



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4863**

by Rep. John A. Fritchey

#### SYNOPSIS AS INTRODUCED:

225 ILCS 447/5-10  
225 ILCS 447/35-45

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that a commercial or industrial operation that employs less than 5 employees in an armed capacity and that is approved by the Department of Financial and Professional Regulation may, but is not required to, register as a proprietary security force. Provides that an armed employee of an operation that elects to register may provide armed employee functions in the performance of his or her overall job duties and is not required to be employed with the operation as an armed employee on a full-time basis.

LRB095 18928 RAS 45081 b

FISCAL NOTE ACT  
MAY APPLY

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 Sections 5-10 and 35-45 as follows:

7 (225 ILCS 447/5-10)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 5-10. Definitions. As used in this Act:

10 "Advertisement" means any printed material that is  
11 published in a phone book, newspaper, magazine, pamphlet,  
12 newsletter, or other similar type of publication that is  
13 intended to either attract business or merely provide contact  
14 information to the public for an agency or licensee.  
15 Advertisement shall include any material disseminated by  
16 printed or electronic means or media, but shall not include a  
17 licensee's or an agency's letterhead, business cards, or other  
18 stationery used in routine business correspondence or  
19 customary name, address, and number type listings in a  
20 telephone directory.

21 "Alarm system" means any system, including an electronic  
22 access control system, a surveillance video system, a security  
23 video system, a burglar alarm system, a fire alarm system, or

1 any other electronic system, that activates an audible,  
2 visible, remote, or recorded signal that is designed for the  
3 protection or detection of intrusion, entry, theft, fire,  
4 vandalism, escape, or trespass.

5 "Armed employee" means a licensee or registered person who  
6 is employed by an agency licensed or an armed proprietary  
7 security force registered under this Act who carries a weapon  
8 while engaged in the performance of official duties within the  
9 course and scope of his or her employment during the hours and  
10 times the employee is scheduled to work or is commuting between  
11 his or her home or place of employment, provided that commuting  
12 is accomplished within one hour from departure from home or  
13 place of employment.

14 "Armed proprietary security force" means a security force  
15 made up of 5 or more armed individuals employed by a private,  
16 commercial, or industrial operation or one or more armed  
17 individuals employed by a financial institution as security  
18 officers for the protection of persons or property or a  
19 commercial or industrial operation that elects to register its  
20 security force with the Department.

21 "Board" means the Private Detective, Private Alarm,  
22 Private Security, Fingerprint Vendor, and Locksmith Board.

23 "Branch office" means a business location removed from the  
24 place of business for which an agency license has been issued,  
25 including, but not limited to, locations where active employee  
26 records that are required to be maintained under this Act are

1 kept, where prospective new employees are processed, or where  
2 members of the public are invited in to transact business. A  
3 branch office does not include an office or other facility  
4 located on the property of an existing client that is utilized  
5 solely for the benefit of that client and is not owned or  
6 leased by the agency.

7 "Canine handler" means a person who uses or handles a  
8 trained dog to protect persons or property or to conduct  
9 investigations.

10 "Canine handler authorization card" means a card issued by  
11 the Department that authorizes the holder to use or handle a  
12 trained dog to protect persons or property or to conduct  
13 investigations during the performance of his or her duties as  
14 specified in this Act.

15 "Canine trainer" means a person who acts as a dog trainer  
16 for the purpose of training dogs to protect persons or property  
17 or to conduct investigations.

18 "Canine trainer authorization card" means a card issued by  
19 the Department that authorizes the holder to train a dog to  
20 protect persons or property or to conduct investigations during  
21 the performance of his or her duties as specified in this Act.

22 "Canine training facility" means a facility operated by a  
23 licensed private detective agency or private security agency  
24 wherein dogs are trained for the purposes of protecting persons  
25 or property or to conduct investigations.

26 "Corporation" means an artificial person or legal entity

1 created by or under the authority of the laws of a state,  
2 including without limitation a corporation, limited liability  
3 company, or any other legal entity.

4 "Department" means the Department of Financial and  
5 Professional Regulation.

6 "Employee" means a person who works for a person or agency  
7 that has the right to control the details of the work performed  
8 and is not dependent upon whether or not federal or state  
9 payroll taxes are withheld.

10 "Fingerprint vendor" means a person that offers,  
11 advertises, or provides services to fingerprint individuals,  
12 through electronic or other means, for the purpose of providing  
13 fingerprint images and associated demographic data to the  
14 Department of State Police for processing fingerprint based  
15 criminal history record information inquiries.

16 "Fingerprint vendor agency" means a person, firm,  
17 corporation, or other legal entity that engages in the  
18 fingerprint vendor business and employs, in addition to the  
19 fingerprint vendor licensee-in-charge, at least one other  
20 person in conducting that business.

21 "Fingerprint vendor licensee-in-charge" means a person who  
22 has been designated by a fingerprint vendor agency to be the  
23 licensee-in-charge of an agency who is a full-time management  
24 employee or owner who assumes sole responsibility for  
25 maintaining all records required by this Act and who assumes  
26 sole responsibility for assuring the licensed agency's

1 compliance with its responsibilities as stated in this Act. The  
2 Department shall adopt rules mandating licensee-in-charge  
3 participation in agency affairs.

4 "Fire alarm system" means any system that is activated by  
5 an automatic or manual device in the detection of smoke, heat,  
6 or fire that activates an audible, visible, or remote signal  
7 requiring a response.

8 "Firearm control card" means a card issued by the  
9 Department that authorizes the holder, who has complied with  
10 the training and other requirements of this Act, to carry a  
11 weapon during the performance of his or her duties as specified  
12 in this Act.

13 "Firm" means an unincorporated business entity, including  
14 but not limited to proprietorships and partnerships.

15 "Locksmith" means a person who engages in a business or  
16 holds himself out to the public as providing a service that  
17 includes, but is not limited to, the servicing, installing,  
18 originating first keys, re-coding, repairing, maintaining,  
19 manipulating, or bypassing of a mechanical or electronic  
20 locking device, access control or video surveillance system at  
21 premises, vehicles, safes, vaults, safe deposit boxes, or  
22 automatic teller machines.

23 "Locksmith agency" means a person, firm, corporation, or  
24 other legal entity that engages in the locksmith business and  
25 employs, in addition to the locksmith licensee-in-charge, at  
26 least one other person in conducting such business.

1 "Locksmith licensee-in-charge" means a person who has been  
2 designated by agency to be the licensee-in-charge of an agency,  
3 who is a full-time management employee or owner who assumes  
4 sole responsibility for maintaining all records required by  
5 this Act, and who assumes sole responsibility for assuring the  
6 licensed agency's compliance with its responsibilities as  
7 stated in this Act. The Department shall adopt rules mandating  
8 licensee-in-charge participation in agency affairs.

9 "Peace officer" or "police officer" means a person who, by  
10 virtue of office or public employment, is vested by law with a  
11 duty to maintain public order or to make arrests for offenses,  
12 whether that duty extends to all offenses or is limited to  
13 specific offenses. Officers, agents, or employees of the  
14 federal government commissioned by federal statute to make  
15 arrests for violations of federal laws are considered peace  
16 officers.

17 "Permanent employee registration card" means a card issued  
18 by the Department to an individual who has applied to the  
19 Department and meets the requirements for employment by a  
20 licensed agency under this Act.

21 "Person" means a natural person.

22 "Private alarm contractor" means a person who engages in a  
23 business that individually or through others undertakes,  
24 offers to undertake, purports to have the capacity to  
25 undertake, or submits a bid to sell, install, design, monitor,  
26 maintain, alter, repair, replace, or service alarm and other

1 security-related systems or parts thereof, including fire  
2 alarm systems, at protected premises or premises to be  
3 protected or responds to alarm systems at a protected premises  
4 on an emergency basis and not as a full-time security officer.  
5 "Private alarm contractor" does not include a person, firm, or  
6 corporation that manufactures or sells alarm systems only from  
7 its place of business and does not sell, install, monitor,  
8 maintain, alter, repair, replace, service, or respond to alarm  
9 systems at protected premises or premises to be protected.

10 "Private alarm contractor agency" means a person,  
11 corporation, or other entity that engages in the private alarm  
12 contracting business and employs, in addition to the private  
13 alarm contractor-in-charge, at least one other person in  
14 conducting such business.

15 "Private alarm contractor licensee-in-charge" means a  
16 person who has been designated by an agency to be the  
17 licensee-in-charge of an agency, who is a full-time management  
18 employee or owner who assumes sole responsibility for  
19 maintaining all records required by this Act, and who assumes  
20 sole responsibility for assuring the licensed agency's  
21 compliance with its responsibilities as stated in this Act. The  
22 Department shall adopt rules mandating licensee-in-charge  
23 participation in agency affairs.

24 "Private detective" means any person who by any means,  
25 including, but not limited to, manual, canine odor detection,  
26 or electronic methods, engages in the business of, accepts

1 employment to furnish, or agrees to make or makes  
2 investigations for a fee or other consideration to obtain  
3 information relating to:

4 (1) Crimes or wrongs done or threatened against the  
5 United States, any state or territory of the United States,  
6 or any local government of a state or territory.

7 (2) The identity, habits, conduct, business  
8 occupation, honesty, integrity, credibility, knowledge,  
9 trustworthiness, efficiency, loyalty, activity, movements,  
10 whereabouts, affiliations, associations, transactions,  
11 acts, reputation, or character of any person, firm, or  
12 other entity by any means, manual or electronic.

13 (3) The location, disposition, or recovery of lost or  
14 stolen property.

15 (4) The cause, origin, or responsibility for fires,  
16 accidents, or injuries to individuals or real or personal  
17 property.

18 (5) The truth or falsity of any statement or  
19 representation.

20 (6) Securing evidence to be used before any court,  
21 board, or investigating body.

22 (7) The protection of individuals from bodily harm or  
23 death (bodyguard functions).

24 (8) Service of process in criminal and civil  
25 proceedings without court order.

26 "Private detective agency" means a person, firm,

1 corporation, or other legal entity that engages in the private  
2 detective business and employs, in addition to the  
3 licensee-in-charge, one or more persons in conducting such  
4 business.

5 "Private detective licensee-in-charge" means a person who  
6 has been designated by an agency to be the licensee-in-charge  
7 of an agency, who is a full-time management employee or owner  
8 who assumes sole responsibility for maintaining all records  
9 required by this Act, and who assumes sole responsibility for  
10 assuring the licensed agency's compliance with its  
11 responsibilities as stated in this Act. The Department shall  
12 adopt rules mandating licensee-in-charge participation in  
13 agency affairs.

14 "Private security contractor" means a person who engages in  
15 the business of providing a private security officer, watchman,  
16 patrol, guard dog, canine odor detection, or a similar service  
17 by any other title or name on a contractual basis for another  
18 person, firm, corporation, or other entity for a fee or other  
19 consideration and performing one or more of the following  
20 functions:

21 (1) The prevention or detection of intrusion, entry,  
22 theft, vandalism, abuse, fire, or trespass on private or  
23 governmental property.

24 (2) The prevention, observation, or detection of any  
25 unauthorized activity on private or governmental property.

26 (3) The protection of persons authorized to be on the

1 premises of the person, firm, or other entity for which the  
2 security contractor contractually provides security  
3 services.

4 (4) The prevention of the misappropriation or  
5 concealment of goods, money, bonds, stocks, notes,  
6 documents, or papers.

7 (5) The control, regulation, or direction of the  
8 movement of the public for the time specifically required  
9 for the protection of property owned or controlled by the  
10 client.

11 (6) The protection of individuals from bodily harm or  
12 death (bodyguard functions).

13 "Private security contractor agency" means a person, firm,  
14 corporation, or other legal entity that engages in the private  
15 security contractor business and that employs, in addition to  
16 the licensee-in-charge, one or more persons in conducting such  
17 business.

18 "Private security contractor licensee-in-charge" means a  
19 person who has been designated by an agency to be the  
20 licensee-in-charge of an agency, who is a full-time management  
21 employee or owner who assumes sole responsibility for  
22 maintaining all records required by this Act, and who assumes  
23 sole responsibility for assuring the licensed agency's  
24 compliance with its responsibilities as stated in this Act. The  
25 Department shall adopt rules mandating licensee-in-charge  
26 participation in agency affairs.

1 "Public member" means a person who is not a licensee or  
2 related to a licensee, or who is not an employer or employee of  
3 a licensee. The term "related to" shall be determined by the  
4 rules of the Department.

5 "Secretary" means the Secretary of Financial and  
6 Professional Regulation.

7 (Source: P.A. 95-613, eff. 9-11-07.)

8 (225 ILCS 447/35-45)

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

10 Sec. 35-45. Armed proprietary security force.

11 (a) All financial institutions that employ one or more  
12 armed employees and all private, commercial, or industrial  
13 operations that employ 5 or more persons as armed employees  
14 shall register their security forces with the Department on  
15 forms provided by the Department.

16 (a-5) A commercial or industrial operation that employs  
17 less than 5 employees in an armed capacity and that is approved  
18 by the Department may, but is not required to, register as a  
19 proprietary security force. An armed employee of an operation  
20 that elects to register under this subsection (a-5) may provide  
21 armed employee functions in the performance of his or her  
22 overall job duties and is not required to be employed with the  
23 operation as an armed employee on a full-time basis.

24 (b) All armed employees of the registered proprietary  
25 security force must complete a 20-hour basic training course

1 and 20-hour firearm training.

2 (c) Every proprietary security force is required to apply  
3 to the Department, on forms supplied by the Department, for a  
4 firearm control card for each armed employee.

5 (d) The Department may provide rules for the administration  
6 of this Section.

7 (Source: P.A. 95-613, eff. 9-11-07.)