

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9 (Section scheduled to be repealed on January 1, 2014)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