



Sen. David Luechtefeld

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LRB096 17693 RLJ 40894 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 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, premise, 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. "