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91st General Assembly
Final Senate Journal

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

81ST LEGISLATIVE DAY

TUESDAY, FEBRUARY 29, 2000

12:00 O'CLOCK NOON

No. 81

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The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Reverend Gordon McLean, First Presbyterian Church,
Springfield, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, February 23, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Myers moved that reading and approval of the Journals of Thursday, February 24, 2000 and Friday, February 25, 2000 be postponed pending arrival of the printed Journals.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

A Complete and Uncensored Minority Report submitted by Governor Ryan's Commission on the Status of Women.

A report on the 1999 Bond Indebtedness and Long Term Obligations submitted by the Office of the Comptroller.

The Annual Report for the calendar year 1999 statistics reference complaints, and inspections regarding professional, trade or occupational schools submitted by the Department of Professional Regulation required by Ill. Rev. Stat. 1991, ch. 127, par. 60.2.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURE FILED

The following floor amendment to the Senate Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to Senate Bill 1310

MESSAGE FROM THE GOVERNOR

**STATE OF ILLINOIS
EXECUTIVE DEPARTMENT**

EXECUTIVE ORDER NUMBER 3 (2000)

**EXECUTIVE ORDER REASSIGNING FUNCTIONS PERTAINING TO
ADMINISTRATION
OF ILLINOIS' JOB TRAINING PARTNERSHIP ACT, WORKFORCE
INVESTMENT ACT AND WELFARE-TO-WORK PROGRAMS**

WHEREAS, improving Illinois' system of workforce development is a primary goal of State Government; and

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WHEREAS, the current system has significant accomplishments to its credit. The State's network of Illinois Employment and Training Centers (IETC's) - full-service, community based facilities to link employers with qualified job-seekers - has provided a sturdy foundation for Illinois' implementation of the federal Workforce Investment Act (WIA); and

WHEREAS, the IETC network has significantly reduced fragmentation and duplication of effort at the local level, by housing under one roof, programs including JTPA/WIA, the Illinois Employment Service, unemployment insurance, and labor market and career information; and

WHEREAS, it is time for State government to follow this successful local example; and

WHEREAS, a strong partnership already exists at the state level between the Department of Commerce and Community Affairs (DCCA) which is responsible for JTPA/WIA, and the Illinois Department of Employment Security (IDES) which is responsible for the Employment Service, the unemployment insurance program and many labor market information programs; and

WHEREAS, I am strongly committed to a workforce development system that works more efficiently and more effectively.

THEREFORE, pursuant to the power vested in me by Article V, Section 11 of the Illinois Constitution, I, George H. Ryan, Governor of Illinois, hereby order the following:

I. TRANSFER

All the powers, duties, rights and responsibilities vested in the Department of Commerce and Community Affairs with respect to the administration of the federal Job Training Partnership Act, the federal Worker Adjustment and Retraining Notification Act, the federal Workforce Investment Act of 1998 and the welfare-to-work grant program established under Section 403(a)(5) of the federal Social Security Act, including but not limited to those not vested by statute, and all liabilities arising therefrom are transferred to the Illinois Department of Employment Security. The statutory powers, duties, rights, responsibilities and liabilities derive from the following named statutory provisions:

1) Sections 605-805, 605-820 and 605-825 and subsection (g) of Section 605-800 and item (K) of paragraph (1) of Section 605-400 of the Department of Commerce and Community Affairs Law (20 ILCS 605/605-400(1)(K), 605-800(g), 605-805, 605-820 and 605-825);

2) The Illinois Emergency Employment Development Act (20 ILCS 30);

3) Subsection (b) of Section 3 of the Illinois Human Resource Investment Council Act as it pertains to responsibilities for administering the federal Job Training Partnership Act (20 ILCS 3975/3(b)); The Director of the Department of Commerce and Community Affairs shall remain a member of the Illinois Workforce Investment Board/HRIC;

4) Paragraph (3) of subsection (g) of Section 201 of the Illinois Income Tax Act (35 ILCS 5/201);

5) The High Risk Youth Career Development Act (325 ILCS 25);

6) Subparagraphs (b) and (d) of paragraph (6) of subsection (B) of Section 2-105 of the Illinois Human Rights Act (775 ILCS 5/2-105).

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These changes are effective July 1, 2000.

II. EFFECT OF TRANSFER

A. Personnel in the Department of Commerce and Community Affairs who are assigned to programs transferred by this Executive Order are transferred to the Illinois Department of Employment Security. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.

B. All books, records, papers, documents, property (real and personal), contracts, unexpended appropriations and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Department of Commerce and Community Affairs to the Illinois Department of Employment Security, including but not limited to material in electronic or magnetic format and necessary-computer hardware and software, shall be delivered and transferred to the Illinois Department of Employment Security. The Department of Commerce and Community Affairs and Illinois Department of Employment Security shall be working in cooperation for the final closeout of the program established under the federal Job Training Partnership Act and any and all audits of the program, including any following the closeout. These changes are effective July 1, 2000.

III. SAVINGS CLAUSE

A. The powers, duties, rights and responsibilities transferred to or retained by the Illinois Department of Employment Security by this Executive Order shall be vested in and shall be exercised by the Illinois Department of Employment Security. Each act done in the exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Department of Commerce and Community Affairs, its divisions, officers or employees.

B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as if such powers, duties, rights and responsibilities had been exercised by the Department of Commerce and Community Affairs, its divisions, officers or employees.

C. Every officer of the Illinois Department of Employment Security shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department of Commerce and Community Affairs in connection with any of the functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Illinois Department of Employment Security.

E. This Executive Order shall not affect any act done, ratified

or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause before this Executive Order takes effect, but such actions or proceedings may be prosecuted and continued by the Illinois Department of Employment Security.

F. Any rules of the Department of Commerce and Community Affairs

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regarding any of the programs transferred by this Executive Order that are in force on the effective date of this Executive Order and that have been duly adopted by the Department shall become the rules of the Illinois Department of Employment Security. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Department of Commerce and Community Affairs regarding any of the functions transferred by this Executive Order that are pending in the rulemaking process on the effective date of this Executive Order shall be deemed to have been filed by the Illinois Department of Employment Security. As soon as practicable hereafter, the Illinois Department of Employment Security shall revise and clarify the rules transferred to or retained by it under this Executive Order to reflect the reorganization of powers, duties, rights and responsibilities effected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Department of Employment Security may propose and adopt under the Illinois Administrative Procedure Act such other rules as may be necessary to consolidate and clarify the rules of the Department of Commerce and Community Affairs that will now be administered by the Illinois Department of Employment Security.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order shall become effective on the 61st day after its delivery to the General Assembly.

s/George H. Ryan
Governor

February 24, 2000

Under the rules, the foregoing **Executive Order No. 3** was referred to the Committee on Rules.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3132

A bill for AN ACT concerning county officers.

HOUSE BILL NO. 3420

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 3-100 and by adding Sections 3-100.1, 3-100.2, and 3-100.3.

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HOUSE BILL NO. 3500

A bill for AN ACT to amend the Board of Higher Education Act by adding Section 9.29.

HOUSE BILL NO. 3881

A bill for AN ACT concerning open meetings.

HOUSE BILL NO. 3926

A bill for AN ACT to amend the Home Repair and Remodeling Act concerning insurance requirements.

HOUSE BILL NO. 3995

A bill for AN ACT concerning cigarettes.

HOUSE BILL NO. 4047

A bill for AN ACT to amend the Elder Abuse and Neglect Act.

HOUSE BILL NO. 4176

A bill for AN ACT concerning prescription drug information cards.

HOUSE BILL NO. 4231

A bill for AN ACT in relation to streetgangs.

HOUSE BILL NO. 4267

A bill for AN ACT to amend the Unified Code of Corrections by changing Section 3-3-13.

Passed the House, February 25, 2000.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 3132, 3420, 3500, 3881, 3926, 3995, 4047, 4176, 4231 and 4267** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3538

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 16-1.

HOUSE BILL NO. 3979

A bill for AN ACT to amend the Airport Authorities Act by changing Section 8.04.

HOUSE BILL NO. 4070

A bill for AN ACT to amend the Illinois Public Aid Code by adding Section 5-23.

HOUSE BILL NO. 4348

A bill for AN ACT in relation to child safety, amending named Acts.

HOUSE BILL NO. 4450

A bill for AN ACT establishing the Illinois Military Flags Commission.

Passed the House, February 25, 2000.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 3538, 3979, 4070, 4348 and 4450** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

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SENATE BILL NO. 452

A bill for AN ACT to amend the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 by changing Section 80.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 452

House Amendment No. 6 to SENATE BILL NO. 452

House Amendment No. 8 to SENATE BILL NO. 452

Passed the House, as amended, February 25, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 452

AMENDMENT NO. 1. Amend Senate Bill 452 by replacing the title with the following:

"AN ACT to amend the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993."; and

on page 1, line 8, by replacing "Section 80" with "Sections 5, 30, 77, 80, 150, and 155"; and

on page 1, immediately below line 8, by inserting the following:

"(225 ILCS 446/5)

Sec. 5. Definitions. In this Act:

"Armed employee" means a licensee or a person who is currently employed by an agency certified under this Act who is armed while engaged in the performance of official duties within the course and

scope of his or her employment or exclusively employed by an employer during the hours or times he or she is scheduled to work for that employer, or is commuting between his or her home and place of employment, provided the commuting is accomplished within one hour from departure from home or place of employment, and there exists an employer/employee relationship, whose full or part-time duties include the wearing, carrying or possessing of a firearm in the performance of those duties.

"Board" means the Illinois Private Detective, Private Alarm, Private Security, and Locksmith Board.

"Department" means the Illinois Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Person" means a natural person.

"Private alarm contractor" means any person who engages in a business that sells, installs, monitors, maintains, alters, repairs, replaces, services, or responds to alarm systems, including fire alarm systems, at protected premises or at premises to be protected on an emergency basis and not as a full-time security guard; but does not include a person, firm, or corporation that manufactures or sells alarm systems only from its place of business and does not sell, install, monitor, maintain, alter, repair, replace, service, or respond to alarm systems at protected premises or premises to be protected or a licensed electrical contractor who repairs or services fire alarm systems on an "emergency call-in basis", or who sells, installs, maintains, alters, and repairs, or services fire alarm systems.

"Private alarm contractor agency" means any person, firm, association, or corporation that engages in the private alarm contractor business and employs one or more persons in conducting the business.

"Private detective" means any person who by any means, including

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but not limited to manual or electronic methods, engages in the business of, accepts employment to furnish, or agrees to make or makes investigations for fees or other valuable consideration to obtain information with reference to:

(1) Crime or wrongs done or threatened against the United States or any state or territory of the United States.

(2) The identity, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person, firm, association, or corporation, by any means, manually or electronically.

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

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

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

(6) Securing evidence to be used before any court, board, officer, or investigating committee.

(7) Personal protection of individuals from bodily harm or death (bodyguard functions).

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

"Private detective agency" means any person, firm, association, or corporation that engages in the private detective business and employs one or more persons in conducting the business.

"Private security contractor" means any person who engages in the business of providing a private guard, watchman, patrol service, or any like service by any other title or name on a contractual basis for another person, firm, association, or corporation for a fee or other valuable consideration and performing one or more of the following functions:

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

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

(3) The protection of patrons and persons lawfully authorized to be on the premises of the person, firm, association, or corporation for whom he or she contractually is obligated to provide security services.

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

(5) The control, regulation, or direction of the flow or movement of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property on property owned or controlled by the client.

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

"Private security contractor agency" means any person, firm, association, or corporation that engages in the private security contractor business and that employs one or more persons in conducting the business.

"Locksmith" means a person who has received a license under this Act and who engages in the practice of locksmithing as defined in this Act.

"Locksmith agency" means any person, firm, association, or

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corporation that engages in the locksmith business and that employs one or more persons in conducting the business.

"The practice of locksmithing" includes, but is not limited to, the servicing, installing, originating first keys, re-coding, manipulation, or bypassing of mechanical or electronic locking devices at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.

"Public member" means a person who is not a licensee or a relative of a licensee, or who is not an employer or an employee of a

licensee. The term "relative" shall be determined by rules of the Department.

"In charge" means the individual licensee whose name and license number appear on a certificate of registration for a detective, private security contractor, private alarm contractor, or locksmith agency is a full-time executive employee or owner who assumes full responsibility for all employees of the agency and for their directed actions, and assumes full responsibility for maintaining all records required by this Act or rule of the Department and is responsible for otherwise assuring compliance with this Act. Records shall be maintained at a location in Illinois and the address of the location filed with the Department and accessible to Department representatives in accordance with Section 115 of this Act. This does not relieve any person, firm, association, or corporation licensed as an agency under this Act from also assuming full responsibility for compliance with this Act. It is the responsibility of the licensee in charge to notify the Department, in writing within 10 days, when the licensee terminates his or her in charge relationship with an agency.

"Permanent employee registration card" means a card issued by the Department to an individual who has applied to the Department and has been found to be employable by an agency certified under this Act.

"Firearm authorization card" means a card issued by the Department that authorizes the holder to carry a weapon during the performance of his or her duties as specified under Section 180 of this Act.

"Burglar alarm system" means any system, including an electronic access system or other electronic security system, that activates an audible, visible, or remote signal that requires a response and is designed for the prevention or detection of intrusion, entry, theft, vandalism, or trespass.

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

"Branch office" means any business location removed from the place of business for which an agency license has been issued.

"Armed proprietary security force" means any security force made up of 5 or more armed individuals employed in a commercial or industrial operation; one or more armed individuals employed in a financial operation as security guards for the protection of persons; or one or more armed individuals employed for the protection of private property related to a commercial, industrial, or financial operation.

"Association" means 2 or more persons joined together for a business purpose.

"Firm" means any unincorporated business entity or enterprise, including but not limited to proprietorships and partnerships.

"Corporation" means any artificial person or legal entity created by or under the authority of the laws of a state.

(Source: P.A. 88-363; 89-366, eff. 1-1-96.)

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(225 ILCS 446/30)

Sec. 30. Exemptions.

(a) This Act does not apply to:

(1) An officer or employee of the United States, this State, or any political subdivision of either while the officer or employee is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this State, or any political subdivision of either. However, any person who offers his or her services as a private detective or private security contractor, or any title when similar services are performed for compensation, fee, or other valuable consideration, whether received directly or indirectly, is subject to this Act and its licensing requirements.

(2) An attorney-at-law licensed to practice in Illinois while engaging in the practice of law.

(3) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating or credit worthiness of persons; and a person who provides consumer reports in connection with:

(i) Credit transactions involving the consumer on whom the information is to be furnished and involving the extensions of credit to the consumer.

(ii) Information for employment purposes.

(iii) Information for the underwriting of insurance involving the consumer.

(4) Insurance adjusters legally employed or under contract as adjusters and who engage in no other investigative activities other than those directly connected with adjustment of claims against an insurance company or self-insured by which they are employed or with which they have a contract. No insurance adjuster or company may utilize the term "investigation" or any derivative thereof in its company name or in its advertising other than for the handling of insurance claims.

For the purposes of this Code, "insurance adjuster" includes any person expressly authorized to act on behalf of an insurance company or self-insured and any employee thereof who acts or appears to act on behalf of the insurance company or self-insured in matters relating to claims, including but not limited to independent contractors while performing claim services at the direction of the company.

(5) A person engaged exclusively and employed by a person, firm, association, or corporation in the business of transporting persons or property in interstate commerce and making an investigation related to the business of that employer.

(6) Any person, watchman, or guard employed exclusively and regularly by one employer in connection with the affairs of that employer only and there exists an employer/employee relationship.

(7) Any law enforcement officer, as defined in the Illinois Police Training Act, who has successfully completed the requirements of basic law enforcement and firearms training as prescribed by the Illinois Law Enforcement Training Standards Board, employed by an employer in connection with the affairs of that employer, provided he or she is exclusively employed by the employer during the hours or times he or she is scheduled to work for that employer, and there exists an employer and employee relationship.

In this subsection an "employee" is a person who is employed by an employer who has the right to control and direct the employee who performs the services in question, not only as to

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the result to be accomplished by the work, but also as to the details and means by which the result is to be accomplished; and an "employer" is any person or entity, with the exception of a private detective, private detective agency, private security contractor, private security contractor agency, private alarm contractor, or private alarm contractor agency, whose purpose it is to hire persons to perform the business of a private detective, private detective agency, private security contractor, private security contractor agency, private alarm contractor, or private alarm contractor agency.

(8) A person who sells burglar alarm systems and does not install, monitor, maintain, alter, repair, service, or respond to burglar alarm systems at protected premises or premises to be protected, provided:

(i) The burglar alarm systems are approved either by Underwriters Laboratories or another authoritative source recognized by the Department and are identified by a federally registered trademark.

(ii) The owner of the trademark has expressly authorized the person to sell the trademark owner's products, and the person provides proof of this authorization upon the request of the Department.

(iii) The owner of the trademark maintains, and provides upon the Department's request, a certificate evidencing insurance for bodily injury or property damage arising from faulty or defective products in an amount not less than \$1,000,000 combined single limit; provided that the policy of insurance need not relate exclusively to burglar alarm systems.

(9) A person who sells, installs, maintains, or repairs automobile alarm systems.

(9-5) A person, firm, or corporation engaged solely and exclusively in tracing and compiling lineage or ancestry.

(b) Nothing in this Act prohibits any of the following:

(A) Servicing, installing, repairing, or rebuilding automotive locks by automotive service dealers, as long as they do not hold themselves out to the public as locksmiths.

(B) Police, fire, or other municipal employees from opening a lock in a life-threatening situation, when the location of a vehicle creates a danger to the public, or when a diligent effort has been made to contact a licensed locksmith who can provide the service in a timely manner as determined by the police, fire, or other municipal employee, who shall take into consideration the health and safety of the occupants of the vehicle ~~an emergency situation, as long as they do not hold themselves out to the public as locksmiths.~~

(C) Any merchant or retail or hardware store from duplicating keys, from installing, servicing, repairing,

rebuilding, reprogramming, or maintaining electronic garage door devices or from selling locks or similar security accessories not prohibited from sale by the State of Illinois, as long as they do not hold themselves out to the public as locksmiths.

(D) The installation or removal of complete locks or locking devices by members of the building trades when doing so in the course of residential or commercial new construction or remodeling, as long as they do not hold themselves out to the public as locksmiths.

(E) The employees of towing services, repossessioners, or auto clubs from opening automotive locks in the normal course of their duties, as long as they do not hold themselves out to the public

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as locksmiths. Additionally, this Act shall not prohibit employees of towing services from opening motor vehicle locks to enable a vehicle to be moved without towing, provided that the towing service does not hold itself out to the public, by yellow page advertisement, through a sign at the facilities of the towing service, or by any other advertisement, as a locksmith.

(F) The practice of locksmithing by students in the course of study in programs approved by the Department, provided that the students do not hold themselves out to the public as locksmiths.

(G) Servicing, installing, repairing, or rebuilding locks by a lock manufacturer or anyone employed by a lock manufacturer, as long as they do not hold themselves out to the public as locksmiths.

(H) The provision of any of the products or services in the practice of locksmithing as identified in Section 5 of this Act by a business licensed by the State of Illinois as a private alarm contractor or private alarm contractor agency, as long as the principal purpose of the services provided to a customer is not the practice of locksmithing and the business does not hold itself out to the public as a locksmith agency.

(I) Any maintenance employee of a property management company at a multi-family residential building from servicing, installing, repairing, or opening locks for tenants as long as the maintenance employee does not hold himself or herself out to the public as a locksmith.

(J) A person, firm, or corporation from engaging in fire protection engineering, including the design, testing, and inspection of fire protection systems.

(K) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989.

(L) The practice of structural engineering as defined in the Structural Engineering Licensing Act of 1989.

(M) The practice of architecture as defined in the Illinois Architecture Practice Act of 1989.

(N) The activities of persons or firms licensed under the Illinois Public Accounting Act if performed in the course of their professional practice.

(c) This Act does not prohibit any persons legally regulated in

this State under any other Act from engaging in the practice for which they are licensed, provided that they do not represent themselves by any title prohibited by this Act.

(Source: P.A. 89-366, eff. 1-1-96; 90-436, eff. 1-1-98; 90-633, eff. 7-24-98.)

(225 ILCS 446/77)

Sec. 77. Necessity for licensure of locksmith agencies; grandfather provision.

(a) On or after January 1, 1997, no person shall practice as a locksmith and no business entity shall operate as a locksmith agency without first applying for and obtaining a license for that purpose from the Department.

(b) Applications must be accompanied by the required fee.

(c) In lieu of the examination given to other applicants for licensure, the Director may issue a license to an individual who presents proof to the Director that he or she was actively engaged as a locksmith or as a supervisor, manager, or administrator of a locksmith business for 3 years out of the 5 years immediately preceding January 1, 1996 and meets all other requirements of this Act.

(d) The application for a license without examination shall be

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made to the Director within 2 years after the effective date of this amendatory Act of 1995.

~~(e) (Blank). A person who applies for licensure under this Section between September 1, 1998 and September 30, 1998 shall be exempt from subsection (d) of this Section and shall be issued a license upon proof of meeting all other requirements for licensure under this Section.~~

(f) Notwithstanding subsection (d), a person who meets the requirements of subsection (c) may receive a license without examination if he or she applies to the Director within 180 days after the effective date of this amendatory Act of the 91st General Assembly.

(Source: P.A. 89-366, eff. 1-1-96; 90-602, eff. 6-26-98.)"; and on page 7, immediately below line 16, by inserting the following:

"(225 ILCS 446/150)

Sec. 150. Cease and desist orders. Whenever the Department has reason to believe that a person, firm, association, or corporation has violated any provision of Section 15 of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person, firm, association, or corporation. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately. The Department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this Act. Any person in violation of a cease and desist order entered by the Department is subject to all of the remedies provided by law and, in addition, is subject to a civil penalty payable to the party injured by the violation.

(Source: P.A. 88-363.)

(225 ILCS 446/155)

Sec. 155. Penalties.

(a) In addition to any other penalty provided by law, any person, firm, association, or corporation who violates Section 15 of this Act or any other provision of this Act shall forfeit and pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department in accordance with the provisions set forth in Sections 130, 135, 140, 160 and 170.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 88-363.)".

AMENDMENT NO. 6 TO SENATE BILL 452

AMENDMENT NO. 6. Amend Senate Bill 452, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 is amended by changing Sections 5, 75, 80, 150, and 155 as follows:

(225 ILCS 446/5)

Sec. 5. Definitions. In this Act:

"Armed employee" means a licensee or a person who is currently employed by an agency certified under this Act who is armed while engaged in the performance of official duties within the course and scope of his or her employment or exclusively employed by an employer

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during the hours or times he or she is scheduled to work for that employer, or is commuting between his or her home and place of employment, provided the commuting is accomplished within one hour from departure from home or place of employment, and there exists an employer/employee relationship, whose full or part-time duties include the wearing, carrying or possessing of a firearm in the performance of those duties.

"Board" means the Illinois Private Detective, Private Alarm, Private Security, and Locksmith Board.

"Department" means the Illinois Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Person" means a natural person.

"Private alarm contractor" means any person who engages in a business that sells, installs, monitors, maintains, alters, repairs, replaces, services, or responds to alarm systems, including fire alarm systems, at protected premises or at premises to be protected on an emergency basis and not as a full-time security guard; but does not include a person, firm, or corporation that manufactures or sells alarm systems only from its place of business and does not sell,

install, monitor, maintain, alter, repair, replace, service, or respond to alarm systems at protected premises or premises to be protected or a licensed electrical contractor who repairs or services fire alarm systems on an "emergency call-in basis", or who sells, installs, maintains, alters, and repairs, or services fire alarm systems.

"Private alarm contractor agency" means any person, firm, association, or corporation that engages in the private alarm contractor business and employs one or more persons in conducting the business.

"Private detective" means any person who by any means, including but not limited to manual or electronic methods, engages in the business of, accepts employment to furnish, or agrees to make or makes investigations for fees or other valuable consideration to obtain information with reference to:

(1) Crime or wrongs done or threatened against the United States or any state or territory of the United States.

(2) The identity, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person, firm, association, or corporation, by any means, manually or electronically.

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

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

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

(6) Securing evidence to be used before any court, board, officer, or investigating committee.

(7) Personal protection of individuals from bodily harm or death (bodyguard functions).

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

"Private detective agency" means any person, firm, association, or corporation that engages in the private detective business and employs one or more persons in conducting the business.

"Private security contractor" means any person who engages in the

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business of providing a private guard, watchman, patrol service, or any like service by any other title or name on a contractual basis for another person, firm, association, or corporation for a fee or other valuable consideration and performing one or more of the following functions:

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

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

(3) The protection of patrons and persons lawfully authorized to be on the premises of the person, firm,

association, or corporation for whom he or she contractually is obligated to provide security services.

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

(5) The control, regulation, or direction of the flow or movement of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property on property owned or controlled by the client.

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

"Private security contractor agency" means any person, firm, association, or corporation that engages in the private security contractor business and that employs one or more persons in conducting the business.

"Locksmith" means a person who has received a license under this Act and who engages in the practice of locksmithing as defined in this Act.

"Locksmith agency" means any person, firm, association, or corporation that engages in the locksmith business and that employs one or more persons in conducting the business.

"The practice of locksmithing" includes, but is not limited to, the servicing, installing, originating first keys, re-coding, manipulation, or bypassing of mechanical or electronic locking devices at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.

"Public member" means a person who is not a licensee or a relative of a licensee, or who is not an employer or an employee of a licensee. The term "relative" shall be determined by rules of the Department.

"In charge" means the individual licensee whose name and license number appear on a certificate of registration for a detective, private security contractor, private alarm contractor, or locksmith agency is a full-time executive employee or owner who assumes full responsibility for all employees of the agency and for their directed actions, and assumes full responsibility for maintaining all records required by this Act or rule of the Department and is responsible for otherwise assuring compliance with this Act. Records shall be maintained at a location in Illinois and the address of the location filed with the Department and accessible to Department representatives in accordance with Section 115 of this Act. This does not relieve any person, firm, association, or corporation licensed as an agency under this Act from also assuming full responsibility for compliance with this Act. It is the responsibility of the licensee in charge to notify the Department, in writing within 10 days, when the licensee terminates his or her in charge relationship with an agency.

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"Permanent employee registration card" means a card issued by the Department to an individual who has applied to the Department and has been found to be employable by an agency certified under this Act.

"Firearm authorization card" means a card issued by the Department that authorizes the holder to carry a weapon during the performance of his or her duties as specified under Section 180 of this Act.

"Burglar alarm system" means any system, including an electronic access system or other electronic security system, that activates an audible, visible, or remote signal that requires a response and is designed for the prevention or detection of intrusion, entry, theft, vandalism, or trespass.

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

"Branch office" means any business location removed from the place of business for which an agency license has been issued.

"Armed proprietary security force" means any security force made up of 5 or more armed individuals employed in a commercial or industrial operation; one or more armed individuals employed in a financial operation as security guards for the protection of persons; or one or more armed individuals employed for the protection of private property related to a commercial, industrial, or financial operation.

"Association" means 2 or more persons joined together for a business purpose.

"Firm" means any unincorporated business entity or enterprise, including but not limited to proprietorships and partnerships.

"Corporation" means any artificial person or legal entity created by or under the authority of the laws of a state.

(Source: P.A. 88-363; 89-366, eff. 1-1-96.)

(225 ILCS 446/75)

Sec. 75. Qualifications for licensure and agency certification.

(a) Private Detective. A person is qualified to receive a license as a private detective if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good character is a continuing requirement of licensure. Conviction of crimes not listed in paragraph (2) of subsection (a) of this Section may be used in determining moral character, but does not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience out of the 5 years immediately preceding his or her application working full-time for a licensed private detective agency as a registered private detective employee or with 3 years experience out of the 5 years immediately preceding his or her application employed as a full-time investigator for a licensed attorney or in a law enforcement agency of a federal or State political subdivision, which shall include a States Attorney's office or a Public

Defender's office, such full-time investigator experience to be approved by the Board and the Department. ~~;~~ ~~or~~ An applicant who has obtained a baccalaureate degree in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years experience required under this Section. An applicant who has obtained an associate degree in police science or a related field or in business from an accredited college or university shall be given credit for one of the 3 years experience required under this Section.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability insurance in an amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

(b) Private security contractor. A person is qualified to receive a license as a private security contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (2) of subsection (b) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience out of the 5 years immediately preceding his or her application as a full-time manager or administrator for a licensed private security contractor agency or a manager or administrator of a proprietary security force of 30 or more persons registered with the Department, or with 3 years experience out of the 5 years immediately preceding his or her application as a full-time

supervisor in a law enforcement agency of a federal or State political subdivision, which shall include a States Attorney's office or Public Defender's office, such full-time supervisory experience to be approved by the Board and the Department. ~~;~~ ~~or~~ An applicant who has obtained a baccalaureate degree in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years experience required under this Section. An applicant who has obtained an associate degree in police science or a

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related field or in business from an accredited college or university shall be given credit for one of the 3 years experience required under this Section.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability insurance in amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

(c) Private alarm contractor. A person is qualified to receive a license as a private alarm contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (2) of subsection (c) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has not been dishonorably discharged from the armed services of the United States.

(7) Has a minimum of 3 years experience out of the 5 years immediately preceding application as a full time manager or administrator for an agency licensed as a private alarm

contractor agency, or for an entity that designs, sells, installs, services, or monitors alarm systems which in the judgment of the Board satisfies standards of alarm industry competence. An individual who has received a 4 year degree in electrical engineering or a related field from a program approved by the Board shall be given credit for 2 years of experience under this item (7). An individual who has successfully completed a national certification program approved by the Board shall be given credit for one year of experience under this item (7).

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability

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insurance in an amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

Alternatively, a person is qualified to receive a license as a private alarm contractor without meeting the requirements of items (7), (8), and (9) of this subsection, if he or she:

(i) applies for a license between September 1, 1998 and September 15, 1998, in writing, on forms supplied by the Department;

(ii) provides proof to the Department that he or she was engaged in the alarm contracting business on or before January 1, 1984;

(iii) submits the photographs, fingerprints, proof of insurance, and current license fee required by the Department; and

(iv) has not violated Section 25 of this Act.

(d) Locksmith. A person is qualified to receive a license as a locksmith if he or she meets all of the following requirements:

(1) Is at least 18 years of age.

(2) Has not violated any provisions of Section 120 of this Act.

(3) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(4) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (3) of subsection (d) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(5) Has not been declared by any court of competent

jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(6) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has passed an examination authorized by the Department in the theory and practice of the profession.

(9) Has submitted to the Department proof of insurance sufficient for the individual's business circumstances. The Department, with input from the Board, shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in the cancellation of the license by the Department. A locksmith employed by a licensed locksmith agency or employed by a private concern may provide proof that his or her actions as a locksmith are covered by the insurance of his or her employer.

(e) Private detective agency. Upon payment of the required fee and proof that the applicant has a full-time Illinois licensed private detective in charge, which is a continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private detective agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed private detective under this Act.

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(2) A firm or association that submits an application in writing and all of the members of the firm or association are licensed private detectives under this Act.

(3) A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a detective agency, provided at least one officer or executive employee is licensed as a private detective under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private detective may be the private detective in charge for more than one agency ~~except for an individual who, on the effective date of this Act, is currently and actively a licensee for more than one agency.~~ Upon written request by a representative of an agency within 10 days after the loss of a licensee in charge of an agency because of the death of that individual or because of an unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted by the Department for good cause shown upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the detective in charge because of

disciplinary action by the Department.

(f) Private alarm contractor agency. Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private alarm contractor in charge, which is a continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private alarm contractor agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed private alarm contractor under this Act.

(2) A firm or association that submits an application in writing that all of the members of the firm or association are licensed private alarm contractors under this Act.

(3) A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a private alarm contractor agency, provided at least one officer or executive employee is licensed as a private alarm contractor under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private alarm contractor may be the private alarm contractor in charge for more than one agency ~~except for any individual who, on the effective date of this Act, is currently and actively a licensee for more than one agency.~~ Upon written request by a representative of an agency within 10 days after the loss of a licensed private alarm contractor in charge of an agency because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted by the Department for good cause shown and upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the licensee in charge because of disciplinary action by the Department.

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(g) Private security contractor agency. Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private security contractor in charge, which is continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private security contractor agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed private security contractor under this Act.

(2) A firm or association that submits an application in writing that all of the members are licensed private security contractors under this Act.

(3) A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a private security contractor agency, provided at least one officer or

executive employee is licensed as a private security contractor under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private security contractor may be the private security contractor in charge for more than one agency ~~except for any individual who, on the effective date of this Act, is currently and actively a licensee for more than one agency.~~ Upon written request by a representative of the agency within 10 days after the loss of a licensee in charge of an agency because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the licensee in charge because of disciplinary action by the Department.

(h) Licensed locksmith agency. Upon receipt of the required fee and proof that the applicant is an Illinois licensed locksmith who shall assume full responsibility for the operation of the agency and the directed actions of the agency's employees, which is a continuing requirement for agency licensure, the Department shall issue, without examination, a certificate as a Locksmith Agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed locksmith under this Act.

(2) A firm or association that submits an application in writing and certifies that all of the members of the firm or association are licensed locksmiths under this Act.

(3) A duly incorporated or registered corporation or limited liability company allowed to do business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a locksmith agency, provided that at least one officer or executive employee of a corporation or one member of a limited liability company is licensed as a locksmith under this Act, and provided that person agrees in writing on a form acceptable to the Department to assume full responsibility for the operation of the agency and the directed actions of the agency's employees, and further provided that all unlicensed officers and directors of the corporation or members of the limited liability company are determined by the Department to be persons of good moral character.

An individual licensed locksmith operating under a business

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name other than the licensed locksmith's own name shall not be required to obtain a locksmith agency license if that licensed locksmith does not employ any persons to engage in the practice of locksmithing.

An applicant for licensure as a locksmith agency shall submit to the Department proof of insurance sufficient for the agency's

business circumstances. The Department shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure.

No licensed locksmith may be the licensed locksmith responsible for the operation of more than one agency except for any individual who submits proof to the Department that, on the effective date of this amendatory Act of 1995, he or she is actively responsible for the operations of more than one agency. A licensed private alarm contractor who is responsible for the operation of a licensed private alarm contractor agency and who is a licensed locksmith may also be the licensed locksmith responsible for the operation of a locksmith agency.

Upon written request by a representative of an agency within 10 days after the loss of a responsible licensed locksmith of an agency, because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed locksmith agency. No temporary permit shall be valid for more than 90 days. An extension for an additional 90 days may be granted by the Department for good cause shown and upon written request by a representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued to any agency due to the loss of the responsible locksmith because of disciplinary action by the Department.

(i) Proprietary Security Force. All commercial or industrial operations that employ 5 or more persons as armed security guards and all financial institutions that employ armed security guards shall register their security forces with the Department on forms provided by the Department.

All armed security guard employees of the registered proprietary security force shall be required to complete a 20-hour basic training course and 20-hour firearm training course in accordance with administrative rules.

Each proprietary security force shall be required to apply to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card, in accordance with administrative rules, for each armed employee of the security force.

The Department shall prescribe rules for the administration of this Section.

(j) Any licensed agency that operates a branch office as defined in this Act shall apply for a branch office license.

(Source: P.A. 90-436, eff. 1-1-98; 90-580, eff. 5-21-98; 90-602, eff. 6-26-98; 91-357, eff. 7-29-99.)

(225 ILCS 446/80)

Sec. 80. Employee requirements. All employees of a licensed agency, other than those exempted, shall apply for a Permanent Employee Registration Card. The holder of an agency certificate issued under this Act, known in this Act as "employer", may employ in the conduct of his or her business employees under the following provisions:

(a) No person shall be issued a permanent employee registration card who:

- (1) Is under 18 years of age.

(2) Is under 21 years of age if the services will include being armed.

(3) Has been determined by the Department to be unfit by reason of conviction of an offense in this or another state, other than a minor traffic offense. The Department shall promulgate rules for procedures by which those circumstances shall be determined and that afford the applicant due process of law.

(4) Has had a license or permanent employee registration card refused, denied, suspended, or revoked under this Act.

(5) Has been declared incompetent by any court of competent jurisdiction by reason of mental disease or defect and has not been restored.

(6) Has been dishonorably discharged from the armed services of the United States.

(b) No person may be employed by a private detective agency, private security contractor agency, or private alarm contractor agency, or locksmith agency under this Section until he or she has executed and furnished to the employer, on forms furnished by the Department, a verified statement to be known as "Employee's Statement" setting forth:

(1) The person's full name, age, and residence address.

(2) The business or occupation engaged in for the 5 years immediately before the date of the execution of the statement, the place where the business or occupation was engaged in, and the names of employers, if any.

(3) That the person has not had a license or employee registration refused, revoked, or suspended under this Act.

(4) Any conviction of a felony or misdemeanor.

(5) Any declaration of incompetency by a court of competent jurisdiction that has not been restored.

(6) Any dishonorable discharge from the armed services of the United States.

(7) Any other information as may be required by any rule of the Department to show the good character, competency, and integrity of the person executing the statement.

(c) Each applicant for a permanent employee registration card shall submit to the Department with the applicable fees, on fingerprint cards furnished by the Department, 2 complete sets of fingerprints that are verified to be those of the applicant. If an applicant's fingerprint cards are returned to the Department as unclassifiable by the screening agency, the applicant has 90 days after notification is sent by the Department to submit additional fingerprint cards taken by a different technician to replace the unclassifiable fingerprint cards.

The Department shall notify the submitting licensed agency within 10 days if the applicant's fingerprint cards are returned to the Department as unclassifiable. However, instead of submitting fingerprint cards, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. Also, a full-time peace officer or an individual who has retired as a peace officer within 12 months of application may submit verification, on forms provided by the Department and signed by one's employer, of his or her full-time employment as a

peace officer. "Peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal

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laws are considered peace officers.

(d) Upon receipt of the verified fingerprint cards, the Department shall cause the fingerprints to be compared with fingerprints of criminals now or hereafter filed with the Illinois Department of State Police. The Department may also cause the fingerprints to be checked against the fingerprints of criminals now or hereafter filed in the records of other official fingerprint files within or without this State. The Department shall issue a permanent employee registration card, in a form the Department prescribes, to all qualified applicants. The Department shall notify the submitting licensed agency within 10 days upon the issuance of or intent to deny the permanent employee registration card. The holder of a permanent employee registration card shall carry the card at all times while actually engaged in the performance of the duties of his or her employment. Expiration and requirements for renewal of permanent employee registration cards shall be established by rule of the Department. Possession of a permanent employee registration card does not in any way imply that the holder of the card is employed by an agency unless the permanent employee registration card is accompanied by the employee identification card required by subsection (g) of this Section.

(e) Within 5 days of the receipt of the application materials, the Department shall institute an investigation for a criminal record by checking the applicant's name with immediately available criminal history information systems.

(f) Each employer shall maintain a record of each employee that is accessible to the duly authorized representatives of the Department. The record shall contain the following information:

(1) A photograph taken within 10 days of the date that the employee begins employment with the employer. The photograph shall be replaced with a current photograph every 3 calendar years.

(2) The employee's statement specified in subsection (b) of this Section.

(3) All correspondence or documents relating to the character and integrity of the employee received by the employer from any official source or law enforcement agency.

(4) In the case of former employees, the employee identification card of that person issued under subsection (g) of this Section.

~~(5)~~ Each employee record shall duly note if the employee is employed in an armed capacity. Armed employee files shall contain a copy of an active Firearm Owners Identification Card and a copy of an active Firearm Authorization Card.

~~(6)~~ Each employer shall maintain a record for each armed employee

of each instance in which the employee's weapon was discharged during the course of his or her professional duties or activities. The record shall be maintained on forms provided by the Department, a copy of which must be filed with the Department within 15 days of an instance. The record shall include the date and time of the occurrence, the circumstances involved in the occurrence, and any other information as the Department may require. Failure to provide this information to the Department or failure to maintain the record as a part of each armed employee's permanent file is grounds for disciplinary action. The Department, upon receipt of a report, shall have the authority to make any investigation it considers appropriate into any occurrence in which an employee's weapon was discharged and to take disciplinary action as may be appropriate.

~~(7)~~ The Department may, by rule, prescribe further record requirements.

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(g) Every employer shall furnish an employee identification card to each of his or her employees. This employee identification card shall contain a recent photograph of the employee, the employee's name, the name and agency certification number of the employer, the employee's personal description, the signature of the employer, the signature of that employee, the date of issuance, and an employee identification card number.

(h) No employer may issue an employee identification card to any person who is not employed by the employer in accordance with this Section or falsely state or represent that a person is or has been in his or her employ. It is unlawful for an applicant for registered employment to file with the Department the fingerprints of a person other than himself or herself, or to fail to exercise due diligence in resubmitting replacement fingerprints for those employees who have had original fingerprint submissions returned as unclassifiable.

(i) Every employer shall obtain the identification card of every employee who terminates employment with him or her.

(j) Every employer shall maintain a separate roster of the names of all employees currently working in an armed capacity and submit the roster to the Department on request.

(k) No agency may employ any person under this Act unless:

(1) The person possesses a valid permanent employee registration card or the person has a valid license under this Act; or

(2) The agency:

(i) on behalf of each person completes in its entirety and submits to the Department an application for a permanent employee registration card, including the required fingerprint card and fees;

(ii) exercises due diligence to ensure that the person is qualified under the requirements of the Act to be issued a permanent employee registration card; and

(iii) maintains a separate roster of the names of all employees whose applications are currently pending with the Department and submits the roster to the Department on a monthly basis. Rosters are to be maintained by the agency

for a period of at least 24 months.

(l) Failure by an agency to submit the application, fees, and fingerprints specified in this Section before scheduling the person for work shall result in a fine, in an amount up to \$1,000, or other disciplinary action being imposed against the agency. Failure to maintain and submit the specified rosters is grounds for discipline under this Act.

(m) No person may be employed under this Section in any capacity if:

(i) The person while so employed is being paid by the United States or any political subdivision for the time so employed in addition to any payments he or she may receive from the employer.

(ii) The person wears any portion of his or her official uniform, emblem of authority, or equipment while so employed except as provided in Section 30.

(n) If information is discovered affecting the registration of a person whose fingerprints were submitted under this Section, the Department shall so notify the agency that submitted the fingerprints on behalf of that person.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 446/150)

Sec. 150. Cease and desist orders. Whenever the Department has reason to believe that a person, firm, association, or corporation

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has violated any provision of Section 15 of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person, firm, association, or corporation. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately. The Department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this Act. Any person in violation of a cease and desist order entered by the Department is subject to all of the remedies provided by law and, in addition, is subject to a civil penalty payable to the party injured by the violation.

(Source: P.A. 88-363.)

(225 ILCS 446/155)

Sec. 155. Penalties.

(a) In addition to any other penalty provided by law, any person, firm, association, or corporation who violates Section 15 of this Act or any other provision of this Act shall forfeit and pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department in accordance with the provisions set forth in Sections 130, 135, 140, 160 and 170.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order

shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. (Source: P.A. 88-363.)

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

AMENDMENT NO. 8 TO SENATE BILL 452

AMENDMENT NO. 8. Amend Senate Bill 452, AS AMENDED, with reference to page and line numbers of House Amendment No. 6, on page 1, line 7, by replacing "75, 80" with "75, 77, 80"; and on page 11, lines 26 and 27, by replacing "September 1, 1998 and September 15, 1998" with "July 1, 2000 and August 31, 2000 ~~September 1, 1998 and September 15, 1998~~"; and on page 18, immediately below line 32, by inserting the following:

"(225 ILCS 446/77)

Sec. 77. Necessity for licensure of locksmith agencies; grandfather provision.

(a) On or after January 1, 1997, no person shall practice as a locksmith and no business entity shall operate as a locksmith agency without first applying for and obtaining a license for that purpose from the Department.

(b) Applications must be accompanied by the required fee.

(c) In lieu of the examination given to other applicants for licensure, the Director may issue a license to an individual who presents proof to the Director that he or she was actively engaged as a locksmith or as a supervisor, manager, or administrator of a locksmith business for 3 years out of the 5 years immediately preceding January 1, 1996 and meets all other requirements of this Act.

(d) The application for a license without examination shall be made to the Director within 2 years after the effective date of this amendatory Act of 1995.

(e) A person who applies for licensure under this Section between September 1, 2000 ~~September 1, 1998~~ and December 31, 2000

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~~September 30, 1998~~ shall be exempt from subsection (d) of this Section and shall be issued a license upon proof of meeting all other requirements for licensure under this Section.

(Source: P.A. 89-366, eff. 1-1-96; 90-602, eff. 6-26-98.)"

Under the rules, the foregoing **Senate Bill No. 452**, with House Amendments numbered 1, 6 and 8, was referred to the Secretary's Desk.

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES
A FIRST TIME**

House Bill No. 660, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 988, sponsored by Senator Maitland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 989, sponsored by Senator Maitland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1744, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1823, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2947, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3032, sponsored by Senator Maitland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3132, sponsored by Senator Bomke was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3406, sponsored by Senator Petka was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3420, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3430, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3485, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3500, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3881, sponsored by Senator Sieben was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3926, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4047, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 4070, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4161, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4176, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4266, sponsored by Senators Cronin - Sieben was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4347, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4483, sponsored by Senator Smith was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4593, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 12:40 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Wednesday, March 1, 2000 at 9:00 o'clock a.m.

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