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09400HB0902ham001

LRB094 05875 RAS 44925 a

1 AMENDMENT TO HOUSE BILL 902

2 AMENDMENT NO. _____. Amend House Bill 902 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Private Detective, Private Alarm, Private
5 Security, and Locksmith Act of 2004 is amended by changing
6 Sections 20-10, 35-10, 35-35, and 45-55 follows:

7 (225 ILCS 447/20-10)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 20-10. Qualifications for licensure as a private alarm
10 contractor.

11 (a) A person is qualified for licensure as a private alarm
12 contractor if he or she meets all of the following
13 requirements:

14 (1) Is at least 21 years of age.

15 (2) Has not been convicted of any felony in any
16 jurisdiction or at least 10 years have elapsed since the
17 time of full discharge from a sentence imposed for a felony
18 conviction.

19 (3) Is of good moral character. Good moral character is
20 a continuing requirement of licensure. Conviction of
21 crimes other than felonies may be used in determining moral
22 character, but shall not constitute an absolute bar to
23 licensure.

24 (4) Has not been declared by any court of competent

1 jurisdiction to be incompetent by reason of mental or
2 physical defect or disease, unless a court has subsequently
3 declared him or her to be competent.

4 (5) Is not suffering from dependence on alcohol or from
5 narcotic addiction or dependence.

6 (6) Has a minimum of 3 years experience of the 5 years
7 immediately preceding application working as a full-time
8 manager for a licensed private alarm contractor agency or
9 for an entity that designs, sells, installs, services, or
10 monitors alarm systems that, in the judgment of the Board,
11 satisfies the standards of alarm industry competence. An
12 applicant who has received a 4-year degree or higher in
13 electrical engineering or a related field from a program
14 approved by the Board shall be given credit for 2 years of
15 the required experience. An applicant who has successfully
16 completed a national certification program approved by the
17 Board shall be given credit for one year of the required
18 experience.

19 (7) Has not been dishonorably discharged from the armed
20 forces of the United States.

21 (8) Has passed an examination authorized by the
22 Department.

23 (9) Submits his or her fingerprints, proof of having
24 general liability insurance required under subsection (c),
25 and the required license fee.

26 (10) Has not violated Section 10-5 of this Act.

27 (b) (Blank). ~~A person is qualified to receive a license as~~
28 ~~a private alarm contractor without meeting the requirement of~~
29 ~~item (8) of subsection (a) if he or she:~~

30 ~~(1) applies for a license between September 2, 2003 and~~
31 ~~September 5, 2003 in writing on forms supplied by the~~
32 ~~Department;~~

33 ~~(2) provides proof of ownership of a licensed alarm~~
34 ~~contractor agency; and~~

1 ~~(3) provides proof of at least 7 years of experience in~~
2 ~~the installation, design, sales, repair, maintenance,~~
3 ~~alteration, or service of alarm systems or any other low~~
4 ~~voltage electronic systems.~~

5 (c) It is the responsibility of the applicant to obtain
6 general liability insurance in an amount and coverage
7 appropriate for the applicant's circumstances as determined by
8 rule. The applicant shall provide evidence of insurance to the
9 Department before being issued a license. Failure to maintain
10 general liability insurance and to provide the Department with
11 written proof of the insurance shall result in cancellation of
12 the license.

13 (Source: P.A. 93-438, eff. 8-5-03.)

14 (225 ILCS 447/35-10)

15 (Section scheduled to be repealed on January 1, 2014)

16 Sec. 35-10. Inspection of facilities. Each licensee shall
17 permit his or her office facilities and registered employee
18 files to be audited or inspected at reasonable times and in a
19 reasonable manner ~~upon 24 hours notice by the Department.~~

20 (Source: P.A. 93-438, eff. 8-5-03.)

21 (225 ILCS 447/35-35)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 35-35. Requirement of a firearm authorization card.

24 (a) No person shall perform duties that include the use,
25 carrying, or possession of a firearm in the performance of
26 those duties without complying with the provisions of this
27 Section and having been issued a valid firearm authorization
28 card by the Department.

29 (b) No employer shall employ any person to perform the
30 duties for which employee registration is required and allow
31 that person to carry a firearm unless that person has complied
32 with all the firearm training requirements of this Section and

1 has been issued a firearm authorization card. This Act permits
2 only the following to carry firearms while actually engaged in
3 the performance of their duties or while commuting directly to
4 or from their places of employment: persons licensed as private
5 detectives and their registered employees; persons licensed as
6 private security contractors and their registered employees;
7 persons licensed as private alarm contractors and their
8 registered employees; and employees of a registered armed
9 proprietary security force.

10 (c) Possession of a valid firearm authorization card allows
11 an employee to carry a firearm not otherwise prohibited by law
12 while the employee is engaged in the performance of his or her
13 duties or while the employee is commuting directly to or from
14 the employee's place or places of employment, provided that
15 this is accomplished within one hour from departure from home
16 or place of employment.

17 (d) The Department shall issue a firearm authorization card
18 to a person who has passed an approved firearm training course,
19 who is currently employed by an agency licensed by this Act and
20 has met all the requirements of this Act, and who possesses a
21 valid firearm owner identification card. Application for the
22 firearm authorization card shall be made by the employer to the
23 Department on forms provided by the Department. The Department
24 shall forward the card to the employer who shall be responsible
25 for its issuance to the employee. The firearm authorization
26 card shall be issued by the Department and shall identify the
27 person holding it and the name of the course where the employee
28 received firearm instruction and shall specify the type of
29 weapon or weapons the person is authorized by the Department to
30 carry and for which the person has been trained.

31 (e) Expiration and requirements for renewal of firearm
32 authorization cards shall be determined by rule.

33 (f) The Department may, in addition to any other
34 disciplinary action permitted by this Act, refuse to issue,

1 suspend, or revoke a firearm authorization card if the
2 applicant or holder has been convicted of any felony or crime
3 involving the illegal use, carrying, or possession of a deadly
4 weapon or for a violation of this Act or rules promulgated
5 under this Act. The Department shall refuse to issue or shall
6 revoke a firearm authorization card if the applicant or holder
7 fails to possess a valid firearm owners identification card.
8 The Director shall summarily suspend a firearm authorization
9 card if the Director finds that its continued use would
10 constitute an imminent danger to the public. A hearing shall be
11 held before the Board within 30 days if the Director summarily
12 suspends a firearm authorization card.

13 (g) Notwithstanding any other provision of this Act to the
14 contrary, all requirements relating to firearms authorization
15 cards do not apply to a peace officer.

16 (h) The Department may issue a Certificate of Temporary
17 Firearm Authorization pending issuance of a new firearm
18 authorization card. An agency that has acquired armed employees
19 as a result of acquiring an established armed account may, on
20 forms supplied by the Department, request the issuance of a
21 Certificate of Temporary Firearm Authorization for each
22 acquired employee who held a valid firearm authorization card
23 under his or her employment with the newly acquired established
24 armed account immediately preceding the acquiring of the
25 account and who continues to meet all of the qualifications for
26 issuance of a firearm authorization card set forth in this Act
27 and any rules adopted under this Act. The Department shall, by
28 rule, set the fee for issuance of a Certificate of Temporary
29 Firearm Authorization.

30 (Source: P.A. 93-438, eff. 8-5-03.)

31 (225 ILCS 447/45-55)

32 (Section scheduled to be repealed on January 1, 2014)

33 Sec. 45-55. Subpoenas.

1 (a) The Department, by the Secretary or a person designated
2 by him or her, may, at any time during the course of any
3 investigation or hearing conducted pursuant to this Act,
4 subpoena witnesses, take evidence, and compel the production of
5 any books, papers, records, or any other documents that the
6 Secretary or his or her designee deems relevant or material to
7 any such investigation or hearing conducted by the Department
8 ~~may subpoena and bring before it any person to take the~~
9 ~~testimony~~ with the same fees and in the same manner as
10 prescribed in civil cases in circuit courts of this State.

11 (b) Any circuit court, upon the application of the
12 licensee, the Department, or the Board, may order the
13 attendance of witnesses and the production of relevant books
14 and papers before the Board in any hearing under this Act. The
15 circuit court may compel obedience to its order by proceedings
16 for contempt.

17 (c) The Director, the hearing officer or a certified
18 shorthand court reporter may administer oaths at any hearing
19 the Department conducts. ~~Notwithstanding any other statute or~~
20 ~~Department rule to the contrary, all requests for testimony,~~
21 ~~production of documents or records shall be in accordance with~~
22 ~~this Act.~~

23 (Source: P.A. 93-438, eff. 8-5-03.)".