

1 AMENDMENT TO SENATE BILL 487

2 AMENDMENT NO. _____. Amend Senate Bill 487 on page 1, by
3 replacing lines 4 through 30 with the following:

4 "ARTICLE 5. GENERAL PROVISIONS.

5 Section 5-5. Short title; Act supersedes the Private
6 Detective, Private Alarm, Private Security, and Locksmith Act
7 of 1993. This Act may be cited as the Private Detective,
8 Private Alarm, Private Security, and Locksmith Act of 2004
9 and it supersedes the Private Detective, Private Alarm,
10 Private Security, and Locksmith Act of 1993 repealed by this
11 Act.

12 Section 5-10. Definitions. As used in this Act:

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

1 customary name, address, and number type listings in a
2 telephone directory.

3 "Alarm system" means any system, including an electronic
4 access control system, a surveillance video system, a
5 security video system, a burglar alarm system, a fire alarm
6 system, or any other electronic system, that activates an
7 audible, visible, remote, or recorded signal that is designed
8 for the protection or detection of intrusion, entry, theft,
9 fire, vandalism, escape, or trespass.

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

19 "Armed proprietary security force" means a security force
20 made up of 5 or more armed individuals employed by a private,
21 commercial, or industrial operation or one or more armed
22 individuals employed by a financial institution as security
23 officers for the protection of persons or property.

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

26 "Branch office" means a business location removed from
27 the place of business for which an agency license has been
28 issued, including but not limited to locations where active
29 employee records that are required to be maintained under
30 this Act are kept, where prospective new employees are
31 processed, or where members of the public are invited in to
32 transact business. A branch office does not include an office
33 or other facility located on the property of an existing
34 client that is utilized solely for the benefit of that client

1 and is not owned or leased by the agency.

2 "Corporation" means an artificial person or legal entity
3 created by or under the authority of the laws of a state,
4 including without limitation a corporation, limited liability
5 company, or any other legal entity.

6 "Department" means the Department of Professional
7 Regulation.

8 "Director" means the Director of Professional Regulation.

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

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

17 "Firearm authorization card" means a card issued by the
18 Department that authorizes the holder to carry a weapon
19 during the performance of his or her duties as specified in
20 this Act.

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

23 "Locksmith" means a person who engages in a business or
24 holds himself out to the public as providing a service that
25 includes, but is not limited to, the servicing, installing,
26 originating first keys, re-coding, repairing, maintaining,
27 manipulating, or bypassing of a mechanical or electronic
28 locking device, access control or video surveillance system
29 at premises, vehicles, safes, vaults, safe deposit boxes, or
30 automatic teller machines.

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

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

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

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

22 "Person" means a natural person.

23 "Private alarm contractor" means a person who engages in
24 a business that individually or through others undertakes,
25 offers to undertake, purports to have the capacity to
26 undertake, or submits a bid to sell, install, monitor,
27 maintain, alter, repair, replace, or service alarm and other
28 security-related systems or parts thereof, including fire
29 alarm systems, at protected premises or premises to be
30 protected or responds to alarm systems at a protected
31 premises on an emergency basis and not as a full-time
32 security officer. "Private alarm contractor" does not
33 include a person, firm, or corporation that manufactures or
34 sells alarm systems only from its place of business and does

1 not sell, install, monitor, maintain, alter, repair, replace,
2 service, or respond to alarm systems at protected premises or
3 premises to be protected.

4 "Private alarm contractor agency" means a person,
5 corporation, or other entity that engages in the private
6 alarm contracting business and employs, in addition to the
7 private alarm contractor-in-charge, at least one other person
8 in conducting such business.

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

18 "Private detective" means any person who by any means,
19 including but not limited to manual or electronic methods,
20 engages in the business of, accepts employment to furnish, or
21 agrees to make or makes investigations for a fee or other
22 consideration to obtain information relating to:

23 (1) Crimes or wrongs done or threatened against the
24 United States, any state or territory of the United
25 States, or any local government of a state or territory.

26 (2) The identity, habits, conduct, business
27 occupation, honesty, integrity, credibility, knowledge,
28 trustworthiness, efficiency, loyalty, activity,
29 movements, whereabouts, affiliations, associations,
30 transactions, acts, reputation, or character of any
31 person, firm, or other entity by any means, manual or
32 electronic.

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

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

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

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

8 (7) The protection of individuals from bodily harm
9 or death (bodyguard functions).

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

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

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

26 "Private security contractor" means a person who engages
27 in the business of providing a private security officer,
28 watchman, patrol, or a similar service by any other title or
29 name on a contractual basis for another person, firm,
30 corporation, or other entity for a fee or other consideration
31 and performing one or more of the following functions:

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

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

4 (3) The protection of persons authorized to be on
5 the premises of the person, firm, or other entity for
6 which the security contractor contractually provides
7 security services.

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

11 (5) The control, regulation, or direction of the
12 movement of the public for the time specifically required
13 for the protection of property owned or controlled by the
14 client.

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

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

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

31 "Public member" means a person who is not a licensee or
32 related to a licensee, or who is not an employer or employee
33 of a licensee. The term "related to" shall be determined by
34 the rules of the Department.

1 Section 5-15. Legislative intent. The intent of the
2 General Assembly in enacting this statute is to regulate
3 persons, corporations, and firms licensed under this Act for
4 the protection of the public. These practices are declared to
5 affect the public health, safety, and welfare and are subject
6 to State regulation and licensure. This Act shall be
7 construed to carry out these purposes.

8 ARTICLE 10. GENERAL LICENSING PROVISIONS.

9 Section 10-5. Requirement of license.

10 (a) It is unlawful for a person to act as or provide the
11 functions of a private detective, private security
12 contractor, private alarm contractor, or locksmith or to
13 advertise or to assume to act as any one of these, or to use
14 these or any other title implying that the person is engaged
15 in any of these activities unless licensed as such by the
16 Department. An individual or sole proprietor who does not
17 employ any employees other than himself or herself may
18 operate under a "doing business as" or assumed name
19 certification without having to obtain an agency license, so
20 long as the assumed name is first registered with the
21 Department.

22 (b) It is unlawful for a person, firm, corporation, or
23 other legal entity to act as an agency licensed under this
24 Act, to advertise, or to assume to act as a licensed agency
25 or to use a title implying that the person, firm, or other
26 entity is engaged in the practice as a private detective
27 agency, private security contractor agency, private alarm
28 contractor agency, or locksmith agency unless licensed by the
29 Department.

30 (c) No agency shall operate a branch office without
31 first applying for and receiving a branch office license for
32 each location.

1 Section 10-10. General exemptions. This Act does not
2 apply to any of the following:

3 (1) A person, firm, or corporation engaging in fire
4 protection engineering, including the design, testing,
5 and inspection of fire protection systems.

6 (2) The practice of professional engineering as
7 defined in the Professional Engineering Practice Act of
8 1989.

9 (3) The practice of structural engineering as
10 defined in the Structural Engineering Practice Act of
11 1989.

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

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

17 (6) An attorney licensed to practice in Illinois
18 while engaging in the practice of law.

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

24 Section 10-20. Application for license; forms.

25 (a) Each license application shall be on forms provided
26 by the Department.

27 (b) Application for a license by endorsement shall be
28 made in accordance with the provisions of Section 10-40.

29 (c) Every application for an original, renewal, or
30 restored license shall include the applicant's Social
31 Security number.

32 Section 10-25. Issuance of license; renewal; fees.

1 (a) The Department shall, upon the applicant's
2 satisfactory completion of the requirements set forth in this
3 Act and upon receipt of the fee, issue the license indicating
4 the name and business location of the licensee and the date
5 of expiration.

6 (b) An applicant may, upon satisfactory completion of
7 the requirements set forth in this Act and upon receipt of
8 fees related to the application and testing for licensure,
9 elect to defer the issuance of the applicant's initial
10 license for a period not longer than 6 years. An applicant
11 who fails to request issuance of his or her initial license
12 or agency license and to remit the fees required for that
13 license within 6 years shall be required to resubmit an
14 application together with all required fees.

15 (c) The expiration date, renewal period, and conditions
16 for renewal and restoration of each license, permanent
17 employee registration card, and firearm authorization card
18 shall be set by rule. The holder may renew the license,
19 permanent employee registration card, or firearm
20 authorization card during the 30 days preceding its
21 expiration by paying the required fee and by meeting
22 conditions that the Department may specify. Any license
23 holder who notifies the Department on forms prescribed by the
24 Department may place his or her license on inactive status
25 for a period of not longer than 6 years and shall, subject to
26 the rules of the Department, be excused from payment of
27 renewal fees until the license holder notifies the
28 Department, in writing, of an intention to resume active
29 status. Practice while on inactive status constitutes
30 unlicensed practice. A non-renewed license that has lapsed
31 for less than 6 years may be restored upon payment of the
32 restoration fee and all lapsed renewal fees. A license that
33 has lapsed for more than 6 years may be restored by paying
34 the required restoration fee and all lapsed renewal fees and

1 by providing evidence of competence to resume practice
2 satisfactory to the Department and the Board, which may
3 include passing a written examination. All restoration fees
4 and lapsed renewal fees shall be waived for an applicant
5 whose license lapsed while on active duty in the armed forces
6 of the United States if application for restoration is made
7 within 12 months after discharge from the service.

8 (d) Any permanent employee registration card expired for
9 less than one year may be restored upon payment of lapsed
10 renewal fees. Any permanent employee registration card
11 expired for one year or more may be restored by making
12 application to the Department and filing proof acceptable to
13 the Department of the licensee's fitness to have the
14 permanent employee registration card restored, including
15 verification of fingerprint processing through the Department
16 of State Police and Federal Bureau of Investigation and
17 paying the restoration fee.

18 Section 10-30. Unlawful acts. It is unlawful for a
19 licensee or an employee of a licensed agency:

20 (1) Upon termination of employment by the agency,
21 to fail to return upon demand or within 72 hours of
22 termination of employment any firearm issued by the
23 employer together with the employee's firearm
24 authorization card.

25 (2) Upon termination of employment by the agency,
26 to fail to return within 72 hours of termination of
27 employment any uniform, badge, identification card, or
28 equipment issued, but not sold, to the employee by the
29 agency.

30 (3) To falsify the employee's statement required by
31 this Act.

32 (4) To have a badge, shoulder patch, or any other
33 identification that contains the words "law enforcement".

1 In addition, no license holder or employee of a licensed
2 agency shall in any manner imply that the person is an
3 employee or agent of a governmental agency or display a
4 badge or identification card, emblem, or uniform citing
5 the words "police", "sheriff", "highway patrol trooper",
6 or "law enforcement".

7 Section 10-35. Examination of applicants; forfeiture of
8 fee.

9 (a) Applicants for licensure shall be examined as
10 provided by this Section if they are qualified to be examined
11 under this Act. All applicants taking the examination shall
12 be evaluated using the same standards as others who are
13 examined for the respective license.

14 (b) Examinations for licensure shall be held at such
15 time and place as the Department may determine, but shall be
16 held at least twice a year.

17 (c) Examinations shall test the amount of knowledge and
18 skill needed to perform the duties set forth in this Act and
19 be in the interest of the protection of the public. The
20 Department may contract with a testing service for the
21 preparation and conduct of the examination.

22 (d) If an applicant neglects, fails, or refuses to take
23 an examination within one year after filing an application,
24 the fee shall be forfeited. However, an applicant may, after
25 the one-year period, make a new application for examination,
26 accompanied by the required fee. If an applicant fails to
27 pass the examination within 3 years after filing an
28 application, the application shall be denied. An applicant
29 may make a new application after the 3-year period.

30 Section 10-40. Licensure by endorsement. The Department
31 shall promulgate rules for licensure by endorsement without
32 examination and may license under this Act upon payment of

1 the fee an applicant who is registered or licensed under the
2 laws of another state, territory, or country if the
3 requirements for registration or licensure in the
4 jurisdiction in which the applicant was licensed or
5 registered were, at the date of his or her registration or
6 licensure, substantially equal to the requirements then in
7 force in Illinois and that state or country has similar
8 requirements for licensure or registration by endorsement.
9 Applicants have 3 years from the date of application to
10 complete the application process. If the process has not been
11 completed in 3 years, the application shall be denied, the
12 fee forfeited, and the applicant must re- apply and meet the
13 requirements in effect at the time of reapplication.

14 Section 10-45. Emergency care without a fee. A license
15 holder, agency, or registered employee of a private security
16 contractor, as defined in Section 5-10 of this Act, who in
17 good faith provides emergency care without fee to any person
18 or takes actions in good faith that directly relate to the
19 employee's job responsibilities to protect people and
20 property, as defined by the areas in which registered
21 security officers receive training under Sections 20-20 and
22 25-20 shall not, as a result of his or her acts or omissions,
23 except willful and wanton misconduct, in providing the care,
24 be liable to a person to whom such care is provided for civil
25 damages.

26 ARTICLE 15. PRIVATE DETECTIVES.

27 Section 15-5. Exemptions; private detective. The
28 provisions of this Act relating to the licensure of private
29 detectives do not apply to any of the following:

- 30 (1) An employee of the United States, Illinois, or
31 a political subdivision of either while the employee is

1 engaged in the performance of his or her official duties
2 within the scope of his or her employment. However, any
3 such person who offers his or her services as a private
4 detective or uses a similar title when these services are
5 performed for compensation or other consideration,
6 whether received directly or indirectly, is subject to
7 this Act.

8 (2) A person, firm, or other entity engaged
9 exclusively in tracing and compiling lineage or ancestry
10 who does not hold himself or herself out to be a private
11 detective.

12 (3) A person engaged exclusively in obtaining and
13 furnishing information as to the financial rating or
14 credit worthiness of persons or a person who provides
15 reports in connection with (i) consumer credit
16 transactions, (ii) information for employment purposes,
17 or (iii) information for the underwriting of consumer
18 insurance.

19 (4) Insurance adjusters employed or under contract
20 as adjusters who engage in no other investigative
21 activities other than those directly connected with
22 adjustment of claims against an insurance company or a
23 self-insured entity by which they are employed or with
24 which they have a contract. No insurance adjuster or
25 company may use the term "investigation" or any
26 derivative thereof, in its name or in its advertising.

27 Section 15-10. Qualifications for licensure as a private
28 detective.

29 (a) A person is qualified for licensure as a private
30 detective if he or she meets all of the following
31 requirements:

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

33 (2) Has not been convicted of any felony in any

1 jurisdiction or at least 10 years have elapsed since the
2 time of full discharge from a sentence imposed for a
3 felony conviction.

4 (3) Is of good moral character. Good character is a
5 continuing requirement of licensure. Conviction of crimes
6 other than felonies may be used in determining moral
7 character, but shall not constitute an absolute bar to
8 licensure.

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

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

15 (6) Has a minimum of 3 years experience of the 5
16 years immediately preceding application working full-time
17 for a licensed private detective agency as a registered
18 private detective agency employee or with 3 years
19 experience of the 5 years immediately preceding his or
20 her application employed as a full-time investigator for
21 a licensed attorney or in a law enforcement agency of a
22 federal or state political subdivision, which shall
23 include a state's attorney's office or a public
24 defender's office. The Board and the Department shall
25 approve such full-time investigator experience. An
26 applicant who has a baccalaureate degree, or higher, in
27 law enforcement or a related field or a business degree
28 from an accredited college or university shall be given
29 credit for 2 of the 3 years of the required experience.
30 An applicant who has an associate degree in law
31 enforcement or in a related field or in business from an
32 accredited college or university shall be given credit
33 for one of the 3 years of the required experience.

34 (7) Has not been dishonorably discharged from the

1 armed forces of the United States or has not been
2 discharged from a law enforcement agency of the United
3 States or of any state or of any political subdivision
4 thereof, which shall include a state's attorney office,
5 for reasons relating to his or her conduct as an employee
6 of that law enforcement agency.

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

9 (9) Submits his or her fingerprints, proof of
10 having general liability insurance required under
11 subsection (b), and the required license fee.

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

13 (b) It is the responsibility of the applicant to obtain
14 general liability insurance in an amount and coverage
15 appropriate for the applicant's circumstances as determined
16 by rule. The applicant shall provide evidence of insurance to
17 the Department before being issued a license. Failure to
18 maintain general liability insurance and to provide the
19 Department with written proof of the insurance shall result
20 in cancellation of the license.

21 Section 15-15. Qualifications for licensure as a private
22 detective agency.

23 (a) Upon receipt of the required fee and proof that the
24 applicant has a full-time Illinois licensed private
25 detective-in-charge, which is a continuing requirement for
26 agency licensure, the Department shall issue a license as a
27 private detective agency to any of the following:

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

30 (2) A firm that submits an application and all of
31 the members of the firm are licensed private detectives
32 under this Act.

33 (3) A corporation or limited liability company

1 doing business in Illinois that is authorized by its
2 articles of incorporation or organization to engage in
3 the business of conducting a private detective agency,
4 provided at least one full-time executive employee is
5 licensed as a private detective under this Act and all
6 unlicensed officers and directors of the corporation or
7 limited liability company are determined by the
8 Department to be persons of good moral character.

9 (b) No private detective may be the licensee-in-charge
10 for more than one private detective agency. Upon written
11 request by a representative of an agency, within 10 days
12 after the loss of a licensee-in-charge of an agency because
13 of the death of that individual or because of the termination
14 of the employment of that individual, the Department shall
15 issue a temporary certificate of authority allowing the
16 continuing operation of the licensed agency. No temporary
17 certificate of authority shall be valid for more than 90
18 days. An extension of an additional 90 days may be granted
19 upon written request by the representative of the agency. Not
20 more than 2 extensions may be granted to any agency. No
21 temporary permit shall be issued for a loss of the
22 licensee-in-charge because of disciplinary action by the
23 Department related to his or her conduct on behalf of the
24 agency.

25 Section 15-25. Training; private detective and
26 employees.

27 (a) Registered employees of a private detective agency
28 shall complete, within 30 days of their employment, a minimum
29 of 20 hours of training provided by a qualified instructor.
30 The substance of the training shall be related to the work
31 performed by the registered employee.

32 (b) It is the responsibility of the employer to certify,
33 on a form provided by the Department, that the employee has

1 successfully completed the training. The form shall be a
2 permanent record of training completed by the employee and
3 shall be placed in the employee's file with the employer for
4 the period the employee remains with the employer. An agency
5 may place a notarized copy of the Department form in lieu of
6 the original into the permanent employee registration card
7 file. The original form shall be given to the employee when
8 his or her employment is terminated. Failure to return the
9 original form to the employee is grounds for disciplinary
10 action. The employee shall not be required to repeat the
11 required training once the employee has been issued the form.
12 An employer may provide or require additional training.

13 (c) Any certification of completion of the 20-hour basic
14 training issued under the Private Detective, Private Alarm,
15 Private Security, and Locksmith Act of 1993 or any prior Act
16 shall be accepted as proof of training under this Act.

17 ARTICLE 20. PRIVATE ALARM CONTRACTORS.

18 Section 20-5. Exemptions; private alarm contractor.

19 (a) The provisions of this Act related to the licensure
20 of private alarm contractors do not apply to any of the
21 following:

22 (1) A person who sells alarm system equipment and
23 is not an employee, agent, or independent contractor of
24 an entity that installs, monitors, maintains, alters,
25 repairs, services, or responds to alarm systems at
26 protected premises or premises to be protected if all of
27 the following conditions are met:

28 (A) The alarm systems are approved either by
29 Underwriters Laboratories or another authoritative
30 entity recognized by the Department and identified
31 by a federally-registered trademark.

32 (B) The owner of the trademark has authorized

1 the person to sell the trademark owner's products
2 and the person provides proof to the Department of
3 this authorization.

4 (C) The owner of the trademark maintains and
5 provides, upon the Department's request, proof of
6 liability insurance for bodily injury or property
7 damage from defective products of not less than
8 \$1,000,000 combined single limit. The insurance
9 policy need not apply exclusively to alarm systems.

10 (2) A person who sells, installs, maintains, or
11 repairs automobile alarm systems.

12 (3) A licensed electrical contractor who repairs or
13 services fire alarm systems on an emergency call-in basis
14 or who sells, installs, maintains, alters, repairs, or
15 services only fire alarm systems and not alarm or other
16 security related electronic systems.

17 (b) Persons who have no access to confidential or
18 security information and who otherwise do not provide
19 security services are exempt from employee registration.
20 Examples of exempt employees include, but are not limited to,
21 employees working in the capacity of delivery drivers,
22 reception personnel, building cleaning, landscape and
23 maintenance personnel, and employees involved in vehicle and
24 equipment repair. Confidential or security information is
25 that which pertains to employee files, scheduling, client
26 contracts, or technical security and alarm data.

27 Section 20-10. Qualifications for licensure as a private
28 alarm contractor.

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

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

33 (2) Has not been convicted of any felony in any

1 jurisdiction or at least 10 years have elapsed since the
2 time of full discharge from a sentence imposed for a
3 felony conviction.

4 (3) Is of good moral character. Good moral
5 character is a continuing requirement of licensure.
6 Conviction of crimes other than felonies may be used in
7 determining moral character, but shall not constitute an
8 absolute bar to licensure.

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

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

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

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

30 (8) Has passed an examination authorized by the
31 Department.

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

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

2 (b) A person is qualified to receive a license as a
3 private alarm contractor without meeting the requirement of
4 item (8) of subsection (a) if he or she:

5 (1) applies for a license between September 2, 2003
6 and September 5, 2003 in writing on forms supplied by the
7 Department; and

8 (2) has held a permanent employee registration card
9 for a minimum of 2 years.

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

18 Section 20-15. Qualifications for licensure as a private
19 alarm contractor agency.

20 (a) Upon receipt of the required fee and proof that the
21 applicant has a full-time Illinois licensed private alarm
22 contractor-in-charge, which is a continuing requirement for
23 agency licensure, the Department shall issue a license as a
24 private alarm contractor agency to any of the following:

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

27 (2) A firm that submits an application and all of
28 the members of the firm are licensed private alarm
29 contractors under this Act.

30 (3) A corporation or limited liability company
31 doing business in Illinois that is authorized by its
32 articles of incorporation or organization to engage in
33 the business of conducting a private alarm contractor

1 agency if at least one executive employee is licensed as
2 a private alarm contractor under this Act and all
3 unlicensed officers and directors of the corporation or
4 limited liability company are determined by the
5 Department to be persons of good moral character.

6 (b) No private alarm contractor may be the private alarm
7 contractor-in-charge for more than one private alarm
8 contractor agency. Upon written request by a representative
9 of an agency, within 10 days after the loss of a licensed
10 private alarm contractor-in-charge of an agency because of
11 the death of that individual or because of the termination of
12 the employment of that individual, the Department shall issue
13 a temporary certificate of authority allowing the continuing
14 operation of the licensed agency. No temporary certificate of
15 authority shall be valid for more than 90 days. An extension
16 of an additional 90 days may be granted upon written request
17 by the representative of the agency. Not more than 2
18 extensions may be granted to any agency. No temporary permit
19 shall be issued for loss of the licensee-in-charge because of
20 disciplinary action by the Department related to his or her
21 conduct on behalf of the agency.

22 (c) No private alarm contractor, private alarm
23 contractor agency, or person may install or connect an alarm
24 system or fire alarm system that connects automatically and
25 directly to a governmentally operated police or fire dispatch
26 system in a manner that violates subsection (a) of Section
27 15.2 of the Emergency Telephone System Act. In addition to
28 the penalties provided by the Emergency Telephone System Act,
29 a private alarm contractor agency that violates this Section
30 shall pay the Department an additional penalty of \$250 per
31 occurrence.

32 Section 20-20. Training; private alarm contractor and
33 employees.

1 (a) Registered employees of the private alarm contractor
2 agency who carry a firearm and respond to alarm systems shall
3 complete, within 30 days of their employment, a minimum of 20
4 hours of classroom training provided by a qualified
5 instructor and shall include all of the following subjects:

6 (1) The law regarding arrest and search and seizure
7 as it applies to the private alarm industry.

8 (2) Civil and criminal liability for acts related
9 to the private alarm industry.

10 (3) The use of force, including but not limited to
11 the use of nonlethal force (i.e., disabling spray, baton,
12 stungun, or similar weapon).

13 (4) Arrest and control techniques.

14 (5) The offenses under the Criminal Code of 1961
15 that are directly related to the protection of persons
16 and property.

17 (6) The law on private alarm forces and on
18 reporting to law enforcement agencies.

19 (7) Fire prevention, fire equipment, and fire
20 safety.

21 (8) Civil rights and public relations.

22 (b) All other employees of a private alarm contractor
23 agency shall complete a minimum of 20 hours of training
24 provided by a qualified instructor within 30 days of their
25 employment. The substance of the training shall be related to
26 the work performed by the registered employee.

27 (c) It is the responsibility of the employer to certify,
28 on forms provided by the Department, that the employee has
29 successfully completed the training. The form shall be a
30 permanent record of training completed by the employee and
31 shall be placed in the employee's file with the employer for
32 the term the employee is retained by the employer. A private
33 alarm contractor agency may place a notarized copy of the
34 Department form in lieu of the original into the permanent

1 employee registration card file. The form shall be returned
2 to the employee when his or her employment is terminated.
3 Failure to return the form to the employee is grounds for
4 discipline. The employee shall not be required to complete
5 the training required under this Act once the employee has
6 been issued a form.

7 (d) Nothing in this Act prevents any employer from
8 providing or requiring additional training beyond the
9 required 20 hours that the employer feels is necessary and
10 appropriate for competent job performance.

11 (e) Any certification of completion of the 20-hour basic
12 training issued under the Private Detective, Private Alarm,
13 Private Security, and Locksmith Act of 1993 or any prior Act
14 shall be accepted as proof of training under this Act.

15 ARTICLE 25. PRIVATE SECURITY CONTRACTORS.

16 Section 25-5. Exemptions; private security contractor.
17 The provisions of this Act related to licensure of a private
18 security contractor do not apply to any of the following:

19 (1) An employee of the United States, Illinois, or
20 a political subdivision of either while the employee is
21 engaged in the performance of his or her official duties
22 within the scope of his or her employment. However, any
23 such person who offers his or her services as a private
24 security contractor or uses a similar title when these
25 services are performed for compensation or other
26 consideration, whether received directly or indirectly,
27 is subject to this Act.

28 (2) A person employed as either an armed or unarmed
29 security officer at a nuclear energy, storage, weapons,
30 or development site or facility regulated by the United
31 States Nuclear Regulatory Commission who has completed
32 the background screening and training mandated by the

1 regulations of the United States Nuclear Regulatory
2 Commission.

3 (3) A person, watchman, or proprietary security
4 officer employed exclusively by only one employer in
5 connection with the exclusive activities of that
6 employer.

7 Section 25-10. Qualifications for licensure as a private
8 security contractor.

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

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

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

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

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

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

28 (6) Has a minimum of 3 years experience of the 5
29 years immediately preceding application working as a
30 full-time manager for a licensed private security
31 contractor agency or a manager of a proprietary security
32 force of 30 or more persons registered with the
33 Department or with 3 years experience of the 5 years

1 immediately preceding his or her application employed as
2 a full-time supervisor in a law enforcement agency of a
3 federal or state political subdivision, which shall
4 include a state's attorney's office or public defender's
5 office. The Board and the Department shall approve such
6 full-time supervisory experience. An applicant who has a
7 baccalaureate degree or higher in police science or a
8 related field or a business degree from an accredited
9 college or university shall be given credit for 2 of the
10 3 years of the required experience. An applicant who has
11 an associate degree in police science or in a related
12 field or in business from an accredited college or
13 university shall be given credit for one of the 3 years
14 of the required experience.

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

17 (8) Has passed an examination authorized by the
18 Department.

19 (9) Submits his or her fingerprints, proof of
20 having general liability insurance required under
21 subsection (b), and the required license fee.

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

23 (b) It is the responsibility of the applicant to obtain
24 general liability insurance in an amount and coverage
25 appropriate for the applicant's circumstances as determined
26 by rule. The applicant shall provide evidence of insurance to
27 the Department before being issued a license. Failure to
28 maintain general liability insurance and to provide the
29 Department with written proof of the insurance shall result
30 in cancellation of the license.

31 Section 25-15. Qualifications for licensure as a private
32 security contractor agency.

33 (a) Upon receipt of the required fee and proof that the

1 applicant has a full-time Illinois licensed private security
2 contractor-in-charge, which is a continuing requirement for
3 agency licensure, the Department shall issue, without
4 examination, a license as a private security contractor
5 agency to any of the following:

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

8 (2) A firm that submits an application and all of
9 the members of the firm are licensed private security
10 contractors under this Act.

11 (3) A corporation or limited liability company
12 doing business in Illinois that is authorized by its
13 articles of incorporation or organization to engage in
14 the business of conducting a private security contractor
15 agency if at least one officer or executive employee is
16 licensed as a private security contractor under this Act
17 and all unlicensed officers and directors of the
18 corporation or limited liability company are determined
19 by the Department to be persons of good moral character.

20 (b) No private security contractor may be the private
21 security contractor licensee-in-charge for more than one
22 private security contractor agency. Upon written request by a
23 representative of the agency, within 10 days after the loss
24 of a private security contractor licensee-in-charge of an
25 agency because of the death of that individual or because of
26 the termination of the employment of that individual, the
27 Department shall issue a temporary certificate of authority
28 allowing the continuing operation of the licensed agency. No
29 temporary certificate of authority shall be valid for more
30 than 90 days. An extension of an additional 90 days may be
31 granted upon written request by the representative of the
32 agency. Not more than 2 extensions may be granted to any
33 agency. No temporary permit shall be issued for loss of the
34 licensee-in-charge because of disciplinary action by the

1 Department related to his or her conduct on behalf of the
2 agency.

3 Section 25-20. Training; private security contractor and
4 employees.

5 (a) Registered employees of the private security
6 contractor agency who provide traditional guarding or other
7 private security related functions or who respond to alarm
8 systems shall complete, within 30 days of their employment, a
9 minimum of 20 hours of classroom basic training provided by a
10 qualified instructor, which shall include the following
11 subjects:

12 (1) The law regarding arrest and search and seizure
13 as it applies to private security.

14 (2) Civil and criminal liability for acts related
15 to private security.

16 (3) The use of force, including but not limited to
17 the use of nonlethal force (i.e., disabling spray, baton,
18 stungun or similar weapon).

19 (4) Arrest and control techniques.

20 (5) The offenses under the Criminal Code of 1961
21 that are directly related to the protection of persons
22 and property.

23 (6) The law on private security forces and on
24 reporting to law enforcement agencies.

25 (7) Fire prevention, fire equipment, and fire
26 safety.

27 (8) The procedures for service of process and for
28 report writing.

29 (9) Civil rights and public relations.

30 (b) All other employees of a private security contractor
31 agency shall complete a minimum of 20 hours of training
32 provided by the qualified instructor within 30 days of their
33 employment. The substance of the training shall be related to

1 the work performed by the registered employee.

2 (c) Registered employees of the private security
3 contractor agency who provide guarding or other private
4 security related functions, in addition to the classroom
5 training required under subsection (a), within 6 months of
6 their employment, shall complete an additional 8 hours of
7 training on subjects to be determined by the employer, which
8 training may be site-specific and may be conducted
9 on-the-job.

10 (d) In addition to the basic training provided for in
11 subsections (a) and (c), registered employees of the private
12 security contractor agency who provide guarding or other
13 private security related functions shall complete an
14 additional 8 hours of refresher training on subjects to be
15 determined by the employer each calendar year commencing with
16 the calendar year following the employee's first employment
17 anniversary date, which refresher training may be
18 site-specific and may be conducted on-the-job.

19 (e) It is the responsibility of the employer to certify,
20 on a form provided by the Department, that the employee has
21 successfully completed the basic and refresher training. The
22 form shall be a permanent record of training completed by the
23 employee and shall be placed in the employee's file with the
24 employer for the period the employee remains with the
25 employer. An agency may place a notarized copy of the
26 Department form in lieu of the original into the permanent
27 employee registration card file. The original form shall be
28 given to the employee when his or her employment is
29 terminated. Failure to return the original form to the
30 employee is grounds for disciplinary action. The employee
31 shall not be required to repeat the required training once
32 the employee has been issued the form. An employer may
33 provide or require additional training.

34 (f) Any certification of completion of the 20-hour basic

1 training issued under the Private Detective, Private Alarm,
2 Private Security and Locksmith Act of 1993 or any prior Act
3 shall be accepted as proof of training under this Act.

4 Section 25-30. Uniforms.

5 (a) No licensee under this Act or any employee of a
6 licensed agency shall wear or display a badge, shoulder patch
7 or other identification that contains the words "law
8 enforcement". No license holder or employee of a licensed
9 agency shall imply in any manner that the person is an
10 employee or agent of a governmental entity, display a badge
11 or identification card, emblem, or uniform using the words
12 "police", "sheriff", "highway patrol", "trooper", "law
13 enforcement" or any similar term.

14 (b) All military-style uniforms, if worn, by employees
15 of a licensed private security contractor agency, must bear
16 the name of the private security contractor agency, which
17 shall be plainly visible on a patch, badge, or other
18 insignia.

19 ARTICLE 30. LOCKSMITHS.

20 Section 30-5. Exemptions; locksmith. The provisions of
21 this Act do not apply to any of the following if the person
22 performing the service does not hold himself or herself out
23 as a locksmith:

24 (1) Automobile service dealers who service,
25 install, repair, or rebuild automobile locks.

26 (2) Police officers, firefighters, or municipal
27 employees who open a lock in an emergency situation.

28 (3) A retail merchant selling locks or similar
29 security accessories, duplicating keys, or installing,
30 programming, or servicing electronic garage door devices.

31 (4) A member of the building trades who installs or

1 removes complete locks or locking devices in the course
2 of residential or commercial new construction or
3 remodeling.

4 (5) An employee of a towing service, reposessor,
5 or automobile club opening automotive locks in the normal
6 course of his or her duties. Additionally, this Act shall
7 not prohibit an employee of a towing service from opening
8 motor vehicles to enable a vehicle to be moved without
9 towing, provided the towing service does not hold itself
10 out to the public, by directory advertisement, through a
11 sign at the facilities of the towing service, or by any
12 other form of advertisement, as a locksmith.

13 (6) A student in the course of study in locksmith
14 programs approved by the Department.

15 (7) Warranty service by a lock manufacturer or its
16 employees on the manufacturer's own products.

17 (8) A maintenance employee of a property management
18 company at a multi-family residential building who
19 services, installs, repairs, or opens locks for tenants.

20 (9) A person employed exclusively by only one
21 employer in connection with the exclusive activities of
22 that employer, providing that person does not hold
23 himself or herself out to the public as a locksmith.

24 (10) Persons who have no access to confidential or
25 security information and who otherwise do not provide
26 traditional locksmith services, as defined in this Act,
27 are exempt from employee registration. Examples of exempt
28 employees include, but are not limited to, employees
29 working in the capacity of key cutters, cashiers,
30 drivers, and reception personnel. Confidential or
31 security information is that which pertains to employee
32 files, scheduling, client contracts, master key charts,
33 access codes, or technical security and alarm data.

1 Section 30-10. Qualifications for licensure as a
2 locksmith.

3 (a) A person is qualified for licensure as a locksmith
4 if he or she meets all of the following requirements:

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

6 (2) Has not been convicted of any felony in any
7 jurisdiction or at least 10 years have elapsed since the
8 time of full discharge from a sentence imposed for a
9 felony conviction.

10 (3) Is of good moral character. Good moral
11 character is a continuing requirement of licensure.
12 Conviction of crimes other than felonies may be used in
13 determining moral character, but shall not constitute an
14 absolute bar to licensure.

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

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

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

23 (7) Has passed an examination authorized by the
24 Department.

25 (8) Submits his or her fingerprints, proof of
26 having general liability insurance required under
27 subsection (b), and the required license fee.

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

29 (b) It is the responsibility of the applicant to obtain
30 general liability insurance in an amount and coverage
31 appropriate for the applicant's circumstances as determined
32 by rule. The applicant shall provide evidence of insurance to
33 the Department before being issued a license. Failure to
34 maintain general liability insurance and to provide the

1 Department with written proof of the insurance shall result
2 in cancellation of the license. A locksmith employed by a
3 licensed locksmith agency or employed by a private concern
4 may provide proof that his or her actions as a locksmith are
5 covered by the liability insurance of his or her employer.

6 Section 30-15. Qualifications for licensure as a
7 locksmith agency.

8 (a) Upon receipt of the required fee and proof that the
9 applicant is an Illinois licensed locksmith who shall assume
10 responsibility for the operation of the agency and the
11 directed actions of the agency's employees, which is a
12 continuing requirement for agency licensure, the Department
13 shall issue a license as a locksmith agency to any of the
14 following:

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

17 (2) A firm that submits an application and all of
18 the members of the firm are licensed locksmiths under
19 this Act.

20 (3) A corporation or limited liability company
21 doing business in Illinois that is authorized by its
22 articles of incorporation or organization to engage in
23 the business of conducting a locksmith agency if at least
24 one officer or executive employee is a licensed locksmith
25 under this Act and all unlicensed officers and directors
26 of the corporation or limited liability company are
27 determined by the Department to be persons of good moral
28 character.

29 (b) An individual licensed as a locksmith operating
30 under a business name other than the licensed locksmith's own
31 name shall not be required to obtain a locksmith agency
32 license if that licensed locksmith does not employ any
33 persons to engage in the practice of locksmithing.

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

16 Section 30-20. Training; locksmith and employees.

17 (a) Registered employees of a licensed locksmith agency
18 shall complete a minimum of 20 hours of training provided by
19 a qualified instructor within 30 days of their employment.
20 The substance of the training shall be prescribed by rule.

21 (b) It is the responsibility of the employer to certify,
22 on a form provided by the Department, that the employee has
23 successfully completed the training. The form shall be a
24 permanent record of training completed by the employee and
25 shall be placed in the employee's file with the employer for
26 the period the employee remains with the employer. An agency
27 may place a notarized copy of the Department form in lieu of
28 the original into the PERC file. The original form shall be
29 given to the employee when his or her employment is
30 terminated. Failure to return the original form to the
31 employee is grounds for disciplinary action. The employee
32 shall not be required to repeat the required training once
33 the employee has been issued the form. An employer may

1 provide or require additional training.

2 (c) Any certification of completion of the 20-hour basic
3 training issued under the Private Detective, Private Alarm,
4 Private Security and Locksmith Act of 1993 or any prior Act
5 shall be accepted as proof of training under this Act.

6 Section 30-25. Customer identification; record keeping.

7 (a) A locksmith who bypasses, manipulates, or originates
8 a first key by code for a device safeguarding an area where
9 access is meant to be limited, whether or not for
10 compensation, shall document where the work was performed and
11 the name, address, date of birth, telephone number, and
12 driver's license number or other identification number of the
13 person requesting the work to be done and shall obtain the
14 signature of that person. A copy of the work order form shall
15 be kept by the licensed locksmith for a period of 2 years and
16 shall include the name and license number of the locksmith or
17 the name and identification number of the registered employee
18 who performed the services. Work order forms required to be
19 kept under this Section shall be available for inspection
20 upon written request made 3 days in advance by a law
21 enforcement agency.

22 (b) A locksmith who bypasses, manipulates, or originates
23 a first key for a motor vehicle, whether or not for
24 compensation, shall document the name, address, date of
25 birth, telephone number, vehicle identification number, and
26 driver's license number or other identification number of the
27 person requesting entry and obtain the signature of that
28 person. A copy of the work order form shall be kept by the
29 licensed locksmith for a period of 2 years and shall include
30 the name and license number of the locksmith or the name and
31 identification number of the registered employee who
32 performed the services. Work order forms required to be kept
33 under this Section shall be available for inspection upon

1 written request made 3 days in advance by a law enforcement
2 agency.

3 ARTICLE 35. BUSINESS PRACTICE PROVISIONS.

4 Section 35-5. Display of license. Each licensee shall
5 prominently display his or her individual, agency, or branch
6 office license at each place where business is being
7 conducted, as required under this Act. A licensee-in-charge
8 is required to post his or her license only at the agency
9 office.

10 Section 35-10. Inspection of facilities. Each licensee
11 shall permit his or her office facilities and registered
12 employee files to be audited or inspected at reasonable times
13 and in a reasonable manner upon 24 hours notice by the
14 Department.

15 Section 35-15. Advertisements; penalties.

16 (a) No licensee providing services regulated by this Act
17 may knowingly advertise those services without including his
18 or her license number in the advertisement. The publisher of
19 the advertising, however, is not required to verify the
20 accuracy of the advertisement or the license number.

21 (b) A licensee who advertises services regulated by this
22 Act who knowingly (i) fails to display his or her license at
23 his or her place of business, (ii) fails to provide the
24 publisher with the current license number, or (iii) provides
25 the publisher with a false license number or a license number
26 other than that of the person or agency doing the advertising
27 or a licensee who knowingly allows his or her license number
28 to be displayed or used by another person or agency to
29 circumvent any provision of this subsection, is guilty of a
30 Class A misdemeanor. Each day an advertisement is published

1 or a licensee allows his or her license to be used in
2 violation of this Section constitutes a separate offense. In
3 addition to the penalties and remedies provided in this
4 Section, a licensee who violates any provision of this
5 Section shall be subject to the disciplinary action, fines,
6 and civil penalty provisions of this Act.

7 Section 35-20. Renewal provisions.

8 (a) As a condition of renewal of a license, each
9 licensee shall report to the Department information
10 pertaining to the licensee's business location, status as
11 active or inactive, proof of continued general liability
12 insurance coverage, and any other data as determined by rule
13 to be reasonably related to the administration of this Act.
14 Licensees shall report this information as a condition of
15 renewal, except that a change in home or office address or a
16 change of the licensee-in-charge shall be reported within 10
17 days of when it occurs.

18 (b) Upon renewal, every licensee shall report to the
19 Department every instance during the licensure period in
20 which the quality of his or her professional services in the
21 State of Illinois was the subject of legal action that
22 resulted in a settlement or a verdict in excess of \$10,000.

23 Section 35-25. Duplicate licenses. If a license,
24 permanent employee registration card, or firearm
25 authorization card is lost, a duplicate shall be issued upon
26 proof of such loss together with the payment of the required
27 fee. If a licensee decides to change his or her name, the
28 Department shall issue a license in the new name upon proof
29 that the change was done pursuant to law and payment of the
30 required fee. Notification of a name change shall be made to
31 the Department within 30 days after the change.

1 Section 35-30. Employee requirements. All employees of a
2 licensed agency, other than those exempted, shall apply for a
3 permanent employee registration card. The holder of an agency
4 license issued under this Act, known in this Section as
5 "employer", may employ in the conduct of his or her business
6 employees under the following provisions:

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

9 (A) Is younger than 18 years of age.

10 (B) Is younger than 21 years of age if the
11 services will include being armed.

12 (C) Has been determined by the Department to
13 be unfit by reason of conviction of an offense in
14 this or another state, other than a traffic offense.
15 The Department shall adopt rules for making those
16 determinations that shall afford the applicant due
17 process of law.

18 (D) Has had a license or permanent employee
19 registration card denied, suspended, or revoked
20 under this Act (i) within one year before the date
21 the person's application for permanent employee
22 registration card is received by the Department; and
23 (ii) that refusal, denial, suspension, or revocation
24 was based on any provision of this Act other than
25 Section 40-50, item (6) or (8) of subsection (a) of
26 Section 15-10, subsection (b) of Section 15-10, item
27 (6) or (8) of subsection (a) of Section 20-10,
28 subsection (b) of Section 20-10, item (6) or (8) of
29 subsection (a) of Section 25-10, subsection (b) of
30 Section 25-10, item (7) of subsection (a) of Section
31 30-10, subsection (b) of Section 30-10, or Section
32 10-40.

33 (E) Has been declared incompetent by any court
34 of competent jurisdiction by reason of mental

1 disease or defect and has not been restored.

2 (F) Has been dishonorably discharged from the
3 armed services of the United States.

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

11 (A) The person's full name, age, and residence
12 address.

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

18 (C) That the person has not had a license or
19 employee registration denied, revoked, or suspended
20 under this Act (i) within one year before the date
21 the person's application for permanent employee
22 registration card is received by the Department; and
23 (ii) that refusal, denial, suspension, or revocation
24 was based on any provision of this Act other than
25 Section 40-50, item (6) or (8) of subsection (a) of
26 Section 15-10, subsection (b) of Section 15-10, item
27 (6) or (8) of subsection (a) of Section 20-10,
28 subsection (b) of Section 20-10, item (6) or (8) of
29 subsection (a) of Section 25-10, subsection (b) of
30 Section 25-10, item (7) of subsection (a) of Section
31 30-10, subsection (b) of Section 30-10, or Section
32 10-40.

33 (D) Any conviction of a felony or misdemeanor.

34 (E) Any declaration of incompetence by a court

1 of competent jurisdiction that has not been
2 restored.

3 (F) Any dishonorable discharge from the armed
4 services of the United States.

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

9 (c) Each applicant for a permanent employee registration
10 card shall have his or her fingerprints submitted to the
11 Department of State Police in an electronic format that
12 complies with the form and manner for requesting and
13 furnishing criminal history record information as prescribed
14 by the Department of State Police. These fingerprints shall
15 be checked against the Department of State Police and Federal
16 Bureau of Investigation criminal history record databases now
17 and hereafter filed. The Department of State Police shall
18 charge applicants a fee for conducting the criminal history
19 records check, which shall be deposited in the State Police
20 Services Fund and shall not exceed the actual cost of the
21 records check. The Department of State Police shall furnish,
22 pursuant to positive identification, records of Illinois
23 convictions to the Department. The Department may require
24 applicants to pay a separate fingerprinting fee, either to
25 the Department or directly to the vendor. The Department, in
26 its discretion, may allow an applicant who does not have
27 reasonable access to a designated vendor to provide his or
28 her fingerprints in an alternative manner. The Department, in
29 its discretion, may also use other procedures in performing
30 or obtaining criminal background checks of applicants.
31 Instead of submitting his or her fingerprints, an individual
32 may submit proof that is satisfactory to the Department that
33 an equivalent security clearance has been conducted. Also, an
34 individual who has retired as a peace officer within 12

1 months of application may submit verification, on forms
2 provided by the Department and signed by his or her employer,
3 of his or her previous full-time employment as a peace
4 officer.

5 (d) The Department shall issue a permanent employee
6 registration card, in a form the Department prescribes, to
7 all qualified applicants. The holder of a permanent employee
8 registration card shall carry the card at all times while
9 actually engaged in the performance of the duties of his or
10 her employment. Expiration and requirements for renewal of
11 permanent employee registration cards shall be established by
12 rule of the Department. Possession of a permanent employee
13 registration card does not in any way imply that the holder
14 of the card is employed by an agency unless the permanent
15 employee registration card is accompanied by the employee
16 identification card required by subsection (f) of this
17 Section.

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

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

26 (2) The Employee's Statement specified in
27 subsection (b) of this Section.

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

32 (4) In the case of former employees, the employee
33 identification card of that person issued under
34 subsection (f) of this Section. Each employee record

1 shall duly note if the employee is employed in an armed
2 capacity. Armed employee files shall contain a copy of an
3 active firearm owner's identification card and a copy of
4 an active firearm authorization card. Each employer shall
5 maintain a record for each armed employee of each
6 instance in which the employee's weapon was discharged
7 during the course of his or her professional duties or
8 activities. The record shall be maintained on forms
9 provided by the Department, a copy of which must be filed
10 with the Department within 15 days of an instance. The
11 record shall include the date and time of the occurrence,
12 the circumstances involved in the occurrence, and any
13 other information as the Department may require. Failure
14 to provide this information to the Department or failure
15 to maintain the record as a part of each armed employee's
16 permanent file is grounds for disciplinary action. The
17 Department, upon receipt of a report, shall have the
18 authority to make any investigation it considers
19 appropriate into any occurrence in which an employee's
20 weapon was discharged and to take disciplinary action as
21 may be appropriate.

22 (5) The Department may, by rule, prescribe further
23 record requirements.

24 (f) Every employer shall furnish an employee
25 identification card to each of his or her employees. This
26 employee identification card shall contain a recent
27 photograph of the employee, the employee's name, the name and
28 agency license number of the employer, the employee's
29 personal description, the signature of the employer, the
30 signature of that employee, the date of issuance, and an
31 employee identification card number.

32 (g) No employer may issue an employee identification
33 card to any person who is not employed by the employer in
34 accordance with this Section or falsely state or represent

1 that a person is or has been in his or her employ. It is
2 unlawful for an applicant for registered employment to file
3 with the Department the fingerprints of a person other than
4 himself or herself.

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

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

10 (j) No agency may employ any person to perform a
11 licensed activity under this Act unless the person possesses
12 a valid permanent employee registration card or a valid
13 license under this Act, or is exempt pursuant to subsection
14 (n).

15 (k) Notwithstanding the provisions of subsection (j), an
16 agency may employ a person in a temporary capacity if all of
17 the following conditions are met:

18 (1) The agency completes in its entirety and
19 submits to the Department an application for a permanent
20 employee registration card, including the required
21 fingerprint receipt and fees.

22 (2) The agency has verification from the Department
23 that the applicant has no record of any criminal
24 conviction pursuant to the criminal history check
25 conducted by the Department of State Police. The agency
26 shall maintain the verification of the results of the
27 Department of State Police criminal history check as part
28 of the employee record as required under subsection (e)
29 of this Section.

30 (3) The agency exercises due diligence to ensure
31 that the person is qualified under the requirements of
32 the Act to be issued a permanent employee registration
33 card.

34 (4) The agency maintains a separate roster of the

1 names of all employees whose applications are currently
2 pending with the Department and submits the roster to the
3 Department on a monthly basis. Rosters are to be
4 maintained by the agency for a period of at least 24
5 months.

6 An agency may employ only a permanent employee applicant
7 for which it either submitted a permanent employee
8 application and all required forms and fees or it confirms
9 with the Department that a permanent employee application and
10 all required forms and fees have been submitted by another
11 agency, licensee or the permanent employee and all other
12 requirements of this Section are met.

13 The Department shall have the authority to revoke,
14 without a hearing, the temporary authority of an individual
15 to work upon receipt of Federal Bureau of Investigation
16 fingerprint data or a report of another official authority
17 indicating a criminal conviction. If the Department has not
18 received a temporary employee's Federal Bureau of
19 Investigation fingerprint data within 120 days of the date
20 the Department received the Department of State Police
21 fingerprint data, the Department may, at its discretion,
22 revoke the employee's temporary authority to work with 15
23 days written notice to the individual and the employing
24 agency.

25 An agency may not employ a person in a temporary capacity
26 if it knows or reasonably should have known that the person
27 has been convicted of a crime under the laws of this State,
28 has been convicted in another state of any crime that is a
29 crime under the laws of this State, has been convicted of any
30 crime in a federal court, or has been posted as an unapproved
31 applicant by the Department. Notice by the Department to the
32 agency, via certified mail, personal delivery, electronic
33 mail, or posting on the Department's Internet site accessible
34 to the agency that the person has been convicted of a crime

1 shall be deemed constructive knowledge of the conviction on
2 the part of the agency. The Department may adopt rules to
3 implement this subsection (k).

4 (l) No person may be employed under this Section in any
5 capacity if:

6 (1) the person, while so employed, is being paid by
7 the United States or any political subdivision for the
8 time so employed in addition to any payments he or she
9 may receive from the employer; or

10 (2) the person wears any portion of his or her
11 official uniform, emblem of authority, or equipment while
12 so employed.

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

17 (n) Peace officers shall be exempt from the requirements
18 of this Section relating to permanent employee registration
19 cards. The agency shall remain responsible for any peace
20 officer employed under this exemption, regardless of whether
21 the peace officer is compensated as an employee or as an
22 independent contractor and as further defined by rule.

23 (o) Persons who have no access to confidential or
24 security information and who otherwise do not provide
25 traditional security services are exempt from employee
26 registration. Examples of exempt employees include, but are
27 not limited to, employees working in the capacity of ushers,
28 directors, ticket takers, cashiers, drivers, and reception
29 personnel. Confidential or security information is that which
30 pertains to employee files, scheduling, client contracts, or
31 technical security and alarm data.

32 Section 35-35. Requirement of a firearm authorization
33 card.

1 (a) No person shall perform duties that include the use,
2 carrying, or possession of a firearm in the performance of
3 those duties without complying with the provisions of this
4 Section and having been issued a valid firearm authorization
5 card by the Department.

6 (b) No employer shall employ any person to perform the
7 duties for which employee registration is required and allow
8 that person to carry a firearm unless that person has
9 complied with all the firearm training requirements of this
10 Section and has been issued a firearm authorization card.
11 This Act permits only the following to carry firearms while
12 actually engaged in the performance of their duties or while
13 commuting directly to or from their places of employment:
14 persons licensed as private detectives and their registered
15 employees; persons licensed as private security contractors
16 and their registered employees; persons licensed as private
17 alarm contractors and their registered employees; and
18 employees of a registered armed proprietary security force.

19 (c) Possession of a valid firearm authorization card
20 allows an employee to carry a firearm not otherwise
21 prohibited by law while the employee is engaged in the
22 performance of his or her duties or while the employee is
23 commuting directly to or from the employee's place or places
24 of employment, provided that this is accomplished within one
25 hour from departure from home or place of employment.

26 (d) The Department shall issue a firearm authorization
27 card to a person who has passed an approved firearm training
28 course, who is currently employed by an agency licensed by
29 this Act and has met all the requirements of this Act, and
30 who possesses a valid firearm owner identification card.
31 Application for the firearm authorization card shall be made
32 by the employer to the Department on forms provided by the
33 Department. The Department shall forward the card to the
34 employer who shall be responsible for its issuance to the

1 employee. The firearm authorization card shall be issued by
2 the Department and shall identify the person holding it and
3 the name of the course where the employee received firearm
4 instruction and shall specify the type of weapon or weapons
5 the person is authorized by the Department to carry and for
6 which the person has been trained.

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

9 (f) The Department may, in addition to any other
10 disciplinary action permitted by this Act, refuse to issue,
11 suspend, or revoke a firearm authorization card if the
12 applicant or holder has been convicted of any felony or crime
13 involving the illegal use, carrying, or possession of a
14 deadly weapon or for a violation of this Act or rules
15 promulgated under this Act. The Department shall refuse to
16 issue or shall revoke a firearm authorization card if the
17 applicant or holder fails to possess a valid firearm owners
18 identification card. The Director shall summarily suspend a
19 firearm authorization card if the Director finds that its
20 continued use would constitute an imminent danger to the
21 public. A hearing shall be held before the Board within 30
22 days if the Director summarily suspends a firearm
23 authorization card.

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

27 Section 35-40. Firearm authorization; training
28 requirements.

29 (a) The Department shall, pursuant to rule, approve or
30 disapprove training programs for the firearm training course,
31 which shall be taught by a qualified instructor.
32 Qualifications for instructors shall be set by rule. The
33 firearm training course shall be conducted by entities, by a

1 licensee, or by an agency licensed by this Act, provided the
2 course is approved by the Department. The firearm course
3 shall consist of the following minimum requirements:

4 (1) 40 hours of training, 20 hours of which shall
5 be as described in Sections 15-20, 20-20, or 25-20, as
6 applicable, and 20 hours of which shall include all of
7 the following:

8 (A) Instruction in the dangers of and misuse
9 of firearms, their storage, safety rules, and care
10 and cleaning of firearms.

11 (B) Practice firing on a range with live
12 ammunition.

13 (C) Instruction in the legal use of firearms.

14 (D) A presentation of the ethical and moral
15 considerations necessary for any person who
16 possesses a firearm.

17 (E) A review of the laws regarding arrest,
18 search, and seizure.

19 (F) Liability for acts that may be performed
20 in the course of employment.

21 (2) An examination shall be given at the completion
22 of the course. The examination shall consist of a
23 firearms qualification course and a written examination.
24 Successful completion shall be determined by the
25 Department.

26 (b) The firearm training requirement may be waived for
27 an employee who has completed training provided by the
28 Illinois Law Enforcement Training Standards Board or the
29 equivalent public body of another state, provided
30 documentation showing requalification with the weapon on the
31 firing range is submitted to the Department.

32 Section 35-45. Armed proprietary security force.

33 (a) All financial institutions that employ one or more

1 armed employees and all commercial or industrial operations
2 that employ 5 or more persons as armed employees shall
3 register their security forces with the Department on forms
4 provided by the Department.

5 (b) All armed employees of the registered proprietary
6 security force must complete a 20-hour basic training course
7 and 20-hour firearm training.

8 (c) Every proprietary security force is required to
9 apply to the Department, on forms supplied by the Department,
10 for a firearm authorization card for each armed employee.

11 (d) The Department may provide rules for the
12 administration of this Section.

13 ARTICLE 40. DISCIPLINARY PROVISIONS.

14 Section 40-5. Injunctive relief. The practice of a
15 private detective, private security contractor, private alarm
16 contractor, locksmith, private detective agency, private
17 security contractor agency, private alarm contractor agency,
18 or locksmith agency by any person, firm, corporation, or
19 other legal entity that has not been issued a license by the
20 Department or whose license has been suspended, revoked, or
21 not renewed is hereby declared to be inimical to the public
22 safety and welfare and to constitute a public nuisance. The
23 Director, through the Attorney General, the State's Attorney
24 of any county, any resident of the State, or any legal entity
25 within the State may apply for injunctive relief in any court
26 to enjoin any person, firm, or other entity that has not been
27 issued a license or whose license has been suspended,
28 revoked, or not renewed from conducting a licensed activity.
29 Upon the filing of a verified petition in court, if satisfied
30 by affidavit or otherwise that the person, firm, corporation,
31 or other legal entity is or has been conducting activities in
32 violation of this Act, the court may enter a temporary

1 restraining order or preliminary injunction, without bond,
2 enjoining the defendant from further activity. A copy of the
3 verified complaint shall be served upon the defendant and the
4 proceedings shall be conducted as in civil cases. If it is
5 established the defendant has been or is conducting
6 activities in violation of this Act, the court may enter a
7 judgment enjoining the defendant from that activity. In case
8 of violation of any injunctive order or judgment entered
9 under this Section, the court may punish the offender for
10 contempt of court. Injunctive proceedings shall be in
11 addition to all other penalties under this Act.

12 Section 40-10. Disciplinary sanctions.

13 (a) The Department may deny issuance, refuse to renew,
14 or restore or may reprimand, place on probation, suspend, or
15 revoke any license, registration, permanent employee
16 registration card, or firearm authorization card, and it may
17 impose a fine not to exceed \$1,500 for a first violation and
18 not to exceed \$5,000 for a second or subsequent violation for
19 any of the following:

20 (1) Fraud or deception in obtaining or renewing of
21 a license or registration.

22 (2) Professional incompetence as manifested by poor
23 standards of service.

24 (3) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public.

27 (4) Conviction in Illinois or another state of any
28 crime that is a felony under the laws of Illinois; a
29 felony in a federal court; a misdemeanor, an essential
30 element of which is dishonesty; or directly related to
31 professional practice.

32 (5) Performing any services in a grossly negligent
33 manner or permitting any of a licensee's employees to

1 perform services in a grossly negligent manner,
2 regardless of whether actual damage to the public is
3 established.

4 (6) Continued practice, although the person has
5 become unfit to practice due to any of the following:

6 (A) Physical illness, including, but not
7 limited to, deterioration through the aging process
8 or loss of motor skills that results in the
9 inability to serve the public with reasonable
10 judgment, skill, or safety.

11 (B) Mental disability demonstrated by the
12 entry of an order or judgment by a court that a
13 person is in need of mental treatment or is
14 incompetent.

15 (C) Addiction to or dependency on alcohol or
16 drugs that is likely to endanger the public. If the
17 Department has reasonable cause to believe that a
18 person is addicted to or dependent on alcohol or
19 drugs that may endanger the public, the Department
20 may require the person to undergo an examination to
21 determine the extent of the addiction or dependency.

22 (7) Receiving, directly or indirectly, compensation
23 for any services not rendered.

24 (8) Willfully deceiving or defrauding the public on
25 a material matter.

26 (9) Failing to account for or remit any moneys or
27 documents coming into the licensee's possession that
28 belong to another person or entity.

29 (10) Discipline by another United States
30 jurisdiction or foreign nation, if at least one of the
31 grounds for the discipline is the same or substantially
32 equivalent to those set forth in this Act.

33 (11) Giving differential treatment to a person that
34 is to that person's detriment because of race, color,

1 creed, sex, religion, or national origin.

2 (12) Engaging in false or misleading advertising.

3 (13) Aiding, assisting, or willingly permitting
4 another person to violate this Act or rules promulgated
5 under it.

6 (14) Performing and charging for services without
7 authorization to do so from the person or entity
8 serviced.

9 (15) Directly or indirectly offering or accepting
10 any benefit to or from any employee, agent, or fiduciary
11 without the consent of the latter's employer or principal
12 with intent to or the understanding that this action will
13 influence his or her conduct in relation to his or her
14 employer's or principal's affairs.

15 (16) Violation of any disciplinary order imposed on
16 a licensee by the Department.

17 (17) Failing to comply with any provision of this
18 Act or rule promulgated under it.

19 (18) Conducting an agency without a valid license.

20 (19) Revealing confidential information, except as
21 required by law, including but not limited to information
22 available under Section 2-123 of the Illinois Vehicle
23 Code.

24 (20) Failing to make available to the Department,
25 upon request, any books, records, or forms required by
26 this Act.

27 (21) Failing, within 30 days, to respond to a
28 written request for information from the Department.

29 (22) Failing to provide employment information or
30 experience information required by the Department
31 regarding an applicant for licensure.

32 (23) Failing to make available to the Department at
33 the time of the request any indicia of licensure or
34 registration issued under this Act.

1 (24) Purporting to be a licensee-in-charge of an
2 agency without active participation in the agency.

3 (b) The Department shall seek to be consistent in the
4 application of disciplinary sanctions.

5 Section 40-15. Suspension or revocation of permanent
6 employee registration card. Individuals registered as
7 employees pursuant to the provisions of Section 35-30 of this
8 Act shall be subject to the disciplinary sanctions of this
9 Act and shall otherwise comply with this Act and the rules
10 promulgated under it. Notwithstanding any other provision in
11 this Act to the contrary, registered employees of an agency
12 shall not be responsible for compliance with any requirement
13 that this Act assigns to the agency or the licensee-in-charge
14 regardless of the employee's job title, job duties, or
15 position in the agency. The procedures for disciplining a
16 licensee shall also apply in taking action against a
17 registered employee.

18 Section 40-20. Confidential information; violation. Any
19 person who is or has been an employee of a licensee shall not
20 divulge to anyone, other than to his or her employer, except
21 as required by law or at his employer's direction, any
22 confidential or proprietary information acquired during his
23 or her employment. Any individual who violates this Section
24 or who files false papers or reports to his or her employer
25 may be disciplined under Section 40-10 of this Act.

26 Section 40-25. Submission to physical or mental
27 examination. The Department may order a licensee or a
28 registrant to submit to a reasonable physical or mental
29 examination if the licensee or registrant's mental or
30 physical capacity to work safely is an issue in a
31 disciplinary proceeding. The failure to submit to a

1 Director's order to submit to a reasonable mental or physical
2 exam shall constitute a violation of this Act subject to the
3 disciplinary provisions in Section 40-10.

4 Section 40-30. Insufficient funds; checks. A person who
5 delivers a check or other payment to the Department that is
6 returned to the Department unpaid by the financial
7 institution upon which it was drawn shall pay to the
8 Department, in addition to the amount already owed, a penalty
9 of \$50. The Department shall notify the person by first class
10 mail that his or her check or payment was returned and that
11 the person shall pay to the Department by certified check or
12 money order the amount of the returned check plus a \$50
13 penalty within 30 calendar days after the date of the
14 notification. If, after the expiration of 30 calendar days of
15 the notification, the person has failed to remit the
16 necessary funds and penalty, the Department shall
17 automatically terminate the license or deny the application
18 without a hearing. If the returned check or other payment was
19 for issuance of a license under this Act and that person
20 practices as a licensee, that person may be subject to
21 discipline for unlicensed practice as provided in this Act.
22 If, after termination or denial, the person seeks a license,
23 he or she shall petition the Department for restoration and
24 he or she may be subject to additional discipline or fines.
25 The Director may waive the penalties or fines due under this
26 Section in individual cases where the Director finds that the
27 penalties or fines would be unreasonable or unnecessarily
28 burdensome.

29 Section 40-35. Disciplinary action for educational loan
30 defaults. The Department shall deny a license or renewal
31 authorized by this Act to a person who has defaulted on an
32 educational loan or scholarship provided or guaranteed by the

1 Illinois Student Assistance Commission or any governmental
2 agency of this State. The Department may issue a license or
3 renewal if the person has established a satisfactory
4 repayment record as determined by the Illinois Student
5 Assistance Commission or other appropriate governmental
6 agency of this State. Additionally, a license issued by the
7 Department may be suspended or revoked if the Director, after
8 the opportunity for a hearing under this Act, finds that the
9 licensee has failed to make satisfactory repayment to the
10 Illinois Student Assistance Commission for a delinquent or
11 defaulted loan.

12 Section 40-40. Nonpayment of child support. In cases
13 where the Department of Public Aid or any circuit court has
14 previously determined that a licensee or a potential licensee
15 is more than 30 days delinquent in the payment of child
16 support and has subsequently certified the delinquency to the
17 Department, the Department may refuse to issue or renew or
18 may revoke or suspend that person's license or may take other
19 disciplinary action against that person based solely upon the
20 certification of delinquency made by the Department of Public
21 Aid or a circuit court. Redetermination of the delinquency by
22 the Department shall not be required. In cases regarding the
23 renewal of a license, the Department shall not renew any
24 license if the Department of Public Aid or a circuit court
25 has certified the licensee to be more than 30 days delinquent
26 in the payment of child support, unless the licensee has
27 arranged for payment of past and current child support
28 obligations in a manner satisfactory to the Department of
29 Public Aid or circuit court. The Department may impose
30 conditions, restrictions or disciplinary action upon that
31 renewal in accordance with Section 40-10 of this Act.

32 Section 40-45. Failure to file a tax return. The

1 Department may refuse to issue or may suspend the license of
2 any person, firm, or other entity that fails to file a tax
3 return, to pay a tax, penalty, or interest shown in a filed
4 return, or to pay any final assessment of a tax, penalty, or
5 interest, as required by any law administered by the
6 Department of Revenue until the requirements of the law are
7 satisfied or a repayment agreement with the Department of
8 Revenue has been entered into.

9 Section 40-50. Statute of limitations. No action may be
10 taken under this Act against a person or entity licensed
11 under this Act unless the action is commenced within 5 years
12 after the occurrence of the alleged violations. A continuing
13 violation shall be deemed to have occurred on the date when
14 the circumstances last existed that give rise to the alleged
15 violation.

16 ARTICLE 45. INVESTIGATION AND HEARING PROVISIONS

17 Section 45-10. Complaints investigated by the
18 Department.

19 (a) The Department shall investigate all complaints
20 concerning violations regarding licensees or unlicensed
21 activity.

22 (b) Following an investigation, the Department may file
23 formal charges against the licensee. The formal charges shall
24 inform the licensee of the facts that are the basis of the
25 charges with enough specificity to enable the licensee to
26 prepare an intelligent defense.

27 (c) Each licensee whose conduct is the subject of a
28 formal charge that seeks to impose disciplinary action
29 against the licensee shall be served notice of that charge at
30 least 30 days before the date of the hearing. The hearing
31 shall be presided over by a Board member or by a hearing

1 officer authorized by the Department. Service shall be
2 considered to have been given if the notice was personally
3 received by the licensee or if the notice was mailed by
4 certified mail, return receipt requested, to the licensee at
5 the licensee's address on file with the Department.

6 (d) The notice of formal charges shall consist of the
7 following information:

8 (1) The time, place, and date of the hearing.

9 (2) That the licensee shall appear personally at
10 the hearing and may be represented by counsel.

11 (3) That the licensee may produce witnesses and
12 evidence on his or her behalf and has the right to cross-
13 examine witnesses and evidence produced against him or
14 her.

15 (4) That the hearing could result in disciplinary
16 action.

17 (5) That rules for the conduct of hearings are
18 available from the Department.

19 (6) That a hearing officer authorized by the
20 Department shall conduct the hearing and, following the
21 conclusion of that hearing, shall make findings of fact,
22 conclusions of law, and recommendations, separately
23 stated, to the Board as to what disciplinary action, if
24 any, should be imposed on the licensee.

25 (7) That the licensee shall file a written answer
26 to the Board under oath within 20 days after the service
27 of the notice, and that if the licensee fails to file an
28 answer default will be taken and the license or
29 certificate may be suspended, revoked, or placed on
30 probationary status, or other disciplinary action may be
31 taken, including limiting the scope, nature, or extent of
32 practice, as the Director may consider proper.

33 In case the licensee, after receiving notice, fails
34 to file an answer, that person's license or certificate

1 may, in the discretion of the Director, having received
2 first the recommendation of the Board, be suspended,
3 revoked, or placed on probationary status; or the
4 Director may take whatever disciplinary action is
5 considered under this Act, including limiting the scope,
6 nature, or extent of the person's practice, without a
7 hearing, if the act or acts charged constitute sufficient
8 grounds for the action under this Act.

9 Section 45-15. Hearing; rehearing; public record.

10 (a) The Board or the hearing officer authorized by the
11 Department shall hear evidence in support of the formal
12 charges and evidence produced by the licensee. At the
13 conclusion of the hearing, the Board shall make findings of
14 fact, conclusions of law, and recommendations and submit them
15 to the Director and to all parties to the proceeding.

16 (b) The Board's findings of fact, conclusions of law,
17 and recommendations shall be served on the licensee in the
18 same manner as was the service of the notice of formal
19 charges. Within 20 days after the service, any party to the
20 proceeding may present to the Director a motion, in writing,
21 specifying the grounds for a rehearing or reconsideration of
22 the decision or sanctions.

23 (c) The Director, following the time allowed for filing
24 a motion for rehearing or reconsideration, shall review the
25 Board's findings of fact, conclusions of law and
26 recommendations and any subsequently filed motions. After
27 review of the information, the Director may hear oral
28 arguments and thereafter shall issue an order. The report of
29 findings of fact, conclusions of law and recommendations of
30 the Board shall be the basis for the Department's order. If
31 the Director finds that substantial justice was not done, the
32 Director may issue an order in contravention of the Board's
33 recommendations. The Director shall provide the Board with a

1 written explanation of any deviation and shall specify the
2 reasons for the action. The findings of the Board and the
3 Director are not admissible as evidence against the person in
4 a criminal prosecution brought for the violation of this Act.

5 (d) All proceedings under this Section are matters of
6 public record and shall be preserved.

7 (e) Upon the suspension or revocation of a license, the
8 licensee shall surrender the license to the Department and,
9 upon failure to do so, the Department shall seize the same.

10 Section 45-20. Temporary suspension of a license. The
11 Director may temporarily suspend a license without a hearing,
12 simultaneously with the initiation of the procedure for a
13 hearing provided for in this Act, if the Director finds that
14 evidence indicates that a licensee's continuation in business
15 would constitute an imminent danger to the public. If the
16 Director temporarily suspends a license without a hearing, a
17 hearing by the Department shall be held within 30 days after
18 the suspension has occurred.

19 Section 45-25. Disposition by consent order. Disposition
20 may be made of any charge by consent order between the
21 Department and the licensee. The Board shall be apprised of
22 the consent order at its next meeting.

23 Section 45-30. Restoration of license after disciplinary
24 proceedings. The Department shall reinstate any license to
25 good standing under this Act upon recommendation to the
26 Director, after a hearing before the Board or a hearing
27 officer authorized by the Department. The Department shall be
28 satisfied that the applicant's renewed practice is not
29 contrary to the public interest.

30 Section 45-35. Cease and desist orders. Whenever the

1 Department has reason to believe a person, firm, corporation,
2 or other legal entity has violated any provision of Section
3 10-5, the Department may issue a rule to show cause why an
4 order to cease and desist should not be entered against that
5 person, firm, corporation, or other legal entity. The rule
6 shall clearly set forth the grounds relied upon by the
7 Department and shall provide a period of 7 days from the date
8 of the rule to file an answer to the satisfaction of the
9 Department. Failure to answer to the satisfaction of the
10 Department shall cause an order to cease and desist to be
11 issued immediately.

12 Section 45-40. Administrative review. All final
13 administrative decisions of the Department are subject to
14 judicial review under Article III of the Code of Civil
15 Procedure. The term "administrative decision" is defined as
16 in Section 3-101 of the Code of Civil Procedure. The
17 proceedings for judicial review shall be commenced in the
18 circuit court of the county in which the party applying for
19 review resides; but if the party is not a resident of
20 Illinois, the venue shall be in Sangamon County. The
21 Department shall not be required to certify any record to the
22 court or file any answer in court or otherwise appear in any
23 court in a judicial review proceeding, unless there is filed
24 in the court with the complaint a receipt from the Department
25 acknowledging payment of the costs of furnishing and
26 certifying the record. Costs shall be computed at the cost of
27 preparing the record. Exhibits shall be certified without
28 cost. Failure on the part of the applicant or licensee to
29 file a receipt in court is grounds for dismissal of the
30 action. During all judicial proceedings incident to a
31 disciplinary action, the sanctions imposed upon a licensee by
32 the Department shall remain in effect, unless the court
33 determines justice requires a stay of the order.

1 Section 45-45. Prima facie proof. An order of revocation
2 or suspension or placing a license on probationary status or
3 other disciplinary action as the Department may consider
4 proper or a certified copy thereof, over the seal of the
5 Department and purporting to be signed by the Director, is
6 prima facie proof that:

- 7 (1) the signature is that of the Director;
- 8 (2) the Director is qualified to act; and
- 9 (3) the members of the Board are qualified to act.

10 Section 45-50. Unlicensed practice; fraud in obtaining a
11 license.

12 (a) A person who violates any of the following
13 provisions shall be guilty of a Class A misdemeanor; a person
14 who commits a second or subsequent violation of these
15 provisions is guilty of a Class 4 felony:

16 (1) The practice of or attempted practice of or
17 holding out as available to practice as a private
18 detective, private security contractor, private alarm
19 contractor, or locksmith without a license.

20 (2) Operation of or attempt to operate a private
21 detective agency, private security contractor agency,
22 private alarm contractor agency, or locksmith agency
23 without ever having been issued a valid agency license.

24 (3) The obtaining of or the attempt to obtain any
25 license or authorization issued under this Act by
26 fraudulent misrepresentation.

27 (b) Whenever a licensee is convicted of a felony related
28 to the violations set forth in this Section, the clerk of the
29 court in any jurisdiction shall promptly report the
30 conviction to the Department and the Department shall
31 immediately revoke any license as a private detective,
32 private security contractor, private alarm contractor, or
33 locksmith held by that licensee. The individual shall not be

1 eligible for licensure under this Act until at least 10 years
2 have elapsed since the time of full discharge from any
3 sentence imposed for a felony conviction. If any person in
4 making any oath or affidavit required by this Act swears
5 falsely, the person is guilty of perjury and may be punished
6 accordingly.

7 (c) In addition to any other penalty provided by law, a
8 person who violates any provision of this Section shall pay a
9 civil penalty to the Department in an amount not to exceed
10 \$5,000 for each offense, as determined by the Department. The
11 civil penalty shall be imposed in accordance with this Act.

12 Section 45-55. Subpoenas.

13 (a) The Department may subpoena and bring before it any
14 person to take the testimony with the same fees and in the
15 same manner as prescribed in civil cases.

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

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

28 Section 45-60. Stenographers. The Department, at its
29 expense, shall provide a stenographer to preserve a record of
30 all hearing and pre-hearing proceedings if a license may be
31 revoked, suspended, or placed on probationary status or other
32 disciplinary action is taken. The notice of hearing, the

1 complaint, all other documents in the nature of pleadings and
2 written motions filed in the proceedings, the transcript of
3 testimony, the report of the Board, and the orders of the
4 Department shall constitute the record of the proceedings.
5 The Department shall furnish a transcript of the record upon
6 payment of the costs of copying and transmitting the record.

7 ARTICLE 50. ADMINISTRATIVE PROVISIONS

8 Section 50-5. Personnel; investigators. The Director
9 shall employ, pursuant to the Personnel Code, personnel, on a
10 full-time or part-time basis, for the enforcement of this
11 Act. Each investigator shall have a minimum of 2 years
12 investigative experience out of the immediately preceding 5
13 years. No investigator may hold an active license issued
14 pursuant to this Act, nor may an investigator have a
15 financial interest in a business licensed under this Act.
16 This prohibition, however, does not apply to an investigator
17 holding stock in a business licensed under this Act, provided
18 the investigator does not hold more than 5% of the stock in
19 the business. Any person licensed under this Act who is
20 employed by the Department shall surrender his or her license
21 to the Department for the duration of that employment. The
22 licensee shall be exempt from all renewal fees while
23 employed. While employed by the Department, the licensee is
24 not required to maintain the general liability insurance
25 coverage required by this Act.

26 Section 50-10. The Private Detective, Private Alarm,
27 Private Security, and Locksmith Board.

28 (a) The Private Detective, Private Alarm, Private
29 Security, and Locksmith Board shall consist of 11 members
30 appointed by the Director and comprised of 2 licensed private
31 detectives, 3 licensed private security contractors, 2

1 licensed private alarm contractors, 2 licensed locksmiths,
2 one public member who is not licensed or registered under
3 this Act and who has no connection with a business licensed
4 under this Act, and one member representing the employees
5 registered under this Act. Each member shall be a resident of
6 Illinois. Each licensed member shall have at least 5 years
7 experience as a licensee in the professional area in which
8 the person is licensed and be in good standing and actively
9 engaged in that profession. In making appointments, the
10 Director shall consider the recommendations of the
11 professionals and the professional organizations representing
12 the licensees. The membership shall reasonably reflect the
13 different geographic areas in Illinois.

14 (b) Members shall serve 4 year terms and may serve until
15 their successors are appointed. No member shall serve for
16 more than 2 successive terms. Appointments to fill vacancies
17 shall be made in the same manner as the original appointments
18 for the unexpired portion of the vacated term. Members of the
19 Board in office on the effective date of this Act pursuant to
20 the Private Detective, Private Alarm, Private Security, and
21 Locksmith Act of 1993 shall serve for the duration of their
22 terms and may be appointed for one additional term.

23 (c) A member of the Board may be removed for cause. A
24 member subject to formal disciplinary proceedings shall
25 disqualify himself or herself from all Board business until
26 the charge is resolved. A member also shall disqualify
27 himself or herself from any matter on which the member cannot
28 act objectively.

29 (d) Members shall receive compensation as set by law.
30 Each member shall receive reimbursement as set by the
31 Governor's Travel Control Board for expenses incurred in
32 carrying out the duties as a Board member.

33 (e) A majority of Board members constitutes a quorum. A
34 majority vote of the quorum is required for a decision.

1 (f) The Board shall elect a chairperson and vice
2 chairperson.

3 (g) Board members are not liable for their acts,
4 omissions, decisions, or other conduct in connection with
5 their duties on the Board, except those determined to be
6 willful, wanton, or intentional misconduct.

7 (h) The Board may recommend policies, procedures, and
8 rules relevant to the administration and enforcement of this
9 Act.

10 Section 50-15. Powers and duties of the Department.

11 (a) The Department shall exercise the powers and duties
12 prescribed by the Civil Administrative Code of Illinois and
13 shall exercise all other powers and duties set forth in this
14 Act.

15 (b) The Director shall prescribe forms to be issued for
16 the administration and enforcement of this Act.

17 Section 50-20. Rules. The Department may promulgate
18 rules for the administration and enforcement of this Act. The
19 rules shall include standards for registration, licensure,
20 professional conduct, and discipline. The Department shall
21 consult with the Board prior to promulgating any rule.
22 Proposed rules shall be transmitted, prior to publication in
23 the Illinois Register, to the Board and the Department shall
24 review the Board's recommendations and shall notify the Board
25 with an explanation of any deviations from the Board's
26 recommendations.

27 Section 50-25. Home rule. Pursuant to paragraph (h) of
28 Section 6 of Article VII of the Illinois Constitution of
29 1970, the power to regulate the private detective, private
30 security, private alarm, or locksmith business or their
31 employees shall be exercised exclusively by the State and may

1 not be exercised by any unit of local government, including
2 home rule units.

3 Section 50-30. Fees; deposit of fees and fines. The
4 Department shall by rule provide for fees for the
5 administration and enforcement of this Act, and those fees
6 are nonrefundable. All of the fees and fines collected under
7 this Act shall be deposited into the General Professions
8 Dedicated Fund and be appropriated to the Department for the
9 ordinary and contingent expenses of the Department in the
10 administration and enforcement of this Act.

11 Section 50-35. Rosters. The Department shall, upon
12 request and payment of the fee, provide a list of the names
13 and addresses of all licensees under this Act.

14 Section 50-40. Rights and obligations. All rights and
15 obligations incurred and any actions commenced under the
16 Private Detective, Private Alarm, Private Security, and
17 Locksmith Act of 1993 shall not be impaired by the enactment
18 of this Act. Rules adopted under the Private Detective,
19 Private Alarm Private Security, and Locksmith Act of 1993,
20 unless inconsistent with this Act, shall remain in effect
21 until amended or revoked. All licenses issued by the
22 Department permitting the holder to act as a private
23 detective, private detective agency, private security
24 contractor, private security contractor agency, private alarm
25 contractor, private alarm contractor agency, locksmith, or
26 locksmith agency that are valid on the effective date of this
27 Act shall be considered valid under this Act. All licenses
28 issued under the Private Detective, Private Alarm, Private
29 Security, and Locksmith Act of 1993 are valid and are subject
30 to the same authority of the Department to revoke or suspend
31 them as licenses issued under this Act."; and

1 by deleting pages 2 through 62; and

2 on page 63, by deleting lines 1 through 27.