



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4056

by Rep. Raymond Poe

SYNOPSIS AS INTRODUCED:

225 ILCS 447/40-10
720 ILCS 5/24-2

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that the Department of Financial and Professional Regulation may deny issuance, refuse to renew, or restore or may reprimand, place on probation, suspend, revoke, or take other disciplinary or non-disciplinary action against any license, registration, permanent employee registration card, canine handler authorization card, canine trainer authorization card, or firearm control card, may impose a fine not to exceed \$10,000 for each violation, and may assess costs for conviction of any felony (currently, a felony in federal court). Amends the Criminal Code of 2012 concerning the exemption from certain provisions of the unlawful use of weapons and aggravated unlawful use of a weapon statutes. Eliminates the one hour commuting limitation for legally carrying their firearms for persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by a private security contractor, private detective, or private alarm contractor agency licensed by the Department of Financial and Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Also eliminates the provision concerning a security guard that the guard must be a member of a security force of at least 5 persons. Provides that these licensed persons, employees, and guards must carry their firearm control card at all times when they are in possession of a concealable weapon permitted by their firearm control card. Eliminates exemption for any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his or her duties.

LRB099 09515 RLC 29723 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Section 40-10 as follows:

7 (225 ILCS 447/40-10)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 40-10. Disciplinary sanctions.

10 (a) The Department may deny issuance, refuse to renew, or
11 restore or may reprimand, place on probation, suspend, revoke,
12 or take other disciplinary or non-disciplinary action against
13 any license, registration, permanent employee registration
14 card, canine handler authorization card, canine trainer
15 authorization card, or firearm control card, may impose a fine
16 not to exceed \$10,000 for each violation, and may assess costs
17 as provided for under Section 45-60, for any of the following:

18 (1) Fraud, deception, or misrepresentation in
19 obtaining or renewing of a license or registration.

20 (2) Professional incompetence as manifested by poor
21 standards of service.

22 (3) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

2 (4) Conviction by plea of guilty or nolo contendere,
3 finding of guilt, jury verdict, or entry of judgment or by
4 sentencing of any crime including, but not limited to,
5 convictions, preceding sentences of supervision,
6 conditional discharge, or first offender probation, under
7 the laws of any jurisdiction of the United States that is
8 (i) a felony ~~in a federal court~~; or (ii) a misdemeanor, an
9 essential element of which is dishonesty, or that is
10 directly related to the practice of the profession.

11 (5) Performing any services in a grossly negligent
12 manner or permitting any of a licensee's employees to
13 perform services in a grossly negligent manner, regardless
14 of whether actual damage to the public is established.

15 (6) Continued practice, although the person has become
16 unfit to practice due to any of the following:

17 (A) Physical illness, mental illness, or other
18 impairment, including, but not limited to,
19 deterioration through the aging process or loss of
20 motor skills that results in the inability to serve the
21 public with reasonable judgment, skill, or safety.

22 (B) (Blank).

23 (C) Habitual or excessive use or abuse of drugs
24 defined in law as controlled substances, alcohol, or
25 any other substance that results in the inability to
26 practice with reasonable judgment, skill, or safety.

1 (7) Receiving, directly or indirectly, compensation
2 for any services not rendered.

3 (8) Willfully deceiving or defrauding the public on a
4 material matter.

5 (9) Failing to account for or remit any moneys or
6 documents coming into the licensee's possession that
7 belong to another person or entity.

8 (10) Discipline by another United States jurisdiction,
9 foreign nation, or governmental agency, if at least one of
10 the grounds for the discipline is the same or substantially
11 equivalent to those set forth in this Act.

12 (11) Giving differential treatment to a person that is
13 to that person's detriment because of race, color, creed,
14 sex, religion, or national origin.

15 (12) Engaging in false or misleading advertising.

16 (13) Aiding, assisting, or willingly permitting
17 another person to violate this Act or rules promulgated
18 under it.

19 (14) Performing and charging for services without
20 authorization to do so from the person or entity serviced.

21 (15) Directly or indirectly offering or accepting any
22 benefit to or from any employee, agent, or fiduciary
23 without the consent of the latter's employer or principal
24 with intent to or the understanding that this action will
25 influence his or her conduct in relation to his or her
26 employer's or principal's affairs.

1 (16) Violation of any disciplinary order imposed on a
2 licensee by the Department.

3 (17) Performing any act or practice that is a violation
4 of this Act or the rules for the administration of this
5 Act, or having a conviction or administrative finding of
6 guilty as a result of violating any federal or State laws,
7 rules, or regulations that apply exclusively to the
8 practices of private detectives, private alarm
9 contractors, private security contractors, fingerprint
10 vendors, or locksmiths.

11 (18) Conducting an agency without a valid license.

12 (19) Revealing confidential information, except as
13 required by law, including but not limited to information
14 available under Section 2-123 of the Illinois Vehicle Code.

15 (20) Failing to make available to the Department, upon
16 request, any books, records, or forms required by this Act.

17 (21) Failing, within 30 days, to respond to a written
18 request for information from the Department.

19 (22) Failing to provide employment information or
20 experience information required by the Department
21 regarding an applicant for licensure.

22 (23) Failing to make available to the Department at the
23 time of the request any indicia of licensure or
24 registration issued under this Act.

25 (24) Purporting to be a licensee-in-charge of an agency
26 without active participation in the agency.

1 (25) A finding by the Department that the licensee,
2 after having his or her license placed on probationary
3 status, has violated the terms of probation.

4 (26) Violating subsection (f) of Section 30-30.

5 (27) A firearm control card holder having more firearms
6 in his or her immediate possession than he or she can
7 reasonably exercise control over.

8 (28) Failure to report in writing to the Department,
9 within 60 days of an entry of a settlement or a verdict in
10 excess of \$10,000, any legal action in which the quality of
11 the licensee's or registrant's professional services was
12 the subject of the legal action.

13 (b) All fines imposed under this Section shall be paid
14 within 60 days after the effective date of the order imposing
15 the fine.

16 (c) The Department shall adopt rules that set forth
17 standards of service for the following: (i) acceptable error
18 rate in the transmission of fingerprint images and other data
19 to the Department of State Police; (ii) acceptable error rate
20 in the collection and documentation of information used to
21 generate fingerprint work orders; and (iii) any other standard
22 of service that affects fingerprinting services as determined
23 by the Department.

24 The determination by a circuit court that a licensee is
25 subject to involuntary admission or judicial admission, as
26 provided in the Mental Health and Developmental Disabilities

1 Code, operates as an automatic suspension. The suspension will
2 end only upon a finding by a court that the patient is no
3 longer subject to involuntary admission or judicial admission
4 and the issuance of an order so finding and discharging the
5 patient.

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

7 Section 10. The Criminal Code of 2012 is amended by
8 changing Section 24-2 as follows:

9 (720 ILCS 5/24-2)

10 Sec. 24-2. Exemptions.

11 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
12 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
13 the following:

14 (1) Peace officers, and any person summoned by a peace
15 officer to assist in making arrests or preserving the
16 peace, while actually engaged in assisting such officer.

17 (2) Wardens, superintendents and keepers of prisons,
18 penitentiaries, jails and other institutions for the
19 detention of persons accused or convicted of an offense,
20 while in the performance of their official duty, or while
21 commuting between their homes and places of employment.

22 (3) Members of the Armed Services or Reserve Forces of
23 the United States or the Illinois National Guard or the
24 Reserve Officers Training Corps, while in the performance

1 of their official duty.

2 (4) Special agents employed by a railroad or a public
3 utility to perform police functions, and guards of armored
4 car companies, while actually engaged in the performance of
5 the duties of their employment or commuting between their
6 homes and places of employment; and watchmen while actually
7 engaged in the performance of the duties of their
8 employment.

9 (5) Persons licensed as private security contractors,
10 private detectives, or private alarm contractors, or
11 employed by a private security contractor, private
12 detective, or private alarm contractor ~~an~~ agency licensed
13 ~~certified~~ by the Department of Financial and Professional
14 Regulation, if their duties include the carrying of a
15 weapon under the provisions of the Private Detective,
16 Private Alarm, Private Security, Fingerprint Vendor, and
17 Locksmith Act of 2004, while actually engaged in the
18 performance of the duties of their employment or commuting
19 between their homes and places of employment, ~~provided that~~
20 ~~such commuting is accomplished within one hour from~~
21 ~~departure from home or place of employment, as the case may~~
22 ~~be~~. A person shall be considered eligible for this
23 exemption if he or she has completed the required 20 hours
24 of training for a private security contractor, private
25 detective, or private alarm contractor, or employee of a
26 licensed private security contractor, private detective,

1 or private alarm contractor agency and 20 hours of required
2 firearm training, and has been issued a firearm control
3 card by the Department of Financial and Professional
4 Regulation. Conditions for the renewal of firearm control
5 cards issued under the provisions of this Section shall be
6 the same as for those cards issued under the provisions of
7 the Private Detective, Private Alarm, Private Security,
8 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
9 control card shall be carried by the private security
10 contractor, private detective, or private alarm
11 contractor, or employee of the licensed private security
12 contractor, private detective, or private alarm contractor
13 agency at all times when he or she is in possession of a
14 concealable weapon permitted by his or her firearm control
15 card.

16 (6) Any person regularly employed in a commercial or
17 industrial operation as a security guard for the protection
18 of persons employed and private property related to such
19 commercial or industrial operation, while actually engaged
20 in the performance of his or her duty or traveling between
21 sites or properties belonging to the employer, and who, as
22 a security guard, is a member of a security force ~~of at~~
23 ~~least 5 persons~~ registered with the Department of Financial
24 and Professional Regulation; provided that such security
25 guard has successfully completed a course of study,
26 approved by and supervised by the Department of Financial

1 and Professional Regulation, consisting of not less than 40
2 hours of training that includes the theory of law
3 enforcement, liability for acts, and the handling of
4 weapons. A person shall be considered eligible for this
5 exemption if he or she has completed the required 20 hours
6 of training for a security officer and 20 hours of required
7 firearm training, and has been issued a firearm control
8 card by the Department of Financial and Professional
9 Regulation. Conditions for the renewal of firearm control
10 cards issued under the provisions of this Section shall be
11 the same as for those cards issued under the provisions of
12 the Private Detective, Private Alarm, Private Security,
13 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
14 control card shall be carried by the security guard at all
15 times when he or she is in possession of a concealable
16 weapon permitted by his or her firearm control card.

17 (7) Agents and investigators of the Illinois
18 Legislative Investigating Commission authorized by the
19 Commission to carry the weapons specified in subsections
20 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
21 any investigation for the Commission.

22 (8) Persons employed by a financial institution as a
23 security guard for the protection of other employees and
24 property related to such financial institution, while
25 actually engaged in the performance of their duties,
26 commuting between their homes and places of employment, or

1 traveling between sites or properties owned or operated by
2 such financial institution, and who, as a security guard,
3 is a member of a security force registered with the
4 Department of Financial and Professional Regulation;
5 provided that any person so employed has successfully
6 completed a course of study, approved by and supervised by
7 the Department of Financial and Professional Regulation,
8 consisting of not less than 40 hours of training which
9 includes theory of law enforcement, liability for acts, and
10 the handling of weapons. A person shall be considered to be
11 eligible for this exemption if he or she has completed the
12 required 20 hours of training for a security officer and 20
13 hours of required firearm training, and has been issued a
14 firearm control card by the Department of Financial and
15 Professional Regulation. Conditions for renewal of firearm
16 control cards issued under the provisions of this Section
17 shall be the same as for those issued under the provisions
18 of the Private Detective, Private Alarm, Private Security,
19 Fingerprint Vendor, and Locksmith Act of 2004. The ~~Such~~
20 firearm control card shall be carried by the security guard
21 ~~person so trained~~ at all times when he or she ~~such person~~
22 is in possession of a concealable weapon permitted by his
23 or her firearm control card. For purposes of this
24 subsection, "financial institution" means a bank, savings
25 and loan association, credit union or company providing
26 armored car services.

1 (9) (Blank). ~~Any person employed by an armored car~~
2 ~~company to drive an armored car, while actually engaged in~~
3 ~~the performance of his duties.~~

4 (10) Persons who have been classified as peace officers
5 pursuant to the Peace Officer Fire Investigation Act.

6 (11) Investigators of the Office of the State's
7 Attorneys Appellate Prosecutor authorized by the board of
8 governors of the Office of the State's Attorneys Appellate
9 Prosecutor to carry weapons pursuant to Section 7.06 of the
10 State's Attorneys Appellate Prosecutor's Act.

11 (12) Special investigators appointed by a State's
12 Attorney under Section 3-9005 of the Counties Code.

13 (12.5) Probation officers while in the performance of
14 their duties, or while commuting between their homes,
15 places of employment or specific locations that are part of
16 their assigned duties, with the consent of the chief judge
17 of the circuit for which they are employed, if they have
18 received weapons training according to requirements of the
19 Peace Officer and Probation Officer Firearm Training Act.

20 (13) Court Security Officers while in the performance
21 of their official duties, or while commuting between their
22 homes and places of employment, with the consent of the
23 Sheriff.

24 (13.5) A person employed as an armed security guard at
25 a nuclear energy, storage, weapons or development site or
26 facility regulated by the Nuclear Regulatory Commission

1 who has completed the background screening and training
2 mandated by the rules and regulations of the Nuclear
3 Regulatory Commission.

4 (14) Manufacture, transportation, or sale of weapons
5 to persons authorized under subdivisions (1) through
6 (13.5) of this subsection to possess those weapons.

7 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
8 to or affect any person carrying a concealed pistol, revolver,
9 or handgun and the person has been issued a currently valid
10 license under the Firearm Concealed Carry Act at the time of
11 the commission of the offense.

12 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
13 24-1.6 do not apply to or affect any of the following:

14 (1) Members of any club or organization organized for
15 the purpose of practicing shooting at targets upon
16 established target ranges, whether public or private, and
17 patrons of such ranges, while such members or patrons are
18 using their firearms on those target ranges.

19 (2) Duly authorized military or civil organizations
20 while parading, with the special permission of the
21 Governor.

22 (3) Hunters, trappers or fishermen with a license or
23 permit while engaged in hunting, trapping or fishing.

24 (4) Transportation of weapons that are broken down in a
25 non-functioning state or are not immediately accessible.

26 (5) Carrying or possessing any pistol, revolver, stun

1 gun or taser or other firearm on the land or in the legal
2 dwelling of another person as an invitee with that person's
3 permission.

4 (c) Subsection 24-1(a) (7) does not apply to or affect any
5 of the following:

6 (1) Peace officers while in performance of their
7 official duties.

8 (2) Wardens, superintendents and keepers of prisons,
9 penitentiaries, jails and other institutions for the
10 detention of persons accused or convicted of an offense.

11 (3) Members of the Armed Services or Reserve Forces of
12 the United States or the Illinois National Guard, while in
13 the performance of their official duty.

14 (4) Manufacture, transportation, or sale of machine
15 guns to persons authorized under subdivisions (1) through
16 (3) of this subsection to possess machine guns, if the
17 machine guns are broken down in a non-functioning state or
18 are not immediately accessible.

19 (5) Persons licensed under federal law to manufacture
20 any weapon from which 8 or more shots or bullets can be
21 discharged by a single function of the firing device, or
22 ammunition for such weapons, and actually engaged in the
23 business of manufacturing such weapons or ammunition, but
24 only with respect to activities which are within the lawful
25 scope of such business, such as the manufacture,
26 transportation, or testing of such weapons or ammunition.

1 This exemption does not authorize the general private
2 possession of any weapon from which 8 or more shots or
3 bullets can be discharged by a single function of the
4 firing device, but only such possession and activities as
5 are within the lawful scope of a licensed manufacturing
6 business described in this paragraph.

7 During transportation, such weapons shall be broken
8 down in a non-functioning state or not immediately
9 accessible.

10 (6) The manufacture, transport, testing, delivery,
11 transfer or sale, and all lawful commercial or experimental
12 activities necessary thereto, of rifles, shotguns, and
13 weapons made from rifles or shotguns, or ammunition for
14 such rifles, shotguns or weapons, where engaged in by a
15 person operating as a contractor or subcontractor pursuant
16 to a contract or subcontract for the development and supply
17 of such rifles, shotguns, weapons or ammunition to the
18 United States government or any branch of the Armed Forces
19 of the United States, when such activities are necessary
20 and incident to fulfilling the terms of such contract.

21 The exemption granted under this subdivision (c)(6)
22 shall also apply to any authorized agent of any such
23 contractor or subcontractor who is operating within the
24 scope of his employment, where such activities involving
25 such weapon, weapons or ammunition are necessary and
26 incident to fulfilling the terms of such contract.

1 (7) A person possessing a rifle with a barrel or
2 barrels less than 16 inches in length if: (A) the person
3 has been issued a Curios and Relics license from the U.S.
4 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
5 the person is an active member of a bona fide, nationally
6 recognized military re-enacting group and the modification
7 is required and necessary to accurately portray the weapon
8 for historical re-enactment purposes; the re-enactor is in
9 possession of a valid and current re-enacting group
10 membership credential; and the overall length of the weapon
11 as modified is not less than 26 inches.

12 (d) Subsection 24-1(a)(1) does not apply to the purchase,
13 possession or carrying of a black-jack or slung-shot by a peace
14 officer.

15 (e) Subsection 24-1(a)(8) does not apply to any owner,
16 manager or authorized employee of any place specified in that
17 subsection nor to any law enforcement officer.

18 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
19 Section 24-1.6 do not apply to members of any club or
20 organization organized for the purpose of practicing shooting
21 at targets upon established target ranges, whether public or
22 private, while using their firearms on those target ranges.

23 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
24 to:

25 (1) Members of the Armed Services or Reserve Forces of
26 the United States or the Illinois National Guard, while in

1 the performance of their official duty.

2 (2) Bonafide collectors of antique or surplus military
3 ordinance.

4 (3) Laboratories having a department of forensic
5 ballistics, or specializing in the development of
6 ammunition or explosive ordinance.

7 (4) Commerce, preparation, assembly or possession of
8 explosive bullets by manufacturers of ammunition licensed
9 by the federal government, in connection with the supply of
10 those organizations and persons exempted by subdivision
11 (g)(1) of this Section, or like organizations and persons
12 outside this State, or the transportation of explosive
13 bullets to any organization or person exempted in this
14 Section by a common carrier or by a vehicle owned or leased
15 by an exempted manufacturer.

16 (g-5) Subsection 24-1(a)(6) does not apply to or affect
17 persons licensed under federal law to manufacture any device or
18 attachment of any kind designed, used, or intended for use in
19 silencing the report of any firearm, firearms, or ammunition
20 for those firearms equipped with those devices, and actually
21 engaged in the business of manufacturing those devices,
22 firearms, or ammunition, but only with respect to activities
23 that are within the lawful scope of that business, such as the
24 manufacture, transportation, or testing of those devices,
25 firearms, or ammunition. This exemption does not authorize the
26 general private possession of any device or attachment of any

1 kind designed, used, or intended for use in silencing the
2 report of any firearm, but only such possession and activities
3 as are within the lawful scope of a licensed manufacturing
4 business described in this subsection (g-5). During
5 transportation, these devices shall be detached from any weapon
6 or not immediately accessible.

7 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
8 24-1.6 do not apply to or affect any parole agent or parole
9 supervisor who meets the qualifications and conditions
10 prescribed in Section 3-14-1.5 of the Unified Code of
11 Corrections.

12 (g-7) Subsection 24-1(a)(6) does not apply to a peace
13 officer while serving as a member of a tactical response team
14 or special operations team. A peace officer may not personally
15 own or apply for ownership of a device or attachment of any
16 kind designed, used, or intended for use in silencing the
17 report of any firearm. These devices shall be owned and
18 maintained by lawfully recognized units of government whose
19 duties include the investigation of criminal acts.

20 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
21 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
22 athlete's possession, transport on official Olympic and
23 Paralympic transit systems established for athletes, or use of
24 competition firearms sanctioned by the International Olympic
25 Committee, the International Paralympic Committee, the
26 International Shooting Sport Federation, or USA Shooting in

1 connection with such athlete's training for and participation
2 in shooting competitions at the 2016 Olympic and Paralympic
3 Games and sanctioned test events leading up to the 2016 Olympic
4 and Paralympic Games.

5 (h) An information or indictment based upon a violation of
6 any subsection of this Article need not negative any exemptions
7 contained in this Article. The defendant shall have the burden
8 of proving such an exemption.

9 (i) Nothing in this Article shall prohibit, apply to, or
10 affect the transportation, carrying, or possession, of any
11 pistol or revolver, stun gun, taser, or other firearm consigned
12 to a common carrier operating under license of the State of
13 Illinois or the federal government, where such transportation,
14 carrying, or possession is incident to the lawful
15 transportation in which such common carrier is engaged; and
16 nothing in this Article shall prohibit, apply to, or affect the
17 transportation, carrying, or possession of any pistol,
18 revolver, stun gun, taser, or other firearm, not the subject of
19 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
20 this Article, which is unloaded and enclosed in a case, firearm
21 carrying box, shipping box, or other container, by the
22 possessor of a valid Firearm Owners Identification Card.

23 (Source: P.A. 97-465, eff. 8-22-11; 97-676, eff. 6-1-12;
24 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13; 98-63, eff. 7-9-13;
25 98-463, eff. 8-16-13; 98-725, eff. 1-1-15.)