employer to certify, on
21 a form provided by the Department, that the employee has
22 successfully completed the basic and refresher training. The
23 form shall be a permanent record of training completed by the
24 employee and shall be placed in the employee's file with the
25 employer for the period the employee remains with the employer.
26 An agency may place a notarized copy of the Department form in

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

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

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

13 (225 ILCS 447/25-30)

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

15 Sec. 25-30. Uniforms.

16 (a) No licensee under this Act or any employee of a
17 licensed agency shall wear or display a badge, shoulder patch
18 or other identification that contains the words "law
19 enforcement". No license holder or employee of a licensed
20 agency shall imply in any manner that the person is an employee
21 or agent of a governmental entity, display a badge or
22 identification card, emblem, or uniform using the words
23 "police", "sheriff", "highway patrol", "trooper", "law
24 enforcement" or any similar term.

25 (b) All military-style uniforms, if worn~~r~~ by employees of a

1 licensed private security contractor agency, must bear the name
2 of the private security contractor agency, which shall be
3 plainly visible on a patch, badge, or other insignia.

4 (c) All uniforms, if worn by employees of a licensed
5 private security contractor agency, may only be worn in the
6 performance of their duties or while commuting directly to or
7 from the employee's place or places of employment, provided
8 this is accomplished within one hour from departure from home
9 or place of employment.

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

11 (225 ILCS 447/30-15)

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

13 Sec. 30-15. Qualifications for licensure as a locksmith
14 agency.

15 (a) Upon receipt of the required fee and proof that the
16 applicant is an Illinois licensed locksmith who shall assume
17 responsibility for the operation of the agency and the directed
18 actions of the agency's employees, which is a continuing
19 requirement for agency licensure, the Department shall issue a
20 license as a locksmith agency to any of the following:

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

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

25 (3) A corporation or limited liability company doing

1 business in Illinois that is authorized ~~by its articles of~~
2 ~~incorporation or organization~~ to engage in the business of
3 conducting a locksmith agency if at least one officer or
4 executive employee is a licensed locksmith under this Act
5 and all unlicensed officers and directors of the
6 corporation or limited liability company are determined by
7 the Department to be persons of good moral character.

8 (b) An individual licensed as a locksmith operating under a
9 business name other than the licensed locksmith's own name
10 shall not be required to obtain a locksmith agency license if
11 that licensed locksmith does not employ any persons to engage
12 in the practice of locksmithing and registers under the Assumed
13 Business Name Act.

14 (c) No locksmith may be the locksmith licensee in-charge
15 for more than one locksmith agency. Upon written request by a
16 representative of the agency, within 10 days after the loss of
17 a locksmith-in-charge of an agency because of the death of that
18 individual or because of the termination of the employment of
19 that individual, the Department shall issue a temporary
20 certificate of authority allowing the continuing operation of
21 the licensed agency. No temporary certificate of authority
22 shall be valid for more than 90 days. An extension of an
23 additional 90 days may be granted upon written request by the
24 representative of the agency. Not more than 2 extensions may be
25 granted to any agency. No temporary permit shall be issued for
26 loss of the licensee-in-charge because of disciplinary action

1 by the Department related to his or her conduct on behalf of
2 the agency.

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

4 (225 ILCS 447/Art. 31 heading new)

5 ARTICLE 31. FINGERPRINT VENDORS.

6 (225 ILCS 447/31-5 new)

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

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

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

22 (2) A person employed exclusively by only one employer
23 in connection with the exclusive activities of that
24 employer, provided that person does not hold himself or

1 herself out to the public as a fingerprint vendor.

2 (225 ILCS 447/31-10 new)

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

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

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

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

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

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

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

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

25 (6) Has not been dishonorably discharged from the armed

1 forces of the United States.

2 (7) Submits certification issued by the Department of
3 State Police that the applicant has successfully completed
4 a fingerprint vendor training course conducted or
5 authorized by the Department of State Police.

6 (8) Submits his or her fingerprints, in accordance with
7 subsection (b) of this Section.

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

10 (10) Provides evidence satisfactory to the Department
11 that the applicant has obtained general liability
12 insurance in an amount and with coverage as determined by
13 rule. Failure to maintain general liability insurance and
14 failure to provide the Department with written proof of the
15 insurance, upon request, shall result in cancellation of
16 the license without hearing. A fingerprint vendor employed
17 by a licensed fingerprint vendor agency may provide proof
18 that his or her actions as a fingerprint vendor are covered
19 by the liability insurance of his or her employer.

20 (11) Pays the required licensure fee.

21 (12) Submits certification issued by the Department of
22 State Police that the applicant's fingerprinting equipment
23 and software meets all specifications required by the
24 Department of State Police. Compliance with Department of
25 State Police fingerprinting equipment and software
26 specifications is a continuing requirement for licensure.

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

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

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

6 (225 ILCS 447/31-15 new)

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

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

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

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

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

22 (3) A corporation or limited liability company doing
23 business in Illinois that is authorized to engage in the
24 business of conducting a fingerprint vendor agency if at
25 least one officer or executive employee is a licensed

1 fingerprint vendor under this Act and all unlicensed
2 officers and directors of the corporation or limited
3 liability company are determined by the Department to be
4 persons of good moral character.

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

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

1 (225 ILCS 447/31-20 new)

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

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

4 (a) Registered employees of a licensed fingerprint vendor
5 agency shall complete a minimum of 20 hours of training
6 provided by a qualified instructor within 30 days of their
7 employment. The substance of the training shall be prescribed
8 by rule.

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

23 (c) Any certification of completion of the 20-hour basic
24 training issued under the Private Detective, Private Alarm,
25 Private Security, and Locksmith Act of 2004 or any prior Act

1 shall be accepted as proof of training under this Act.

2 (d) No registered employee of a licensed fingerprint vendor
3 agency may operate live scan fingerprint equipment or other
4 equipment designed to obtain fingerprint images for the purpose
5 of providing fingerprint images and associated demographic
6 data to the Department of State Police.

7 (225 ILCS 447/31-25 new)

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

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

1 (225 ILCS 447/31-30 new)

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

3 Sec. 31-30. Restrictions on firearms.

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

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

13 (225 ILCS 447/35-10)

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

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

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

21 (225 ILCS 447/35-25)

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

23 Sec. 35-25. Duplicate licenses. If a license, permanent
24 employee registration card, or firearm control ~~authorization~~

1 card is lost, a duplicate shall be issued upon proof of such
2 loss together with the payment of the required fee. If a
3 licensee decides to change his or her name, the Department
4 shall issue a license in the new name upon proof that the
5 change was done pursuant to law and payment of the required
6 fee. Notification of a name change shall be made to the
7 Department within 30 days after the change.

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

9 (225 ILCS 447/35-30)

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

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

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

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

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

22 (3) ~~(C)~~ Has been determined by the Department to be
23 unfit by reason of conviction of an offense in this or
24 another state, other than a traffic offense. The Department
25 shall adopt rules for making those determinations that

1 shall afford the applicant due process of law.

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

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

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

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

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

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

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

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

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

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

25 (7) ~~(G)~~ Any other information as may be required by any
26 rule of the Department to show the good character,

1 competency, and integrity of the person executing the
2 statement.

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

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

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

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

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

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

1 (b) of this Section.

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

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

1 employee's weapon was discharged and to take disciplinary
2 action as may be appropriate.

3 (5) The Department may, by rule, prescribe further
4 record requirements.

5 (f) Every employer shall furnish an employee
6 identification card to each of his or her employees. This
7 employee identification card shall contain a recent photograph
8 of the employee, the employee's name, the name and agency
9 license number of the employer, the employee's personal
10 description, the signature of the employer, the signature of
11 that employee, the date of issuance, and an employee
12 identification card number.

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

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

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

24 (j) No agency may employ any person to perform a licensed
25 activity under this Act unless the person possesses a valid
26 permanent employee registration card or a valid license under

1 this Act, or is exempt pursuant to subsection (n).

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

5 (1) The agency completes in its entirety and submits to
6 the Department an application for a permanent employee
7 registration card, including the required fingerprint
8 receipt and fees.

9 (2) The agency has verification from the Department
10 that the applicant has no record of any criminal conviction
11 pursuant to the criminal history check conducted by the
12 Department of State Police. The agency shall maintain the
13 verification of the results of the Department of State
14 Police criminal history check as part of the employee
15 record as required under subsection (e) of this Section.

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

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

24 An agency may employ only a permanent employee applicant
25 for which it either submitted a permanent employee application
26 and all required forms and fees or it confirms with the

1 Department that a permanent employee application and all
2 required forms and fees have been submitted by another agency,
3 licensee or the permanent employee and all other requirements
4 of this Section are met.

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

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

1 part of the agency. The Department may adopt rules to implement
2 this subsection (k).

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

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

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

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

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

22 (o) Persons who have no access to confidential or security
23 information and who otherwise do not provide traditional
24 security services are exempt from employee registration.
25 Examples of exempt employees include, but are not limited to,
26 employees working in the capacity of ushers, directors, ticket

1 takers, cashiers, drivers, and reception personnel.
2 Confidential or security information is that which pertains to
3 employee files, scheduling, client contracts, or technical
4 security and alarm data.

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

6 (225 ILCS 447/35-35)

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

8 Sec. 35-35. Requirement of a firearm control ~~authorization~~
9 card.

10 (a) No person shall perform duties that include the use,
11 carrying, or possession of a firearm in the performance of
12 those duties without complying with the provisions of this
13 Section and having been issued a valid firearm control
14 ~~authorization~~ card by the Department.

15 (b) No employer shall employ any person to perform the
16 duties for which employee registration is required and allow
17 that person to carry a firearm unless that person has complied
18 with all the firearm training requirements of this Section and
19 has been issued a firearm control ~~authorization~~ card. This Act
20 permits only the following to carry firearms while actually
21 engaged in the performance of their duties or while commuting
22 directly to or from their places of employment: persons
23 licensed as private detectives and their registered employees;
24 persons licensed as private security contractors and their
25 registered employees; persons licensed as private alarm

1 contractors and their registered employees; and employees of a
2 registered armed proprietary security force.

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

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

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

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

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

18 (h) The Department may issue a temporary firearm control
19 card pending issuance of a new firearm control card upon an
20 agency's acquiring of an established armed account. An agency
21 that has acquired armed employees as a result of acquiring an
22 established armed account may, on forms supplied by the
23 Department, request the issuance of a temporary firearm control
24 card for each acquired employee who held a valid firearm
25 control card under his or her employment with the newly
26 acquired established armed account immediately preceding the

1 acquiring of the account and who continues to meet all of the
2 qualifications for issuance of a firearm control card set forth
3 in this Act and any rules adopted under this Act. The
4 Department shall, by rule, set the fee for issuance of a
5 temporary firearm control card.

6 (i) The Department may not issue a firearm control card to
7 employees of a licensed fingerprint vendor agency.

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

9 (225 ILCS 447/35-40)

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

11 Sec. 35-40. Firearm control ~~authorization~~; training
12 requirements.

13 (a) The Department shall, pursuant to rule, approve or
14 disapprove training programs for the firearm training course,
15 which shall be taught by a qualified instructor. Qualifications
16 for instructors shall be set by rule. The firearm training
17 course shall be conducted by entities, by a licensee, or by an
18 agency licensed by this Act, provided the course is approved by
19 the Department. The firearm course shall consist of the
20 following minimum requirements:

21 (1) 40 hours of training, 20 hours of which shall be as
22 described in Sections 15-20, 20-20, or 25-20, as
23 applicable, and 20 hours of which shall include all of the
24 following:

25 (A) Instruction in the dangers of and misuse of

1 firearms, their storage, safety rules, and care and
2 cleaning of firearms.

3 (B) Practice firing on a range with live
4 ammunition.

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

6 (D) A presentation of the ethical and moral
7 considerations necessary for any person who possesses
8 a firearm.

9 (E) A review of the laws regarding arrest, search,
10 and seizure.

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

13 (2) An examination shall be given at the completion of
14 the course. The examination shall consist of a firearms
15 qualification course and a written examination. Successful
16 completion shall be determined by the Department.

17 (b) The firearm training requirement may be waived for an
18 employee who has completed training provided by the Illinois
19 Law Enforcement Training Standards Board or the equivalent
20 public body of another state, provided documentation showing
21 requalification with the weapon on the firing range is
22 submitted to the Department.

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

24 (225 ILCS 447/35-41 new)

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

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

3 (a) No person shall perform duties that include the use or
4 handling of a canine to protect persons or property or to
5 conduct investigations without having been issued a valid
6 canine handler authorization card by the Department. An agency
7 may subcontract out its canine odor detection services to
8 another licensed agency or may use the employees of another
9 licensed agency as subcontractors, provided that all employees
10 who provide canine odor detection services in either
11 arrangement are properly registered under this Act and are
12 otherwise in compliance with the requirements of this Section.
13 It is the responsibility of each agency participating in a
14 subcontracting arrangement to ensure compliance with all
15 employees so utilized.

16 (b) No agency shall employ any person to perform the duties
17 for which employee registration is required and allow that
18 person to use or handle a canine to protect persons or property
19 or to conduct investigations unless that person has been issued
20 a canine handler authorization card.

21 (c) The Department shall issue a canine handler
22 authorization card to a person who (i) has passed an approved
23 canine handler training course, (ii) is currently employed by
24 an agency licensed under this Act, and (iii) has met all of the
25 applicable requirements of this Act. Application for the canine
26 handler authorization card shall be made by the employer to the

1 Department on forms provided by the Department. The Department
2 shall forward the card to the employer who shall be responsible
3 for its issuance to the employee. The canine handler
4 authorization card shall be issued by the Department and must
5 identify the person holding it and the name of the canine
6 training facility where the employee received canine handler
7 instruction.

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

14 (e) Notwithstanding any other provision of this Section, an
15 agency may employ a person in a temporary capacity as a canine
16 handler if each of the following conditions are met:

17 (1) The agency completes in its entirety and submits to
18 the Department an application for a canine handler
19 registration card, including the required fees.

20 (2) The agency exercises due diligence to ensure that
21 the person is qualified under the requirements of the Act
22 to be issued a canine handler registration card.

23 (225 ILCS 447/35-42 new)

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

25 Sec. 35-42. Canine handler authorization; training

1 requirements. The Department shall, pursuant to rule, approve
2 or disapprove training programs for the canine handler training
3 course, which shall be taught by a qualified instructor.
4 Qualifications for instructors shall be set by rule. The canine
5 handler training course must be conducted by a licensee under
6 this Act and approved by the Department. A canine handler
7 course must consist of each of the following minimum
8 requirements:

9 (1) One hundred hours of basic training, which shall
10 include the following subjects:

11 (A) canine handling safety procedures;

12 (B) basic veterinary health and wellness
13 principles, including canine first aid;

14 (C) principles of canine conditioning;

15 (D) canine obedience techniques;

16 (E) search patterns and techniques; and

17 (F) legal guidelines affecting canine odor
18 detection operations.

19 (2) Eighty hours of additional training related to the
20 particular canine discipline in which the canine and canine
21 handler are to be trained, including without limitation
22 patrol, narcotics odor detection, explosives odor
23 detection, and cadaver odor detection.

24 (3) An examination given at the completion of the
25 course, which shall consist of a canine practical
26 qualification course and a written examination. Successful

1 completion of the examination shall be determined by the
2 canine training facility.

3 (225 ILCS 447/35-43 new)

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

5 Sec. 35-43. Requirement of a canine trainer authorization
6 card; qualifications.

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

11 (b) No employer shall employ any person to perform the
12 duties for which employee registration is required under this
13 Act and allow that person to train canine handlers and canines
14 unless that person has been issued a canine trainer
15 authorization card.

16 (c) The Department shall issue a canine trainer
17 authorization card to a person who (i) has passed an approved
18 canine trainer training course, (ii) is currently employed by
19 an agency licensed under this Act, and (iii) has met all of the
20 applicable requirements of this Act. Application for the canine
21 trainer authorization card shall be made by the employer to the
22 Department on forms provided by the Department. The Department
23 shall forward the card to the employer who shall be responsible
24 for its issuance to the employee.

25 (d) The Department may, in addition to any other

1 disciplinary action permitted by this Act, refuse to issue,
2 suspend, or revoke a canine trainer authorization card if the
3 applicant or holder has been convicted of any felony or
4 misdemeanor involving cruelty to animals or for a violation of
5 this Act or rules promulgated under this Act.

6 (e) Qualifications for canine trainers shall be set by the
7 Department by rule. Any person who has been engaged in the
8 provision of canine trainer services prior to January 1, 2005,
9 shall be granted a canine trainer authorization card upon the
10 submission of a completed application, the payment of
11 applicable fees, and the demonstration satisfactory to the
12 Department of the provision of such services.

13 (225 ILCS 447/35-45)

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

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

16 (a) All financial institutions that employ one or more
17 armed employees and all commercial or industrial operations
18 that employ 5 or more persons as armed employees shall register
19 their security forces with the Department on forms provided by
20 the Department.

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

24 (c) Every proprietary security force is required to apply
25 to the Department, on forms supplied by the Department, for a

1 firearm control ~~authorization~~ card for each armed employee.

2 (d) The Department may provide rules for the administration
3 of this Section.

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

5 (225 ILCS 447/40-5)

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

7 Sec. 40-5. Injunctive relief. The practice of a private
8 detective, private security contractor, private alarm
9 contractor, fingerprint vendor, locksmith, private detective
10 agency, private security contractor agency, private alarm
11 contractor agency, fingerprint vendor agency, or locksmith
12 agency by any person, firm, corporation, or other legal entity
13 that has not been issued a license by the Department or whose
14 license has been suspended, revoked, or not renewed is hereby
15 declared to be inimical to the public safety and welfare and to
16 constitute a public nuisance. The Director, through the
17 Attorney General, the State's Attorney of any county, any
18 resident of the State, or any legal entity within the State may
19 apply for injunctive relief in any court to enjoin any person,
20 firm, or other entity that has not been issued a license or
21 whose license has been suspended, revoked, or not renewed from
22 conducting a licensed activity. Upon the filing of a verified
23 petition in court, if satisfied by affidavit or otherwise that
24 the person, firm, corporation, or other legal entity is or has
25 been conducting activities in violation of this Act, the court

1 may enter a temporary restraining order or preliminary
2 injunction, without bond, enjoining the defendant from further
3 activity. A copy of the verified complaint shall be served upon
4 the defendant and the proceedings shall be conducted as in
5 civil cases. If it is established the defendant has been or is
6 conducting activities in violation of this Act, the court may
7 enter a judgment enjoining the defendant from that activity. In
8 case of violation of any injunctive order or judgment entered
9 under this Section, the court may punish the offender for
10 contempt of court. Injunctive proceedings shall be in addition
11 to all other penalties under this Act.

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

13 (225 ILCS 447/40-10)

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

15 Sec. 40-10. Disciplinary sanctions.

16 (a) The Department may deny issuance, refuse to renew, or
17 restore or may reprimand, place on probation, suspend, ~~or~~
18 revoke, or take other disciplinary or non-disciplinary action
19 against any license, registration, permanent employee
20 registration card, canine handler authorization card, canine
21 trainer authorization card, or firearm control authorization
22 card, and ~~it~~ may impose a fine not to exceed \$10,000 ~~\$1,500~~ for
23 each a first violation and not to exceed \$5,000 for a second or
24 ~~subsequent~~ violation for any of the following:

25 (1) Fraud or deception in obtaining or renewing of a

1 license or registration.

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

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

7 (4) Conviction of or entry of a plea of guilty or nolo
8 contendere in Illinois or another state of any crime that
9 is a felony under the laws of Illinois; a felony in a
10 federal court; a misdemeanor, an essential element of which
11 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, mental illness, or other
20 impairment, including, but not limited to,
21 deterioration through the aging process or loss of
22 motor skills that results in the inability to serve the
23 public with reasonable judgment, skill, or safety.

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

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

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

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

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

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

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

22 (12) Engaging in false or misleading advertising.

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

26 (14) Performing and charging for services without

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

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

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

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

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

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

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

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

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

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

26 (24) Purporting to be a licensee-in-charge of an agency

1 without active participation in the agency.

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

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

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

13 (225 ILCS 447/45-50)

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

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

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

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

25 (2) Operation of or attempt to operate a private

1 detective agency, private security contractor agency,
2 private alarm contractor agency, fingerprint vendor
3 agency, or locksmith agency without ever having been issued
4 a valid agency license.

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

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

20 (c) In addition to any other penalty provided by law, a
21 person, licensed or unlicensed, who violates any provision of
22 this Section shall pay a civil penalty to the Department in an
23 amount not to exceed \$10,000 ~~\$5,000~~ for each offense, as
24 determined by the Department. The civil penalty shall be
25 imposed in accordance with this Act.

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

1 (225 ILCS 447/45-55)

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

3 Sec. 45-55. Subpoenas.

4 (a) The Department, with the approval of a member of the
5 Board, may subpoena and bring before it any person to take the
6 oral or written testimony or compel the production of any
7 books, papers, records, or any other documents that the
8 Secretary or his or her designee deems relevant or material to
9 any such investigation or hearing conducted by the Department
10 with the same fees and in the same manner as prescribed in
11 civil cases.

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

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

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

1 (225 ILCS 447/50-10)

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

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

5 (a) The Private Detective, Private Alarm, Private
6 Security, Fingerprint Vendor, and Locksmith Board shall
7 consist of 13 ~~11~~ members appointed by the Director and
8 comprised of 2 licensed private detectives, 3 licensed private
9 security contractors, one licensed private detective or
10 licensed private security contractor who provides canine odor
11 detection services, 2 licensed private alarm contractors, one
12 licensed fingerprint vendor, 2 licensed locksmiths, one public
13 member who is not licensed or registered under this Act and who
14 has no connection with a business licensed under this Act, and
15 one member representing the employees registered under this
16 Act. Each member shall be a resident of Illinois. Except for
17 the initial appointment of a licensed fingerprint vendor after
18 the effective date of this amendatory Act of the 95th General
19 Assembly, each ~~Each~~ licensed member shall have at least 5 years
20 experience as a licensee in the professional area in which the
21 person is licensed and be in good standing and actively engaged
22 in that profession. In making appointments, the Director shall
23 consider the recommendations of the professionals and the
24 professional organizations representing the licensees. The
25 membership shall reasonably reflect the different geographic
26 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 (225 ILCS 447/50-25)

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

7 Sec. 50-25. Home rule. Pursuant to paragraph (h) of Section
8 6 of Article VII of the Illinois Constitution of 1970, the
9 power to regulate the private detective, private security,
10 private alarm, fingerprint vending, or locksmith business or
11 their employees shall be exercised exclusively by the State and
12 may not be exercised by any unit of local government, including
13 home rule units.

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

15 Section 30. The Animal Welfare Act is amended by changing
16 Section 3 as follows:

17 (225 ILCS 605/3) (from Ch. 8, par. 303)

18 Sec. 3. (a) Except as provided in subsection (b) of this
19 Section, no ~~No~~ person shall engage in business as a pet shop
20 operator, dog dealer, kennel operator, cattery operator, or
21 operate a guard dog service, an animal control facility or
22 animal shelter or any combination thereof, in this State
23 without a license therefor issued by the Department. Only one

1 license shall be required for any combination of businesses at
2 one location, except that a separate license shall be required
3 to operate a guard dog service. Guard dog services that are
4 located outside this State but provide services within this
5 State are required to obtain a license from the Department.
6 Out-of-state guard dog services are required to comply with the
7 requirements of this Act with regard to guard dogs and sentry
8 dogs transported to or used within this State.

9 (b) This Act does not apply to a private detective agency
10 or private security agency licensed under the Private
11 Detective, Private Alarm, Private Security, Fingerprint
12 Vendor, and Locksmith Act of 2004 that provides guard dog or
13 canine odor detection services and does not otherwise operate a
14 kennel for hire.

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

16 Section 35. The Illinois Public Aid Code is amended by
17 changing Section 10-4 as follows:

18 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

19 Sec. 10-4. Notification of Support Obligation. The
20 administrative enforcement unit within the authorized area of
21 its operation shall notify each responsible relative of an
22 applicant or recipient, or responsible relatives of other
23 persons given access to the child support enforcement services
24 of this Article, of his legal obligation to support and shall

1 request such information concerning his financial status as may
2 be necessary to determine whether he is financially able to
3 provide such support, in whole or in part. In cases involving a
4 child born out of wedlock, the notification shall include a
5 statement that the responsible relative has been named as the
6 biological father of the child identified in the notification.

7 In the case of applicants, the notification shall be sent
8 as soon as practical after the filing of the application. In
9 the case of recipients, the notice shall be sent at such time
10 as may be established by rule of the Illinois Department.

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

24 Neither the mailing nor receipt of such notice shall be
25 deemed a jurisdictional requirement for the subsequent
26 exercise of the investigative procedures undertaken by an

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

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

18 Section 40. The Illinois Vehicle Code is amended by
19 changing Section 2-123 as follows:

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

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

22 (a) Except as otherwise provided in this Section, the
23 Secretary may make the driver's license, vehicle and title
24 registration lists, in part or in whole, and any statistical

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

10 (b) The Secretary is further empowered to and he may, in
11 his discretion, furnish to any applicant, other than listed in
12 subsection (a) of this Section, vehicle or driver data on a
13 computer tape, disk, other electronic format or computer
14 processable medium, or printout at a fixed fee of \$250 for
15 orders received before October 1, 2003 and \$500 for orders
16 received on or after October 1, 2003, in advance, and require
17 in addition a further sufficient deposit based upon the
18 Secretary of State's estimate of the total cost of the
19 information requested and a charge of \$25 for orders received
20 before October 1, 2003 and \$50 for orders received on or after
21 October 1, 2003, per 1,000 units or part thereof identified or
22 the actual cost, whichever is greater. The Secretary is
23 authorized to refund any difference between the additional
24 deposit and the actual cost of the request. This service shall
25 not be in lieu of an abstract of a driver's record nor of a
26 title or registration search. This service may be limited to

1 entities purchasing a minimum number of records as required by
2 administrative rule. The information sold pursuant to this
3 subsection shall be the entire vehicle or driver data list, or
4 part thereof. The information sold pursuant to this subsection
5 shall not contain personally identifying information unless
6 the information is to be used for one of the purposes
7 identified in subsection (f-5) of this Section. Commercial
8 purchasers of driver and vehicle record databases shall enter
9 into a written agreement with the Secretary of State that
10 includes disclosure of the commercial use of the information to
11 be purchased.

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

21 (c) Secretary of State may issue registration lists. The
22 Secretary of State shall compile and publish, at least
23 annually, a list of all registered vehicles. Each list of
24 registered vehicles shall be arranged serially according to the
25 registration numbers assigned to registered vehicles and shall
26 contain in addition the names and addresses of registered

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

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

13 (e) (Blank).

14 (e-1) (Blank).

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

1 registration search shall not contain highly restricted
2 personal information unless specifically authorized by this
3 Code.

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

10 The Secretary of State may notify the vehicle owner or
11 registrant of the request for purchase of his title or
12 registration information as the Secretary deems appropriate.

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

1 as the Secretary may exempt by rule and regulation.

2 Any misrepresentation made by a requestor of title or
3 vehicle information shall be punishable as a petty offense,
4 except in the case of persons licensed as a private detective
5 or firms licensed as a private detective agency which shall be
6 subject to disciplinary sanctions under Section 40-10 of the
7 Private Detective, Private Alarm, Private Security,
8 Fingerprint Vendor, and Locksmith Act of 2004.

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

15 (1) For use by any government agency, including any
16 court or law enforcement agency, in carrying out its
17 functions, or any private person or entity acting on behalf
18 of a federal, State, or local agency in carrying out its
19 functions.

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

26 (3) For use in the normal course of business by a

1 legitimate business or its agents, employees, or
2 contractors, but only:

3 (A) to verify the accuracy of personal information
4 submitted by an individual to the business or its
5 agents, employees, or contractors; and

6 (B) if such information as so submitted is not
7 correct or is no longer correct, to obtain the correct
8 information, but only for the purposes of preventing
9 fraud by, pursuing legal remedies against, or
10 recovering on a debt or security interest against, the
11 individual.

12 (4) For use in research activities and for use in
13 producing statistical reports, if the personally
14 identifying information is not published, redisclosed, or
15 used to contact individuals.

16 (5) For use in connection with any civil, criminal,
17 administrative, or arbitral proceeding in any federal,
18 State, or local court or agency or before any
19 self-regulatory body, including the service of process,
20 investigation in anticipation of litigation, and the
21 execution or enforcement of judgments and orders, or
22 pursuant to an order of a federal, State, or local court.

23 (6) For use by any insurer or insurance support
24 organization or by a self-insured entity or its agents,
25 employees, or contractors in connection with claims
26 investigation activities, antifraud activities, rating, or

1 underwriting.

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

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

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

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

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

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

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

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

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

24 2. The Secretary of State shall not disclose or
25 otherwise make available to any person or entity any highly
26 restricted personal information obtained by the Secretary

1 of State in connection with a driver's license, vehicle, or
2 title registration record unless specifically authorized
3 by this Code. The Secretary of State may certify an
4 abstract of a driver's record upon written request
5 therefor. Such certification shall be made under the
6 signature of the Secretary of State and shall be
7 authenticated by the Seal of his office.

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

11 The Secretary of State may notify the affected driver
12 of the request for purchase of his driver's record as the
13 Secretary deems appropriate.

14 No information shall be released to the requester until
15 expiration of a 10 day period. This 10 day period shall not
16 apply to requests for information made by law enforcement
17 officials, government agencies, financial institutions,
18 attorneys, insurers, employers, automobile associated
19 businesses, persons licensed as a private detective or
20 firms licensed as a private detective agency under the
21 Private Detective, Private Alarm, Private Security,
22 Fingerprint Vendor, and Locksmith Act of 2004, who are
23 employed by or are acting on behalf of law enforcement
24 officials, government agencies, financial institutions,
25 attorneys, insurers, employers, automobile associated
26 businesses, and other business entities for purposes

1 consistent with the Illinois Vehicle Code, the affected
2 driver or other entities as the Secretary may exempt by
3 rule and regulation.

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

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

21 5. Except as otherwise provided in this Section, the
22 Secretary of State may furnish, without fee, information
23 from an individual driver's record on file, if a written
24 request therefor is submitted by any public transit system
25 or authority, public defender, law enforcement agency, a
26 state or federal agency, or an Illinois local

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

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

17 6. Any certified abstract issued by the Secretary of
18 State or transmitted electronically by the Secretary of
19 State pursuant to this Section, to a court or on request of
20 a law enforcement agency, for the record of a named person
21 as to the status of the person's driver's license shall be
22 prima facie evidence of the facts therein stated and if the
23 name appearing in such abstract is the same as that of a
24 person named in an information or warrant, such abstract
25 shall be prima facie evidence that the person named in such
26 information or warrant is the same person as the person

1 named in such abstract and shall be admissible for any
2 prosecution under this Code and be admitted as proof of any
3 prior conviction or proof of records, notices, or orders
4 recorded on individual driving records maintained by the
5 Secretary of State.

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

19 (h) The Secretary shall not disclose social security
20 numbers or any associated information obtained from the Social
21 Security Administration except pursuant to a written request
22 by, or with the prior written consent of, the individual
23 except: (1) to officers and employees of the Secretary who have
24 a need to know the social security numbers in performance of
25 their official duties, (2) to law enforcement officials for a
26 lawful, civil or criminal law enforcement investigation, and if

1 the head of the law enforcement agency has made a written
2 request to the Secretary specifying the law enforcement
3 investigation for which the social security numbers are being
4 sought, (3) to the United States Department of Transportation,
5 or any other State, pursuant to the administration and
6 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
7 (4) pursuant to the order of a court of competent jurisdiction,
8 or (5) to the Department of Healthcare and Family Services
9 (formerly Department of Public Aid) for utilization in the
10 child support enforcement duties assigned to that Department
11 under provisions of the Illinois Public Aid Code after the
12 individual has received advanced meaningful notification of
13 what redisclosure is sought by the Secretary in accordance with
14 the federal Privacy Act.

15 (i) (Blank).

16 (j) Medical statements or medical reports received in the
17 Secretary of State's Office shall be confidential. No
18 confidential information may be open to public inspection or
19 the contents disclosed to anyone, except officers and employees
20 of the Secretary who have a need to know the information
21 contained in the medical reports and the Driver License Medical
22 Advisory Board, unless so directed by an order of a court of
23 competent jurisdiction.

24 (k) All fees collected under this Section shall be paid
25 into the Road Fund of the State Treasury, except that (i) for
26 fees collected before October 1, 2003, \$3 of the \$6 fee for a

1 driver's record shall be paid into the Secretary of State
2 Special Services Fund, (ii) for fees collected on and after
3 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
4 be paid into the Secretary of State Special Services Fund and
5 \$6 shall be paid into the General Revenue Fund, and (iii) for
6 fees collected on and after October 1, 2003, 50% of the amounts
7 collected pursuant to subsection (b) shall be paid into the
8 General Revenue Fund.

9 (l) (Blank).

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

17 (n) Requests made by the news media for driver's license,
18 vehicle, or title registration information may be furnished
19 without charge or at a reduced charge, as determined by the
20 Secretary, when the specific purpose for requesting the
21 documents is deemed to be in the public interest. Waiver or
22 reduction of the fee is in the public interest if the principal
23 purpose of the request is to access and disseminate information
24 regarding the health, safety, and welfare or the legal rights
25 of the general public and is not for the principal purpose of
26 gaining a personal or commercial benefit. The information

1 provided pursuant to this subsection shall not contain
2 personally identifying information unless the information is
3 to be used for one of the purposes identified in subsection
4 (f-5) of this Section.

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

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

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

13 Section 45. The Criminal Code of 1961 is amended by
14 changing Section 24-2 as follows:

15 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

16 Sec. 24-2. Exemptions.

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

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

22 (2) Wardens, superintendents and keepers of prisons,
23 penitentiaries, jails and other institutions for the
24 detention of persons accused or convicted of an offense,

1 while in the performance of their official duty, or while
2 commuting between their homes and places of employment.

3 (3) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard or the
5 Reserve Officers Training Corps, while in the performance
6 of their official duty.

7 (4) Special agents employed by a railroad or a public
8 utility to perform police functions, and guards of armored
9 car companies, while actually engaged in the performance of
10 the duties of their employment or commuting between their
11 homes and places of employment; and watchmen while actually
12 engaged in the performance of the duties of their
13 employment.

14 (5) Persons licensed as private security contractors,
15 private detectives, or private alarm contractors, or
16 employed by an agency certified by the Department of
17 Professional Regulation, if their duties include the
18 carrying of a weapon under the provisions of the Private
19 Detective, Private Alarm, Private Security, Fingerprint
20 Vendor, and Locksmith Act of 2004, while actually engaged
21 in the performance of the duties of their employment or
22 commuting between their homes and places of employment,
23 provided that such commuting is accomplished within one
24 hour from departure from home or place of employment, as
25 the case may be. Persons exempted under this subdivision
26 (a)(5) shall be required to have completed a course of

1 study in firearms handling and training approved and
2 supervised by the Department of Professional Regulation as
3 prescribed by Section 28 of the Private Detective, Private
4 Alarm, Private Security, Fingerprint Vendor, and Locksmith
5 Act of 2004, prior to becoming eligible for this exemption.
6 The Department of Professional Regulation shall provide
7 suitable documentation demonstrating the successful
8 completion of the prescribed firearms training. Such
9 documentation shall be carried at all times when such
10 persons are in possession of a concealable weapon.

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

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

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

17 (8) Persons employed by a financial institution for the
18 protection of other employees and property related to such
19 financial institution, while actually engaged in the
20 performance of their duties, commuting between their homes
21 and places of employment, or traveling between sites or
22 properties owned or operated by such financial
23 institution, provided that any person so employed has
24 successfully completed a course of study, approved by and
25 supervised by the Department of Professional Regulation,
26 consisting of not less than 40 hours of training which

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

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

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

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

1 State's Attorneys Appellate Prosecutor's Act.

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

4 (12.5) Probation officers while in the performance of
5 their duties, or while commuting between their homes,
6 places of employment or specific locations that are part of
7 their assigned duties, with the consent of the chief judge
8 of the circuit for which they are employed.

9 (13) Court Security Officers while in the performance
10 of their official duties, or while commuting between their
11 homes and places of employment, with the consent of the
12 Sheriff.

13 (13.5) A person employed as an armed security guard at
14 a nuclear energy, storage, weapons or development site or
15 facility regulated by the Nuclear Regulatory Commission
16 who has completed the background screening and training
17 mandated by the rules and regulations of the Nuclear
18 Regulatory Commission.

19 (14) Manufacture, transportation, or sale of weapons
20 to persons authorized under subdivisions (1) through
21 (13.5) of this subsection to possess those weapons.

22 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
23 24-1.6 do not apply to or affect any of the following:

24 (1) Members of any club or organization organized for
25 the purpose of practicing shooting at targets upon
26 established target ranges, whether public or private, and

1 patrons of such ranges, while such members or patrons are
2 using their firearms on those target ranges.

3 (2) Duly authorized military or civil organizations
4 while parading, with the special permission of the
5 Governor.

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

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

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

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

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

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

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

25 (5) Persons licensed under federal law to manufacture
26 any weapon from which 8 or more shots or bullets can be

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

13 During transportation, such weapons shall be broken
14 down in a non-functioning state or not immediately
15 accessible.

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

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

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

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

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

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

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

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

26 (2) Bonafide collectors of antique or surplus military

1 ordinance.

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

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

14 (g-5) Subsection 24-1(a)(6) does not apply to or affect
15 persons licensed under federal law to manufacture any device or
16 attachment of any kind designed, used, or intended for use in
17 silencing the report of any firearm, firearms, or ammunition
18 for those firearms equipped with those devices, and actually
19 engaged in the business of manufacturing those devices,
20 firearms, or ammunition, but only with respect to activities
21 that are within the lawful scope of that business, such as the
22 manufacture, transportation, or testing of those devices,
23 firearms, or ammunition. This exemption does not authorize the
24 general private possession of any device or attachment of any
25 kind designed, used, or intended for use in silencing the
26 report of any firearm, but only such possession and activities

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

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

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

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

25 Section 50. The Code of Civil Procedure is amended by

1 changing Section 2-202 as follows:

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

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

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

1 be by affidavit.

2 (a-5) Upon motion and in its discretion, the court may
3 appoint as a special process server a private detective agency
4 certified under the Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
6 the appointment, any employee of the private detective agency
7 who is registered under that Act may serve the process. The
8 motion and the order of appointment must contain the number of
9 the certificate issued to the private detective agency by the
10 Department of Professional Regulation under the Private
11 Detective, Private Alarm, Private Security, Fingerprint
12 Vendor, and Locksmith Act of 2004.

13 (b) Summons may be served upon the defendants wherever they
14 may be found in the State, by any person authorized to serve
15 process. An officer may serve summons in his or her official
16 capacity outside his or her county, but fees for mileage
17 outside the county of the officer cannot be taxed as costs. The
18 person serving the process in a foreign county may make return
19 by mail.

20 (c) If any sheriff, coroner, or other person to whom any
21 process is delivered, neglects or refuses to make return of the
22 same, the plaintiff may petition the court to enter a rule
23 requiring the sheriff, coroner, or other person, to make return
24 of the process on a day to be fixed by the court, or to show
25 cause on that day why that person should not be attached for
26 contempt of the court. The plaintiff shall then cause a written

1 notice of the rule to be served on the sheriff, coroner, or
2 other person. If good and sufficient cause be not shown to
3 excuse the officer or other person, the court shall adjudge him
4 or her guilty of a contempt, and shall impose punishment as in
5 other cases of contempt.

6 (d) If process is served by a sheriff or coroner, the court
7 may tax the fee of the sheriff or coroner as costs in the
8 proceeding. If process is served by a private person or entity,
9 the court may establish a fee therefor and tax such fee as
10 costs in the proceedings.

11 (e) In addition to the powers stated in Section 8.1a of the
12 Housing Authorities Act, in counties with a population of
13 3,000,000 or more inhabitants, members of a housing authority
14 police force may serve process for forcible entry and detainer
15 actions commenced by that housing authority and may execute
16 orders of possession for that housing authority.

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

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

1 Section 55. The Uniform Disposition of Unclaimed Property
2 Act is amended by changing Section 20 as follows:

3 (765 ILCS 1025/20) (from Ch. 141, par. 120)

4 Sec. 20. Determination of claims.

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

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

1 payment forthwith.

2 (c) In order to carry out the purpose of this Act, no
3 person or company shall be entitled to a fee for discovering
4 presumptively abandoned property until it has been in the
5 custody of the Unclaimed Property Division of the Office of the
6 State Treasurer for at least 24 months. Fees for discovering
7 property that has been in the custody of that division for more
8 than 24 months shall be limited to not more than 10% of the
9 amount collected.

10 (d) A person or company attempting to collect a contingent
11 fee for discovering, on behalf of an owner, presumptively
12 abandoned property must be licensed as a private detective
13 pursuant to the Private Detective, Private Alarm, Private
14 Security, Fingerprint Vendor, and Locksmith Act of 2004 ~~1993~~.

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.