



Sen. David Luechtefeld

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09600HB4815sam004

LRB096 16805 RLJ 41707 a

1 AMENDMENT TO HOUSE BILL 4815

2 AMENDMENT NO. _____. Amend House Bill 4815, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Municipal Code is amended by
6 adding Section 11-5.3-2 as follows:

7 (65 ILCS 5/11-5.3-2 new)

8 Sec. 11-5.3-2. False alarms.

9 (a) The corporate authorities of each municipality may, by
10 ordinance, impose a fine against an entity making more than 3
11 false alarms within a 12-month period at a single location. The
12 fine may not exceed the following: (i) \$100 per false alarm for
13 the fourth through sixth false alarm, (ii) \$200 per false alarm
14 for the seventh through tenth false alarm, and (iii) the
15 maximum fine allowed for ordinance violations under Section
16 1-2-1 for the eleventh or subsequent false alarm.

1 (b) The following may not be considered false alarms:

2 (1) Alarms activated by the installation, repair,
3 maintenance, or testing of an alarm if the designated
4 emergency services contact is notified in advance by the
5 alarm company or alarm user actually conducting the
6 installation, repair, maintenance, or testing.

7 (2) Alarms activated by the installation, repair, or
8 testing of telephone or electrical lines or related
9 equipment.

10 (3) Alarms activated by an act of God including, but
11 not limited to, earthquakes, floods, winds, or storms.

12 (4) Alarms activated by an attempted illegal entry of
13 which there is physical evidence.

14 (5) Alarms activated by an individual or group of
15 individuals engaged in or assisting in the act of retail
16 theft in violation of Article 16A of the Criminal Code of
17 1961.

18 (6) Alarms activated by a surge or loss of electrical
19 power or telephone service to the alarm system.

20 (c) Each municipality adopting a false alarm ordinance
21 shall designate one emergency services contact for alarm
22 companies and alarm users to notify in the event the activity
23 of the alarm company or alarm user may or does trigger a false
24 alarm. The emergency services contact designated by the
25 municipality shall notify the alarm user, in writing, within 14
26 days after each recorded false alarm. The alarm user shall have

1 14 days to appeal the designation. The municipality shall
2 provide in writing to each alarm company and alarm user which
3 interfaces with the municipality the details of the false alarm
4 ordinance and the contact information for the emergency
5 services contact.

6 (d) An alarm user may raise as an affirmative defense to a
7 violation of this Section that the alarm user has taken all
8 reasonable measures to eliminate false alarms. Those
9 reasonable measures must include all of the following:

10 (1) using an alarm system that is installed and
11 maintained by an alarm company;

12 (2) having documentary evidence that the alarm system
13 was installed, inspected, or tested by an alarm company
14 within the previous 12 months; and

15 (3) making every reasonable effort to have a
16 responsible person arrive at the protected premises within
17 a reasonable period of time if requested by the emergency
18 services contact to perform one or more of the following
19 acts: (i) deactivate the alarm system, (ii) provide access
20 to the alarm location, or (iii) provide alternative
21 security for the alarm location.

22 (e) For the purposes of this Section, "alarm company" means
23 any firm, person, partnership, corporation, or other legal
24 entity required to be licensed by the State that, with respect
25 to any alarm installed upon any premises within the
26 municipality, has servicing, maintenance, or monitoring duties

1 or responsibilities under the terms of any agreement or
2 arrangement with an alarm user.

3 For the purposes of this Section, "alarm user" means any
4 person, firm, partnership, corporation, or other legal entity
5 in control of any building, premises, structure, or facility
6 upon which an alarm is maintained.

7 For the purposes of this Section, "false alarm" means any
8 alarm system activated when a situation requiring the response
9 of police, fire, or emergency medical services does not exist
10 and is caused by the inadvertence, negligence, or intentional
11 act of an alarm company or alarm user, or a malfunction of the
12 alarm.

13 (f) A home rule municipality may not regulate false alarms
14 in a manner that is more restrictive than this Act. This
15 Section is a limitation under subsection (i) of Section 6 of
16 Article VII of the Illinois Constitution on the concurrent
17 exercise by home rule units of powers and functions exercised
18 by the State.

19 (g) This Section does not apply to ordinances in effect as
20 of April 1, 2010."