

# SB0747



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB0747

Introduced 1/30/2017, by Sen. Jason A. Barickman

#### SYNOPSIS AS INTRODUCED:

225 ILCS 447/31-10  
225 ILCS 447/31-15

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that the requirement for licensure that an applicant must submit certification issued by the Department of State Police that the applicant's fingerprinting equipment and software meets all specifications required by the Department of State Police applies to fingerprint vendor agencies (rather than fingerprint vendors), and that the requirement is a continuing requirement for licensure. Adds as a qualification for licensure as a fingerprint vendor that an applicant provides proof of compliance with the Department fingerprinting equipment and software specifications if the applicant is not required to obtain a fingerprint vendor agency license under the Act. Effective immediately.

LRB100 05721 SMS 15743 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Private Detective, Private Alarm, Private  
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
6 amended by changing Sections 31-10 and 31-15 as follows:

7 (225 ILCS 447/31-10)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 31-10. Qualifications for licensure as a fingerprint  
10 vendor.

11 (a) A person is qualified for licensure as a fingerprint  
12 vendor if he or she meets all of the following requirements:

13 (1) Is at least 18 years of age.

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

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

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

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

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

9           (7) Submits certification issued by the Department of  
10 State Police that the applicant has successfully completed  
11 a fingerprint vendor training course conducted or  
12 authorized by the Department of State Police.

13           (8) Submits his or her fingerprints, in accordance with  
14 subsection (b) of this Section.

15           (9) Has not violated any provision of this Act or any  
16 rule adopted under this Act.

17           (10) Provides evidence satisfactory to the Department  
18 that the applicant has obtained general liability  
19 insurance in an amount and with coverage as determined by  
20 rule. Failure to maintain general liability insurance and  
21 failure to provide the Department with written proof of the  
22 insurance, upon request, shall result in cancellation of  
23 the license without hearing. A fingerprint vendor employed  
24 by a licensed fingerprint vendor agency may provide proof  
25 that his or her actions as a fingerprint vendor are covered  
26 by the liability insurance of his or her employer.

1 (11) Pays the required licensure fee.

2 (12) (Blank). ~~Submits certification issued by the~~  
3 ~~Department of State Police that the applicant's~~  
4 ~~fingerprinting equipment and software meets all~~  
5 ~~specifications required by the Department of State Police.~~  
6 ~~Compliance with Department of State Police fingerprinting~~  
7 ~~equipment and software specifications is a continuing~~  
8 ~~requirement for licensure.~~

9 (13) Submits proof that the applicant maintains a  
10 business office located in the State of Illinois.

11 (14) Provides proof of compliance with subsection (e)  
12 of Section 31-15 of this Act if the applicant is not  
13 required to obtain a fingerprint vendor agency license  
14 pursuant to subsection (b) of Section 31-15 of this Act.

15 (b) Each applicant for a fingerprint vendor license shall  
16 have his or her fingerprints submitted to the Department of  
17 State Police in an electronic format that complies with the  
18 form and manner for requesting and furnishing criminal history  
19 record information as prescribed by the Department of State  
20 Police. These fingerprints shall be checked against the  
21 Department of State Police and Federal Bureau of Investigation  
22 criminal history record databases now and hereafter filed. The  
23 Department of State Police shall charge applicants a fee for  
24 conducting the criminal history records check, which shall be  
25 deposited in the State Police Services Fund and shall not  
26 exceed the actual cost of the records check. The Department of

1 State Police shall furnish, pursuant to positive  
2 identification, records of Illinois convictions to the  
3 Department. The Department may require applicants to pay a  
4 separate fingerprinting fee, either to the Department or  
5 directly to the vendor. The Department, in its discretion, may  
6 allow an applicant who does not have reasonable access to a  
7 designated vendor to provide his or her fingerprints in an  
8 alternative manner. The Department, in its discretion, may also  
9 use other procedures in performing or obtaining criminal  
10 background checks of applicants. Instead of submitting his or  
11 her fingerprints, an individual may submit proof that is  
12 satisfactory to the Department that an equivalent security  
13 clearance has been conducted. Also, an individual who has  
14 retired as a peace officer within 12 months of application may  
15 submit verification, on forms provided by the Department and  
16 signed by his or her employer, of his or her previous full-time  
17 employment as a peace officer.

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

19 (225 ILCS 447/31-15)

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

21 Sec. 31-15. Qualifications for licensure as a fingerprint  
22 vendor agency.

23 (a) Upon receipt of the required fee, compliance with  
24 subsection (e) of this Section, and proof that the applicant  
25 has a full-time Illinois licensed fingerprint vendor

1 licensee-in-charge, which is a continuing requirement for  
2 agency licensure, the Department may issue a license as a  
3 fingerprint vendor agency to any of the following:

4 (1) An individual who submits an application and is a  
5 licensed fingerprint vendor under this Act.

6 (2) A firm that submits an application and all of the  
7 members of the firm are licensed fingerprint vendors under  
8 this Act.

9 (3) A corporation or limited liability company doing  
10 business in Illinois that is authorized to engage in the  
11 business of conducting a fingerprint vendor agency if at  
12 least one officer or executive employee is a licensed  
13 fingerprint vendor under this Act and all unlicensed  
14 officers and directors of the corporation or limited  
15 liability company are determined by the Department to be  
16 persons of good moral character.

17 (b) An individual licensed as a fingerprint vendor  
18 operating under a business name other than the licensed  
19 fingerprint vendor's own name shall not be required to obtain a  
20 fingerprint vendor agency license if that licensed fingerprint  
21 vendor does not employ any persons to provide fingerprinting  
22 services. However, in either circumstance, the individual  
23 shall comply with the requirements of subsection (e) of this  
24 Section as a requirement for licensure.

25 (c) No fingerprint vendor may be the licensee-in-charge for  
26 more than one fingerprint vendor agency. Upon written request

1 by a representative of the agency, within 10 days after the  
2 loss of a licensee-in-charge of an agency because of the death  
3 of that individual or because of the termination of the  
4 employment of that individual, the Department shall issue a  
5 temporary certificate of authority allowing the continuing  
6 operation of the licensed agency. No temporary certificate of  
7 authority shall be valid for more than 90 days. An extension of  
8 an additional 90 days may be granted upon written request by  
9 the representative of the agency. Not more than 2 extensions  
10 may be granted to any agency. No temporary permit shall be  
11 issued for loss of the licensee-in-charge because of  
12 disciplinary action by the Department related to his or her  
13 conduct on behalf of the agency.

14 (d) Upon issuance of the temporary certificate of authority  
15 as provided for in subsection (c) of this Section and at any  
16 time thereafter while the temporary certificate of authority is  
17 in effect, the Department may request in writing additional  
18 information from the agency regarding the loss of its  
19 licensee-in-charge, the selection of a new licensee-in-charge,  
20 and the management of the agency. Failure of the agency to  
21 respond or respond to the satisfaction of the Department shall  
22 cause the Department to deny any extension of the temporary  
23 certificate of authority. While the temporary certificate of  
24 authority is in effect, the Department may disapprove the  
25 selection of a new licensee-in-charge by the agency if the  
26 person's license is not operative or the Department has good

1 cause to believe that the person selected will not fully  
2 exercise the responsibilities of a licensee-in-charge. If the  
3 Department has disapproved the selection of a new  
4 licensee-in-charge and the temporary certificate of authority  
5 expires or is about to expire without the agency selecting  
6 another new licensee-in-charge, the Department shall grant an  
7 extension of the temporary certificate of authority for an  
8 additional 90 days, except as otherwise prohibited in  
9 subsection (c) or this subsection (d).

10 (e) An applicant shall submit certification issued by the  
11 Department of State Police that the applicant's fingerprinting  
12 equipment and software meets all specifications required by the  
13 Department of State Police. Compliance with Department of State  
14 Police fingerprinting equipment and software specifications is  
15 a continuing requirement for licensure.

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

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