



Executive Committee

Filed: 10/14/2009

09600HB4638ham001

LRB096 14897 ASK 29865 a

1 AMENDMENT TO HOUSE BILL 4638

2 AMENDMENT NO. _____. Amend House Bill 4638 on page 1, by
3 replacing line 6 with the following:

4 "amended by changing Sections 5-10, 20-10, 20-20, and 35-30 as
5 follows:"; and

6 on page 1, immediately below line 6, by inserting the
7 following:

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9 (Section scheduled to be repealed on January 1, 2014)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

1 printed or electronic means or media, but shall not include a
2 licensee's or an agency's letterhead, business cards, or other
3 stationery used in routine business correspondence or
4 customary name, address, and number type listings in a
5 telephone directory.

6 "Alarm system" means any system, including an electronic
7 access control system, a surveillance video system, a security
8 video system, a burglar alarm system, a fire alarm system, an
9 emergency communication system, mass notification system, or
10 any other electronic system, that activates an audible,
11 visible, remote, or recorded signal that is designed for the
12 protection or detection of intrusion, entry, theft, fire,
13 vandalism, escape, or trespass, or other electronic systems
14 designed for the protection of life by indicating the existence
15 of an emergency situation.

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

25 "Armed proprietary security force" means a security force
26 made up of 5 or more armed individuals employed by a private,

1 commercial, or industrial operation or one or more armed
2 individuals employed by a financial institution as security
3 officers for the protection of persons or property.

4 "Board" means the Private Detective, Private Alarm,
5 Private Security, Fingerprint Vendor, and Locksmith Board.

6 "Branch office" means a business location removed from the
7 place of business for which an agency license has been issued,
8 including, but not limited to, locations where active employee
9 records that are required to be maintained under this Act are
10 kept, where prospective new employees are processed, or where
11 members of the public are invited in to transact business. A
12 branch office does not include an office or other facility
13 located on the property of an existing client that is utilized
14 solely for the benefit of that client and is not owned or
15 leased by the agency.

16 "Canine handler" means a person who uses or handles a
17 trained dog to protect persons or property or to conduct
18 investigations.

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

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

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

5 "Canine training facility" means a facility operated by a
6 licensed private detective agency or private security agency
7 wherein dogs are trained for the purposes of protecting persons
8 or property or to conduct investigations.

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

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

15 "Emergency communication system" means any system that
16 communicates information about emergencies, including but not
17 limited to fire, terrorist activities, shootings, other
18 dangerous situations, accidents, and natural disasters.

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

23 "Fingerprint vendor" means a person that offers,
24 advertises, or provides services to fingerprint individuals,
25 through electronic or other means, for the purpose of providing
26 fingerprint images and associated demographic data to the

1 Department of State Police for processing fingerprint based
2 criminal history record information inquiries.

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

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

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

21 "Firearm control card" means a card issued by the
22 Department that authorizes the holder, who has complied with
23 the training and other requirements of this Act, to carry a
24 weapon during the performance of his or her duties as specified
25 in this Act.

26 "Firm" means an unincorporated business entity, including

1 but not limited to proprietorships and partnerships.

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

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

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

22 "Mass notification system" means any system that is used to
23 provide information and instructions to people in a building or
24 other space using voice communications, including visible
25 signals, text, graphics, tactile, or other communication
26 methods.

1 "Peace officer" or "police officer" means a person who, by
2 virtue of office or public employment, is vested by law with a
3 duty to maintain public order or to make arrests for offenses,
4 whether that duty extends to all offenses or is limited to
5 specific offenses. Officers, agents, or employees of the
6 federal government commissioned by federal statute to make
7 arrests for violations of federal laws are considered peace
8 officers.

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

13 "Person" means a natural person.

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

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

1 systems at protected premises or premises to be protected.

2 "Private alarm contractor agency" means a person,
3 corporation, or other entity that engages in the private alarm
4 contracting business and employs, in addition to the private
5 alarm contractor-in-charge, at least one other person in
6 conducting such business.

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

16 "Private detective" means any person who by any means,
17 including, but not limited to, manual, canine odor detection,
18 or electronic methods, engages in the business of, accepts
19 employment to furnish, or agrees to make or makes
20 investigations for a fee or other consideration to obtain
21 information relating to:

22 (1) Crimes or wrongs done or threatened against the
23 United States, any state or territory of the United States,
24 or any local government of a state or territory.

25 (2) The identity, habits, conduct, business
26 occupation, honesty, integrity, credibility, knowledge,

1 trustworthiness, efficiency, loyalty, activity, movements,
2 whereabouts, affiliations, associations, transactions,
3 acts, reputation, or character of any person, firm, or
4 other entity by any means, manual or electronic.

5 (3) The location, disposition, or recovery of lost or
6 stolen property.

7 (4) The cause, origin, or responsibility for fires,
8 accidents, or injuries to individuals or real or personal
9 property.

10 (5) The truth or falsity of any statement or
11 representation.

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

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

16 (8) Service of process in criminal and civil
17 proceedings without court order.

18 "Private detective agency" means a person, firm,
19 corporation, or other legal entity that engages in the private
20 detective business and employs, in addition to the
21 licensee-in-charge, one or more persons in conducting such
22 business.

23 "Private detective licensee-in-charge" means a person who
24 has been designated by an agency to be the licensee-in-charge
25 of an agency, who is a full-time management employee or owner
26 who assumes sole responsibility for maintaining all records

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

6 "Private security contractor" means a person who engages in
7 the business of providing a private security officer, watchman,
8 patrol, guard dog, canine odor detection, or a similar service
9 by any other title or name on a contractual basis for another
10 person, firm, corporation, or other entity for a fee or other
11 consideration and performing one or more of the following
12 functions:

13 (1) The prevention or detection of intrusion, entry,
14 theft, vandalism, abuse, fire, or trespass on private or
15 governmental property.

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

18 (3) The protection of persons authorized to be on the
19 premises of the person, firm, or other entity for which the
20 security contractor contractually provides security
21 services.

22 (4) The prevention of the misappropriation or
23 concealment of goods, money, bonds, stocks, notes,
24 documents, or papers.

25 (5) The control, regulation, or direction of the
26 movement of the public for the time specifically required

1 for the protection of property owned or controlled by the
2 client.

3 (6) The protection of individuals from bodily harm or
4 death (bodyguard functions).

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

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

19 "Public member" means a person who is not a licensee or
20 related to a licensee, or who is not an employer or employee of
21 a licensee. The term "related to" shall be determined by the
22 rules of the Department.

23 "Secretary" means the Secretary of Financial and
24 Professional Regulation.

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

1 on page 3, immediately below line 20, by inserting the
2 following:

3 "(225 ILCS 447/20-20)

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

5 Sec. 20-20. Training; private alarm contractor and
6 employees.

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

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

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

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

19 (4) Arrest and control techniques.

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

23 (6) The law on private alarm forces and on reporting to
24 law enforcement agencies.

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

1 (8) Civil rights and public relations.

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

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

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

16 (c) It is the responsibility of the employer to certify, on
17 forms provided by the Department, that the employee has
18 successfully completed the training. The form shall be a
19 permanent record of training completed by the employee and
20 shall be placed in the employee's file with the employer for
21 the term the employee is retained by the employer. A private
22 alarm contractor agency may place a notarized copy of the
23 Department form in lieu of the original into the permanent
24 employee registration card file. The form shall be returned to
25 the employee when his or her employment is terminated. Failure
26 to return the form to the employee is grounds for discipline.

1 The employee shall not be required to complete the training
2 required under this Act once the employee has been issued a
3 form.

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

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

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

13 (225 ILCS 447/35-30)

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

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

21 (a) No person shall be issued a permanent employee
22 registration card who:

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

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

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

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

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

22 (6) Has been dishonorably discharged from the armed
23 services of the United States.

24 (b) No person may be employed by a private detective
25 agency, private security contractor agency, private alarm
26 contractor agency, fingerprint vendor agency, or locksmith

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

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

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

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

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

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

26 (6) Any dishonorable discharge from the armed services

1 of the United States.

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

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

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

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

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

25 (1) A photograph taken within 10 days of the date that
26 the employee begins employment with the employer. The

1 photograph shall be replaced with a current photograph
2 every 3 calendar years.

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

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

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

1 disciplinary action. The Department, upon receipt of a
2 report, shall have the authority to make any investigation
3 it considers appropriate into any occurrence in which an
4 employee's weapon was discharged and to take disciplinary
5 action as may be appropriate.

6 (5) The Department may, by rule, prescribe further
7 record requirements.

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

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

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

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

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

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

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

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

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

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

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

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

19 An agency may not employ a person in a temporary capacity
20 if it knows or reasonably should have known that the person has
21 been convicted of a crime under the laws of this State, has
22 been convicted in another state of any crime that is a crime
23 under the laws of this State, has been convicted of any crime
24 in a federal court, or has been posted as an unapproved
25 applicant by the Department. Notice by the Department to the
26 agency, via certified mail, personal delivery, electronic

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

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

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

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

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

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

25 (o) Persons who have no access to confidential or security
26 information, who do not go to a client's or prospective

1 client's residence or place of business, and who otherwise do
2 not provide traditional security services are exempt from
3 employee registration. Examples of exempt employees include,
4 but are not limited to, employees working in the capacity of
5 ushers, directors, ticket takers, cashiers, drivers, and
6 reception personnel. Confidential or security information is
7 that which pertains to employee files, scheduling, client
8 contracts, or technical security and alarm data.
9 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07.)".