



Sen. David Luechtefeld

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09600HB4973sam001

LRB096 17693 RLJ 40294 a

1 AMENDMENT TO HOUSE BILL 4973

2 AMENDMENT NO. _____. Amend House Bill 4973 by replacing
3 everything after the enacting clause with the following:

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

6 (65 ILCS 5/11-5.3-2 new)

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

8 (a) The corporate authorities of each municipality may, by
9 ordinance, impose a fine against persons making more than 3
10 false alarms within a 12-month period at a single location. The
11 fine may not exceed the following: (i) \$50 per false alarm for
12 the fourth through sixth false alarm, (ii) \$100 per false alarm
13 for the seventh through tenth false alarm, and (iii) \$200 per
14 false alarm for the eleventh or subsequent false alarm.

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

16 (1) Alarms activated by the installation, repair,

1 maintenance, or testing of an alarm if the appropriate
2 public safety agency is notified in advance by the alarm
3 company or alarm user conducting the installation, repair,
4 maintenance, or testing. Failure of the alarm company or
5 alarm user conducting the installation, repair,
6 maintenance, or testing to notify the designated emergency
7 services agency shall not result in a false alarm
8 designation or fine for the alarm user.

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

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

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

16 (5) Alarms activated by an individual or group of
17 individuals engaged in or assisting in the act of retail
18 theft in violation of Article 16A of the Criminal Code of
19 1961.

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

22 (7) Alarms in buildings open to the public that are
23 activated by a member of the public when a situation
24 requiring the response of police, fire, or emergency
25 medical services does not exist.

26 (c) Each municipality adopting a false alarm ordinance

1 shall designate one emergency services contact for alarm
2 companies and alarm users to notify in the event the activity
3 of the alarm company or alarm user may or does trigger a false
4 alarm. The emergency services agency designated by the
5 municipality shall notify the alarm user, in writing, within 14
6 days after each recorded false alarm. The alarm user shall have
7 14 days to appeal the designation. The municipality shall
8 annually publish the contact number of the designated emergency
9 services contact in a newspaper of general circulation within
10 the municipality. If there is no newspaper of general
11 circulation within the municipality, then the municipality
12 must publish the contact number in a newspaper of general
13 circulation within the county.

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

18 (1) using an alarm system that is installed and
19 maintained by a properly licensed private alarm
20 contractor;

21 (2) having documentary evidence that the alarm system
22 was installed, inspected, or tested by a properly licensed
23 private alarm contractor within the previous 12 months; and

24 (3) making every reasonable effort to have a
25 responsible person arrive at the protected premises within
26 45 minutes if requested by the emergency services contact

1 to perform one or more of the following acts: (i)
2 deactivate the alarm system, (ii) provide access to the
3 alarm location, or (iii) provide alternative security for
4 the alarm location.

5 (e) For the purposes of this Section, "alarm company" means
6 any firm, person, partnership, corporation, or other legal
7 entity required to be licensed by the State under the Private
8 Detective, Private Alarm, Private Security, Fingerprint
9 Vendor, and Locksmith Act of 2004 that, with respect to any
10 alarm installed upon any premises within the municipality, has
11 servicing, maintenance, or monitoring duties or
12 responsibilities under the terms of any agreement or
13 arrangement with an alarm user.

14 For the purposes of this Section, "alarm user" means any
15 person, firm, partnership, corporation, or other legal entity
16 in control of any building, premise, structure, or facility
17 upon which an alarm is maintained.

18 For the purposes of this Section, "false alarm" means any
19 alarm system activated in the absence of a situation reasonably
20 believed to require the response of police, fire, or emergency
21 medical services.

22 (f) A home rule municipality may not regulate false alarms
23 in a manner that is more restrictive than this Act. This
24 Section is a limitation under subsection (i) of Section 6 of
25 Article VII of the Illinois Constitution on the concurrent
26 exercise by home rule units of powers and functions exercised

1 by the State. "