



Sen. Michael E. Hastings

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09900HB0488sam002

LRB099 03851 MLM 34925 a

1 AMENDMENT TO HOUSE BILL 488

2 AMENDMENT NO. _____. Amend House Bill 488 by replacing
3 everything after the enacting clause with the following:

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

7 (225 ILCS 447/40-5)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 40-5. Injunctive relief.

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

1 suspended, revoked, or not renewed is hereby declared to be
2 inimical to the public safety and welfare and to constitute a
3 public nuisance. The Secretary may, in the name of the People
4 of the State of Illinois through the Attorney General of the
5 State of Illinois or the State's Attorney of any county in
6 which the violation is alleged to have occurred in the State of
7 Illinois, petition for an order enjoining the violation or for
8 an order enforcing compliance with this Act. Upon the filing of
9 a verified petition in court, if satisfied by affidavit or
10 otherwise that the person, firm, corporation, or other legal
11 entity is or has been conducting activities in violation of
12 this Act, the court may enter a temporary restraining order or
13 preliminary injunction, without bond, enjoining the defendant
14 from further activity. A copy of the verified complaint shall
15 be served upon the defendant and the proceedings shall be
16 conducted as in civil cases. If it is established the defendant
17 has been or is conducting activities in violation of this Act,
18 the court may enter a judgment enjoining the defendant from
19 that activity. In case of violation of any injunctive order or
20 judgment entered under this Section, the court may punish the
21 offender for contempt of court. Injunctive proceedings shall be
22 in addition to all other penalties under this Act.

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

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

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

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