

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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential under
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library Records
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records
16 received by the Experimental Organ Transplantation Procedures
17 Board and any and all documents or other records prepared by
18 the Experimental Organ Transplantation Procedures Board or its
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating to
22 known or suspected cases of sexually transmissible disease or
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

2 (e) Information the disclosure of which is exempted under
3 Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of the
5 Architectural, Engineering, and Land Surveying Qualifications
6 Based Selection Act.

7 (g) Information the disclosure of which is restricted and
8 exempted under Section 50 of the Illinois Prepaid Tuition Act.

9 (h) Information the disclosure of which is exempted under
10 the State Officials and Employees Ethics Act, and records of
11 any lawfully created State or local inspector general's office
12 that would be exempt if created or obtained by an Executive
13 Inspector General's office under that Act.

14 (i) Information contained in a local emergency energy plan
15 submitted to a municipality in accordance with a local
16 emergency energy plan ordinance that is adopted under Section
17 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution of
19 surcharge moneys collected and remitted by wireless carriers
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or
22 driver identification information compiled by a law
23 enforcement agency or the Department of Transportation under
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review
2 Team Act.

3 (m) Information provided to the predatory lending database
4 created pursuant to Article 3 of the Residential Real Property
5 Disclosure Act, except to the extent authorized under that
6 Article.

7 (n) Defense budgets and petitions for certification of
8 compensation and expenses for court appointed trial counsel as
9 provided under Sections 10 and 15 of the Capital Crimes
10 Litigation Act. This subsection (n) shall apply until the
11 conclusion of the trial of the case, even if the prosecution
12 chooses not to pursue the death penalty prior to trial or
13 sentencing.

14 (o) Information that is prohibited from being disclosed
15 under Section 4 of the Illinois Health and Hazardous Substances
16 Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of the
21 Regional Transportation Authority Act or the St. Clair County
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the
26 Illinois School Student Records Act.

1 (s) Information the disclosure of which is restricted under
2 Section 5-108 of the Public Utilities Act.

3 (t) All identified or deidentified health information in
4 the form of health data or medical records contained in, stored
5 in, submitted to, transferred by, or released from the Illinois
6 Health Information Exchange, and identified or deidentified
7 health information in the form of health data and medical
8 records of the Illinois Health Information Exchange in the
9 possession of the Illinois Health Information Exchange
10 Authority due to its administration of the Illinois Health
11 Information Exchange. The terms "identified" and
12 "deidentified" shall be given the same meaning as in the Health
13 Insurance Accountability and Portability Act of 1996, Public
14 Law 104-191, or any subsequent amendments thereto, and any
15 regulations promulgated thereunder.

16 (u) Records and information provided to an independent team
17 of experts under Brian's Law.

18 (v) Names and information of people who have applied for or
19 received Firearm Owner's Identification Cards under the
20 Firearm Owners Identification Card Act.

21 (w) Personally identifiable information which is exempted
22 from disclosure under subsection (g) of Section 19.1 of the
23 Toll Highway Act.

24 (x) Information which is exempted from disclosure under
25 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the
26 Illinois Municipal Code.

1 (y) Information disclosed pursuant to Section 7 of the
2 Pawnbroker Regulation Act.

3 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
4 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
5 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
6 eff. 1-1-13.)

7 Section 10. The Pawnbroker Regulation Act is amended by
8 changing Sections 0.05, 4, and 7 as follows:

9 (205 ILCS 510/0.05)

10 Sec. 0.05. Administration of Act.

11 (a) This Act shall be administered by the Secretary of
12 Financial and Professional Regulation, and, beginning on July
13 28, 2010 (the effective date of Public Act 96-1365), all
14 references in this Act to the Commissioner of Banks and Real
15 Estate are deemed, in appropriate contexts, to be references to
16 the Secretary of Financial and Professional Regulation, who
17 shall have all of the following powers and duties in
18 administering this Act:

19 (1) To promulgate reasonable rules for the purpose of
20 administering the provisions of this Act.

21 (2) To issue orders for the purpose of administering
22 the provisions of this Act and any rule promulgated in
23 accordance with this Act.

24 (2.5) To order restitution to consumers suffering

1 damages resulting from violations of this Act, rules
2 promulgated in accordance with this Act, or other laws or
3 regulations related to the operation of a pawnshop.

4 (3) To appoint hearing officers and to hire employees
5 or to contract with appropriate persons to execute any of
6 the powers granted to the Secretary under this Section for
7 the purpose of administering this Act and any rule
8 promulgated in accordance with this Act.

9 (4) To subpoena witnesses, to compel their attendance,
10 to administer an oath, to examine any person under oath,
11 and to require the production of any relevant books,
12 papers, accounts, and documents in the course of and
13 pursuant to any investigation being conducted, or any
14 action being taken, by the Secretary in respect of any
15 matter relating to the duties imposed upon, or the powers
16 vested in, the Secretary under the provisions of this Act
17 or any rule promulgated in accordance with this Act.

18 (5) To conduct hearings.

19 (6) To impose civil penalties ~~graduated~~ up to \$10,000
20 ~~\$1,000~~ against any person for each day that person violates
21 ~~violation of~~ any provision of this Act, any rule
22 promulgated in accordance with this Act, any State or
23 federal law affecting pawnbrokers, or any order of the
24 Secretary based upon the seriousness of the violation.

25 (6.5) To initiate, through the Attorney General,
26 injunction proceedings whenever it appears to the

1 Secretary that any person, whether licensed under this Act
2 or not, is engaged or about to engage in an act or practice
3 that constitutes or will constitute a violation of this Act
4 or any rule prescribed under the authority of this Act. The
5 Secretary may, in his or her discretion, through the
6 Attorney General, apply for an injunction, and upon a
7 proper showing, any circuit court may enter a permanent or
8 preliminary injunction or a temporary restraining order
9 without bond to enforce this Act in addition to the
10 penalties and other remedies provided for in this Act.

11 (7) To issue a cease and desist order and, for
12 violations of this Act, any order issued by the Secretary
13 pursuant to this Act, any rule promulgated in accordance
14 with this Act, or any other applicable law in connection
15 with the operation of a pawnshop, to suspend a license
16 issued under this Act for up to 30 days.

17 (8) To determine compliance with applicable law and
18 rules related to the operation of pawnshops and to verify
19 the accuracy of reports filed with the Secretary, the
20 Secretary, not more than one time every 2 years, may, but
21 is not required to, conduct a routine examination of a
22 pawnshop, and in addition, the Secretary may examine the
23 affairs of any pawnshop at any time if the Secretary has
24 reasonable cause to believe that unlawful or fraudulent
25 activity is occurring, or has occurred, therein.

26 (9) In response to a complaint, to address any

1 inquiries to any pawnshop in relation to its affairs, and
2 it shall be the duty of the pawnshop to promptly reply in
3 writing to such inquiries. The Secretary may also require
4 reports or information from any pawnshop at any time the
5 Secretary may deem desirable.

6 (10) To revoke a license issued under this Act if the
7 Secretary determines that (a) a licensee has been convicted
8 of a felony in connection with the operations of a
9 pawnshop; (b) a licensee knowingly, recklessly, or
10 continuously violated this Act or State or federal law or
11 regulation, a rule promulgated in accordance with this Act,
12 or any order of the Secretary; (c) a fact or condition
13 exists that, if it had existed or had been known at the
14 time of the original application, would have justified
15 license refusal; (d) the licensee knowingly submits
16 materially false or misleading documents with the intent to
17 deceive the Secretary or any other party; or (e) the
18 licensee is unable or ceases to continue to operate the
19 pawnshop.

20 (10.2) To remove or prohibit the employment of any
21 officer, director, employee, or agent of the pawnshop who
22 engages in or has engaged in unlawful activities that
23 relate to the operation of a pawnshop.

24 (10.7) To prohibit the hiring of employees who have
25 been convicted of a financial crime or any crime involving
26 breach of trust who do not meet exceptions as established

1 by rule of the Secretary.

2 (11) Following license revocation, to take possession
3 and control of a pawnshop for the purpose of examination,
4 reorganization, or liquidation through receivership and to
5 appoint a receiver, which may be the Secretary, a pawnshop,
6 or another suitable person.

7 (b) After consultation with local law enforcement
8 officers, the Attorney General, and the industry, the Secretary
9 may by rule require that pawnbrokers operate video camera
10 surveillance systems to record photographic representations of
11 customers and retain the tapes produced for up to 30 days.

12 (c) Pursuant to rule, the Secretary shall issue licenses on
13 an annual or multi-year basis for operating a pawnshop. Any
14 person currently operating or who has operated a pawnshop in
15 this State during the 2 years preceding the effective date of
16 this amendatory Act of 1997 shall be issued a license upon
17 payment of the fee required under this Act. New applicants
18 shall meet standards for a license as established by the
19 Secretary. Except with the prior written consent of the
20 Secretary, no individual, either a new applicant or a person
21 currently operating a pawnshop, may be issued a license to
22 operate a pawnshop if the individual has been convicted of a
23 felony or of any criminal offense relating to dishonesty or
24 breach of trust in connection with the operations of a
25 pawnshop. The Secretary shall establish license fees. The fees
26 shall not exceed the amount reasonably required for

1 administration of this Act. It shall be unlawful to operate a
2 pawnshop without a license issued by the Secretary.

3 (d) In addition to license fees, the Secretary may, by
4 rule, establish fees in connection with a review, approval, or
5 provision of a service, and levy a reasonable charge to recover
6 the cost of the review, approval, or service (such as a change
7 in control, change in location, or renewal of a license). The
8 Secretary may also levy a reasonable charge to recover the cost
9 of an examination if the Secretary determines that unlawful or
10 fraudulent activity has occurred. The Secretary may require
11 payment of the fees and charges provided in this Act by
12 certified check, money order, an electronic transfer of funds,
13 or an automatic debit of an account.

14 (e) The Pawnbroker Regulation Fund is established as a
15 special fund in the State treasury. Moneys collected under this
16 Act shall be deposited into the Fund and used for the
17 administration of this Act. In the event that General Revenue
18 Funds are appropriated to the Department of Financial and
19 Professional Regulation for the initial implementation of this
20 Act, the Governor may direct the repayment from the Pawnbroker
21 Regulation Fund to the General Revenue Fund of such advance in
22 an amount not to exceed \$30,000. The Governor may direct this
23 interfund transfer at such time as he deems appropriate by
24 giving appropriate written notice. Moneys in the Pawnbroker
25 Regulation Fund may be transferred to the Professions Indirect
26 Cost Fund, as authorized under Section 2105-300 of the

1 Department of Professional Regulation Law of the Civil
2 Administrative Code of Illinois.

3 (f) The Secretary may, by rule, require all pawnshops to
4 provide for the expenses that would arise from the
5 administration of the receivership of a pawnshop under this Act
6 through the assessment of fees, the requirement to pledge
7 surety bonds, or such other methods as determined by the
8 Secretary.

9 (g) All final administrative decisions of the Secretary
10 under this Act shall be subject to judicial review pursuant to
11 the provisions of the Administrative Review Law. For matters
12 involving administrative review, venue shall be in either
13 Sangamon County or Cook County.

14 (Source: P.A. 96-1038, eff. 7-14-10; 96-1365, eff. 7-28-10;
15 97-333, eff. 8-12-11.)

16 (205 ILCS 510/4) (from Ch. 17, par. 4654)

17 Sec. 4. Every pawnbroker shall, at the time of making any
18 advancement or loan, deliver to the person pawning or pledging
19 any property, a memorandum, contract, or note signed by him or
20 her containing an accurate account and description, in the
21 English language, of all the goods, articles or other things
22 pawned or pledged, the amount of money, ~~value of things loaned~~
23 ~~thereon,~~ the time of pledging the same, the rate of interest to
24 be paid on the loan, the name and residence of the person
25 making the pawn or pledge, and the amount of any fees as

1 specified in Section 2 of this Act.

2 (Source: P.A. 87-802.)

3 (205 ILCS 510/7) (from Ch. 17, par. 4657)

4 Sec. 7. Daily report.

5 (a) Except as provided in subsection (b), it shall be the
6 duty of every pawnbroker to make out and deliver to the sheriff
7 of the county in which such pawnbroker does business, on each
8 day before the hours of 12 o'clock noon, a legible and exact
9 copy from the standard record book, as required in Section 5 of
10 this Act, that lists all personal property and any other
11 valuable thing received on deposit or purchased during the
12 preceding day, including the exact time when received or
13 purchased, and a description of the person or person by whom
14 left in pledge, or from whom the same were purchased; provided,
15 that in cities or towns having 25,000 or more inhabitants, a
16 copy of the such report shall at the same time also be
17 delivered to the superintendent of police or the chief police
18 officer of such city or town. Such report may be made by
19 computer printout or input memory device if the format has been
20 approved by the local law enforcement agency.

21 (b) In counties with more than 3,000,000 inhabitants, a
22 pawnbroker must provide the daily report to the sheriff only if
23 the pawnshop is located in an unincorporated area of the
24 county. Pawnbrokers located in cities or towns in such counties
25 must deliver such reports to the superintendent of police or

1 the chief police officer of such city or town.

2 (c) All information provided to law enforcement according
3 to the reporting requirements of this Section is confidential
4 and is not subject to disclosure under the Freedom of
5 Information Act.

6 (Source: P.A. 90-477, eff. 7-1-98; 90-602, eff. 7-1-98.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.