



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3315

Introduced 2/7/2012, by Sen. Don Harmon

#### SYNOPSIS AS INTRODUCED:

225 ILCS 447/15-5  
225 ILCS 447/45-65 new

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides an exemption from the provisions of the Act relating to licensure of private detectives for persons who engage in providing computer forensics services. Permits the Department to disclose information and documents related to an examination or investigation of a licensee or applicant only to law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Provides that any formal complaint against a licensee filed with the Department or an order issued by the Department against a licensee or applicant shall be a public record. Effective immediately.

LRB097 20013 CEL 65321 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Private Detective, Private Alarm, Private  
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
6 amended by changing Section 15-5 and by adding Section 45-65 as  
7 follows:

8 (225 ILCS 447/15-5)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 15-5. Exemptions; private detective. The provisions  
11 of this Act relating to the licensure of private detectives do  
12 not apply to any of the following:

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

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

1           (3) A person engaged exclusively in obtaining and  
2           furnishing information as to the financial rating or  
3           creditworthiness of persons or a person who provides  
4           reports in connection with (i) consumer credit  
5           transactions, (ii) information for employment purposes, or  
6           (iii) information for the underwriting of consumer  
7           insurance.

8           (4) Insurance adjusters employed or under contract as  
9           adjusters who engage in no other investigative activities  
10          other than those directly connected with adjustment of  
11          claims against an insurance company or a self-insured  
12          entity by which they are employed or with which they have a  
13          contract. No insurance adjuster or company may use the term  
14          "investigation" or any derivative thereof, in its name or  
15          in its advertising.

16          (5) A person, firm, or other entity engaged in  
17          providing computer forensics services so long as the  
18          person, firm, or other entity does not hold himself or  
19          herself out to be a private detective. For the purposes of  
20          this subsection, "computer forensics services" means a  
21          branch of forensic science pertaining to the recovery and  
22          analysis of electronically stored information.

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

24          (225 ILCS 447/45-65 new)

25          Sec. 45-65. Confidentiality. All information collected by

1 the Department in the course of an examination or investigation  
2 of a licensee or applicant, including, but not limited to, any  
3 complaint against a licensee filed with the Department and  
4 information collected to investigate any such complaint, shall  
5 be maintained for the confidential use of the Department and  
6 shall not be disclosed. The Department may not disclose the  
7 information to anyone other than law enforcement officials,  
8 other regulatory agencies that have an appropriate regulatory  
9 interest as determined by the Secretary, or a party presenting  
10 a lawful subpoena to the Department. Information and documents  
11 disclosed to a federal, State, county, or local law enforcement  
12 agency shall not be disclosed by the agency for any purpose to  
13 any other agency or person. A formal complaint filed against a  
14 licensee by the Department or any order issued by the  
15 Department against a licensee or applicant shall be a public  
16 record, except as otherwise prohibited by law.

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