



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4508

Introduced 1/31/2012, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.24
5 ILCS 80/4.33 new
225 ILCS 447/5-15
225 ILCS 447/10-5
225 ILCS 447/20-10
225 ILCS 447/35-30
225 ILCS 447/50-50 new

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that a person is qualified for licensure as a private alarm contractor if a person who had been providing surveillance video systems or video security systems prior to January 1, 2005 is exempt from certain requirements and may be granted a private alarm contractor license if he or she (i) meets certain specified requirements, (ii) pays all applicable fees, (iii) presents satisfactory evidence to the Department of the provision of surveillance or video security systems for hire prior to January 1, 2005, and (iv) submits an application to the Department prior to July 1, 2014. Creates a provision concerning the confidentiality of all information collected by the Department in the course of an examination or investigation of a licensee or applicant. Also makes changes in provisions concerning legislative intent; requirements of a license; and employee requirements. Amends the Regulatory Sunset Act to extend the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 from January 1, 2014 to January 1, 2023. Effective immediately.

LRB097 16955 CEL 62144 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Sections 4.24 and by adding Section 4.33 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts repealed on January 1, 2014. The following
8 Acts are repealed on January 1, 2014:

9 The Electrologist Licensing Act.

10 The Illinois Certified Shorthand Reporters Act of 1984.

11 The Illinois Occupational Therapy Practice Act.

12 The Illinois Public Accounting Act.

13 ~~The Private Detective, Private Alarm, Private Security,~~
14 ~~Fingerprint Vendor, and Locksmith Act of 2004.~~

15 The Registered Surgical Assistant and Registered Surgical
16 Technologist Title Protection Act.

17 The Veterinary Medicine and Surgery Practice Act of 2004.

18 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07.)

19 (5 ILCS 80/4.33 new)

20 Sec. 4.33. Act repealed on January 1, 2023. The following
21 Act is repealed on January 1, 2023:

22 The Private Detective, Private Alarm, Private Security,

1 Fingerprint Vendor, and Locksmith Act of 2004.

2 Section 10. The Private Detective, Private Alarm, Private
3 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
4 amended by changing Sections 5-15, 10-5, 20-10, and 35-30 and
5 by adding Section 50-50 as follows:

6 (225 ILCS 447/5-15)

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

8 Sec. 5-15. Legislative intent. The intent of the General
9 Assembly in enacting this statute is to regulate persons,
10 corporations, and firms licensed under this Act for the
11 protection of the public. These practices are declared to
12 affect the public health, safety, and welfare and are subject
13 to exclusive State regulation and licensure. This Act shall be
14 construed to carry out these purposes.

15 (Source: P.A. 93-438, eff. 8-5-03.)

16 (225 ILCS 447/10-5)

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

18 Sec. 10-5. Requirement of license.

19 (a) It is unlawful for a person to act as or provide the
20 functions of a private detective, private security contractor,
21 private alarm contractor, fingerprint vendor, or locksmith or
22 to advertise or to assume to act as any one of these, or to use
23 these or any other title implying that the person is engaged in

1 any of these activities unless licensed as such by the
2 Department. An individual or sole proprietor who does not
3 employ any employees other than himself or herself may operate
4 under a "doing business as" or assumed name certification
5 without having to obtain an agency license, so long as the
6 assumed name is first registered with the Department.

7 (b) It is unlawful for a person, firm, corporation, or
8 other legal entity to act as an agency licensed under this Act,
9 to advertise, or to assume to act as a licensed agency or to
10 use a title implying that the person, firm, or other entity is
11 engaged in the practice as a private detective agency, private
12 security contractor agency, private alarm contractor agency,
13 fingerprint vendor agency, or locksmith agency unless licensed
14 by the Department.

15 (b-5) A person, firm, corporation, or other legal entity
16 represents himself or herself to be a private detective within
17 the meaning of this Act when he or she holds himself or herself
18 out to the public by any title or description of services
19 incorporating the words "private investigator" or "private
20 investigation".

21 (c) No agency shall operate a branch office without first
22 applying for and receiving a branch office license for each
23 location.

24 (d) Beginning 12 months after the adoption of rules
25 providing for the licensure of fingerprint vendors under this
26 Act, it is unlawful for a person to operate live scan

1 fingerprint equipment or other equipment designed to obtain
2 fingerprint images for the purpose of providing fingerprint
3 images and associated demographic data to the Department of
4 State Police, unless he or she has successfully completed a
5 fingerprint training course conducted or authorized by the
6 Department of State Police and is licensed as a fingerprint
7 vendor.

8 (e) Beginning 12 months after the adoption of rules
9 providing for the licensure of canine handlers and canine
10 trainers under this Act, no person shall operate a canine
11 training facility unless licensed as a private detective agency
12 or private security contractor agency under this Act, and no
13 person shall act as a canine trainer unless he or she is
14 licensed as a private detective or private security contractor
15 or is a registered employee of a private detective agency or
16 private security contractor agency approved by the Department.

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

18 (225 ILCS 447/20-10)

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

20 Sec. 20-10. Qualifications for licensure as a private alarm
21 contractor.

22 (a) A person is qualified for licensure as a private alarm
23 contractor if he or she meets all of the following
24 requirements:

25 (1) Is at least 21 years of age.

1 (2) Has not been convicted of any felony in any
2 jurisdiction or at least 10 years have elapsed since the
3 time of full discharge from a sentence imposed for a felony
4 conviction.

5 (3) Is of good moral character. Good moral character is
6 a continuing requirement of licensure. Conviction of
7 crimes other than felonies may be used in determining moral
8 character, but shall not constitute an absolute bar to
9 licensure.

10 (4) Has not been declared by any court of competent
11 jurisdiction to be incompetent by reason of mental or
12 physical defect or disease, unless a court has subsequently
13 declared him or her to be competent.

14 (5) Is not suffering from dependence on alcohol or from
15 narcotic addiction or dependence.

16 (6) Has a minimum of 3 years experience during the 5
17 years immediately preceding the application (i) working as
18 a full-time manager for a licensed private alarm contractor
19 agency or (ii) working for a government or private entity
20 that inspects, reviews, designs, sells, installs,
21 operates, services, or monitors alarm systems that, in the
22 judgment of the Board, satisfies the standards of alarm
23 industry competence. An applicant who has received a 4-year
24 degree or higher in electrical engineering or a related
25 field from a program approved by the Board shall be given
26 credit for 2 years of the required experience. An applicant

1 who has successfully completed a national certification
2 program approved by the Board shall be given credit for one
3 year of the required experience.

4 (7) Has not been dishonorably discharged from the armed
5 forces of the United States.

6 (8) Has passed an examination authorized by the
7 Department.

8 (9) Submits his or her fingerprints, proof of having
9 general liability insurance required under subsection (c),
10 and the required license fee.

11 (10) Has not violated Section 10-5 of this Act.

12 (a-5) Any person who had been providing surveillance video
13 systems or video security systems prior to January 1, 2005 is
14 exempt from the requirements of item (6) of subsection (a) of
15 this Section and may be granted a private alarm contractor
16 license if he or she (i) meets the requirements of items (1)
17 through (5) and item (7) through (10) of subsection (a) of this
18 Section, (ii) pays all applicable fees, (iii) presents
19 satisfactory evidence to the Department of the provision of
20 surveillance or video security systems for hire prior to
21 January 1, 2005, and (iv) submits an application to the
22 Department prior to July 1, 2014.

23 (b) (Blank).

24 (c) It is the responsibility of the applicant to obtain
25 general liability insurance in an amount and coverage
26 appropriate for the applicant's circumstances as determined by

1 rule. The applicant shall provide evidence of insurance to the
2 Department before being issued a license. Failure to maintain
3 general liability insurance and to provide the Department with
4 written proof of the insurance shall result in cancellation of
5 the license.

6 (Source: P.A. 95-613, eff. 9-11-07; 96-847, eff. 6-1-10.)

7 (225 ILCS 447/35-30)

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

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

15 (a) No person shall be issued a permanent employee
16 registration card who:

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

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

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

25 (4) Has had a license or permanent employee

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

13 (5) Has been declared incompetent by any court of
14 competent jurisdiction by reason of mental disease or
15 defect and has not been restored.

16 (6) Has been dishonorably discharged from the armed
17 services of the United States.

18 (b) No person may be employed by a private detective
19 agency, private security contractor agency, private alarm
20 contractor agency, fingerprint vendor agency, or locksmith
21 agency under this Section until he or she has executed and
22 furnished to the employer, on forms furnished by the
23 Department, a verified statement to be known as "Employee's
24 Statement" setting forth:

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

26 (2) The business or occupation engaged in for the 5

1 years immediately before the date of the execution of the
2 statement, the place where the business or occupation was
3 engaged in, and the names of employers, if any.

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

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

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

20 (6) Any dishonorable discharge from the armed services
21 of the United States.

22 (7) Any other information as may be required by any
23 rule of the Department to show the good character,
24 competency, and integrity of the person executing the
25 statement.

26 (c) Each applicant for a permanent employee registration

1 card shall have his or her fingerprints submitted to the
2 Department of State Police in an electronic format that
3 complies with the form and manner for requesting and furnishing
4 criminal history record information as prescribed by the
5 Department of State Police. These fingerprints shall be checked
6 against the Department of State Police and Federal Bureau of
7 Investigation criminal history record databases now and
8 hereafter filed. The Department of State Police shall charge
9 applicants a fee for conducting the criminal history records
10 check, which shall be deposited in the State Police Services
11 Fund and shall not exceed the actual cost of the records check.
12 The Department of State Police shall furnish, pursuant to
13 positive identification, records of Illinois convictions to
14 the Department. The Department may require applicants to pay a
15 separate fingerprinting fee, either to the Department or
16 directly to the vendor. The Department, in its discretion, may
17 allow an applicant who does not have reasonable access to a
18 designated vendor to provide his or her fingerprints in an
19 alternative manner. The Department, in its discretion, may also
20 use other procedures in performing or obtaining criminal
21 background checks of applicants. Instead of submitting his or
22 her fingerprints, an individual may submit proof that is
23 satisfactory to the Department that an equivalent security
24 clearance has been conducted. Also, an individual who has
25 retired as a peace officer within 12 months of application may
26 submit verification, on forms provided by the Department and

1 signed by his or her employer, of his or her previous full-time
2 employment as a peace officer.

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

15 (e) Each employer shall maintain a record of each employee
16 that is accessible to the duly authorized representatives of
17 the Department. The record shall contain the following
18 information:

19 (1) A photograph taken within 10 days of the date that
20 the employee begins employment with the employer. The
21 photograph shall be replaced with a current photograph
22 every 3 calendar years.

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

25 (2.5) A copy of the employee's permanent employee
26 registration card or a copy of the Department's "License

1 Lookup" webpage showing that the employee has been issued a
2 valid, permanent employee registration card by the
3 Department.

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

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

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

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

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

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

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

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

26 (j) No agency may employ any person to perform a licensed

1 activity under this Act unless the person possesses a valid
2 permanent employee registration card or a valid license under
3 this Act, or is exempt pursuant to subsection (n).

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

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

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

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

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

26 An agency may employ only a permanent employee applicant

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

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

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

1 to the agency that the person has been convicted of a crime
2 shall be deemed constructive knowledge of the conviction on the
3 part of the agency. The Department may adopt rules to implement
4 this subsection (k).

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

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

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

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

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

24 (o) Persons who have no access to confidential or security
25 information, who do not go to a client's or prospective
26 client's residence or place of business, and who otherwise do

1 not provide traditional security services are exempt from
2 employee registration. Examples of exempt employees include,
3 but are not limited to, employees working in the capacity of
4 ushers, directors, ticket takers, cashiers, drivers, and
5 reception personnel. Confidential or security information is
6 that which pertains to employee files, scheduling, client
7 contracts, or technical security and alarm data.

8 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
9 96-847, eff. 6-1-10.)

10 (225 ILCS 447/50-50 new)

11 Sec. 50-50. Confidentiality. All information collected by
12 the Department in the course of an examination or investigation
13 of a licensee or applicant, including, but not limited to, any
14 complaint against a licensee filed with the Department and
15 information collected to investigate any such complaint, shall
16 be maintained for the confidential use of the Department and
17 shall not be disclosed. The Department shall not disclose the
18 information to anyone other than law enforcement officials,
19 regulatory agencies that have an appropriate regulatory
20 interest as determined by the Secretary, or a party presenting
21 a lawful subpoena to the Department. Information and documents
22 disclosed to a federal, State, county, or local law enforcement
23 agency shall not be disclosed by the agency for any purpose to
24 any other agency or person. A formal complaint filed against a
25 licensee by the Department or any order issued by the

1 Department against a licensee or applicant shall be a public
2 record, except as otherwise prohibited by law.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.