

HB3210



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3210

by Rep. Aaron M. Ortiz

SYNOPSIS AS INTRODUCED:

225 ILCS 447/40-5

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that reasonable attorney's fees and costs may be awarded to a licensee, interested party, or person injured if he or she successfully obtains injunctive relief, whether by consent or otherwise. Effective immediately.

LRB101 07328 JRG 52368 b

A BILL FOR

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 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8 (Section scheduled to be repealed on January 1, 2024)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
17 suspended, revoked, or not renewed is hereby declared to be
18 inimical to the public safety and welfare and to constitute a
19 public nuisance. The Secretary may, in the name of the People
20 of the State of Illinois through the Attorney General of the
21 State of Illinois or the State's Attorney of any county in
22 which the violation is alleged to have occurred in the State of
23 Illinois, petition for an order enjoining the violation or for

1 an order enforcing compliance with this Act. Upon the filing of
2 a verified petition in court, if satisfied by affidavit or
3 otherwise that the person, firm, corporation, or other legal
4 entity is or has been conducting activities in violation of
5 this Act, the court may enter a temporary restraining order or
6 preliminary injunction, without bond, enjoining the defendant
7 from further activity. A copy of the verified complaint shall
8 be served upon the defendant and the proceedings shall be
9 conducted as in civil cases. If it is established the defendant
10 has been or is conducting activities in violation of this Act,
11 the court may enter a judgment enjoining the defendant from
12 that activity. In case of violation of any injunctive order or
13 judgment entered under this Section, the court may punish the
14 offender for contempt of court. Injunctive proceedings shall be
15 in addition to all other penalties under this Act.

16 (b) If any person practices as a private detective, private
17 security contractor, private alarm contractor, fingerprint
18 vendor, locksmith, private detective agency, private security
19 contractor agency, private alarm contractor agency,
20 fingerprint vendor agency, or locksmith agency or holds himself
21 or herself out as such without having a valid license under
22 this Act, then any licensee, any interested party, or any
23 person injured thereby may, in addition to the Secretary,
24 petition for relief as provided in subsection (a) of this
25 Section. Reasonable attorney's fees and costs may be awarded to
26 the licensee, interested party, or person injured if he or she

1 successfully obtains injunctive relief, whether by consent or
2 otherwise.

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

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