



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1285

Introduced 2/20/2007, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

See Index

Amends the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Changes the short title to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and makes conforming changes in various other Acts. Adds provisions to the Act requiring the licensure of fingerprint vendors (persons that offer, advertise, or provide services to fingerprint individuals, through electronic or other means, for the purpose of providing fingerprint images and associated demographic data to the Department of State Police for processing fingerprint based criminal history record information inquiries). Preempts home rule powers. Effective immediately.

LRB095 04494 RAS 24545 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.24 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts repealed on January 1, 2014. The following
8 Acts are repealed on January 1, 2014:

9 The Electrologist Licensing Act.

10 The Illinois Certified Shorthand Reporters Act of 1984.

11 The Illinois Occupational Therapy Practice Act.

12 The Illinois Public Accounting Act.

13 The Private Detective, Private Alarm, Private Security,
14 Fingerprint Vendor, and Locksmith Act of 2004.

15 The Registered Surgical Assistant and Registered Surgical
16 Technologist Title Protection Act.

17 The Veterinary Medicine and Surgery Practice Act of 2004.

18 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03;
19 93-280, eff. 7-1-04; 93-281, eff. 12-31-03; 93-438, eff.
20 8-5-03; 93-460, eff. 8-8-03; 93-461, eff. 8-8-03; revised
21 10-29-04.)

22 Section 10. The Criminal Identification Act is amended by

1 changing Section 3.1 as follows:

2 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

3 Sec. 3.1. (a) The Department may furnish, pursuant to
4 positive identification, records of convictions to the
5 Department of Professional Regulation for the purpose of
6 meeting registration or licensure requirements under The
7 Private Detective, Private Alarm, Private Security,
8 Fingerprint Vendor, and Locksmith Act of 2004.

9 (b) The Department may furnish, pursuant to positive
10 identification, records of convictions to policing bodies of
11 this State for the purpose of assisting local liquor control
12 commissioners in carrying out their duty to refuse to issue
13 licenses to persons specified in paragraphs (4), (5) and (6) of
14 Section 6-2 of The Liquor Control Act of 1934.

15 (c) The Department shall charge an application fee, based
16 on actual costs, for the dissemination of records pursuant to
17 this Section. Fees received for the dissemination of records
18 pursuant to this Section shall be deposited in the State Police
19 Services Fund. The Department is empowered to establish this
20 fee and to prescribe the form and manner for requesting and
21 furnishing conviction information pursuant to this Section.

22 (d) Any dissemination of any information obtained pursuant
23 to this Section to any person not specifically authorized
24 hereby to receive or use it for the purpose for which it was
25 disseminated shall constitute a violation of Section 7.

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

2 Section 15. The Service Contract Act is amended by changing
3 Section 10 as follows:

4 (215 ILCS 152/10)

5 Sec. 10. Exemptions. Service contract providers and
6 related service contract sellers and administrators complying
7 with this Act are not required to comply with and are not
8 subject to any provision of the Illinois Insurance Code. A
9 service contract provider who is the manufacturer or a
10 wholly-owned subsidiary of the manufacturer of the product or
11 the builder, seller, or lessor of the product that is the
12 subject of the service contract is required to comply only with
13 Sections 30, 35, 45, and 50 of this Act; except that, a service
14 contract provider who sells a motor vehicle, excluding a
15 motorcycle as defined in Section 1-147 of the Illinois Vehicle
16 Code, or who leases, but is not the manufacturer of, the motor
17 vehicle, excluding a motorcycle as defined in Section 1-147 of
18 the Illinois Vehicle Code, that is the subject of the service
19 contract must comply with this Act in its entirety. Contracts
20 for the repair and monitoring of private alarm or private
21 security systems regulated under the Private Detective,
22 Private Alarm, Private Security, Fingerprint Vendor, and
23 Locksmith Act of 2004 are not required to comply with this Act
24 and are not subject to any provision of the Illinois Insurance

1 Code.

2 (Source: P.A. 92-16, eff. 6-28-01; 93-438, eff. 8-5-03.)

3 Section 20. The Private Detective, Private Alarm, Private
4 Security, and Locksmith Act of 2004 is amended by changing
5 Sections 5-5, 5-10, and 10-5 and Sections 35-30, 35-35, 40-5,
6 40-10, 45-50, 50-10, and 50-25 and by adding Article 31 as
7 follows:

8 (225 ILCS 447/5-5)

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

10 Sec. 5-5. Short title; Act supersedes the Private
11 Detective, Private Alarm, Private Security, and Locksmith Act
12 of 1993. This Act may be cited as the Private Detective,
13 Private Alarm, Private Security, Fingerprint Vendor, and
14 Locksmith Act of 2004 and it supersedes the Private Detective,
15 Private Alarm, Private Security, and Locksmith Act of 1993
16 repealed by this Act.

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

18 (225 ILCS 447/5-10)

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

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

21 "Advertisement" means any printed material that is
22 published in a phone book, newspaper, magazine, pamphlet,
23 newsletter, or other similar type of publication that is

1 intended to either attract business or merely provide contact
2 information to the public for an agency or licensee.
3 Advertisement shall include any material disseminated by
4 printed or electronic means or media, but shall not include a
5 licensee's or an agency's letterhead, business cards, or other
6 stationery used in routine business correspondence or
7 customary name, address, and number type listings in a
8 telephone directory.

9 "Alarm system" means any system, including an electronic
10 access control system, a surveillance video system, a security
11 video system, a burglar alarm system, a fire alarm system, or
12 any other electronic system, that activates an audible,
13 visible, remote, or recorded signal that is designed for the
14 protection or detection of intrusion, entry, theft, fire,
15 vandalism, escape, or trespass.

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

25 "Armed proprietary security force" means a security force
26 made up of 5 or more armed individuals employed by a private,

1 commercial, or industrial operation or one or more armed
2 individuals employed by a financial institution as security
3 officers for the protection of persons or property.

4 "Board" means the Private Detective, Private Alarm,
5 Private Security, Fingerprint Vendor, and Locksmith Board.

6 "Branch office" means a business location removed from the
7 place of business for which an agency license has been issued,
8 including but not limited to locations where active employee
9 records that are required to be maintained under this Act are
10 kept, where prospective new employees are processed, or where
11 members of the public are invited in to transact business. A
12 branch office does not include an office or other facility
13 located on the property of an existing client that is utilized
14 solely for the benefit of that client and is not owned or
15 leased by the agency.

16 "Corporation" means an artificial person or legal entity
17 created by or under the authority of the laws of a state,
18 including without limitation a corporation, limited liability
19 company, or any other legal entity.

20 "Department" means the Department of Professional
21 Regulation.

22 "Director" means the Director of Professional Regulation.

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

1 "Fingerprint vendor" means a person that offers,
2 advertises, or provides services to fingerprint individuals,
3 through electronic or other means, for the purpose of providing
4 fingerprint images and associated demographic data to the
5 Department of State Police for processing fingerprint based
6 criminal history record information inquiries.

7 "Fingerprint vendor agency" means a person, firm,
8 corporation, or other legal entity that engages in the
9 fingerprint vendor business and employs, in addition to the
10 fingerprint vendor licensee-in-charge, at least one other
11 person in conducting that business.

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

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

25 "Firearm authorization card" means a card issued by the
26 Department that authorizes the holder to carry a weapon during

1 the performance of his or her duties as specified in this Act.

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

4 "Locksmith" means a person who engages in a business or
5 holds himself out to the public as providing a service that
6 includes, but is not limited to, the servicing, installing,
7 originating first keys, re-coding, repairing, maintaining,
8 manipulating, or bypassing of a mechanical or electronic
9 locking device, access control or video surveillance system at
10 premises, vehicles, safes, vaults, safe deposit boxes, or
11 automatic teller machines.

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

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

24 "Peace officer" or "police officer" means a person who, by
25 virtue of office or public employment, is vested by law with a
26 duty to maintain public order or to make arrests for offenses,

1 whether that duty extends to all offenses or is limited to
2 specific offenses. Officers, agents, or employees of the
3 federal government commissioned by federal statute to make
4 arrests for violations of federal laws are considered peace
5 officers.

6 "Permanent employee registration card" means a card issued
7 by the Department to an individual who has applied to the
8 Department and meets the requirements for employment by a
9 licensed agency under this Act.

10 "Person" means a natural person.

11 "Private alarm contractor" means a person who engages in a
12 business that individually or through others undertakes,
13 offers to undertake, purports to have the capacity to
14 undertake, or submits a bid to sell, install, monitor,
15 maintain, alter, repair, replace, or service alarm and other
16 security-related systems or parts thereof, including fire
17 alarm systems, at protected premises or premises to be
18 protected or responds to alarm systems at a protected premises
19 on an emergency basis and not as a full-time security officer.

20 "Private alarm contractor" does not include a person, firm, or
21 corporation that manufactures or sells alarm systems only from
22 its place of business and does not sell, install, monitor,
23 maintain, alter, repair, replace, service, or respond to alarm
24 systems at protected premises or premises to be protected.

25 "Private alarm contractor agency" means a person,
26 corporation, or other entity that engages in the private alarm

1 contracting business and employs, in addition to the private
2 alarm contractor-in-charge, at least one other person in
3 conducting such business.

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

13 "Private detective" means any person who by any means,
14 including but not limited to manual or electronic methods,
15 engages in the business of, accepts employment to furnish, or
16 agrees to make or makes investigations for a fee or other
17 consideration to obtain information relating to:

18 (1) Crimes or wrongs done or threatened against the
19 United States, any state or territory of the United States,
20 or any local government of a state or territory.

21 (2) The identity, habits, conduct, business
22 occupation, honesty, integrity, credibility, knowledge,
23 trustworthiness, efficiency, loyalty, activity, movements,
24 whereabouts, affiliations, associations, transactions,
25 acts, reputation, or character of any person, firm, or
26 other entity by any means, manual or electronic.

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

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

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

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

10 (7) The protection of individuals from bodily harm or
11 death (bodyguard functions).

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

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

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

1 agency affairs.

2 "Private security contractor" means a person who engages in
3 the business of providing a private security officer, watchman,
4 patrol, or a similar service by any other title or name on a
5 contractual basis for another person, firm, corporation, or
6 other entity for a fee or other consideration and performing
7 one or more of the following functions:

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

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

13 (3) The protection of persons authorized to be on the
14 premises of the person, firm, or other entity for which the
15 security contractor contractually provides security
16 services.

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

20 (5) The control, regulation, or direction of the
21 movement of the public for the time specifically required
22 for the protection of property owned or controlled by the
23 client.

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

26 "Private security contractor agency" means a person, firm,

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

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

14 "Public member" means a person who is not a licensee or
15 related to a licensee, or who is not an employer or employee of
16 a licensee. The term "related to" shall be determined by the
17 rules of the Department.

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

19 (225 ILCS 447/10-5)

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

21 Sec. 10-5. Requirement of license.

22 (a) It is unlawful for a person to act as or provide the
23 functions of a private detective, private security contractor,
24 private alarm contractor, fingerprint vendor, or locksmith or
25 to advertise or to assume to act as any one of these, or to use

1 these or any other title implying that the person is engaged in
2 any of these activities unless licensed as such by the
3 Department. An individual or sole proprietor who does not
4 employ any employees other than himself or herself may operate
5 under a "doing business as" or assumed name certification
6 without having to obtain an agency license, so long as the
7 assumed name is first registered with the Department.

8 (b) It is unlawful for a person, firm, corporation, or
9 other legal entity to act as an agency licensed under this Act,
10 to advertise, or to assume to act as a licensed agency or to
11 use a title implying that the person, firm, or other entity is
12 engaged in the practice as a private detective agency, private
13 security contractor agency, private alarm contractor agency,
14 fingerprint vendor agency, or locksmith agency unless licensed
15 by the Department.

16 (c) No agency shall operate a branch office without first
17 applying for and receiving a branch office license for each
18 location.

19 (d) It is unlawful for a person to operate live scan
20 fingerprint equipment or other equipment designed to obtain
21 fingerprint images for the purpose of providing fingerprint
22 images and associated demographic data to the Department of
23 State Police, unless he or she has successfully completed a
24 fingerprint training course conducted or authorized by the
25 Department of State Police and is licensed as a fingerprint
26 vendor.

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

2 (225 ILCS 447/Art. 31 heading new)

3 ARTICLE 31. FINGERPRINT VENDORS.

4 (225 ILCS 447/31-5 new)

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

6 Sec. 31-5. Exemptions. The provisions of this Act regarding
7 fingerprint vendors do not apply to any of the following, if
8 the person performing the service does not hold himself or
9 herself out as a fingerprint vendor or fingerprint vendor
10 agency:

11 (1) An employee of the United States, Illinois, or a
12 political subdivision, including public school districts,
13 of either while the employee is engaged in the performance
14 of his or her official duties within the scope of his or
15 her employment. However, any such person who offers his or
16 her services as a fingerprint vendor or uses a similar
17 title when these services are performed for compensation or
18 other consideration, whether received directly or
19 indirectly, is subject to this Act.

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

1 (225 ILCS 447/31-10 new)

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

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

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

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

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

12 (3) Is of good moral character. Good moral character is
13 a continuing requirement of licensure. Conviction of
14 crimes other than felonies may be used in determining moral
15 character, but shall not constitute an absolute bar to
16 licensure, except where the applicant is a registered sex
17 offender.

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

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

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

26 (7) Submits certification issued by the Department of

1 State Police that the applicant has successfully completed
2 a fingerprint vendor training course conducted or
3 authorized by the Department of State Police.

4 (8) Submits his or her fingerprints, in accordance with
5 subsection (b).

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

8 (10) Provides evidence satisfactory to the Department
9 that the applicant has obtained general liability
10 insurance in an amount and with coverage as determined by
11 rule. Failure to maintain general liability insurance and
12 failure to provide the Department with written proof of the
13 insurance, upon request, shall result in cancellation of
14 the license without hearing. A fingerprint vendor employed
15 by a licensed fingerprint vendor agency may provide proof
16 that his or her actions as a fingerprint vendor are covered
17 by the liability insurance of his or her employer.

18 (11) pays the required licensure fee.

19 (12) submits certification issued by the Department of
20 State Police that the applicant's fingerprinting equipment
21 and software meets all specifications required by the
22 Department of State Police. Compliance with Department of
23 State Police fingerprinting equipment and software
24 specifications is a continuing requirement for licensure.

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

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

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

4 (225 ILCS 447/31-15 new)

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

6 Sec. 31-15. Qualifications for licensure as a fingerprint
7 vendor agency.

8 (a) Upon receipt of the required fee and proof that the
9 applicant is an Illinois licensed fingerprint vendor who shall
10 assume 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 may issue a license as a fingerprint vendor agency to any of
14 the following:

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

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

20 (3) A corporation or limited liability company doing
21 business in Illinois that is authorized by its articles of
22 incorporation or organization to engage in the business of
23 conducting a fingerprint vendor agency if at least one
24 officer or executive employee is a licensed fingerprint
25 vendor under this Act and all unlicensed officers and

1 directors of the corporation or limited liability company
2 are determined by the Department to be persons of good
3 moral character.

4 (4) Submits proof that the applicant has successfully
5 completed a fingerprint vendor course conducted or
6 authorized by the Department of State Police and that the
7 applicant's fingerprinting equipment and software meet all
8 specifications required by the Department of State Police.

9 (b) An individual licensed as a fingerprint vendor
10 operating under a business name other than the licensed
11 fingerprint vendor's own name shall not be required to obtain a
12 fingerprint vendor agency license if that licensed fingerprint
13 vendor does not employ any persons to provide fingerprinting
14 services.

15 (c) No fingerprint vendor may be the fingerprint vendor
16 licensee-in-charge for more than one fingerprint vendor
17 agency. Upon written request by a representative of the agency,
18 within 10 days after the loss of a fingerprint vendor
19 licensee-in-charge of an agency because of the death of that
20 individual or because of the termination of the employment of
21 that individual, the Department shall issue a temporary
22 certificate of authority allowing the continuing operation of
23 the licensed agency. No temporary certificate of authority
24 shall be valid for more than 90 days. An extension of an
25 additional 90 days may be granted upon written request by the
26 representative of the agency. Not more than one extension may

1 be granted to any agency. No temporary permit shall be issued
2 for loss of the licensee-in-charge because of disciplinary
3 action by the Department related to his or her conduct on
4 behalf of the agency.

5 (225 ILCS 447/31-20 new)

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

7 Sec. 31-20. Training; fingerprint vendor and employees.

8 (a) Registered employees of a licensed Fingerprint Vendor
9 agency shall complete a minimum of 20 hours of training
10 provided by a qualified instructor within 31 days of their
11 employment. The substance of the training shall be prescribed
12 by rule.

13 (b) It is the responsibility of the employer to certify, on
14 a form provided by the Department, that the employee has
15 successfully completed the training. The form shall be a
16 permanent record of training completed by the employee and
17 shall be placed in the employee's file with the employer for
18 the period the employee remains with the employer. An agency
19 may place a notarized copy of the Department form, in lieu of
20 the original, into the permanent employee registration card
21 file. The original form shall be given to the employee when his
22 or her employment is terminated. Failure to return the original
23 form to the employee is grounds for disciplinary action. The
24 employee shall not be required to repeat the required training
25 once 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 2004 or any prior Act
5 shall be accepted as proof of training under this Act.

6 (d) No registered employee of a licensed fingerprint vendor
7 agency may operate live scan fingerprint equipment or other
8 equipment designed to obtain fingerprint images for the purpose
9 of providing fingerprint images and associated demographic
10 data to the Department of State Police.

11 (225 ILCS 447/31-25 new)

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

13 Sec. 31-25. Customer identification; record keeping. A
14 fingerprint vendor or fingerprint vendor agency shall document
15 in the form of a work order when and where each and every
16 fingerprint service is provided. The work order shall also
17 include the name, address, date of birth, telephone number, and
18 driver's license number or other identification number of the
19 person requesting the service to be done, the signature of that
20 person, the routing number and any other information or
21 documentation as provided by rule. All work orders shall be
22 kept by the licensed fingerprint vendor for a period of 2 years
23 from the date of service and shall include the name and license
24 number of the fingerprint vendor and, if applicable, the name
25 and identification number of the registered employee who

1 performed the services. Work order forms required to be kept
2 under this Section shall be available for inspection by the
3 Department or by the Department of State Police.

4 (225 ILCS 447/31-30 new)

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

6 Sec. 31-30. Restrictions on firearms.

7 (a) Nothing in the Act or the rules adopted under this Act
8 shall authorize a person licensed as a fingerprint vendor or
9 any employee of a licensed fingerprint vendor agency to possess
10 or carry a firearm in the course of providing fingerprinting
11 services.

12 (b) Nothing in this Act or the rules adopted under this Act
13 shall grant or authorize the issuance of a firearm
14 authorization card to a fingerprint vendor or any employee of a
15 licensed fingerprint vendor agency.

16 (225 ILCS 447/35-30)

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

18 Sec. 35-30. Employee requirements. All employees of a
19 licensed agency, other than those exempted, shall apply for a
20 permanent employee registration card. The holder of an agency
21 license issued under this Act, known in this Section as
22 "employer", may employ in the conduct of his or her business
23 employees under the following provisions:

24 (a) ~~(1)~~ No person shall be issued a permanent employee

1 registration card who:

2 (1) ~~(A)~~ Is younger than 18 years of age.

3 (2) ~~(B)~~ Is younger than 21 years of age if the services
4 will include being armed.

5 (3) ~~(C)~~ Has been determined by the Department to be
6 unfit by reason of conviction of an offense in this or
7 another state, other than a traffic offense. The Department
8 shall adopt rules for making those determinations that
9 shall afford the applicant due process of law.

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

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

26 (6) ~~(F)~~ Has been dishonorably discharged from the armed

1 services of the United States.

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

9 (1) ~~(A)~~ The person's full name, age, and residence
10 address.

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

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

1 subsection (b) of Section 30-10, or Section 10-40.

2 (4) ~~(D)~~ Any conviction of a felony or misdemeanor.

3 (5) ~~(E)~~ Any declaration of incompetence by a court of
4 competent jurisdiction that has not been restored.

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

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

11 (c) Each applicant for a permanent employee registration
12 card shall have his or her fingerprints submitted to the
13 Department of State Police in an electronic format that
14 complies with the form and manner for requesting and furnishing
15 criminal history record information as prescribed by the
16 Department of State Police. These fingerprints shall be checked
17 against the Department of State Police and Federal Bureau of
18 Investigation criminal history record databases now and
19 hereafter filed. The Department of State Police shall charge
20 applicants a fee for conducting the criminal history records
21 check, which shall be deposited in the State Police Services
22 Fund and shall not exceed the actual cost of the records check.
23 The Department of State Police shall furnish, pursuant to
24 positive identification, records of Illinois convictions to
25 the Department. The Department may require applicants to pay a
26 separate fingerprinting fee, either to the Department or

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

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

26 (e) Each employer shall maintain a record of each employee

1 that is accessible to the duly authorized representatives of
2 the Department. The record shall contain the following
3 information:

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

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

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

14 (4) In the case of former employees, the employee
15 identification card of that person issued under subsection
16 (f) of this Section. Each employee record shall duly note
17 if the employee is employed in an armed capacity. Armed
18 employee files shall contain a copy of an active firearm
19 owner's identification card and a copy of an active firearm
20 authorization card. Each employer shall maintain a record
21 for each armed employee of each instance in which the
22 employee's weapon was discharged during the course of his
23 or her professional duties or activities. The record shall
24 be maintained on forms provided by the Department, a copy
25 of which must be filed with the Department within 15 days
26 of an instance. The record shall include the date and time

1 of the occurrence, the circumstances involved in the
2 occurrence, and any other information as the Department may
3 require. Failure to provide this information to the
4 Department or failure to maintain the record as a part of
5 each armed employee's permanent file is grounds for
6 disciplinary action. The Department, upon receipt of a
7 report, shall have the authority to make any investigation
8 it considers appropriate into any occurrence in which an
9 employee's weapon was discharged and to take disciplinary
10 action as may be appropriate.

11 (5) The Department may, by rule, prescribe further
12 record requirements.

13 (f) Every employer shall furnish an employee
14 identification card to each of his or her employees. This
15 employee identification card shall contain a recent photograph
16 of the employee, the employee's name, the name and agency
17 license number of the employer, the employee's personal
18 description, the signature of the employer, the signature of
19 that employee, the date of issuance, and an employee
20 identification card number.

21 (g) No employer may issue an employee identification card
22 to any person who is not employed by the employer in accordance
23 with this Section or falsely state or represent that a person
24 is or has been in his or her employ. It is unlawful for an
25 applicant for registered employment to file with the Department
26 the fingerprints of a person other than himself or herself.

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

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

6 (j) No agency may employ any person to perform a licensed
7 activity under this Act unless the person possesses a valid
8 permanent employee registration card or a valid license under
9 this Act, or is exempt pursuant to subsection (n).

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

13 (1) The agency completes in its entirety and submits to
14 the Department an application for a permanent employee
15 registration card, including the required fingerprint
16 receipt and fees.

17 (2) The agency has verification from the Department
18 that the applicant has no record of any criminal conviction
19 pursuant to the criminal history check conducted by the
20 Department of State Police. The agency shall maintain the
21 verification of the results of the Department of State
22 Police criminal history check as part of the employee
23 record as required under subsection (e) of this Section.

24 (3) The agency exercises due diligence to ensure that
25 the person is qualified under the requirements of the Act
26 to be issued a permanent employee registration card.

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

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

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

24 An agency may not employ a person in a temporary capacity
25 if it knows or reasonably should have known that the person has
26 been convicted of a crime under the laws of this State, has

1 been convicted in another state of any crime that is a crime
2 under the laws of this State, has been convicted of any crime
3 in a federal court, or has been posted as an unapproved
4 applicant by the Department. Notice by the Department to the
5 agency, via certified mail, personal delivery, electronic
6 mail, or posting on the Department's Internet site accessible
7 to the agency that the person has been convicted of a crime
8 shall be deemed constructive knowledge of the conviction on the
9 part of the agency. The Department may adopt rules to implement
10 this subsection (k).

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

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

17 (2) the person wears any portion of his or her official
18 uniform, emblem of authority, or equipment while so
19 employed.

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

24 (n) Peace officers shall be exempt from the requirements of
25 this Section relating to permanent employee registration
26 cards. The agency shall remain responsible for any peace

1 officer employed under this exemption, regardless of whether
2 the peace officer is compensated as an employee or as an
3 independent contractor and as further defined by rule.

4 (o) Persons who have no access to confidential or security
5 information and who otherwise do not provide traditional
6 security services are exempt from employee registration.
7 Examples of exempt employees include, but are not limited to,
8 employees working in the capacity of ushers, directors, ticket
9 takers, cashiers, drivers, and reception personnel.
10 Confidential or security information is that which pertains to
11 employee files, scheduling, client contracts, or technical
12 security and alarm data.

13 (Source: P.A. 93-438, eff. 8-5-03; revised 10-18-05.)

14 (225 ILCS 447/35-35)

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

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

17 (a) No person shall perform duties that include the use,
18 carrying, or possession of a firearm in the performance of
19 those duties without complying with the provisions of this
20 Section and having been issued a valid firearm authorization
21 card by the Department.

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

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

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

17 (d) The Department shall issue a firearm authorization card
18 to a person who has passed an approved firearm training course,
19 who is currently employed by an agency licensed by this Act and
20 has met all the requirements of this Act, and who possesses a
21 valid firearm owner identification card. Application for the
22 firearm authorization card shall be made by the employer to the
23 Department on forms provided by the Department. The Department
24 shall forward the card to the employer who shall be responsible
25 for its issuance to the employee. The firearm authorization
26 card shall be issued by the Department and shall identify the

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

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

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

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

24 (h) The Department shall not issue a firearm authorization
25 card to employees of a licensed fingerprint vendor agency.

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

1 (225 ILCS 447/40-5)

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

3 Sec. 40-5. Injunctive relief. The practice of a private
4 detective, private security contractor, private alarm
5 contractor, fingerprint vendor agency, locksmith, private
6 detective agency, private security contractor agency, private
7 alarm contractor agency, fingerprint vendor agency, or
8 locksmith agency by any person, firm, corporation, or other
9 legal entity that has not been issued a license by the
10 Department or whose license has been suspended, revoked, or not
11 renewed is hereby declared to be inimical to the public safety
12 and welfare and to constitute a public nuisance. The Director,
13 through the Attorney General, the State's Attorney of any
14 county, any resident of the State, or any legal entity within
15 the State may apply for injunctive relief in any court to
16 enjoin any person, firm, or other entity that has not been
17 issued a license or whose license has been suspended, revoked,
18 or not renewed from conducting a licensed activity. Upon the
19 filing of a verified petition in court, if satisfied by
20 affidavit or otherwise that the person, firm, corporation, or
21 other legal entity is or has been conducting activities in
22 violation of this Act, the court may enter a temporary
23 restraining order or preliminary injunction, without bond,
24 enjoining the defendant from further activity. A copy of the
25 verified complaint shall be served upon the defendant and the

1 proceedings shall be conducted as in civil cases. If it is
2 established the defendant has been or is conducting activities
3 in violation of this Act, the court may enter a judgment
4 enjoining the defendant from that activity. In case of
5 violation of any injunctive order or judgment entered under
6 this Section, the court may punish the offender for contempt of
7 court. Injunctive proceedings shall be in addition to all other
8 penalties under this Act.

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

10 (225 ILCS 447/40-10)

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

12 Sec. 40-10. Disciplinary sanctions.

13 (a) The Department may deny issuance, refuse to renew, or
14 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 a
21 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,

1 defraud, or harm the public.

2 (4) Conviction in Illinois or another state of any
3 crime that is a felony under the laws of Illinois; a felony
4 in a federal court; a misdemeanor, an essential element of
5 which is dishonesty; or directly related to professional
6 practice.

7 (5) Performing any services in a grossly negligent
8 manner or permitting any of a licensee's employees to
9 perform services in a grossly negligent manner, regardless
10 of whether actual damage to the public is established.

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

13 (A) Physical illness, including, but not limited
14 to, deterioration through the aging process or loss of
15 motor skills that results in the inability to serve the
16 public with reasonable judgment, skill, or safety.

17 (B) Mental disability demonstrated by the entry of
18 an order or judgment by a court that a person is in
19 need of mental treatment or is incompetent.

20 (C) Addiction to or dependency on alcohol or drugs
21 that is likely to endanger the public. If the
22 Department has reasonable cause to believe that a
23 person is addicted to or dependent on alcohol or drugs
24 that may endanger the public, the Department may
25 require the person to undergo an examination to
26 determine the extent of the addiction or dependency.

1 (7) Receiving, directly or indirectly, compensation
2 for any services not rendered.

3 (8) Willfully deceiving or defrauding the public on a
4 material matter.

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

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

12 (11) Giving differential treatment to a person that is
13 to that person's detriment because of race, color, creed,
14 sex, religion, or national origin.

15 (12) Engaging in false or misleading advertising.

16 (13) Aiding, assisting, or willingly permitting
17 another person to violate this Act or rules promulgated
18 under it.

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

21 (15) Directly or indirectly offering or accepting any
22 benefit to or from any employee, agent, or fiduciary
23 without the consent of the latter's employer or principal
24 with intent to or the understanding that this action will
25 influence his or her conduct in relation to his or her
26 employer's or principal's affairs.

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

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

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

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

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

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

13 (22) Failing to provide employment information or
14 experience information required by the Department
15 regarding an applicant for licensure.

16 (23) Failing to make available to the Department at the
17 time of the request any indicia of licensure or
18 registration issued under this Act.

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

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

23 (c) The Department shall adopt rules that set forth
24 standards of service for the following: (i) acceptable error
25 rate in the transmission of fingerprint images and other data
26 to the Department of State Police; (ii) acceptable error rate

1 in the collection and documentation of information used to
2 generate fingerprint work orders; and (iii) any other standard
3 of service that affects fingerprinting services as determined
4 by the Department.

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

6 (225 ILCS 447/45-50)

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

8 Sec. 45-50. Unlicensed practice; fraud in obtaining a
9 license.

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

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

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

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

1 (b) Whenever a licensee is convicted of a felony related to
2 the violations set forth in this Section, the clerk of the
3 court in any jurisdiction shall promptly report the conviction
4 to the Department and the Department shall immediately revoke
5 any license as a private detective, private security
6 contractor, private alarm contractor, fingerprint vendor, or
7 locksmith held by that licensee. The individual shall not be
8 eligible for licensure under this Act until at least 10 years
9 have elapsed since the time of full discharge from any sentence
10 imposed for a felony conviction. If any person in making any
11 oath or affidavit required by this Act swears falsely, the
12 person is guilty of perjury and may be punished accordingly.

13 (c) In addition to any other penalty provided by law, a
14 person who violates any provision of this Section shall pay a
15 civil penalty to the Department in an amount not to exceed
16 \$5,000 for each offense, as determined by the Department. The
17 civil penalty shall be imposed in accordance with this Act.

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

19 (225 ILCS 447/50-10)

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

21 Sec. 50-10. The Private Detective, Private Alarm, Private
22 Security, Fingerprint Vendor, and Locksmith Board.

23 (a) The Private Detective, Private Alarm, Private
24 Security, Fingerprint Vendor, and Locksmith Board shall
25 consist of 12 ~~11~~ members appointed by the Director and

1 comprised of 2 licensed private detectives, 3 licensed private
2 security contractors, 2 licensed private alarm contractors, 1
3 licensed fingerprint vendor, 2 licensed locksmiths, one public
4 member who is not licensed or registered under this Act and who
5 has no connection with a business licensed under this Act, and
6 one member representing the employees registered under this
7 Act. Each member shall be a resident of Illinois. Except for
8 the initial appointment of a licensed fingerprint vendor after
9 the effective date of this amendatory Act of the 95th General
10 Assembly, each ~~Each~~ licensed member shall have at least 5 years
11 experience as a licensee in the professional area in which the
12 person is licensed and be in good standing and actively engaged
13 in that profession. In making appointments, the Director shall
14 consider the recommendations of the professionals and the
15 professional organizations representing the licensees. The
16 membership shall reasonably reflect the different geographic
17 areas in Illinois.

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

1 (c) A member of the Board may be removed for cause. A
2 member subject to formal disciplinary proceedings shall
3 disqualify himself or herself from all Board business until the
4 charge is resolved. A member also shall disqualify himself or
5 herself from any matter on which the member cannot act
6 objectively.

7 (d) Members shall receive compensation as set by law. Each
8 member shall receive reimbursement as set by the Governor's
9 Travel Control Board for expenses incurred in carrying out the
10 duties as a Board member.

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

13 (f) The Board shall elect a chairperson and vice
14 chairperson.

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

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

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

22 (225 ILCS 447/50-25)

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

24 Sec. 50-25. Home rule. Pursuant to paragraph (h) of Section
25 6 of Article VII of the Illinois Constitution of 1970, the

1 power to regulate the private detective, private security,
2 private alarm, fingerprint vending, or locksmith business or
3 their employees shall be exercised exclusively by the State and
4 may not be exercised by any unit of local government, including
5 home rule units.

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

7 Section 25. The Illinois Public Aid Code is amended by
8 changing Section 10-4 as follows:

9 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

10 Sec. 10-4. Notification of Support Obligation. The
11 administrative enforcement unit within the authorized area of
12 its operation shall notify each responsible relative of an
13 applicant or recipient, or responsible relatives of other
14 persons given access to the child support enforcement services
15 of this Article, of his legal obligation to support and shall
16 request such information concerning his financial status as may
17 be necessary to determine whether he is financially able to
18 provide such support, in whole or in part. In cases involving a
19 child born out of wedlock, the notification shall include a
20 statement that the responsible relative has been named as the
21 biological father of the child identified in the notification.

22 In the case of applicants, the notification shall be sent
23 as soon as practical after the filing of the application. In
24 the case of recipients, the notice shall be sent at such time

1 as may be established by rule of the Illinois Department.

2 The notice shall be accompanied by the forms or
3 questionnaires provided in Section 10-5. It shall inform the
4 relative that he may be liable for reimbursement of any support
5 furnished from public aid funds prior to determination of the
6 relative's financial circumstances, as well as for future
7 support. In the alternative, when support is sought on behalf
8 of applicants for or recipients of financial aid under Article
9 IV of this Code and other persons who are given access to the
10 child support enforcement services of this Article as provided
11 in Section 10-1, the notice shall inform the relative that the
12 relative may be required to pay support for a period before the
13 date an administrative support order is entered, as well as
14 future support.

15 Neither the mailing nor receipt of such notice shall be
16 deemed a jurisdictional requirement for the subsequent
17 exercise of the investigative procedures undertaken by an
18 administrative enforcement unit or the entry of any order or
19 determination of paternity or support or reimbursement by the
20 administrative enforcement unit; except that notice shall be
21 served by certified mail addressed to the responsible relative
22 at his or her last known address, return receipt requested, or
23 by a person who is licensed or registered as a private
24 detective under the Private Detective, Private Alarm, Private
25 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a
26 registered employee of a private detective agency certified

1 under that Act, or in counties with a population of less than
2 2,000,000 by any method provided by law for service of summons,
3 in cases where a determination of paternity or support by
4 default is sought on behalf of applicants for or recipients of
5 financial aid under Article IV of this Act and other persons
6 who are given access to the child support enforcement services
7 of this Article as provided in Section 10-1.

8 (Source: P.A. 94-92, eff. 6-30-05.)

9 Section 30. The Illinois Vehicle Code is amended by
10 changing Section 2-123 as follows:

11 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

12 Sec. 2-123. Sale and Distribution of Information.

13 (a) Except as otherwise provided in this Section, the
14 Secretary may make the driver's license, vehicle and title
15 registration lists, in part or in whole, and any statistical
16 information derived from these lists available to local
17 governments, elected state officials, state educational
18 institutions, and all other governmental units of the State and
19 Federal Government requesting them for governmental purposes.
20 The Secretary shall require any such applicant for services to
21 pay for the costs of furnishing such services and the use of
22 the equipment involved, and in addition is empowered to
23 establish prices and charges for the services so furnished and
24 for the use of the electronic equipment utilized.

1 (b) The Secretary is further empowered to and he may, in
2 his discretion, furnish to any applicant, other than listed in
3 subsection (a) of this Section, vehicle or driver data on a
4 computer tape, disk, other electronic format or computer
5 processable medium, or printout at a fixed fee of \$250 for
6 orders received before October 1, 2003 and \$500 for orders
7 received on or after October 1, 2003, in advance, and require
8 in addition a further sufficient deposit based upon the
9 Secretary of State's estimate of the total cost of the
10 information requested and a charge of \$25 for orders received
11 before October 1, 2003 and \$50 for orders received on or after
12 October 1, 2003, per 1,000 units or part thereof identified or
13 the actual cost, whichever is greater. The Secretary is
14 authorized to refund any difference between the additional
15 deposit and the actual cost of the request. This service shall
16 not be in lieu of an abstract of a driver's record nor of a
17 title or registration search. This service may be limited to
18 entities purchasing a minimum number of records as required by
19 administrative rule. The information sold pursuant to this
20 subsection shall be the entire vehicle or driver data list, or
21 part thereof. The information sold pursuant to this subsection
22 shall not contain personally identifying information unless
23 the information is to be used for one of the purposes
24 identified in subsection (f-5) of this Section. Commercial
25 purchasers of driver and vehicle record databases shall enter
26 into a written agreement with the Secretary of State that

1 includes disclosure of the commercial use of the information to
2 be purchased.

3 (b-1) The Secretary is further empowered to and may, in his
4 or her discretion, furnish vehicle or driver data on a computer
5 tape, disk, or other electronic format or computer processible
6 medium, at no fee, to any State or local governmental agency
7 that uses the information provided by the Secretary to transmit
8 data back to the Secretary that enables the Secretary to
9 maintain accurate driving records, including dispositions of
10 traffic cases. This information may be provided without fee not
11 more often than once every 6 months.

12 (c) Secretary of State may issue registration lists. The
13 Secretary of State shall compile and publish, at least
14 annually, a list of all registered vehicles. Each list of
15 registered vehicles shall be arranged serially according to the
16 registration numbers assigned to registered vehicles and shall
17 contain in addition the names and addresses of registered
18 owners and a brief description of each vehicle including the
19 serial or other identifying number thereof. Such compilation
20 may be in such form as in the discretion of the Secretary of
21 State may seem best for the purposes intended.

22 (d) The Secretary of State shall furnish no more than 2
23 current available lists of such registrations to the sheriffs
24 of all counties and to the chiefs of police of all cities and
25 villages and towns of 2,000 population and over in this State
26 at no cost. Additional copies may be purchased by the sheriffs

1 or chiefs of police at the fee of \$500 each or at the cost of
2 producing the list as determined by the Secretary of State.
3 Such lists are to be used for governmental purposes only.

4 (e) (Blank).

5 (e-1) (Blank).

6 (f) The Secretary of State shall make a title or
7 registration search of the records of his office and a written
8 report on the same for any person, upon written application of
9 such person, accompanied by a fee of \$5 for each registration
10 or title search. The written application shall set forth the
11 intended use of the requested information. No fee shall be
12 charged for a title or registration search, or for the
13 certification thereof requested by a government agency. The
14 report of the title or registration search shall not contain
15 personally identifying information unless the request for a
16 search was made for one of the purposes identified in
17 subsection (f-5) of this Section. The report of the title or
18 registration search shall not contain highly restricted
19 personal information unless specifically authorized by this
20 Code.

21 The Secretary of State shall certify a title or
22 registration record upon written request. The fee for
23 certification shall be \$5 in addition to the fee required for a
24 title or registration search. Certification shall be made under
25 the signature of the Secretary of State and shall be
26 authenticated by Seal of the Secretary of State.

1 The Secretary of State may notify the vehicle owner or
2 registrant of the request for purchase of his title or
3 registration information as the Secretary deems appropriate.

4 No information shall be released to the requestor until
5 expiration of a 10 day period. This 10 day period shall not
6 apply to requests for information made by law enforcement
7 officials, government agencies, financial institutions,
8 attorneys, insurers, employers, automobile associated
9 businesses, persons licensed as a private detective or firms
10 licensed as a private detective agency under the Private
11 Detective, Private Alarm, Private Security, Fingerprint
12 Vendor, and Locksmith Act of 2004, who are employed by or are
13 acting on behalf of law enforcement officials, government
14 agencies, financial institutions, attorneys, insurers,
15 employers, automobile associated businesses, and other
16 business entities for purposes consistent with the Illinois
17 Vehicle Code, the vehicle owner or registrant or other entities
18 as the Secretary may exempt by rule and regulation.

19 Any misrepresentation made by a requestor of title or
20 vehicle information shall be punishable as a petty offense,
21 except in the case of persons licensed as a private detective
22 or firms licensed as a private detective agency which shall be
23 subject to disciplinary sanctions under Section 40-10 of the
24 Private Detective, Private Alarm, Private Security, and
25 Locksmith Act of 2004.

26 (f-5) The Secretary of State shall not disclose or

1 otherwise make available to any person or entity any personally
2 identifying information obtained by the Secretary of State in
3 connection with a driver's license, vehicle, or title
4 registration record unless the information is disclosed for one
5 of the following purposes:

6 (1) For use by any government agency, including any
7 court or law enforcement agency, in carrying out its
8 functions, or any private person or entity acting on behalf
9 of a federal, State, or local agency in carrying out its
10 functions.

11 (2) For use in connection with matters of motor vehicle
12 or driver safety and theft; motor vehicle emissions; motor
13 vehicle product alterations, recalls, or advisories;
14 performance monitoring of motor vehicles, motor vehicle
15 parts, and dealers; and removal of non-owner records from
16 the original owner records of motor vehicle manufacturers.

17 (3) For use in the normal course of business by a
18 legitimate business or its agents, employees, or
19 contractors, but only:

20 (A) to verify the accuracy of personal information
21 submitted by an individual to the business or its
22 agents, employees, or contractors; and

23 (B) if such information as so submitted is not
24 correct or is no longer correct, to obtain the correct
25 information, but only for the purposes of preventing
26 fraud by, pursuing legal remedies against, or

1 recovering on a debt or security interest against, the
2 individual.

3 (4) For use in research activities and for use in
4 producing statistical reports, if the personally
5 identifying information is not published, redisclosed, or
6 used to contact individuals.

7 (5) For use in connection with any civil, criminal,
8 administrative, or arbitral proceeding in any federal,
9 State, or local court or agency or before any
10 self-regulatory body, including the service of process,
11 investigation in anticipation of litigation, and the
12 execution or enforcement of judgments and orders, or
13 pursuant to an order of a federal, State, or local court.

14 (6) For use by any insurer or insurance support
15 organization or by a self-insured entity or its agents,
16 employees, or contractors in connection with claims
17 investigation activities, antifraud activities, rating, or
18 underwriting.

19 (7) For use in providing notice to the owners of towed
20 or impounded vehicles.

21 (8) For use by any person licensed as a private
22 detective or firm licensed as a private detective agency
23 under the Private Detective, Private Alarm, Private
24 Security, Fingerprint Vendor, and Locksmith Act of 2004
25 ~~1993~~, private investigative agency or security service
26 licensed in Illinois for any purpose permitted under this

1 subsection.

2 (9) For use by an employer or its agent or insurer to
3 obtain or verify information relating to a holder of a
4 commercial driver's license that is required under chapter
5 313 of title 49 of the United States Code.

6 (10) For use in connection with the operation of
7 private toll transportation facilities.

8 (11) For use by any requester, if the requester
9 demonstrates it has obtained the written consent of the
10 individual to whom the information pertains.

11 (12) For use by members of the news media, as defined
12 in Section 1-148.5, for the purpose of newsgathering when
13 the request relates to the operation of a motor vehicle or
14 public safety.

15 (13) For any other use specifically authorized by law,
16 if that use is related to the operation of a motor vehicle
17 or public safety.

18 (f-6) The Secretary of State shall not disclose or
19 otherwise make available to any person or entity any highly
20 restricted personal information obtained by the Secretary of
21 State in connection with a driver's license, vehicle, or title
22 registration record unless specifically authorized by this
23 Code.

24 (g) 1. The Secretary of State may, upon receipt of a
25 written request and a fee of \$6 before October 1, 2003 and
26 a fee of \$12 on and after October 1, 2003, furnish to the

1 person or agency so requesting a driver's record. Such
2 document may include a record of: current driver's license
3 issuance information, except that the information on
4 judicial driving permits shall be available only as
5 otherwise provided by this Code; convictions; orders
6 entered revoking, suspending or cancelling a driver's
7 license or privilege; and notations of accident
8 involvement. All other information, unless otherwise
9 permitted by this Code, shall remain confidential.
10 Information released pursuant to a request for a driver's
11 record shall not contain personally identifying
12 information, unless the request for the driver's record was
13 made for one of the purposes set forth in subsection (f-5)
14 of this Section.

15 2. The Secretary of State shall not disclose or
16 otherwise make available to any person or entity any highly
17 restricted personal information obtained by the Secretary
18 of State in connection with a driver's license, vehicle, or
19 title registration record unless specifically authorized
20 by this Code. The Secretary of State may certify an
21 abstract of a driver's record upon written request
22 therefor. Such certification shall be made under the
23 signature of the Secretary of State and shall be
24 authenticated by the Seal of his office.

25 3. All requests for driving record information shall be
26 made in a manner prescribed by the Secretary and shall set

1 forth the intended use of the requested information.

2 The Secretary of State may notify the affected driver
3 of the request for purchase of his driver's record as the
4 Secretary deems appropriate.

5 No information shall be released to the requester until
6 expiration of a 10 day period. This 10 day period shall not
7 apply to requests for information made by law enforcement
8 officials, government agencies, financial institutions,
9 attorneys, insurers, employers, automobile associated
10 businesses, persons licensed as a private detective or
11 firms licensed as a private detective agency under the
12 Private Detective, Private Alarm, Private Security,
13 Fingerprint Vendor, and Locksmith Act of 2004, who are
14 employed by or are acting on behalf of law enforcement
15 officials, government agencies, financial institutions,
16 attorneys, insurers, employers, automobile associated
17 businesses, and other business entities for purposes
18 consistent with the Illinois Vehicle Code, the affected
19 driver or other entities as the Secretary may exempt by
20 rule and regulation.

21 Any misrepresentation made by a requestor of driver
22 information shall be punishable as a petty offense, except
23 in the case of persons licensed as a private detective or
24 firms licensed as a private detective agency which shall be
25 subject to disciplinary sanctions under Section 40-10 of
26 the Private Detective, Private Alarm, Private Security,

1 Fingerprint Vendor, and Locksmith Act of 2004.

2 4. The Secretary of State may furnish without fee, upon
3 the written request of a law enforcement agency, any
4 information from a driver's record on file with the
5 Secretary of State when such information is required in the
6 enforcement of this Code or any other law relating to the
7 operation of motor vehicles, including records of
8 dispositions; documented information involving the use of
9 a motor vehicle; whether such individual has, or previously
10 had, a driver's license; and the address and personal
11 description as reflected on said driver's record.

12 5. Except as otherwise provided in this Section, the
13 Secretary of State may furnish, without fee, information
14 from an individual driver's record on file, if a written
15 request therefor is submitted by any public transit system
16 or authority, public defender, law enforcement agency, a
17 state or federal agency, or an Illinois local
18 intergovernmental association, if the request is for the
19 purpose of a background check of applicants for employment
20 with the requesting agency, or for the purpose of an
21 official investigation conducted by the agency, or to
22 determine a current address for the driver so public funds
23 can be recovered or paid to the driver, or for any other
24 purpose set forth in subsection (f-5) of this Section.

25 The Secretary may also furnish the courts a copy of an
26 abstract of a driver's record, without fee, subsequent to

1 an arrest for a violation of Section 11-501 or a similar
2 provision of a local ordinance. Such abstract may include
3 records of dispositions; documented information involving
4 the use of a motor vehicle as contained in the current
5 file; whether such individual has, or previously had, a
6 driver's license; and the address and personal description
7 as reflected on said driver's record.

8 6. Any certified abstract issued by the Secretary of
9 State or transmitted electronically by the Secretary of
10 State pursuant to this Section, to a court or on request of
11 a law enforcement agency, for the record of a named person
12 as to the status of the person's driver's license shall be
13 prima facie evidence of the facts therein stated and if the
14 name appearing in such abstract is the same as that of a
15 person named in an information or warrant, such abstract
16 shall be prima facie evidence that the person named in such
17 information or warrant is the same person as the person
18 named in such abstract and shall be admissible for any
19 prosecution under this Code and be admitted as proof of any
20 prior conviction or proof of records, notices, or orders
21 recorded on individual driving records maintained by the
22 Secretary of State.

23 7. Subject to any restrictions contained in the
24 Juvenile Court Act of 1987, and upon receipt of a proper
25 request and a fee of \$6 before October 1, 2003 and a fee of
26 \$12 on or after October 1, 2003, the Secretary of State

1 shall provide a driver's record to the affected driver, or
2 the affected driver's attorney, upon verification. Such
3 record shall contain all the information referred to in
4 paragraph 1 of this subsection (g) plus: any recorded
5 accident involvement as a driver; information recorded
6 pursuant to subsection (e) of Section 6-117 and paragraph
7 (4) of subsection (a) of Section 6-204 of this Code. All
8 other information, unless otherwise permitted by this
9 Code, shall remain confidential.

10 (h) The Secretary shall not disclose social security
11 numbers or any associated information obtained from the Social
12 Security Administration except pursuant to a written request
13 by, or with the prior written consent of, the individual
14 except: (1) to officers and employees of the Secretary who have
15 a need to know the social security numbers in performance of
16 their official duties, (2) to law enforcement officials for a
17 lawful, civil or criminal law enforcement investigation, and if
18 the head of the law enforcement agency has made a written
19 request to the Secretary specifying the law enforcement
20 investigation for which the social security numbers are being
21 sought, (3) to the United States Department of Transportation,
22 or any other State, pursuant to the administration and
23 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
24 (4) pursuant to the order of a court of competent jurisdiction,
25 or (5) to the Department of Healthcare and Family Services
26 (formerly Department of Public Aid) for utilization in the

1 child support enforcement duties assigned to that Department
2 under provisions of the Illinois Public Aid Code after the
3 individual has received advanced meaningful notification of
4 what redisclosure is sought by the Secretary in accordance with
5 the federal Privacy Act.

6 (i) (Blank).

7 (j) Medical statements or medical reports received in the
8 Secretary of State's Office shall be confidential. No
9 confidential information may be open to public inspection or
10 the contents disclosed to anyone, except officers and employees
11 of the Secretary who have a need to know the information
12 contained in the medical reports and the Driver License Medical
13 Advisory Board, unless so directed by an order of a court of
14 competent jurisdiction.

15 (k) All fees collected under this Section shall be paid
16 into the Road Fund of the State Treasury, except that (i) for
17 fees collected before October 1, 2003, \$3 of the \$6 fee for a
18 driver's record shall be paid into the Secretary of State
19 Special Services Fund, (ii) for fees collected on and after
20 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
21 be paid into the Secretary of State Special Services Fund and
22 \$6 shall be paid into the General Revenue Fund, and (iii) for
23 fees collected on and after October 1, 2003, 50% of the amounts
24 collected pursuant to subsection (b) shall be paid into the
25 General Revenue Fund.

26 (l) (Blank).

1 (m) Notations of accident involvement that may be disclosed
2 under this Section shall not include notations relating to
3 damage to a vehicle or other property being transported by a
4 tow truck. This information shall remain confidential,
5 provided that nothing in this subsection (m) shall limit
6 disclosure of any notification of accident involvement to any
7 law enforcement agency or official.

8 (n) Requests made by the news media for driver's license,
9 vehicle, or title registration information may be furnished
10 without charge or at a reduced charge, as determined by the
11 Secretary, when the specific purpose for requesting the
12 documents is deemed to be in the public interest. Waiver or
13 reduction of the fee is in the public interest if the principal
14 purpose of the request is to access and disseminate information
15 regarding the health, safety, and welfare or the legal rights
16 of the general public and is not for the principal purpose of
17 gaining a personal or commercial benefit. The information
18 provided pursuant to this subsection shall not contain
19 personally identifying information unless the information is
20 to be used for one of the purposes identified in subsection
21 (f-5) of this Section.

22 (o) The redisclosure of personally identifying information
23 obtained pursuant to this Section is prohibited, except to the
24 extent necessary to effectuate the purpose for which the
25 original disclosure of the information was permitted.

26 (p) The Secretary of State is empowered to adopt rules to

1 effectuate this Section.

2 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,
3 eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

4 Section 35. The Criminal Code of 1961 is amended by
5 changing Section 24-2 as follows:

6 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a) (3), 24-1(a) (4) and 24-1(a) (10) and
9 Section 24-1.6 do not apply to or affect any of the following:

10 (1) Peace officers, and any person summoned by a peace
11 officer to assist in making arrests or preserving the
12 peace, while actually engaged in assisting such officer.

13 (2) Wardens, superintendents and keepers of prisons,
14 penitentiaries, jails and other institutions for the
15 detention of persons accused or convicted of an offense,
16 while in the performance of their official duty, or while
17 commuting between their homes and places of employment.

18 (3) Members of the Armed Services or Reserve Forces of
19 the United States or the Illinois National Guard or the
20 Reserve Officers Training Corps, while in the performance
21 of their official duty.

22 (4) Special agents employed by a railroad or a public
23 utility to perform police functions, and guards of armored
24 car companies, while actually engaged in the performance of

1 the duties of their employment or commuting between their
2 homes and places of employment; and watchmen while actually
3 engaged in the performance of the duties of their
4 employment.

5 (5) Persons licensed as private security contractors,
6 private detectives, or private alarm contractors, or
7 employed by an agency certified by the Department of
8 Professional Regulation, if their duties include the
9 carrying of a weapon under the provisions of the Private
10 Detective, Private Alarm, Private Security, Fingerprint
11 Vendor, and Locksmith Act of 2004, while actually engaged
12 in the performance of the duties of their employment or
13 commuting between their homes and places of employment,
14 provided that such commuting is accomplished within one
15 hour from departure from home or place of employment, as
16 the case may be. Persons exempted under this subdivision
17 (a)(5) shall be required to have completed a course of
18 study in firearms handling and training approved and
19 supervised by the Department of Professional Regulation as
20 prescribed by Section 28 of the Private Detective, Private
21 Alarm, Private Security, Fingerprint Vendor, and Locksmith
22 Act of 2004, prior to becoming eligible for this exemption.
23 The Department of Professional Regulation shall provide
24 suitable documentation demonstrating the successful
25 completion of the prescribed firearms training. Such
26 documentation shall be carried at all times when such

1 persons are in possession of a concealable weapon.

2 (6) Any person regularly employed in a commercial or
3 industrial operation as a security guard for the protection
4 of persons employed and private property related to such
5 commercial or industrial operation, while actually engaged
6 in the performance of his or her duty or traveling between
7 sites or properties belonging to the employer, and who, as
8 a security guard, is a member of a security force of at
9 least 5 persons registered with the Department of
10 Professional Regulation; provided that such security guard
11 has successfully completed a course of study, approved by
12 and supervised by the Department of Professional
13 Regulation, consisting of not less than 40 hours of
14 training that includes the theory of law enforcement,
15 liability for acts, and the handling of weapons. A person
16 shall be considered eligible for this exemption if he or
17 she has completed the required 20 hours of training for a
18 security officer and 20 hours of required firearm training,
19 and has been issued a firearm authorization card by the
20 Department of Professional Regulation. Conditions for the
21 renewal of firearm authorization cards issued under the
22 provisions of this Section shall be the same as for those
23 cards issued under the provisions of the Private Detective,
24 Private Alarm, Private Security, Fingerprint Vendor, and
25 Locksmith Act of 2004. Such firearm authorization card
26 shall be carried by the security guard at all times when he

1 or she is in possession of a concealable weapon.

2 (7) Agents and investigators of the Illinois
3 Legislative Investigating Commission authorized by the
4 Commission to carry the weapons specified in subsections
5 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
6 any investigation for the Commission.

7 (8) Persons employed by a financial institution for the
8 protection of other employees and property related to such
9 financial institution, while actually engaged in the
10 performance of their duties, commuting between their homes
11 and places of employment, or traveling between sites or
12 properties owned or operated by such financial
13 institution, provided that any person so employed has
14 successfully completed a course of study, approved by and
15 supervised by the Department of Professional Regulation,
16 consisting of not less than 40 hours of training which
17 includes theory of law enforcement, liability for acts, and
18 the handling of weapons. A person shall be considered to be
19 eligible for this exemption if he or she has completed the
20 required 20 hours of training for a security officer and 20
21 hours of required firearm training, and has been issued a
22 firearm authorization card by the Department of
23 Professional Regulation. Conditions for renewal of firearm
24 authorization cards issued under the provisions of this
25 Section shall be the same as for those issued under the
26 provisions of the Private Detective, Private Alarm,

1 Private Security, Fingerprint Vendor, and Locksmith Act of
2 2004. Such firearm authorization card shall be carried by
3 the person so trained at all times when such person is in
4 possession of a concealable weapon. For purposes of this
5 subsection, "financial institution" means a bank, savings
6 and loan association, credit union or company providing
7 armored car services.

8 (9) Any person employed by an armored car company to
9 drive an armored car, while actually engaged in the
10 performance of his duties.

11 (10) Persons who have been classified as peace officers
12 pursuant to the Peace Officer Fire Investigation Act.

13 (11) Investigators of the Office of the State's
14 Attorneys Appellate Prosecutor authorized by the board of
15 governors of the Office of the State's Attorneys Appellate
16 Prosecutor to carry weapons pursuant to Section 7.06 of the
17 State's Attorneys Appellate Prosecutor's Act.

18 (12) Special investigators appointed by a State's
19 Attorney under Section 3-9005 of the Counties Code.

20 (12.5) Probation officers while in the performance of
21 their duties, or while commuting between their homes,
22 places of employment or specific locations that are part of
23 their assigned duties, with the consent of the chief judge
24 of the circuit for which they are employed.

25 (13) Court Security Officers while in the performance
26 of their official duties, or while commuting between their

1 homes and places of employment, with the consent of the
2 Sheriff.

3 (13.5) A person employed as an armed security guard at
4 a nuclear energy, storage, weapons or development site or
5 facility regulated by the Nuclear Regulatory Commission
6 who has completed the background screening and training
7 mandated by the rules and regulations of the Nuclear
8 Regulatory Commission.

9 (14) Manufacture, transportation, or sale of weapons
10 to persons authorized under subdivisions (1) through
11 (13.5) of this subsection to possess those weapons.

12 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
13 24-1.6 do not apply to or affect any of the following:

14 (1) Members of any club or organization organized for
15 the purpose of practicing shooting at targets upon
16 established target ranges, whether public or private, and
17 patrons of such ranges, while such members or patrons are
18 using their firearms on those target ranges.

19 (2) Duly authorized military or civil organizations
20 while parading, with the special permission of the
21 Governor.

22 (3) Hunters, trappers or fishermen with a license or
23 permit while engaged in hunting, trapping or fishing.

24 (4) Transportation of weapons that are broken down in a
25 non-functioning state or are not immediately accessible.

26 (c) Subsection 24-1(a)(7) does not apply to or affect any

1 of the following:

2 (1) Peace officers while in performance of their
3 official duties.

4 (2) Wardens, superintendents and keepers of prisons,
5 penitentiaries, jails and other institutions for the
6 detention of persons accused or convicted of an offense.

7 (3) Members of the Armed Services or Reserve Forces of
8 the United States or the Illinois National Guard, while in
9 the performance of their official duty.

10 (4) Manufacture, transportation, or sale of machine
11 guns to persons authorized under subdivisions (1) through
12 (3) of this subsection to possess machine guns, if the
13 machine guns are broken down in a non-functioning state or
14 are not immediately accessible.

15 (5) Persons licensed under federal law to manufacture
16 any weapon from which 8 or more shots or bullets can be
17 discharged by a single function of the firing device, or
18 ammunition for such weapons, and actually engaged in the
19 business of manufacturing such weapons or ammunition, but
20 only with respect to activities which are within the lawful
21 scope of such business, such as the manufacture,
22 transportation, or testing of such weapons or ammunition.
23 This exemption does not authorize the general private
24 possession of any weapon from which 8 or more shots or
25 bullets can be discharged by a single function of the
26 firing device, but only such possession and activities as

1 are within the lawful scope of a licensed manufacturing
2 business described in this paragraph.

3 During transportation, such weapons shall be broken
4 down in a non-functioning state or not immediately
5 accessible.

6 (6) The manufacture, transport, testing, delivery,
7 transfer or sale, and all lawful commercial or experimental
8 activities necessary thereto, of rifles, shotguns, and
9 weapons made from rifles or shotguns, or ammunition for
10 such rifles, shotguns or weapons, where engaged in by a
11 person operating as a contractor or subcontractor pursuant
12 to a contract or subcontract for the development and supply
13 of such rifles, shotguns, weapons or ammunition to the
14 United States government or any branch of the Armed Forces
15 of the United States, when such activities are necessary
16 and incident to fulfilling the terms of such contract.

17 The exemption granted under this subdivision (c)(6)
18 shall also apply to any authorized agent of any such
19 contractor or subcontractor who is operating within the
20 scope of his employment, where such activities involving
21 such weapon, weapons or ammunition are necessary and
22 incident to fulfilling the terms of such contract.

23 During transportation, any such weapon shall be broken
24 down in a non-functioning state, or not immediately
25 accessible.

26 (d) Subsection 24-1(a)(1) does not apply to the purchase,

1 possession or carrying of a black-jack or slung-shot by a peace
2 officer.

3 (e) Subsection 24-1(a)(8) does not apply to any owner,
4 manager or authorized employee of any place specified in that
5 subsection nor to any law enforcement officer.

6 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
7 Section 24-1.6 do not apply to members of any club or
8 organization organized for the purpose of practicing shooting
9 at targets upon established target ranges, whether public or
10 private, while using their firearms on those target ranges.

11 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
12 to:

13 (1) Members of the Armed Services or Reserve Forces of
14 the United States or the Illinois National Guard, while in
15 the performance of their official duty.

16 (2) Bonafide collectors of antique or surplus military
17 ordinance.

18 (3) Laboratories having a department of forensic
19 ballistics, or specializing in the development of
20 ammunition or explosive ordinance.

21 (4) Commerce, preparation, assembly or possession of
22 explosive bullets by manufacturers of ammunition licensed
23 by the federal government, in connection with the supply of
24 those organizations and persons exempted by subdivision
25 (g)(1) of this Section, or like organizations and persons
26 outside this State, or the transportation of explosive

1 bullets to any organization or person exempted in this
2 Section by a common carrier or by a vehicle owned or leased
3 by an exempted manufacturer.

4 (g-5) Subsection 24-1(a)(6) does not apply to or affect
5 persons licensed under federal law to manufacture any device or
6 attachment of any kind designed, used, or intended for use in
7 silencing the report of any firearm, firearms, or ammunition
8 for those firearms equipped with those devices, and actually
9 engaged in the business of manufacturing those devices,
10 firearms, or ammunition, but only with respect to activities
11 that are within the lawful scope of that business, such as the
12 manufacture, transportation, or testing of those devices,
13 firearms, or ammunition. This exemption does not authorize the
14 general private possession of any device or attachment of any
15 kind designed, used, or intended for use in silencing the
16 report of any firearm, but only such possession and activities
17 as are within the lawful scope of a licensed manufacturing
18 business described in this subsection (g-5). During
19 transportation, those devices shall be detached from any weapon
20 or not immediately accessible.

21 (h) An information or indictment based upon a violation of
22 any subsection of this Article need not negative any exemptions
23 contained in this Article. The defendant shall have the burden
24 of proving such an exemption.

25 (i) Nothing in this Article shall prohibit, apply to, or
26 affect the transportation, carrying, or possession, of any

1 pistol or revolver, stun gun, taser, or other firearm consigned
2 to a common carrier operating under license of the State of
3 Illinois or the federal government, where such transportation,
4 carrying, or possession is incident to the lawful
5 transportation in which such common carrier is engaged; and
6 nothing in this Article shall prohibit, apply to, or affect the
7 transportation, carrying, or possession of any pistol,
8 revolver, stun gun, taser, or other firearm, not the subject of
9 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
10 this Article, which is unloaded and enclosed in a case, firearm
11 carrying box, shipping box, or other container, by the
12 possessor of a valid Firearm Owners Identification Card.

13 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
14 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

15 Section 40. The Code of Civil Procedure is amended by
16 changing Section 2-202 as follows:

17 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

18 Sec. 2-202. Persons authorized to serve process; Place of
19 service; Failure to make return.

20 (a) Process shall be served by a sheriff, or if the sheriff
21 is disqualified, by a coroner of some county of the State. A
22 sheriff of a county with a population of less than 1,000,000
23 may employ civilian personnel to serve process. In counties
24 with a population of less than 1,000,000, process may be

1 served, without special appointment, by a person who is
2 licensed or registered as a private detective under the Private
3 Detective, Private Alarm, Private Security, Fingerprint
4 Vendor, and Locksmith Act of 2004 or by a registered employee
5 of a private detective agency certified under that Act. A
6 private detective or licensed employee must supply the sheriff
7 of any county in which he serves process with a copy of his
8 license or certificate; however, the failure of a person to
9 supply the copy shall not in any way impair the validity of
10 process served by the person. The court may, in its discretion
11 upon motion, order service to be made by a private person over
12 18 years of age and not a party to the action. It is not
13 necessary that service be made by a sheriff or coroner of the
14 county in which service is made. If served or sought to be
15 served by a sheriff or coroner, he or she shall endorse his or
16 her return thereon, and if by a private person the return shall
17 be by affidavit.

18 (a-5) Upon motion and in its discretion, the court may
19 appoint as a special process server a private detective agency
20 certified under the Private Detective, Private Alarm, Private
21 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
22 the appointment, any employee of the private detective agency
23 who is registered under that Act may serve the process. The
24 motion and the order of appointment must contain the number of
25 the certificate issued to the private detective agency by the
26 Department of Professional Regulation under the Private

1 Detective, Private Alarm, Private Security, Fingerprint
2 Vendor, and Locksmith Act of 2004.

3 (b) Summons may be served upon the defendants wherever they
4 may be found in the State, by any person authorized to serve
5 process. An officer may serve summons in his or her official
6 capacity outside his or her county, but fees for mileage
7 outside the county of the officer cannot be taxed as costs. The
8 person serving the process in a foreign county may make return
9 by mail.

10 (c) If any sheriff, coroner, or other person to whom any
11 process is delivered, neglects or refuses to make return of the
12 same, the plaintiff may petition the court to enter a rule
13 requiring the sheriff, coroner, or other person, to make return
14 of the process on a day to be fixed by the court, or to show
15 cause on that day why that person should not be attached for
16 contempt of the court. The plaintiff shall then cause a written
17 notice of the rule to be served on the sheriff, coroner, or
18 other person. If good and sufficient cause be not shown to
19 excuse the officer or other person, the court shall adjudge him
20 or her guilty of a contempt, and shall impose punishment as in
21 other cases of contempt.

22 (d) If process is served by a sheriff or coroner, the court
23 may tax the fee of the sheriff or coroner as costs in the
24 proceeding. If process is served by a private person or entity,
25 the court may establish a fee therefor and tax such fee as
26 costs in the proceedings.

1 (e) In addition to the powers stated in Section 8.1a of the
2 Housing Authorities Act, in counties with a population of
3 3,000,000 or more inhabitants, members of a housing authority
4 police force may serve process for forcible entry and detainer
5 actions commenced by that housing authority and may execute
6 orders of possession for that housing authority.

7 (f) In counties with a population of 3,000,000 or more,
8 process may be served, with special appointment by the court,
9 by a private process server or a law enforcement agency other
10 than the county sheriff in proceedings instituted under the
11 Forcible Entry and Detainer Article of this Code as a result of
12 a lessor or lessor's assignee declaring a lease void pursuant
13 to Section 11 of the Controlled Substance and Cannabis Nuisance
14 Act.

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

16 Section 45. The Uniform Disposition of Unclaimed Property
17 Act is amended by changing Section 20 as follows:

18 (765 ILCS 1025/20) (from Ch. 141, par. 120)

19 Sec. 20. Determination of claims.

20 (a) The State Treasurer shall consider any claim filed
21 under this Act and may, in his discretion, hold a hearing and
22 receive evidence concerning it. Such hearing shall be conducted
23 by the State Treasurer or by a hearing officer designated by
24 him. No hearings shall be held if the payment of the claim is

1 ordered by a court, if the claimant is under court
2 jurisdiction, or if the claim is paid under Article XXV of the
3 Probate Act of 1975. The State Treasurer or hearing officer
4 shall prepare a finding and a decision in writing on each
5 hearing, stating the substance of any evidence heard by him,
6 his findings of fact in respect thereto, and the reasons for
7 his decision. The State Treasurer shall review the findings and
8 decision of each hearing conducted by a hearing officer and
9 issue a final written decision. The final decision shall be a
10 public record. Any claim of an interest in property that is
11 filed pursuant to this Act shall be considered and a finding
12 and decision shall be issued by the Office of the State
13 Treasurer in a timely and expeditious manner.

14 (b) If the claim is allowed, and after deducting an amount
15 not to exceed \$20 to cover the cost of notice publication and
16 related clerical expenses, the State Treasurer shall make
17 payment forthwith.

18 (c) In order to carry out the purpose of this Act, no
19 person or company shall be entitled to a fee for discovering
20 presumptively abandoned property until it has been in the
21 custody of the Unclaimed Property Division of the Office of the
22 State Treasurer for at least 24 months. Fees for discovering
23 property that has been in the custody of that division for more
24 than 24 months shall be limited to not more than 10% of the
25 amount collected.

26 (d) A person or company attempting to collect a contingent

1 fee for discovering, on behalf of an owner, presumptively
2 abandoned property must be licensed as a private detective
3 pursuant to the Private Detective, Private Alarm, Private
4 Security, Fingerprint Vendor, and Locksmith Act of 2004 ~~1993~~.

5 (e) This Section shall not apply to the fees of an attorney
6 at law duly appointed to practice in a state of the United
7 States who is employed by a claimant with regard to probate
8 matters on a contractual basis.

9 (Source: P.A. 93-531, eff. 8-14-03.)

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

1 INDEX
2 Statutes amended in order of appearance

- 3 5 ILCS 80/4.24
- 4 20 ILCS 2630/3.1 from Ch. 38, par. 206-3.1
- 5 215 ILCS 152/10
- 6 225 ILCS 447/5-5
- 7 225 ILCS 447/5-10
- 8 225 ILCS 447/10-5
- 9 225 ILCS 447/Art. 31
- 10 heading new
- 11 225 ILCS 447/31-5 new
- 12 225 ILCS 447/31-10 new
- 13 225 ILCS 447/31-15 new
- 14 225 ILCS 447/31-20 new
- 15 225 ILCS 447/31-25 new
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- 19 225 ILCS 447/40-5
- 20 225 ILCS 447/40-10
- 21 225 ILCS 447/45-50
- 22 225 ILCS 447/50-10
- 23 225 ILCS 447/50-25
- 24 305 ILCS 5/10-4 from Ch. 23, par. 10-4
- 25 625 ILCS 5/2-123 from Ch. 95 1/2, par. 2-123

- 1 720 ILCS 5/24-2 from Ch. 38, par. 24-2
- 2 735 ILCS 5/2-202 from Ch. 110, par. 2-202
- 3 765 ILCS 1025/20 from Ch. 141, par. 120