



Sen. David Luechtefeld

Filed: 4/28/2010

09600HB4973sam002

LRB096 17693 RLJ 40779 a

1 AMENDMENT TO HOUSE BILL 4973

2 AMENDMENT NO. _____. Amend House Bill 4973, 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 changing Section 11-74.6-50 and by adding Section 11-5.3-2 as
7 follows:

8 (65 ILCS 5/11-5.3-2 new)

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

10 (a) The corporate authorities of each municipality may, by
11 ordinance, impose a fine against persons making more than 3
12 false alarms within a 12-month period at a single location. The
13 fine may not exceed the following: (i) \$50 per false alarm for
14 the fourth through sixth false alarm, (ii) \$100 per false alarm
15 for the seventh through tenth false alarm, and (iii) \$200 per
16 false alarm 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 appropriate
4 public safety agency is notified in advance by the alarm
5 company or alarm user conducting the installation, repair,
6 maintenance, or testing. Failure of the alarm company or
7 alarm user conducting the installation, repair,
8 maintenance, or testing to notify the designated emergency
9 services agency shall not result in a false alarm
10 designation or fine for the alarm user.

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

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

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

18 (5) Alarms activated by an individual or group of
19 individuals engaged in or assisting in the act of retail
20 theft in violation of Article 16A of the Criminal Code of
21 1961.

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

24 (7) Alarms in buildings open to the public that are
25 activated by a member of the public when a situation
26 requiring the response of police, fire, or emergency

1 medical services does not exist.

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

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

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

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

26 (3) making every reasonable effort to have a

1 responsible person arrive at the protected premises within
2 45 minutes if requested by the emergency services contact
3 to perform one or more of the following acts: (i)
4 deactivate the alarm system, (ii) provide access to the
5 alarm location, or (iii) provide alternative security for
6 the alarm location.

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

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

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

24 (f) A home rule municipality may not regulate false alarms
25 in a manner that is more restrictive than this Act. This
26 Section is a limitation under subsection (i) of Section 6 of

1 Article VII of the Illinois Constitution on the concurrent
2 exercise by home rule units of powers and functions exercised
3 by the State.

4 (65 ILCS 5/11-74.6-50)

5 Sec. 11-74.6-50. Report; sunset of authority. On or before
6 the date which is 60 months following the date on which this
7 amendatory Act of 1994 becomes law, the Department shall submit
8 to the General Assembly a report detailing the number of
9 redevelopment project areas that have been established, the
10 number and type of jobs created or retained therein, the
11 aggregate amount of tax increment incentives provided, the
12 aggregate amount of private investment produced therein, the
13 amount of tax increment revenue produced and available for
14 expenditure within the tax increment financing districts and
15 such additional information as the Department may determine to
16 be relevant.

17 On or after January 1, 2013 ~~the date which is 16 years~~
18 ~~following the date on which this amendatory Act of 1994 becomes~~
19 ~~law~~ the authority granted hereunder to municipalities to
20 establish redevelopment project areas and to adopt tax
21 increment allocation financing in connection therewith shall
22 expire unless the General Assembly shall have authorized
23 municipalities to continue to exercise said powers.

24 (Source: P.A. 91-474, eff. 11-1-99.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".