



Sen. Michael E. Hastings

Filed: 4/14/2015

09900HB0488sam001

LRB099 03851 MLM 32840 a

1 AMENDMENT TO HOUSE BILL 488

2 AMENDMENT NO. _____. Amend House Bill 488 as follows:

3 "Section 5. The Private Detective, Private Alarm, Private
4 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
5 amended by changing Section 40-5 as follows:

6 (225 ILCS 447/40-5)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 40-5. Injunctive relief.

9 (a) The practice of a private detective, private security
10 contractor, private alarm contractor, fingerprint vendor,
11 locksmith, private detective agency, private security
12 contractor agency, private alarm contractor agency,
13 fingerprint vendor agency, or locksmith agency by any person,
14 firm, corporation, or other legal entity that has not been
15 issued a license by the Department or whose license has been
16 suspended, revoked, or not renewed is hereby declared to be

1 inimical to the public safety and welfare and to constitute a
2 public nuisance. The Secretary may, in the name of the People
3 of the State of Illinois through the Attorney General of the
4 State of Illinois or the State's Attorney of any county in
5 which the violation is alleged to have occurred in the State of
6 Illinois, petition for an order enjoining the violation or for
7 an order enforcing compliance with this Act. Upon the filing of
8 a verified petition in court, if satisfied by affidavit or
9 otherwise that the person, firm, corporation, or other legal
10 entity is or has been conducting activities in violation of
11 this Act, the court may enter a temporary restraining order or
12 preliminary injunction, without bond, enjoining the defendant
13 from further activity. A copy of the verified complaint shall
14 be served upon the defendant and the proceedings shall be
15 conducted as in civil cases. If it is established the defendant
16 has been or is conducting activities in violation of this Act,
17 the court may enter a judgment enjoining the defendant from
18 that activity. In case of violation of any injunctive order or
19 judgment entered under this Section, the court may punish the
20 offender for contempt of court. Injunctive proceedings shall be
21 in addition to all other penalties under this Act.

22 (b) If any person practices as a private detective, private
23 security contractor, private alarm contractor, fingerprint
24 vendor, locksmith, private detective agency, private security
25 contractor agency, private alarm contractor agency,
26 fingerprint vendor agency, or locksmith agency or holds himself

1 or herself out as such without having a valid license under
2 this Act, then any licensee, any interested party, or any
3 person injured thereby may, in addition to the Secretary,
4 petition for relief as provided in subsection (a) of this
5 Section. Reasonable attorney's fees and costs may be awarded to
6 the licensee, interested party, or person injured if he or she
7 successfully obtains injunctive relief, whether by consent or
8 otherwise.

9 (Source: P.A. 98-253, eff. 8-9-13.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."