

1 AN ACT concerning professional regulation.

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

4 Section 5. The Private Detective, Private Alarm, Private  
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
6 amended by changing Sections 5-10, 20-10, 20-20, 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9 (Section scheduled to be repealed on January 1, 2014)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 447/20-10)

20 (Section scheduled to be repealed on January 1, 2014)

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

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

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

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

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

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

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

17 (6) Has ~~(i)~~ a minimum of 3 years experience during ~~of~~  
18 the 5 years immediately preceding the application (i)  
19 working as a full-time manager for a licensed private alarm  
20 contractor agency or (ii) working for a government or  
21 private ~~an~~ entity that inspects, reviews, designs, sells,  
22 installs, operates, services, or monitors alarm systems  
23 that, in the judgment of the Board, satisfies the standards  
24 of alarm industry competence ~~or (ii) has a minimum of 10~~  
25 ~~years experience working for a licensed private alarm~~  
26 ~~contractor agency or for an entity that designs, sells,~~

1 ~~installs, services, or monitors alarm systems that, in the~~  
2 ~~judgment of the Board, satisfies the standards of alarm~~  
3 ~~industry competence, has successfully completed a National~~  
4 ~~Institute for Certification of Engineering Technologies~~  
5 ~~(NICET) level 2 certification examination, and applies on~~  
6 ~~or before July 1, 2007.~~ An applicant who has received a  
7 4-year degree or higher in electrical engineering or a  
8 related field from a program approved by the Board shall be  
9 given credit for 2 years of the required experience. An  
10 applicant who has successfully completed a national  
11 certification program approved by the Board shall be given  
12 credit for one year of the required experience.

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

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

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

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

21 (b) (Blank).

22 (c) It is the responsibility of the applicant to obtain  
23 general liability insurance in an amount and coverage  
24 appropriate for the applicant's circumstances as determined by  
25 rule. The applicant shall provide evidence of insurance to the  
26 Department before being issued a license. Failure to maintain

1 general liability insurance and to provide the Department with  
2 written proof of the insurance shall result in cancellation of  
3 the license.

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

5 (225 ILCS 447/20-20)

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

7 Sec. 20-20. Training; private alarm contractor and  
8 employees.

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

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

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

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

21 (4) Arrest and control techniques.

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

25 (6) The law on private alarm forces and on reporting to

1 law enforcement agencies.

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

3 (8) Civil rights and public relations.

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

7 Pursuant to directives set forth by the U.S. Department of  
8 Homeland Security and the provisions set forth by the National  
9 Fire Protection Association in the National Fire Alarm Code and  
10 the Life Safety Code, training may include the installation,  
11 repair, and maintenance of emergency communication systems and  
12 mass notification systems.

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

18 (c) It is the responsibility of the employer to certify, on  
19 forms 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 term the employee is retained by the employer. A private  
24 alarm contractor agency may place a notarized copy of the  
25 Department form in lieu of the original into the permanent  
26 employee registration card file. The form shall be returned to

1 the employee when his or her employment is terminated. Failure  
2 to return the form to the employee is grounds for discipline.  
3 The employee shall not be required to complete the training  
4 required under this Act once the employee has been issued a  
5 form.

6 (d) Nothing in this Act prevents any employer from  
7 providing or requiring additional training beyond the required  
8 20 hours that the employer feels is necessary and appropriate  
9 for competent job performance.

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

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

15 (225 ILCS 447/35-30)

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

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

23 (a) No person shall be issued a permanent employee  
24 registration card who:

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



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

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

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

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

24           (6) Has been dishonorably discharged from the armed  
25 services of the United States.

26           (b) No person may be employed by a private detective

1 agency, private security contractor agency, private alarm  
2 contractor agency, fingerprint vendor agency, or locksmith  
3 agency under this Section until he or she has executed and  
4 furnished to the employer, on forms furnished by the  
5 Department, a verified statement to be known as "Employee's  
6 Statement" setting forth:

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

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

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

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

26 (5) Any declaration of incompetence by a court of

1 competent jurisdiction that has not been restored.

2 (6) Any dishonorable discharge from the armed services  
3 of the United States.

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

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

1 alternative manner. The Department, in its discretion, may also  
2 use other procedures in performing or obtaining criminal  
3 background checks of applicants. Instead of submitting his or  
4 her fingerprints, an individual may submit proof that is  
5 satisfactory to the Department that an equivalent security  
6 clearance has been conducted. Also, an individual who has  
7 retired as a peace officer within 12 months of application may  
8 submit verification, on forms provided by the Department and  
9 signed by his or her employer, of his or her previous full-time  
10 employment as a peace officer.

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

23 (e) Each employer shall maintain a record of each employee  
24 that is accessible to the duly authorized representatives of  
25 the Department. The record shall contain the following  
26 information:

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

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

7           (3) All correspondence or documents relating to the  
8           character and integrity of the employee received by the  
9           employer from any official source or law enforcement  
10          agency.

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

1 Department or failure to maintain the record as a part of  
2 each armed employee's permanent file is grounds for  
3 disciplinary action. The Department, upon receipt of a  
4 report, shall have the authority to make any investigation  
5 it considers appropriate into any occurrence in which an  
6 employee's weapon was discharged and to take disciplinary  
7 action as may be appropriate.

8 (5) The Department may, by rule, prescribe further  
9 record requirements.

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

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

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

26 (i) Every employer shall maintain a separate roster of the

1 names of all employees currently working in an armed capacity  
2 and submit the roster to the Department on request.

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

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

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

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

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

24 (4) The agency maintains a separate roster of the names  
25 of all employees whose applications are currently pending  
26 with the Department and submits the roster to the

1 Department on a monthly basis. Rosters are to be maintained  
2 by the agency for a period of at least 24 months.

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

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

21 An agency may not employ a person in a temporary capacity  
22 if it knows or reasonably should have known that the person has  
23 been convicted of a crime under the laws of this State, has  
24 been convicted in another state of any crime that is a crime  
25 under the laws of this State, has been convicted of any crime  
26 in a federal court, or has been posted as an unapproved



1 applicant by the Department. Notice by the Department to the  
2 agency, via certified mail, personal delivery, electronic  
3 mail, or posting on the Department's Internet site accessible  
4 to the agency that the person has been convicted of a crime  
5 shall be deemed constructive knowledge of the conviction on the  
6 part of the agency. The Department may adopt rules to implement  
7 this subsection (k).

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

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

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

17 (m) If information is discovered affecting the  
18 registration of a person whose fingerprints were submitted  
19 under this Section, the Department shall so notify the agency  
20 that submitted the fingerprints on behalf of that person.

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

1           (o) Persons who have no access to confidential or security  
2 information, who do not go to a client's or prospective  
3 client's residence or place of business, and who otherwise do  
4 not provide traditional security services are exempt from  
5 employee registration. Examples of exempt employees include,  
6 but are not limited to, employees working in the capacity of  
7 ushers, directors, ticket takers, cashiers, drivers, and  
8 reception personnel. Confidential or security information is  
9 that which pertains to employee files, scheduling, client  
10 contracts, or technical security and alarm data.

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