



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3640

Introduced 2/24/2009, by Rep. Lisa M. Dugan

SYNOPSIS AS INTRODUCED:

225 ILCS 447/5-10
225 ILCS 447/20-20
225 ILCS 447/35-30
225 ILCS 447/50-10

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that an emergency communication system and a mass notification system are included under the definition of "alarm system". Provides that training may include the installation, repair, and maintenance of emergency communication and mass notification systems. Provides that a majority of the appointed Board members constitutes a quorum. Effective immediately.

LRB096 03341 ASK 19254 b

1 AN ACT concerning alarm systems.

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

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Sections 5-10, 20-20, 50-10, and 35-30 as
7 follows:

8 (225 ILCS 447/5-10)

9 (Section scheduled to be repealed on January 1, 2014)

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

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

22 "Alarm system" means any system, including an electronic
23 access control system, a surveillance video system, a security

1 video system, a burglar alarm system, a fire alarm system, an
2 emergency communication system, mass notification system, or
3 any other electronic system, that activates an audible,
4 visible, remote, or recorded signal that is designed for the
5 protection or detection of intrusion, entry, theft, fire,
6 vandalism, escape, or trespass, or other electronic systems
7 designed for the protection of life by indicating the existence
8 of an emergency situation.

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

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

23 "Board" means the Private Detective, Private Alarm,
24 Private Security, Fingerprint Vendor, and Locksmith Board.

25 "Branch office" means a business location removed from the
26 place of business for which an agency license has been issued,

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

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

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

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

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

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

1 or property or to conduct investigations.

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

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

8 "Emergency communication system" means any system that
9 communicates information about emergencies, including but not
10 limited to fire, terrorist activities, shootings, other
11 dangerous situations, accidents, and natural disasters.

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

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

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

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

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

14 "Firearm control card" means a card issued by the
15 Department that authorizes the holder, who has complied with
16 the training and other requirements of this Act, to carry a
17 weapon during the performance of his or her duties as specified
18 in this Act.

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

21 "Locksmith" means a person who engages in a business or
22 holds himself out to the public as providing a service that
23 includes, but is not limited to, the servicing, installing,
24 originating first keys, re-coding, repairing, maintaining,
25 manipulating, or bypassing of a mechanical or electronic
26 locking device, access control or video surveillance system at

1 premises, vehicles, safes, vaults, safe deposit boxes, or
2 automatic teller machines.

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

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

15 "Mass notification system" means any system that is used to
16 provide information and instructions to people in a building or
17 other space using voice communications, including visible
18 signals, text, graphics, tactile, or other communication
19 methods.

20 "Peace officer" or "police officer" means a person who, by
21 virtue of office or public employment, is vested by law with a
22 duty to maintain public order or to make arrests for offenses,
23 whether that duty extends to all offenses or is limited to
24 specific offenses. Officers, agents, or employees of the
25 federal government commissioned by federal statute to make
26 arrests for violations of federal laws are considered peace

1 officers.

2 "Permanent employee registration card" means a card issued
3 by the Department to an individual who has applied to the
4 Department and meets the requirements for employment by a
5 licensed agency under this Act.

6 "Person" means a natural person.

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

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

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

26 "Private alarm contractor licensee-in-charge" means a

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

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

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

18 (2) The identity, habits, conduct, business
19 occupation, honesty, integrity, credibility, knowledge,
20 trustworthiness, efficiency, loyalty, activity, movements,
21 whereabouts, affiliations, associations, transactions,
22 acts, reputation, or character of any person, firm, or
23 other entity by any means, manual or electronic.

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

26 (4) The cause, origin, or responsibility for fires,

1 accidents, or injuries to individuals or real or personal
2 property.

3 (5) The truth or falsity of any statement or
4 representation.

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

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

9 (8) Service of process in criminal and civil
10 proceedings without court order.

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

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

25 "Private security contractor" means a person who engages in
26 the business of providing a private security officer, watchman,

1 patrol, guard dog, canine odor detection, or a similar service
2 by any other title or name on a contractual basis for another
3 person, firm, corporation, or other entity for a fee or other
4 consideration and performing one or more of the following
5 functions:

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

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

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

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

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

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

24 "Private security contractor agency" means a person, firm,
25 corporation, or other legal entity that engages in the private
26 security contractor business and that employs, in addition to

1 the licensee-in-charge, one or more persons in conducting such
2 business.

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

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

16 "Secretary" means the Secretary of Financial and
17 Professional Regulation.

18 (Source: P.A. 95-613, eff. 9-11-07.)

19 (225 ILCS 447/20-20)

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

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

23 (a) Registered employees of the private alarm contractor
24 agency who carry a firearm and respond to alarm systems shall
25 complete, within 30 days of their employment, a minimum of 20

1 hours of classroom training provided by a qualified instructor
2 and shall include all of the following subjects:

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

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

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

10 (4) Arrest and control techniques.

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

14 (6) The law on private alarm forces and on reporting to
15 law enforcement agencies.

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

17 (8) Civil rights and public relations.

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

21 Pursuant to directives set forth by the U.S. Department of
22 Homeland Security and the provisions set forth by the National
23 Fire Protection Association in the National Fire Alarm Code and
24 the Life Safety Code, training may include the installation,
25 repair, and maintenance of emergency communication systems and
26 mass notification systems.

1 (b) All other employees of a private alarm contractor
2 agency shall complete a minimum of 20 hours of training
3 provided by a qualified instructor within 30 days of their
4 employment. The substance of the training shall be related to
5 the work performed by the registered employee.

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

20 (d) Nothing in this Act prevents any employer from
21 providing or requiring additional training beyond the required
22 20 hours that the employer feels is necessary and appropriate
23 for competent job performance.

24 (e) Any certification of completion of the 20-hour basic
25 training issued under the Private Detective, Private Alarm,
26 Private Security, and Locksmith Act of 1993 or any prior Act

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

2 (Source: P.A. 95-613, eff. 9-11-07.)

3 (225 ILCS 447/35-30)

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

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

11 (a) No person shall be issued a permanent employee
12 registration card who:

13 (1) Is younger than 18 years of age.

14 (2) Is younger than 21 years of age if the services
15 will include being armed.

16 (3) Has been determined by the Department to be unfit
17 by reason of conviction of an offense in this or another
18 state, other than a traffic offense. The Department shall
19 adopt rules for making those determinations that shall
20 afford the applicant due process of law.

21 (4) Has had a license or permanent employee
22 registration card denied, suspended, or revoked under this
23 Act (i) within one year before the date the person's
24 application for permanent employee registration card is
25 received by the Department; and (ii) that refusal, denial,

1 suspension, or revocation was based on any provision of
2 this Act other than Section 40-50, item (6) or (8) of
3 subsection (a) of Section 15-10, subsection (b) of Section
4 15-10, item (6) or (8) of subsection (a) of Section 20-10,
5 subsection (b) of Section 20-10, item (6) or (8) of
6 subsection (a) of Section 25-10, subsection (b) of Section
7 25-10, item (7) of subsection (a) of Section 30-10,
8 subsection (b) of Section 30-10, or Section 10-40.

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

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

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

21 (1) The person's full name, age, and residence address.

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

26 (3) That the person has not had a license or employee

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

13 (4) Any conviction of a felony or misdemeanor.

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

16 (6) Any dishonorable discharge from the armed services
17 of the United States.

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

22 (c) Each applicant for a permanent employee registration
23 card shall have his or her fingerprints submitted to the
24 Department of State Police in an electronic format that
25 complies with the form and manner for requesting and furnishing
26 criminal history record information as prescribed by the

1 Department of State Police. These fingerprints shall be checked
2 against the Department of State Police and Federal Bureau of
3 Investigation criminal history record databases now and
4 hereafter filed. The Department of State Police shall charge
5 applicants a fee for conducting the criminal history records
6 check, which shall be deposited in the State Police Services
7 Fund and shall not exceed the actual cost of the records check.
8 The Department of State Police shall furnish, pursuant to
9 positive identification, records of Illinois convictions to
10 the Department. The Department may require applicants to pay a
11 separate fingerprinting fee, either to the Department or
12 directly to the vendor. The Department, in its discretion, may
13 allow an applicant who does not have reasonable access to a
14 designated vendor to provide his or her fingerprints in an
15 alternative manner. The Department, in its discretion, may also
16 use other procedures in performing or obtaining criminal
17 background checks of applicants. Instead of submitting his or
18 her fingerprints, an individual may submit proof that is
19 satisfactory to the Department that an equivalent security
20 clearance has been conducted. Also, an individual who has
21 retired as a peace officer within 12 months of application may
22 submit verification, on forms provided by the Department and
23 signed by his or her employer, of his or her previous full-time
24 employment as a peace officer.

25 (d) The Department shall issue a permanent employee
26 registration card, in a form the Department prescribes, to all

1 qualified applicants. The holder of a permanent employee
2 registration card shall carry the card at all times while
3 actually engaged in the performance of the duties of his or her
4 employment. Expiration and requirements for renewal of
5 permanent employee registration cards shall be established by
6 rule of the Department. Possession of a permanent employee
7 registration card does not in any way imply that the holder of
8 the card is employed by an agency unless the permanent employee
9 registration card is accompanied by the employee
10 identification card required by subsection (f) of this Section.

11 (e) Each employer shall maintain a record of each employee
12 that is accessible to the duly authorized representatives of
13 the Department. The record shall contain the following
14 information:

15 (1) A photograph taken within 10 days of the date that
16 the employee begins employment with the employer. The
17 photograph shall be replaced with a current photograph
18 every 3 calendar years.

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

21 (3) All correspondence or documents relating to the
22 character and integrity of the employee received by the
23 employer from any official source or law enforcement
24 agency.

25 (4) In the case of former employees, the employee
26 identification card of that person issued under subsection

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

22 (5) The Department may, by rule, prescribe further
23 record requirements.

24 (f) Every employer shall furnish an employee
25 identification card to each of his or her employees. This
26 employee identification card shall contain a recent photograph

1 of the employee, the employee's name, the name and agency
2 license number of the employer, the employee's personal
3 description, the signature of the employer, the signature of
4 that employee, the date of issuance, and an employee
5 identification card number.

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

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

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

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

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

24 (1) The agency completes in its entirety and submits to
25 the Department an application for a permanent employee
26 registration card, including the required fingerprint

1 receipt and fees.

2 (2) The agency has verification from the Department
3 that the applicant has no record of any criminal conviction
4 pursuant to the criminal history check conducted by the
5 Department of State Police. The agency shall maintain the
6 verification of the results of the Department of State
7 Police criminal history check as part of the employee
8 record as required under subsection (e) of this Section.

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

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

17 An agency may employ only a permanent employee applicant
18 for which it either submitted a permanent employee application
19 and all required forms and fees or it confirms with the
20 Department that a permanent employee application and all
21 required forms and fees have been submitted by another agency,
22 licensee or the permanent employee and all other requirements
23 of this Section are met.

24 The Department shall have the authority to revoke, without
25 a hearing, the temporary authority of an individual to work
26 upon receipt of Federal Bureau of Investigation fingerprint

1 data or a report of another official authority indicating a
2 criminal conviction. If the Department has not received a
3 temporary employee's Federal Bureau of Investigation
4 fingerprint data within 120 days of the date the Department
5 received the Department of State Police fingerprint data, the
6 Department may, at its discretion, revoke the employee's
7 temporary authority to work with 15 days written notice to the
8 individual and the employing agency.

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

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

24 (1) the person, while so employed, is being paid by the
25 United States or any political subdivision for the time so
26 employed in addition to any payments he or she may receive

1 from the employer; or

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

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

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

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

25 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07.)

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 members appointed by the Director and comprised
8 of 2 licensed private detectives, 3 licensed private security
9 contractors, one licensed private detective or licensed
10 private security contractor who provides canine odor detection
11 services, 2 licensed private alarm contractors, one licensed
12 fingerprint vendor, 2 licensed locksmiths, one public member
13 who is not licensed or registered under this Act and who has no
14 connection with a business licensed under this Act, and one
15 member representing the employees registered under this Act.
16 Each member shall be a resident of Illinois. Except for the
17 initial appointment of a licensed fingerprint vendor after the
18 effective date of this amendatory Act of the 95th General
19 Assembly, 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 the appointed Board members constitutes a
21 quorum. A majority vote of the quorum is required for a
22 decision.

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

25 (g) Board members are not liable for their acts, omissions,
26 decisions, or other conduct in connection with their duties on

1 the Board, except those determined to be willful, wanton, or
2 intentional misconduct.

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

5 (Source: P.A. 95-613, eff. 9-11-07.)

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