

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 and by adding Section 4.34 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts and Section repealed on January 1, 2014.

8 The following Acts and Section of an Act are repealed on
9 January 1, 2014:

10 The Electrologist Licensing Act.

11 The Illinois Certified Shorthand Reporters Act of 1984.

12 The Illinois Occupational Therapy Practice Act.

13 The Illinois Public Accounting Act.

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

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

18 Section 2.5 of the Illinois Plumbing License Law.

19 The Veterinary Medicine and Surgery Practice Act of 2004.

20 (Source: P.A. 97-1139, eff. 12-28-12.)

21 (5 ILCS 80/4.34 new)

22 Sec. 4.34. Act repealed on January 1, 2024. The following

1 Act is repealed on January 1, 2024:

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

4 Section 10. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Sections 5-10, 5-15, 10-25, 10-30, 15-5,
7 15-10, 15-15, 20-10, 20-15, 25-10, 25-15, 25-20, 25-30, 30-5,
8 30-10, 30-15, 30-30, 31-15, 35-10, 35-20, 35-30, 35-32, 35-35,
9 35-40, 35-45, 40-5, 40-10, 40-25, 40-30, 40-35, 40-40, 40-45,
10 45-10, 45-15, 45-20, 45-25, 45-30, 45-45, 45-50, 45-55, 45-60,
11 50-5, 50-10, and 50-15 and by adding Section 50-50 as follows:

12 (225 ILCS 447/5-10)

13 (Section scheduled to be repealed on January 1, 2014)

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

15 "Address of record" means the designated address recorded
16 by the Department in the applicant's application file or the
17 licensee's license file, as maintained by the Department's
18 licensure maintenance unit.

19 "Advertisement" means any public media, including printed
20 or electronic material, that is published or displayed in a
21 phone book, newspaper, magazine, pamphlet, newsletter,
22 website, or other similar type of publication or electronic
23 format that is intended to either attract business or merely
24 provide contact information to the public for an agency or

1 licensee. Advertisement ~~shall include any material~~
2 ~~disseminated by printed or electronic means or media, but~~ shall
3 not include a licensee's or an agency's letterhead, business
4 cards, or other stationery used in routine business
5 correspondence or customary name, address, and number type
6 listings in a telephone directory.

7 "Alarm system" means any system, including an electronic
8 access control system, a surveillance video system, a security
9 video system, a burglar alarm system, a fire alarm system, ~~an~~
10 ~~emergency communication system, mass notification system,~~ or
11 any other electronic system that activates an audible, visible,
12 remote, or recorded signal that is designed for the protection
13 or detection of intrusion, entry, theft, fire, vandalism,
14 escape, or trespass, or other electronic systems designed for
15 the protection of life by indicating the existence of an
16 emergency situation. "Alarm system" also includes an emergency
17 communication system and a mass notification system.

18 "Applicant" means a person or business applying for
19 licensure, registration, or authorization under this Act ~~as a~~
20 ~~fingerprint vendor, fingerprint vendor agency, locksmith,~~
21 ~~locksmith agency, private alarm contractor, private alarm~~
22 ~~contractor agency, private detective, private detective~~
23 ~~agency, private security contractor, or private security~~
24 ~~contractor agency.~~ Any applicant or person who holds himself or
25 herself out as an applicant is considered a licensee or
26 registrant for the purposes of enforcement, investigation,

1 hearings, and the Illinois Administrative Procedure Act.

2 "Armed employee" means a licensee or registered person who
3 is employed by an agency licensed or an armed proprietary
4 security force registered under this Act who carries a weapon
5 while engaged in the performance of official duties within the
6 course and scope of his or her employment during the hours and
7 times the employee is scheduled to work or is commuting between
8 his or her home or place of employment, ~~provided that commuting~~
9 ~~is accomplished within one hour from departure from home or~~
10 ~~place of employment.~~

11 "Armed proprietary security force" means a security force
12 made up of one ~~5~~ or more armed individuals employed by a
13 ~~private,~~ commercial, or industrial operation or ~~one or more~~
14 ~~armed individuals employed~~ by a financial institution as
15 security officers for the protection of persons or property.

16 "Board" means the Private Detective, Private Alarm,
17 Private Security, Fingerprint Vendor, and Locksmith Board.

18 "Branch office" means a business location removed from the
19 place of business for which an agency license has been issued,
20 including, but not limited to, locations where active employee
21 records that are required to be maintained under this Act are
22 kept, where prospective new employees are processed, or where
23 members of the public are invited in to transact business. A
24 branch office does not include an office or other facility
25 located on the property of an existing client that is utilized
26 solely for the benefit of that client and is not owned or

1 leased by the agency.

2 "Canine handler" means a person who uses or handles a
3 trained dog to protect persons or property or to conduct
4 investigations.

5 "Canine handler authorization card" means a card issued by
6 the Department that authorizes the holder to use or handle a
7 trained dog to protect persons or property or to conduct
8 investigations during the performance of his or her duties as
9 specified in this Act.

10 "Canine trainer" means a person who acts as a dog trainer
11 for the purpose of training dogs to protect persons or property
12 or to conduct investigations.

13 "Canine trainer authorization card" means a card issued by
14 the Department that authorizes the holder to train a dog to
15 protect persons or property or to conduct investigations during
16 the performance of his or her duties as specified in this Act.

17 "Canine training facility" means a facility operated by a
18 licensed private detective agency or private security
19 contractor agency wherein dogs are trained for the purposes of
20 protecting persons or property or to conduct investigations.

21 "Corporation" means an artificial person or legal entity
22 created by or under the authority of the laws of a state,
23 including without limitation a corporation, limited liability
24 company, or any other legal entity.

25 "Department" means the Department of Financial and
26 Professional Regulation.

1 "Emergency communication system" means any system that
2 communicates information about emergencies, including but not
3 limited to fire, terrorist activities, shootings, other
4 dangerous situations, accidents, and natural disasters.

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

9 "Fingerprint vendor" means a person that offers,
10 advertises, or provides services to fingerprint individuals,
11 through electronic or other means, for the purpose of providing
12 fingerprint images and associated demographic data to the
13 Department of State Police for processing fingerprint based
14 criminal history record information inquiries.

15 "Fingerprint vendor agency" means a person, firm,
16 corporation, or other legal entity that engages in the
17 fingerprint vendor business and employs, in addition to the
18 fingerprint vendor licensee-in-charge, at least one other
19 person in conducting that business.

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

1 Department shall adopt rules mandating licensee-in-charge
2 participation in agency affairs.

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

7 "Firearm control card" means a card issued by the
8 Department that authorizes the holder, who has complied with
9 the training and other requirements of this Act, to carry a
10 weapon during the performance of his or her duties as specified
11 in this Act.

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

14 "Licensee" means a person or business licensed under this
15 Act ~~as a fingerprint vendor, fingerprint vendor agency,~~
16 ~~locksmith, locksmith agency, private alarm contractor, private~~
17 ~~alarm contractor agency, private detective, private detective~~
18 ~~agency, private security contractor, or private security~~
19 ~~contractor agency~~. Anyone who holds himself or herself out as a
20 licensee or who is accused of unlicensed practice is considered
21 a licensee for purposes of enforcement, investigation,
22 hearings, and the Illinois Administrative Procedure Act.

23 "Locksmith" means a person who engages in a business or
24 holds himself out to the public as providing a service that
25 includes, but is not limited to, the servicing, installing,
26 originating first keys, re-coding, repairing, maintaining,

1 manipulating, or bypassing of a mechanical or electronic
2 locking device, access control or video surveillance system at
3 premises, vehicles, safes, vaults, safe deposit boxes, or
4 automatic teller machines.

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

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

17 "Mass notification system" means any system that is used to
18 provide information and instructions to people in a building or
19 other space using voice communications, including visible
20 signals, text, graphics, tactile, or other communication
21 methods.

22 "Peace officer" or "police officer" means a person who, by
23 virtue of office or public employment, is vested by law with a
24 duty to maintain public order or to make arrests for offenses,
25 whether that duty extends to all offenses or is limited to
26 specific offenses. Officers, agents, or employees of the

1 federal government commissioned by federal statute to make
2 arrests for violations of federal laws are considered peace
3 officers.

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

8 "Person" means a natural person.

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

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

23 "Private alarm contractor agency" means a person,
24 corporation, or other entity that engages in the private alarm
25 contracting business and employs, in addition to the private
26 alarm contractor-in-charge, at least one other person in

1 conducting such business.

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

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

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

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

26 (3) The location, disposition, or recovery of lost or

1 stolen property.

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

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

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

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

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

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

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

1 "Private security contractor" means a person who engages in
2 the business of providing a private security officer, watchman,
3 patrol, guard dog, canine odor detection, or a similar service
4 by any other title or name on a contractual basis for another
5 person, firm, corporation, or other entity for a fee or other
6 consideration and performing one or more of the following
7 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 "Secretary" means the Secretary of the Department of
19 Financial and Professional Regulation.

20 (Source: P.A. 95-613, eff. 9-11-07; 96-847, eff. 6-1-10;
21 96-1445, eff. 8-20-10.)

22 (225 ILCS 447/5-15)

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

24 Sec. 5-15. Legislative intent. The intent of the General
25 Assembly in enacting this statute is to regulate persons,

1 corporations, and firms licensed under this Act for the
2 protection of the public. These practices are declared to
3 affect the public health, safety, and welfare and are subject
4 to exclusive State regulation and licensure. This Act shall be
5 construed to carry out these purposes.

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

7 (225 ILCS 447/10-25)

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

9 Sec. 10-25. Issuance of license; renewal; fees.

10 (a) The Department shall, upon the applicant's
11 satisfactory completion of the requirements set forth in this
12 Act and upon receipt of the fee, issue the license indicating
13 the name and business location of the licensee and the date of
14 expiration.

15 (b) An applicant may, upon satisfactory completion of the
16 requirements set forth in this Act and upon receipt of fees
17 related to the application and testing for licensure, elect to
18 defer the issuance of the applicant's initial license for a
19 period not longer than 3 ~~6~~ years. An applicant who fails to
20 request issuance of his or her initial license or agency
21 license and to remit the fees required for that license within
22 3 ~~6~~ years shall be required to resubmit an application together
23 with all required fees.

24 (c) The expiration date, renewal period, and conditions for
25 renewal and restoration of each license, permanent employee

1 registration card, canine handler authorization card, canine
2 trainer authorization card, and firearm control card shall be
3 set by rule. The holder may renew the license, permanent
4 employee registration card, canine handler authorization card,
5 canine trainer authorization card, or firearm control card
6 during the 30 days preceding its expiration by paying the
7 required fee and by meeting conditions that the Department may
8 specify. Any license holder who notifies the Department on
9 forms prescribed by the Department may place his or her license
10 on inactive status for a period of not longer than 3 ~~6~~ years
11 and shall, subject to the rules of the Department, be excused
12 from payment of renewal fees until the license holder notifies
13 the Department, in writing, of an intention to resume active
14 status. Practice while on inactive status constitutes
15 unlicensed practice. A non-renewed license that has lapsed for
16 less than 3 ~~6~~ years may be restored upon payment of the
17 restoration fee and all lapsed renewal fees. A license that has
18 lapsed for more than 3 ~~6~~ years may be restored by paying the
19 required restoration fee and all lapsed renewal fees and by
20 providing evidence of competence to resume practice
21 satisfactory to the Department and the Board, which may include
22 passing a written examination. All restoration fees and lapsed
23 renewal fees shall be waived for an applicant whose license
24 lapsed while on active duty in the armed forces of the United
25 States if application for restoration is made within 12 months
26 after discharge from the service.

1 Any person seeking renewal or restoration under this
2 subsection (c) shall be subject to the continuing education
3 requirements established pursuant to Section 10-27 of this Act.

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

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

15 (225 ILCS 447/10-30)

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

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

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

24 (2) (Blank). ~~Upon termination of employment by the~~
25 ~~agency, to fail to return within 72 hours of termination of~~

1 ~~employment any uniform, badge, identification card, or~~
2 ~~equipment issued, but not sold, to the employee by the~~
3 ~~agency.~~

4 (3) To falsify the employee's statement required by
5 this Act.

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

8 In addition, no license holder or employee of a licensed
9 agency shall in any manner imply that the person is an
10 employee or agent of a governmental agency or display a
11 badge or identification card, emblem, or uniform citing the
12 words "police", "sheriff", "highway patrol trooper", or
13 "law enforcement".

14 A person who violates any provision of this Section shall
15 be guilty of a Class A misdemeanor; a person who commits a
16 second or subsequent violation of these provisions is guilty of
17 a Class 4 felony.

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

19 (225 ILCS 447/15-5)

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

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

24 (1) An employee of the United States, Illinois, or a
25 political subdivision of either while the employee is

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

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

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

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

25 (5) A person, firm, or other entity engaged in
26 providing computer forensics services so long as the

1 person, firm, or other entity does not hold himself or
2 herself out to be a private detective. For the purposes of
3 this item (5), "computer forensics services" means a branch
4 of forensic science pertaining to the recovery and analysis
5 of electronically stored information.

6 (6) A person employed as an investigator exclusively by
7 only one employer in connection with the exclusive
8 activities of that employer and who does not hold himself
9 or herself out to be a private detective.

10 (7) A person appointed by the circuit court pursuant to
11 the Code of Civil Procedure to make service of process in a
12 specific case, provided that such person is not otherwise
13 engaged in the business of serving process.

14 (8) A person appointed by the circuit court pursuant to
15 the Code of Civil Procedure who is an honorably discharged
16 veteran of the armed forces of the United States and is
17 self-employed as a process server.

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

19 (225 ILCS 447/15-10)

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

21 Sec. 15-10. Qualifications for licensure as a private
22 detective.

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

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

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

5 (3) Is of good moral character. Good character is a
6 continuing requirement of licensure. Conviction of crimes
7 other than felonies may be used in determining moral
8 character, but shall not constitute an absolute bar to
9 licensure, except where the applicant is a registered sex
10 offender.

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

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

17 (6) Has a minimum of 3 years experience of the 5 years
18 immediately preceding application working full-time for a
19 licensed private detective agency as a registered private
20 detective agency employee or with 3 years experience of the
21 5 years immediately preceding his or her application
22 employed as a full-time investigator for a licensed
23 attorney, for an in-house investigative unit for a
24 corporation having 100 or more employees, for any of the
25 armed forces of the United States, or in a law enforcement
26 agency of the a federal government, a state, or a state

1 political subdivision, which shall include a state's
2 attorney's office or a public defender's office. The Board
3 and the Department shall approve such full-time
4 investigator experience and may accept, in lieu of the
5 experience requirement in this item (6), alternative
6 experience working full-time for a private detective
7 agency licensed in another state or for a private detective
8 agency in a state that does not license such agencies if
9 the experience is substantially equivalent to that gained
10 working for an Illinois licensed private detective agency.

11 An applicant who has a baccalaureate degree, or higher, in
12 law enforcement or a related field or a business degree
13 from an accredited college or university shall be given
14 credit for 2 of the 3 years of the required experience. An
15 applicant who has an associate degree in law enforcement or
16 in a related field or in business from an accredited
17 college or university shall be given credit for one of the
18 3 years of the required experience. An applicant who has
19 completed a non-degree military training program in law
20 enforcement or a related field shall be given credit for
21 one of the 3 years of the required experience if the Board
22 and the Department determine that such training is
23 substantially equivalent to that received in an associate
24 degree program.

25 (7) Has not been dishonorably discharged from the armed
26 forces of the United States or has not been discharged from

1 a law enforcement agency of the United States or of any
2 state or of any political subdivision thereof, which shall
3 include a state's attorney's office, for reasons relating
4 to his or her conduct as an employee of that law
5 enforcement agency.

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

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

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

12 (b) It is the responsibility of the applicant to obtain
13 general liability insurance in an amount and coverage
14 appropriate for the applicant's circumstances as determined by
15 rule. The applicant shall provide evidence of insurance to the
16 Department before being issued a license. Failure to maintain
17 general liability insurance and to provide the Department with
18 written proof of the insurance shall result in cancellation of
19 the license without hearing.

20 (c) Any person who has been providing canine odor detection
21 services for hire prior to January 1, 2005 is exempt from the
22 requirements of item (6) of subsection (a) of this Section and
23 may be granted a private detective license if (i) he or she
24 meets the requirements of items (1) through (5) and items (7)
25 through (10) of subsection (a) of this Section, (ii) pays all
26 applicable fees, and (iii) presents satisfactory evidence to

1 the Department of the provision of canine odor detection
2 services for hire since January 1, 2005.

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

4 (225 ILCS 447/15-15)

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

6 Sec. 15-15. Qualifications for licensure as a private
7 detective agency.

8 (a) Upon receipt of the required fee and proof that the
9 applicant has a full-time Illinois licensed private detective
10 licensee-in-charge ~~detective-in-charge~~, which is a continuing
11 requirement for agency licensure, the Department shall issue a
12 license as a private detective agency to any of the following:

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

15 (2) A firm that submits an application and all of the
16 members of the firm are licensed private detectives under
17 this Act.

18 (3) A corporation or limited liability company doing
19 business in Illinois that is authorized to engage in the
20 business of conducting a private detective agency,
21 provided at least one full-time executive employee is
22 licensed as a private detective under this Act and all
23 unlicensed officers and directors of the corporation or
24 limited liability company are determined by the Department
25 to be persons of good moral character.

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

16 (c) Upon issuance of the temporary certificate of authority
17 as provided for in subsection (b) of this Section, and at any
18 time thereafter while the temporary certificate of authority is
19 in effect, the Department may request in writing additional
20 information from the agency regarding the loss of its
21 licensee-in-charge, the selection of a new licensee-in-charge,
22 and the management of the agency. Failure of the agency to
23 respond or respond to the satisfaction of the Department shall
24 cause the Department to deny any extension of the temporary
25 certificate of authority. While the temporary certificate of
26 authority is in effect, the Department may disapprove the

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

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

13 (225 ILCS 447/20-10)

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

15 Sec. 20-10. Qualifications for licensure as a private alarm
16 contractor.

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

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

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

25 (3) Is of good moral character. Good moral character is

1 a continuing requirement of licensure. Conviction of
2 crimes other than felonies may be used in determining moral
3 character, but shall not constitute an absolute bar to
4 licensure, except where the applicant is a registered sex
5 offender.

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

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

12 (6) Has a minimum of 3 years experience during the 5
13 years immediately preceding the application (i) working as
14 a full-time manager for a licensed private alarm contractor
15 agency or (ii) working for a government, one of the armed
16 forces of the United States, or private entity that
17 inspects, reviews, designs, sells, installs, operates,
18 services, or monitors alarm systems that, in the judgment
19 of the Board, satisfies the standards of alarm industry
20 competence. The Board and the Department may accept, in
21 lieu of the experience requirement in this item (6),
22 alternative experience working as a full-time manager for a
23 private alarm contractor agency licensed in another state
24 or for a private alarm contractor agency in a state that
25 does not license such agencies, if the experience is
26 substantially equivalent to that gained working for an

1 Illinois licensed private alarm contractor agency. An
2 applicant who has received a 4-year degree or higher in
3 electrical engineering or a related field from a program
4 approved by the Board shall be given credit for 2 years of
5 the required experience. An applicant who has successfully
6 completed a national certification program approved by the
7 Board shall be given credit for one year of the required
8 experience.

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

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

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

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

17 (b) (Blank).

18 (c) It is the responsibility of the applicant to obtain
19 general liability insurance in an amount and coverage
20 appropriate for the applicant's circumstances as determined by
21 rule. The applicant shall provide evidence of insurance to the
22 Department before being issued a license. Failure to maintain
23 general liability insurance and to provide the Department with
24 written proof of the insurance shall result in cancellation of
25 the license without hearing.

26 (Source: P.A. 95-613, eff. 9-11-07; 96-847, eff. 6-1-10.)

1 (225 ILCS 447/20-15)

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

3 Sec. 20-15. Qualifications for licensure as a private alarm
4 contractor agency.

5 (a) Upon receipt of the required fee and proof that the
6 applicant has a full-time Illinois licensed private alarm
7 contractor licensee-in-charge ~~contractor in charge~~, which is a
8 continuing requirement for agency licensure, the Department
9 shall issue a license as a private alarm contractor agency to
10 any of the following:

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

13 (2) A firm that submits an application and all of the
14 members of the firm are licensed private alarm contractors
15 under this Act.

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

25 (b) No private alarm contractor may be the

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

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

26 (d) Upon issuance of the temporary certificate of authority

1 as provided for in subsection (b) of this Section and at any
2 time thereafter while the temporary certificate of authority is
3 in effect, the Department may request in writing additional
4 information from the agency regarding the loss of its
5 licensee-in-charge, the selection of a new licensee-in-charge,
6 and the management of the agency. Failure of the agency to
7 respond or respond to the satisfaction of the Department shall
8 cause the Department to deny any extension of the temporary
9 certificate of authority. While the temporary certificate of
10 authority is in effect, the Department may disapprove the
11 selection of a new licensee-in-charge by the agency if the
12 person's license is not operative or the Department has good
13 cause to believe that the person selected will not fully
14 exercise the responsibilities of a licensee-in-charge. If the
15 Department has disapproved the selection of another new
16 licensee-in-charge and the temporary certificate of authority
17 expires or is about to expire without the agency selecting a
18 new licensee-in-charge, the Department shall grant an
19 extension of the temporary certificate of authority for an
20 additional 90 days, except as otherwise prohibited in
21 subsection (b) or this subsection (d).

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

23 (225 ILCS 447/25-10)

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

25 Sec. 25-10. Qualifications for licensure as a private

1 security contractor.

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

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

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

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

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

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

22 (6) Has a minimum of 3 years experience of the 5 years
23 immediately preceding application working as a full-time
24 manager for a licensed private security contractor agency
25 or a manager of a proprietary security force of 30 or more
26 persons registered with the Department or with 3 years

1 experience of the 5 years immediately preceding his or her
2 application employed as a full-time supervisor for an
3 in-house security unit for a corporation having 100 or more
4 employees, for a military police or related security unit
5 in any of the armed forces of the United States, or in a
6 law enforcement agency of the ~~a~~ federal government, a
7 state, or a state political subdivision, which shall
8 include a state's attorney's office or public defender's
9 office. The Board and the Department shall approve such
10 full-time supervisory experience and may accept, in lieu of
11 the experience requirement in this subsection, alternative
12 experience working as a full-time manager for a private
13 security contractor agency licensed in another state or for
14 a private security contractor agency in a state that does
15 not license such agencies if the experience is
16 substantially equivalent to that gained working for an
17 Illinois licensed private security contractor agency. An
18 applicant who has a baccalaureate degree or higher in
19 police science or a related field or a business degree from
20 an accredited college or university shall be given credit
21 for 2 of the 3 years of the required experience. An
22 applicant who has completed a non-degree military training
23 program in police science or a related field shall be given
24 credit for one of the 3 years of the required experience if
25 the Board and the Department determine that such training
26 is substantially equivalent to that received in an

1 associate degree program. An applicant who has an associate
2 degree in police science or in a related field or in
3 business from an accredited college or university shall be
4 given credit for one of the 3 years of the required
5 experience.

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

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

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

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

14 (b) It is the responsibility of the applicant to obtain
15 general liability insurance in an amount and coverage
16 appropriate for the applicant's circumstances as determined by
17 rule. The applicant shall provide evidence of insurance to the
18 Department before being issued a license. Failure to maintain
19 general liability insurance and to provide the Department with
20 written proof of the insurance shall result in cancellation of
21 the license without hearing.

22 (c) Any person who has been providing canine odor detection
23 services for hire prior to January 1, 2005 is exempt from the
24 requirements of item (6) of subsection (a) of this Section and
25 may be granted a private security contractor license if (i) he
26 or she meets the requirements of items (1) through (5) and

1 items (7) through (10) of subsections (a) of this Section, (ii)
2 pays all applicable fees, and (iii) presents satisfactory
3 evidence to the Department of the provision of canine odor
4 detection services for hire since January 1, 2005.

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

6 (225 ILCS 447/25-15)

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

8 Sec. 25-15. Qualifications for licensure as a private
9 security contractor agency.

10 (a) Upon receipt of the required fee and proof that the
11 applicant has a full-time Illinois licensed private security
12 licensee-in-charge ~~contractor-in-charge~~, which is a continuing
13 requirement for agency licensure, the Department shall issue a
14 license as a private security contractor agency to any of the
15 following:

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

18 (2) A firm that submits an application and all of the
19 members of the firm are licensed private security
20 contractors under this Act.

21 (3) A corporation or limited liability company doing
22 business in Illinois that is authorized to engage in the
23 business of conducting a private security contractor
24 agency if at least one officer or executive employee is
25 licensed as a private security contractor under this Act

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

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

21 (c) Upon issuance of the temporary certificate of authority
22 as provided for in subsection (b) of this Section and at any
23 time thereafter while the temporary certificate of authority is
24 in effect, the Department may request in writing additional
25 information from the agency regarding the loss of its
26 licensee-in-charge, the selection of a new licensee-in-charge,

1 and the management of the agency. Failure of the agency to
2 respond or respond to the satisfaction of the Department shall
3 cause the Department to deny any extension of the temporary
4 certificate of authority. While the temporary certificate of
5 authority is in effect, the Department may disapprove the
6 selection of a new licensee-in-charge by the agency if the
7 person's license is not operative or the Department has good
8 cause to believe that the person selected will not fully
9 exercise the responsibilities of a licensee-in-charge. If the
10 Department has disapproved the selection of a new
11 licensee-in-charge and the temporary certificate of authority
12 expires or is about to expire without the agency selecting
13 another new licensee-in-charge, the Department shall grant an
14 extension of the temporary certificate of authority for an
15 additional 90 days, except as otherwise prohibited in
16 subsection (b) or this subsection (c).

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

18 (225 ILCS 447/25-20)

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

20 Sec. 25-20. Training; private security contractor and
21 employees.

22 (a) Registered employees of the private security
23 contractor agency who provide traditional guarding or other
24 private security related functions or who respond to alarm
25 systems shall complete, within 30 days of their employment, a

1 minimum of 20 hours of classroom basic training provided by a
2 qualified instructor, which shall include the following
3 subjects:

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

6 (2) Civil and criminal liability for acts related to
7 private security.

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

11 (4) Arrest and control techniques.

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

15 (6) The law on private security forces and on reporting
16 to law enforcement agencies.

17 (7) Fire prevention, fire equipment, and fire safety.

18 (8) The procedures for ~~service of process and for~~
19 report writing.

20 (9) Civil rights and public relations.

21 (10) The identification of terrorists, acts of
22 terrorism, and terrorist organizations, as defined by
23 federal and State statutes.

24 (b) All other employees of a private security contractor
25 agency shall complete a minimum of 20 hours of training
26 provided by the qualified instructor within 30 days of their

1 employment. The substance of the training shall be related to
2 the work performed by the registered employee.

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

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

19 (e) It is the responsibility of the employer to certify, on
20 a form provided by the Department, that the employee has
21 successfully completed the basic and refresher training. The
22 form shall be a permanent record of training completed by the
23 employee and shall be placed in the employee's file with the
24 employer for the period the employee remains with the employer.
25 An agency may place a notarized copy of the Department form in
26 lieu of the original into the permanent employee registration

1 card file. The original form shall be given to the employee
2 when his or her employment is terminated. Failure to return the
3 original form to the employee is grounds for disciplinary
4 action. The employee shall not be required to repeat the
5 required training once the employee has been issued the form.
6 An employer may provide or require additional training.

7 (f) Any certification of completion of the 20-hour basic
8 training issued under the Private Detective, Private Alarm,
9 Private Security and Locksmith Act of 1993 or any prior Act
10 shall be accepted as proof of training under this Act.

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

12 (225 ILCS 447/25-30)

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

14 Sec. 25-30. Uniforms.

15 (a) No licensee under this Act or any employee of a
16 licensed agency shall wear or display a badge, shoulder patch
17 or other identification that contains the words "law" or
18 "enforcement" ~~"law enforcement"~~. No license holder or employee
19 of a licensed agency shall imply in any manner that the person
20 is an employee or agent of a governmental entity, display a
21 badge or identification card, emblem, or uniform using the
22 words "police", "sheriff", "highway patrol", "trooper", "law
23 enforcement" or any similar term.

24 (b) All military-style uniforms, if worn by employees of a
25 licensed private security contractor agency, must bear the name

1 of the private security contractor agency, which shall be
2 plainly visible on a patch, badge, or other insignia.

3 (c) All uniforms, if worn by employees of a licensed
4 private security contractor agency, may only be worn in the
5 performance of their duties or while commuting directly to or
6 from the employee's place or places of employment, ~~provided~~
7 ~~this is accomplished within one hour from departure from home~~
8 ~~or place of employment.~~

9 (d) Employees shall return any uniform, badge,
10 identification card, or equipment issued, but not sold, to the
11 employee by the agency within 72 hours of termination of
12 employment.

13 (e) Licensees under this Act of any employee of a licensed
14 agency are prohibited from using the Illinois State Seal on
15 badges, company logos, identification cards, patches, or other
16 insignia.

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

18 (225 ILCS 447/30-5)

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

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

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

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

3 (3) A retail merchant selling locks or similar security
4 accessories, duplicating keys, or installing, programming,
5 repairing, maintaining, reprogramming, rebuilding, or
6 servicing electronic garage door devices.

7 (4) A member of the building trades who installs or
8 removes complete locks or locking devices in the course of
9 residential or commercial new construction or remodeling.

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

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

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

25 (8) A maintenance employee of a property management
26 company at a multi-family residential building who

1 services, installs, repairs, or opens locks for tenants.

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

6 (10) Persons who have no access to confidential or
7 security information and who otherwise do not provide
8 traditional locksmith services, as defined in this Act, are
9 exempt from employee registration. Examples of exempt
10 employees include, but are not limited to, employees
11 working in the capacity of key cutters, cashiers, drivers,
12 and reception personnel. Confidential or security
13 information is that which pertains to employee files,
14 scheduling, client contracts, master key charts, access
15 codes, or technical security and alarm data.

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

17 (225 ILCS 447/30-10)

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

19 Sec. 30-10. Qualifications for licensure as a locksmith.

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

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

23 (2) Has not been convicted of any felony in any
24 jurisdiction or at least 10 years have elapsed since the
25 time of full discharge from a sentence imposed for a felony

1 conviction.

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

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

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

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

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

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

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

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

1 general liability insurance and to provide the Department with
2 written proof of the insurance shall result in cancellation of
3 the license without hearing. A locksmith employed by a licensed
4 locksmith agency or employed by a private concern may provide
5 proof that his or her actions as a locksmith are covered by the
6 liability insurance of his or her employer.

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

8 (225 ILCS 447/30-15)

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

10 Sec. 30-15. Qualifications for licensure as a locksmith
11 agency.

12 (a) Upon receipt of the required fee and proof that the
13 applicant has a full-time ~~is an~~ Illinois licensed locksmith
14 licensee-in-charge ~~who shall assume responsibility for the~~
15 ~~operation of the agency and the directed actions of the~~
16 ~~agency's employees,~~ which is a continuing requirement for
17 agency licensure, the Department shall issue a license as a
18 locksmith agency to any of the following:

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

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

23 (3) A corporation or limited liability company doing
24 business in Illinois that is authorized to engage in the
25 business of conducting a locksmith agency if at least one

1 officer or executive employee is a licensed locksmith under
2 this Act and all unlicensed officers and directors of the
3 corporation or limited liability company are determined by
4 the Department to be persons of good moral character.

5 (b) An individual licensed as a locksmith operating under a
6 business name other than the licensed locksmith's own name
7 shall not be required to obtain a locksmith agency license if
8 that licensed locksmith does not employ any persons to engage
9 in the practice of locksmithing and registers under the Assumed
10 Business Name Act.

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

26 (c-1) Upon issuance of the temporary certificate of

1 authority as provided for in subsection (c) of this Section and
2 at any time thereafter while the temporary certificate of
3 authority is in effect, the Department may request in writing
4 additional information from the agency regarding the loss of
5 its licensee-in-charge, the selection of a new
6 licensee-in-charge, and the management of the agency. Failure
7 of the agency to respond to the satisfaction of the Department
8 shall cause the Department to deny any extension of the
9 temporary certificate of authority. While the temporary
10 certificate of authority is in effect, the Department may
11 disapprove the selection of a new licensee-in-charge by the
12 agency if the person's license is not operative or the
13 Department has good cause to believe that the person selected
14 will not fully exercise the responsibilities of a
15 licensee-in-charge. If the Department has disapproved the
16 selection of a new licensee-in-charge and the temporary
17 certificate of authority expires or is about to expire without
18 the agency selecting another new licensee-in-charge, the
19 Department shall grant an extension of the temporary
20 certificate of authority for an additional 90 days, except as
21 otherwise prohibited in subsection (c) or this subsection
22 (c-1).

23 (d) The Department shall require without limitation all of
24 the following information from each applicant for licensure as
25 a locksmith agency under this Act:

26 (1) The name, full business address, and telephone

1 number of the locksmith agency. The business address for
2 the locksmith agency shall be a complete street address
3 from which business is actually conducted, shall be located
4 within the State, and may not be a P.O. Box. The applicant
5 shall submit proof that the business location is or will be
6 used to conduct the locksmith agency's business. The
7 Department may approve of an out-of-state business
8 location if it is not over 50 miles in distance from the
9 borders of this State.

10 (2) All trade or business names used by the licensee.

11 (3) The type of ownership or operation, such as a
12 partnership, corporation, or sole proprietorship.

13 (4) The name of the owner or operator of the locksmith
14 agency, including:

15 (A) if a person, then the name and address of
16 record of the person;

17 (B) if a partnership, then the name and address of
18 record of each partner and the name of the partnership;

19 (C) if a corporation, then the name, address of
20 record, and title of each corporate officer and
21 director, the corporate names, and the name of the
22 state of incorporation; and

23 (D) if a sole proprietorship, then the full name
24 and address of record of the sole proprietor and the
25 name of the business entity.

26 (5) The name and license number of the

1 licensee-in-charge for the locksmith agency.

2 (6) Any additional information required by the
3 Department by rule.

4 (e) A licensed locksmith agency may operate under a "doing
5 business as" or assumed name certification without having to
6 obtain a separate locksmith agency license if the "doing
7 business as" or assumed name is first registered with the
8 Department. A licensed locksmith agency may register no more
9 than one assumed name.

10 (Source: P.A. 95-613, eff. 9-11-07; 96-1445, eff. 8-20-10.)

11 (225 ILCS 447/30-30)

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

13 Sec. 30-30. Consumer protection; required information for
14 consumers.

15 (a) A licensee providing any locksmith services shall
16 document on a work order, invoice, or receipt the name,
17 address, and telephone number of the person requesting the work
18 to be done.

19 (b) The locksmith who performs the services shall include
20 on the work order, invoice, or receipt his or her name and
21 license number.

22 (c) If the locksmith who performs the services is employed
23 by a locksmith agency, then the name, address, and license
24 number of the locksmith agency and the name and license or
25 registration number of the locksmith who performed the services

1 shall be included on the work order, invoice, or receipt.

2 (d) A copy of the work order, invoice, or receipt shall be
3 provided to the customer at the time of service and the
4 original copy of the work order, invoice, or receipt shall be
5 kept by the licensed locksmith or locksmith agency for a period
6 of 2 years.

7 (e) The name, address, and license number of the locksmith
8 or locksmith agency, if applicable, shall be pre-printed on the
9 work order, invoice, or receipt required under this Section.

10 (f) A locksmith may be disciplined by the Department
11 pursuant to this Act for gross or, willful, ~~and continued~~
12 overcharging for professional locksmith services, including
13 filing false statements for the collection of fees for services
14 not rendered.

15 (Source: P.A. 96-1445, eff. 8-20-10.)

16 (225 ILCS 447/31-15)

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

18 Sec. 31-15. Qualifications for licensure as a fingerprint
19 vendor agency.

20 (a) Upon receipt of the required fee and proof that the
21 applicant has a full-time ~~is an~~ Illinois licensed fingerprint
22 vendor licensee-in-charge ~~who shall assume responsibility for~~
23 ~~the operation of the agency and the directed actions of the~~
24 ~~agency's employees~~, which is a continuing requirement for
25 agency licensure, the Department may issue a license as a

1 fingerprint vendor agency to any of the following:

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

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

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

15 (b) An individual licensed as a fingerprint vendor
16 operating under a business name other than the licensed
17 fingerprint vendor's own name shall not be required to obtain a
18 fingerprint vendor agency license if that licensed fingerprint
19 vendor does not employ any persons to provide fingerprinting
20 services.

21 (c) No fingerprint vendor may be the ~~fingerprint vendor~~
22 licensee-in-charge for more than one fingerprint vendor
23 agency. Upon written request by a representative of the agency,
24 within 10 days after the loss of a ~~fingerprint vendor~~
25 licensee-in-charge of an agency because of the death of that
26 individual or because of the termination of the employment of

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

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

1 licensee-in-charge and the temporary certificate of authority
2 expires or is about to expire without the agency selecting
3 another new licensee-in-charge, the Department shall grant an
4 extension of the temporary certificate of authority for an
5 additional 90 days, except as otherwise prohibited in
6 subsection (c) or this subsection (d).

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

8 (225 ILCS 447/35-10)

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

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

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

16 (225 ILCS 447/35-20)

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

18 Sec. 35-20. Renewal provisions. ~~(a)~~ As a condition of
19 renewal of a license, each licensee shall report to the
20 Department information pertaining to the licensee's business
21 location, status as active or inactive, proof of continued
22 general liability insurance coverage, and any other data as
23 determined by rule to be reasonably related to the
24 administration of this Act. Licensees shall report this

1 information as a condition of renewal, except that a change in
2 home or office address or a change of the licensee-in-charge
3 shall be reported within 10 days of when it occurs.

4 ~~(b) Upon renewal, every licensee shall report to the~~
5 ~~Department every instance during the licensure period in which~~
6 ~~the quality of his or her professional services in the State of~~
7 ~~Illinois was the subject of legal action that resulted in a~~
8 ~~settlement or a verdict in excess of \$10,000.~~

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

10 (225 ILCS 447/35-30)

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

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

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

20 (1) Is younger than 18 years of age.

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

23 (3) Has been determined by the Department to be unfit
24 by reason of conviction of an offense in this or another
25 state, including registration as a sex offender, but not

1 including, other than a traffic offense. Persons convicted
2 of felonies involving bodily harm, weapons, violence, or
3 theft within the previous 10 years shall be presumed to be
4 unfit for registration. The Department shall adopt rules
5 for making those determinations that shall afford the
6 applicant due process of law.

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

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

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

25 (b) No person may be employed by a private detective
26 agency, private security contractor agency, private alarm

1 contractor agency, fingerprint vendor agency, or locksmith
2 agency under this Section until he or she has executed and
3 furnished to the employer, on forms furnished by the
4 Department, a verified statement to be known as "Employee's
5 Statement" setting forth:

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

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

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

24 (4) Any conviction of a felony or misdemeanor.

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

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

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

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

1 use other procedures in performing or obtaining criminal
2 background checks of applicants. Instead of submitting his or
3 her fingerprints, an individual may submit proof that is
4 satisfactory to the Department that an equivalent security
5 clearance has been conducted. Also, an individual who has
6 retired as a peace officer within 12 months of application may
7 submit verification, on forms provided by the Department and
8 signed by his or her employer, of his or her previous full-time
9 employment as a peace officer.

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

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

26 (1) A photograph taken within 10 days of the date that

1 the employee begins employment with the employer. The
2 photograph shall be replaced with a current photograph
3 every 3 calendar years.

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

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

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

1 each armed employee's permanent file is grounds for
2 disciplinary action. The Department, upon receipt of a
3 report, shall have the authority to make any investigation
4 it considers appropriate into any occurrence in which an
5 employee's weapon was discharged and to take disciplinary
6 action as may be appropriate.

7 (5) A copy of the employee's permanent employee
8 registration card or a copy of the Department's "License
9 Lookup" Webpage showing that the employee has been issued a
10 valid permanent employee registration card by the
11 Department.

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

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

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

1 the fingerprints of a person other than himself or herself.

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

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

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

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

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

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

25 (3) The agency exercises due diligence to ensure that
26 the person is qualified under the requirements of the Act

1 to be issued a permanent employee registration card.

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

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

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

25 An agency may not employ a person in a temporary capacity
26 if it knows or reasonably should have known that the person has

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

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

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

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

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

25 (n) Peace officers shall be exempt from the requirements of
26 this Section relating to permanent employee registration

1 cards. The agency shall remain responsible for any peace
2 officer employed under this exemption, regardless of whether
3 the peace officer is compensated as an employee or as an
4 independent contractor and as further defined by rule.

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

15 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
16 96-847, eff. 6-1-10.)

17 (225 ILCS 447/35-32)

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

19 Sec. 35-32. Employment requirement.

20 (a) The holder of a permanent employee registration card is
21 prohibited from performing the activities of a fingerprint
22 vendor, locksmith, private alarm contractor, private
23 detective, or private security contractor without being
24 employed by an agency licensed under this Act.

25 (b) An agency licensed under this Act is prohibited from

1 evading or attempting to evade the requirements for employee
2 registration under this Act by engaging a contractor or
3 independent contractor to perform the activities of a
4 fingerprint vendor, locksmith, private alarm contractor,
5 private detective, or private security contractor, unless that
6 person is licensed under this Act.

7 (Source: P.A. 96-1445, eff. 8-20-10.)

8 (225 ILCS 447/35-35)

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

10 Sec. 35-35. Requirement of a firearm control card.

11 (a) No person shall perform duties that include the use,
12 carrying, or possession of a firearm in the performance of
13 those duties without complying with the provisions of this
14 Section and having been issued a valid firearm control card by
15 the Department.

16 (b) No employer shall employ any person to perform the
17 duties for which licensure or employee registration is required
18 and allow that person to carry a firearm unless that person has
19 complied with all the firearm training requirements of this
20 Section and has been issued a firearm control card. This Act
21 permits only the following to carry firearms while actually
22 engaged in the performance of their duties or while commuting
23 directly to or from their places of employment: persons
24 licensed as private detectives and their registered employees;
25 persons licensed as private security contractors and their

1 registered employees; persons licensed as private alarm
2 contractors and their registered employees; and employees of a
3 registered armed proprietary security force.

4 (c) Possession of a valid firearm control card allows a
5 licensee or ~~an~~ employee to carry a firearm not otherwise
6 prohibited by law while the licensee or employee is engaged in
7 the performance of his or her duties or while the licensee or
8 employee is commuting directly to or from the licensee's or
9 employee's place or places of employment, ~~provided that this is~~
10 ~~accomplished within one hour from departure from home or place~~
11 ~~of employment.~~

12 (d) The Department shall issue a firearm control card to a
13 person who has passed an approved firearm training course, who
14 is currently licensed or employed by an agency licensed by this
15 Act and has met all the requirements of this Act, and who
16 possesses a valid firearm owner identification card.
17 Application for the firearm control card shall be made by the
18 employer to the Department on forms provided by the Department.
19 The Department shall forward the card to the employer who shall
20 be responsible for its issuance to the licensee or employee.
21 The firearm control card shall be issued by the Department and
22 shall identify the person holding it and the name of the course
23 where the licensee or employee received firearm instruction and
24 shall specify the type of weapon or weapons the person is
25 authorized by the Department to carry and for which the person
26 has been trained.

1 (e) Expiration and requirements for renewal of firearm
2 control cards shall be determined by rule.

3 (f) The Department may, in addition to any other
4 disciplinary action permitted by this Act, refuse to issue,
5 suspend, or revoke a firearm control card if the applicant or
6 holder has been convicted of any felony or crime involving the
7 illegal use, carrying, or possession of a deadly weapon or for
8 a violation of this Act or rules promulgated under this Act.
9 The Department shall refuse to issue or shall revoke a firearm
10 control card if the applicant or holder fails to possess a
11 valid firearm owners identification card without hearing. The
12 Secretary ~~Director~~ shall summarily suspend a firearm control
13 card if the Secretary ~~Director~~ finds that its continued use
14 would constitute an imminent danger to the public. A hearing
15 shall be held before the Board within 30 days if the Secretary
16 ~~Director~~ summarily suspends a firearm control card.

17 (g) Notwithstanding any other provision of this Act to the
18 contrary, all requirements relating to firearms control cards
19 do not apply to a peace officer.

20 (h) The Department may issue a temporary firearm control
21 card pending issuance of a new firearm control card upon an
22 agency's acquiring of an established armed account. An agency
23 that has acquired armed employees as a result of acquiring an
24 established armed account may, on forms supplied by the
25 Department, request the issuance of a temporary firearm control
26 card for each acquired employee who held a valid firearm

1 control card under his or her employment with the newly
2 acquired established armed account immediately preceding the
3 acquiring of the account and who continues to meet all of the
4 qualifications for issuance of a firearm control card set forth
5 in this Act and any rules adopted under this Act. The
6 Department shall, by rule, set the fee for issuance of a
7 temporary firearm control card.

8 (i) The Department shall ~~may~~ not issue a firearm control
9 card to a licensed fingerprint vendor or a licensed locksmith
10 or employees of a licensed fingerprint vendor agency or a
11 licensed locksmith agency.

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

13 (225 ILCS 447/35-40)

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

15 Sec. 35-40. Firearm control; training requirements.

16 (a) The Department shall, pursuant to rule, approve or
17 disapprove training programs for the firearm training course,
18 which shall be taught by a qualified instructor. Qualifications
19 for instructors shall be set by rule. The firearm training
20 course shall be conducted by entities, by a licensee, or by an
21 agency licensed by this Act, provided the course is approved by
22 the Department. The firearm course shall consist of the
23 following minimum requirements:

24 (1) 40 hours of training, 20 hours of which shall be as
25 described in Sections 15-20, 20-20, or 25-20, as

1 applicable, and 20 hours of which shall include all of the
2 following:

3 (A) Instruction in the dangers of and misuse of
4 firearms, their storage, safety rules, and care and
5 cleaning of firearms.

6 (B) Practice firing on a range with live
7 ammunition.

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

9 (D) A presentation of the ethical and moral
10 considerations necessary for any person who possesses
11 a firearm.

12 (E) A review of the laws regarding arrest, search,
13 and seizure.

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

16 (2) An examination shall be given at the completion of
17 the course. The examination shall consist of a firearms
18 qualification course and a written examination. Successful
19 completion shall be determined by the Department.

20 (b) The firearm training requirement may be waived for a
21 licensee or an employee who has completed training provided by
22 the Illinois Law Enforcement Training Standards Board or the
23 equivalent public body of another state or is a qualified
24 retired law enforcement officer as defined in the federal Law
25 Enforcement Officers Safety Act of 2004 and is in compliance
26 with all of the requirements of that Act, provided

1 documentation showing requalification with the weapon on the
2 firing range is submitted to the Department.

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

4 (225 ILCS 447/35-45)

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

6 Sec. 35-45. Armed proprietary security force.

7 (a) All financial institutions that employ one or more
8 armed employees and all commercial or industrial operations
9 that employ 5 or more persons as armed employees shall register
10 their security forces with the Department on forms provided by
11 the Department. For the purposes of this Section, "financial
12 institution" includes a bank, savings and loan association,
13 credit union, currency exchange, or company providing armored
14 car services.

15 (a-1) Commercial or industrial operations that employ less
16 than 5 persons as armed employees may register their security
17 forces with the Department on forms provided by the Department.
18 Registration subjects the security force to all of the
19 requirements of this Section.

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

23 (c) Every proprietary security force is required to apply
24 to the Department, on forms supplied by the Department, for a
25 firearm control card for each armed employee. Each armed

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

1 and signed by his or her employer, of his or her previous
2 full-time employment as a peace officer.

3 (d) The Department may provide rules for the administration
4 of this Section.

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

6 (225 ILCS 447/40-5)

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

8 Sec. 40-5. Injunctive relief.

9 (a) The practice of a private detective, private security
10 contractor, private alarm contractor, fingerprint vendor,
11 locksmith, private detective agency, private security
12 contractor agency, private alarm contractor agency,
13 fingerprint vendor agency, or locksmith agency by any person,
14 firm, corporation, or other legal entity that has not been
15 issued a license by the Department or whose license has been
16 suspended, revoked, or not renewed is hereby declared to be
17 inimical to the public safety and welfare and to constitute a
18 public nuisance. The Secretary may, in the name of the People
19 of the State of Illinois ~~Director,~~ through the Attorney General
20 of the State of Illinois or, the State's Attorney of any county
21 in which the violation is alleged to have occurred in the State
22 of Illinois, petition for an order enjoining the violation or
23 for an order enforcing compliance with this Act, ~~any resident~~
24 ~~of the State, or any legal entity within the State may apply~~
25 ~~for injunctive relief in any court to enjoin any person, firm,~~

1 ~~or other entity that has not been issued a license or whose~~
2 ~~license has been suspended, revoked, or not renewed from~~
3 ~~conducting a licensed activity.~~ Upon the filing of a verified
4 petition in court, if satisfied by affidavit or otherwise that
5 the person, firm, corporation, or other legal entity is or has
6 been conducting activities in violation of this Act, the court
7 may enter a temporary restraining order or preliminary
8 injunction, without bond, enjoining the defendant from further
9 activity. A copy of the verified complaint shall be served upon
10 the defendant and the proceedings shall be conducted as in
11 civil cases. If it is established the defendant has been or is
12 conducting activities in violation of this Act, the court may
13 enter a judgment enjoining the defendant from that activity. In
14 case of violation of any injunctive order or judgment entered
15 under this Section, the court may punish the offender for
16 contempt of court. Injunctive proceedings shall be in addition
17 to all other penalties under this Act.

18 (b) If any person practices as a private detective, private
19 security contractor, private alarm contractor, fingerprint
20 vendor, locksmith, private detective agency, private security
21 contractor agency, private alarm contractor agency,
22 fingerprint vendor agency, or locksmith agency or holds himself
23 or herself out as such without having a valid license under
24 this Act, then any licensee, any interested party, or any
25 person injured thereby may, in addition to the Secretary,
26 petition for relief as provided in subsection (a) of this

1 Section.

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

3 (225 ILCS 447/40-10)

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

5 Sec. 40-10. Disciplinary sanctions.

6 (a) The Department may deny issuance, refuse to renew, or
7 restore or may reprimand, place on probation, suspend, revoke,
8 or take other disciplinary or non-disciplinary action against
9 any license, registration, permanent employee registration
10 card, canine handler authorization card, canine trainer
11 authorization card, or firearm control card, ~~and~~ may impose a
12 fine not to exceed \$10,000 for each violation, and may assess
13 costs as provided for under Section 45-60, for any of the
14 following:

15 (1) Fraud, ~~or~~ deception, or misrepresentation in
16 obtaining or renewing of a license or registration.

17 (2) Professional incompetence as manifested by poor
18 standards of service.

19 (3) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public.

22 (4) Conviction by ~~of or entry of a~~ plea of guilty or
23 nolo contendere, finding of guilt, jury verdict, or entry
24 of judgment or by sentencing of any crime including, but
25 not limited to, convictions, preceding sentences of

1 supervision, conditional discharge, or first offender
2 probation, under the laws of any jurisdiction of the United
3 States that is (i) ~~or an admission of guilt in Illinois,~~
4 ~~another state, or other jurisdiction of any crime that is a~~
5 ~~felony under the laws of Illinois,~~ a felony in a federal
6 court; or (ii) a misdemeanor, an essential element of which
7 is dishonesty, or that is, ~~or~~ directly related to the
8 practice of the profession ~~professional practice.~~

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

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

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

20 (B) (Blank). ~~Mental disability demonstrated by the~~
21 ~~entry of an order or judgment by a court that a person~~
22 ~~is in need of mental treatment or is incompetent.~~

23 (C) Habitual or excessive use or abuse of drugs
24 defined in law as controlled substances, alcohol, or
25 any other substance that results in the inability to
26 practice with reasonable judgment, skill, or safety.

1 ~~Addiction to or dependency on alcohol or drugs that is~~
2 ~~likely to endanger the public. If the Department has~~
3 ~~reasonable cause to believe that a person is addicted~~
4 ~~to or dependent on alcohol or drugs that may endanger~~
5 ~~the public, the Department may require the person to~~
6 ~~undergo an examination to determine the extent of the~~
7 ~~addiction or dependency.~~

8 (7) Receiving, directly or indirectly, compensation
9 for any services not rendered.

10 (8) Willfully deceiving or defrauding the public on a
11 material matter.

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

15 (10) Discipline by another United States jurisdiction,
16 ~~or~~ foreign nation, or governmental agency, if at least one
17 of the grounds for the discipline is the same or
18 substantially equivalent to those set forth in this Act.

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

22 (12) Engaging in false or misleading advertising.

23 (13) Aiding, assisting, or willingly permitting
24 another person to violate this Act or rules promulgated
25 under it.

26 (14) Performing and charging for services without

1 authorization to do so from the person or entity serviced.

2 (15) Directly or indirectly offering or accepting any
3 benefit to or from any employee, agent, or fiduciary
4 without the consent of the latter's employer or principal
5 with intent to or the understanding that this action will
6 influence his or her conduct in relation to his or her
7 employer's or principal's affairs.

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

10 (17) Performing any act or practice that is a violation
11 of this Act or the rules for the administration of this
12 Act, or having a conviction or administrative finding of
13 guilty as a result of violating any federal or State laws,
14 rules, or regulations that apply exclusively to the
15 practices of private detectives, private alarm
16 contractors, private security contractors, fingerprint
17 vendors, or locksmiths.

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

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

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

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

26 (22) Failing to provide employment information or

1 experience information required by the Department
2 regarding an applicant for licensure.

3 (23) Failing to make available to the Department at the
4 time of the request any indicia of licensure or
5 registration issued under this Act.

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

8 (25) A finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation.

11 (26) Violating subsection (f) of Section 30-30.

12 (27) A firearm control card holder having more firearms
13 in his or her immediate possession than he or she can
14 reasonably exercise control over.

15 (28) Failure to report in writing to the Department,
16 within 60 days of an entry of a settlement or a verdict in
17 excess of \$10,000, any legal action in which the quality of
18 the licensee's or registrant's professional services was
19 the subject of the legal action.

20 (b) All fines imposed under this Section shall be paid
21 within 60 days after the effective date of the order imposing
22 the fine. ~~The Department shall seek to be consistent in the~~
23 ~~application of disciplinary sanctions.~~

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

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

6 The determination by a circuit court that a licensee is
7 subject to involuntary admission or judicial admission, as
8 provided in the Mental Health and Developmental Disabilities
9 Code, operates as an automatic suspension. The suspension will
10 end only upon a finding by a court that the patient is no
11 longer subject to involuntary admission or judicial admission
12 and the issuance of an order so finding and discharging the
13 patient.

14 (Source: P.A. 95-613, eff. 9-11-07; 96-1445, eff. 8-20-10.)

15 (225 ILCS 447/40-25)

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

17 Sec. 40-25. Submission to physical or mental examination.

18 (a) The Department or Board upon a showing of a possible
19 violation may compel an individual licensed to practice under
20 this Act, or who has applied for licensure under this Act, to
21 submit to a mental or physical examination, or both, which may
22 include a substance abuse or sexual offender evaluation, as
23 required by and at the expense of the Department. The
24 Department or Board shall specifically designate the examining
25 physician licensed to practice medicine in all of its branches

1 or, if applicable, the multidisciplinary team involved in
2 providing the mental or physical examination, evaluation, or
3 both. The multidisciplinary team shall be led by a physician
4 licensed to practice medicine in all of its branches and may
5 consist of one or more or a combination of physicians licensed
6 to practice medicine in all of its branches, licensed
7 chiropractic physicians, licensed clinical psychologists,
8 licensed clinical social workers, licensed clinical
9 professional counselors, and other professional and
10 administrative staff. Any examining physician or member of the
11 multidisciplinary team may require any person ordered to submit
12 to an examination and evaluation pursuant to this Section to
13 submit to any additional supplemental testing deemed necessary
14 to complete any examination or evaluation process, including,
15 but not limited to, blood testing, urinalysis, psychological
16 testing, or neuropsychological testing. The Department or the
17 Board may order the examining physician or any member of the
18 multidisciplinary team to provide to the Department any and all
19 records, including business records, that relate to the
20 examination and evaluation, including any supplemental testing
21 performed. The Department or the Board may order the examining
22 physician or any member of the multidisciplinary team to
23 present testimony concerning this examination and evaluation
24 of the licensee or applicant, including testimony concerning
25 any supplemental testing or documents relating to the
26 examination and evaluation. No information, report, record, or

1 other documents in any way related to the examination and
2 evaluation shall be excluded by reason of any common law or
3 statutory privilege relating to communication between the
4 licensee or applicant and the examining physician or any member
5 of the multidisciplinary team. No authorization is necessary
6 from the licensee or applicant ordered to undergo an evaluation
7 and examination for the examining physician or any member of
8 the multidisciplinary team to provide information, reports,
9 records, or other documents or to provide any testimony
10 regarding the examination and evaluation. ~~The Department or~~
11 ~~Board may order the examining physician to present testimony~~
12 ~~concerning the mental or physical examination of the licensee~~
13 ~~or applicant. No information shall be excluded by reason of any~~
14 ~~common law or statutory privilege relating to communications~~
15 ~~between the licensee or applicant and the examining physician.~~
16 ~~The examining physicians shall be specifically designated by~~
17 ~~the Board or Department.~~ The individual to be examined may
18 have, at his or her own expense, another physician of his or
19 her choice present during all aspects of this examination.
20 Failure of an individual to submit to a mental or physical
21 examination, or both, when directed, shall result in automatic
22 ~~be grounds for the immediate~~ suspension without hearing, until
23 such time as ~~of his or her license until~~ the individual submits
24 to the examination ~~if the Department finds that the refusal to~~
25 ~~submit to the examination was without reasonable cause as~~
26 ~~defined by rule.~~

1 (b) In instances in which the Secretary immediately
2 suspends a person's license for his or her failure to submit to
3 a mental or physical examination when directed, a hearing on
4 that person's license must be convened by the Department within
5 15 days after the suspension and completed without appreciable
6 delay.

7 (c) In instances in which the Secretary otherwise suspends
8 a person's license pursuant to the results of a compelled
9 mental or physical examination, a hearing on that person's
10 license must be convened by the Department within 15 days after
11 the suspension and completed without appreciable delay. The
12 Department and Board shall have the authority to review the
13 subject individual's record of treatment and counseling
14 regarding the impairment to the extent permitted by applicable
15 federal statutes and regulations safeguarding the
16 confidentiality of medical records.

17 (d) An individual licensed under this Act and affected
18 under this Section shall be afforded an opportunity to
19 demonstrate to the Department or Board that he or she can
20 resume practice in compliance with acceptable and prevailing
21 standards under the provisions of his or her license.

22 (Source: P.A. 96-1445, eff. 8-20-10.)

23 (225 ILCS 447/40-30)

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

25 Sec. 40-30. Insufficient funds; checks. A person who

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

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

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

2 Sec. 40-35. Disciplinary action for educational loan
3 defaults. The Department shall deny a license or renewal
4 authorized by this Act to a person who has defaulted on an
5 educational loan or scholarship provided or guaranteed by the
6 Illinois Student Assistance Commission or any governmental
7 agency of this State in accordance with item (5) of subsection
8 (a) of Section 2105-15 of the Civil Administrative Code of
9 Illinois. ~~The Department may issue a license or renewal if the~~
10 ~~person has established a satisfactory repayment record as~~
11 ~~determined by the Illinois Student Assistance Commission or~~
12 ~~other appropriate governmental agency of this State.~~
13 ~~Additionally, a license issued by the Department may be~~
14 ~~suspended or revoked if the Director, after the opportunity for~~
15 ~~a hearing under this Act, finds that the licensee has failed to~~
16 ~~make satisfactory repayment to the Illinois Student Assistance~~
17 ~~Commission for a delinquent or defaulted loan.~~

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

19 (225 ILCS 447/40-40)

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

21 Sec. 40-40. Nonpayment of child support. In cases where the
22 Department of Healthcare and Family Services (formerly
23 Department of Public Aid) or any circuit court has previously
24 determined that a licensee or a potential licensee is more than
25 30 days delinquent in the payment of child support and has

1 subsequently certified the delinquency to the Department, the
2 Department may refuse to issue or renew or may revoke or
3 suspend that person's license or may take other disciplinary
4 action against that person based solely upon the certification
5 of delinquency made by the Department of Healthcare and Family
6 Services in accordance with item (5) of subsection (a) of
7 Section 2105-15 of the Civil Administrative Code of Illinois.

8 ~~(formerly Department of Public Aid) or a circuit court.~~
9 ~~Redetermination of the delinquency by the Department shall not~~
10 ~~be required. In cases regarding the renewal of a license, the~~
11 ~~Department shall not renew any license if the Department of~~
12 ~~Healthcare and Family Services (formerly Department of Public~~
13 ~~Aid) or a circuit court has certified the licensee to be more~~
14 ~~than 30 days delinquent in the payment of child support, unless~~
15 ~~the licensee has arranged for payment of past and current child~~
16 ~~support obligations in a manner satisfactory to the Department~~
17 ~~of Healthcare and Family Services (formerly Department of~~
18 ~~Public Aid) or circuit court. The Department may impose~~
19 ~~conditions, restrictions or disciplinary action upon that~~
20 ~~renewal in accordance with Section 40-10 of this Act.~~

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 (225 ILCS 447/40-45)

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

24 Sec. 40-45. Failure to file a tax return. The Department
25 may refuse to issue or may suspend, without a hearing as

1 provided for in the Civil Administrative Code of Illinois, the
2 license of any person, firm, or other entity that fails to file
3 a tax return, or to pay a tax, penalty, or interest shown in a
4 filed return, or to pay any final assessment of a tax, penalty,
5 or interest, as required by any law administered by the
6 Department of Revenue until the requirements of the law are
7 satisfied in accordance with subsection (g) of Section 2105-15
8 of the Civil Administrative Code of Illinois ~~or a repayment~~
9 ~~agreement with the Department of Revenue has been entered into.~~
10 (Source: P.A. 93-438, eff. 8-5-03.)

11 (225 ILCS 447/45-10)

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

13 Sec. 45-10. Complaints; investigations; hearings
14 ~~investigated by the Department.~~

15 (a) The Department may ~~shall~~ investigate the actions of any
16 applicant or of any person or persons holding or claiming to
17 hold a license or registration under this Act ~~all complaints~~
18 ~~concerning violations regarding licensees or unlicensed~~
19 ~~activity.~~

20 (b) The ~~Following an investigation,~~ the Department shall,
21 before disciplining a licensee under Section 40-10 or refusing
22 to issue or license, at least 30 days before the date set for
23 the hearing, (i) notify the accused in writing of the charges
24 made and the time and place for the hearing on the charges,
25 (ii) direct him or her to file a written answer to the charges

1 under oath within 20 days after service, and (iii) inform the
2 applicant or licensee that failure to answer will result in a
3 default being entered against the applicant or licensee. may
4 file formal charges against the licensee. The formal charges
5 shall inform the licensee of the facts that are the basis of
6 the charges with enough specificity to enable the licensee to
7 prepare an intelligent defense.

8 (c) At the time and place fixed in the notice, the Board or
9 the hearing officer appointed by the Secretary shall proceed to
10 hear the charges, and the parties or their counsel shall be
11 accorded ample opportunity to present any pertinent
12 statements, testimony, evidence, and arguments. The Board or
13 hearing officer may continue the hearing from time to time. In
14 case the person, after receiving the notice, fails to file an
15 answer, his or her license may, in the discretion of the
16 Secretary, having first received the recommendation of the
17 Board, be suspended, revoked, or placed on probationary status,
18 or be subject to whatever disciplinary action the Secretary
19 considers proper, including limiting the scope, nature, or
20 extent of the person's practice or the imposition of a fine,
21 without hearing, if the act or acts charged constitute
22 sufficient grounds for that action under this Act. Each
23 licensee whose conduct is the subject of a formal charge that
24 seeks to impose disciplinary action against the licensee shall
25 be served notice of that charge at least 30 days before the
26 date of the hearing. The hearing shall be presided over by a

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

7 (d) The written notice and any notice in the subsequent
8 proceeding may be served by regular or certified mail to the
9 licensee's address of record. ~~The notice of formal charges~~
10 ~~shall consist of the following information:~~

11 (e) The Secretary has the authority to appoint any attorney
12 licensed to practice law in the State of Illinois to serve as
13 the hearing officer in any action for refusal to issue,
14 restore, or renew a license or to discipline a licensee. The
15 hearing officer has full authority to conduct the hearing.

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

17 ~~(2) That the licensee shall appear personally at the~~
18 ~~hearing and may be represented by counsel.~~

19 ~~(3) That the licensee may produce witnesses and~~
20 ~~evidence on his or her behalf and has the right to cross-~~
21 ~~examine witnesses and evidence produced against him or her.~~

22 ~~(4) That the hearing could result in disciplinary~~
23 ~~action.~~

24 ~~(5) That rules for the conduct of hearings are~~
25 ~~available from the Department.~~

26 ~~(6) That a hearing officer authorized by the Department~~

1 ~~shall conduct the hearing and, following the conclusion of~~
2 ~~that hearing, shall make findings of fact, conclusions of~~
3 ~~law, and recommendations, separately stated, to the Board~~
4 ~~as to what disciplinary action, if any, should be imposed~~
5 ~~on the licensee.~~

6 ~~(7) That the licensee shall file a written answer to~~
7 ~~the Board under oath within 20 days after the service of~~
8 ~~the notice, and that if the licensee fails to file an~~
9 ~~answer default will be taken and the license or certificate~~
10 ~~may be suspended, revoked, or placed on probationary~~
11 ~~status, or other disciplinary action may be taken,~~
12 ~~including limiting the scope, nature, or extent of~~
13 ~~practice, as the Director may consider proper.~~

14 ~~In case the licensee, after receiving notice, fails to~~
15 ~~file an answer, that person's license or certificate may,~~
16 ~~in the discretion of the Director, having received first~~
17 ~~the recommendation of the Board, be suspended, revoked, or~~
18 ~~placed on probationary status; or the Director may take~~
19 ~~whatever disciplinary action is considered under this Act,~~
20 ~~including limiting the scope, nature, or extent of the~~
21 ~~person's practice, without a hearing, if the act or acts~~
22 ~~charged constitute sufficient grounds for the action under~~
23 ~~this Act.~~

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

25 (225 ILCS 447/45-15)

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

2 Sec. 45-15. Hearing; rehearing; ~~public record.~~

3 (a) The Board or the hearing officer authorized by the
4 Department shall hear evidence in support of the formal charges
5 and evidence produced by the licensee. At the conclusion of the
6 hearing, the Board shall present to the Secretary a written
7 report of its ~~make~~ findings of fact, conclusions of law, and
8 recommendations ~~and submit them to the Director and to all~~
9 ~~parties to the proceeding.~~ The report shall contain a finding
10 of whether the accused person violated this Act or failed to
11 comply with the conditions required in this Act. The Board
12 shall specify the nature of the violation or failure to comply
13 and shall make its recommendation to the Secretary.

14 (b) At the conclusion of the hearing, a copy of the Board
15 or hearing officer's report shall be served upon the applicant
16 or licensee by the Department, either personally or as provided
17 in this Act for the service of a notice of hearing. Within 20
18 calendar days after service, the applicant or licensee may
19 present to the Department a motion in writing for a rehearing,
20 which shall specify the particular grounds for rehearing. The
21 Department may respond to the motion for rehearing within 20
22 calendar days after its service on the Department. If no motion
23 for rehearing is filed, then upon the expiration of the time
24 specified for filing such a motion, or upon denial of a motion
25 for rehearing, the Secretary may enter an order in accordance
26 with the recommendations of the Board or hearing officer. If

1 the applicant or licensee orders from the reporting service and
2 pays for a transcript of the record within the time for filing
3 a motion for rehearing, the 20-day period within which a motion
4 may be filed shall commence upon the delivery of the transcript
5 to the applicant or licensee. ~~The Board's findings of fact,~~
6 ~~conclusions of law, and recommendations shall be served on the~~
7 ~~licensee in the same manner as was the service of the notice of~~
8 ~~formal charges. Within 20 days after the service, any party to~~
9 ~~the proceeding may present to the Director a motion, in~~
10 ~~writing, specifying the grounds for a rehearing or~~
11 ~~reconsideration of the decision or sanctions.~~

12 (c) If the Secretary disagrees in any regard with the
13 report of the Board, the Secretary may issue an order contrary
14 to the report. The finding is not admissible in evidence
15 against the person in a criminal prosecution brought for the
16 violation of this Act, but the hearing and findings are not a
17 bar to a criminal prosecution for the violation of this Act.
18 ~~The Director, following the time allowed for filing a motion~~
19 ~~for rehearing or reconsideration, shall review the Board's~~
20 ~~findings of fact, conclusions of law and recommendations and~~
21 ~~any subsequently filed motions. After review of the~~
22 ~~information, the Director may hear oral arguments and~~
23 ~~thereafter shall issue an order. The report of findings of~~
24 ~~fact, conclusions of law and recommendations of the Board shall~~
25 ~~be the basis for the Department's order. If~~

26 (d) Whenever the Secretary is not satisfied Director finds

1 that substantial justice has been ~~was not~~ done, the Secretary
2 ~~Director~~ may ~~issue an~~ order a rehearing by the same or another
3 hearing officer ~~in contravention of the Board's~~
4 ~~recommendations. The Director shall provide the Board with a~~
5 ~~written explanation of any deviation and shall specify the~~
6 ~~reasons for the action. The findings of the Board and the~~
7 ~~Director are not admissible as evidence against the person in a~~
8 ~~criminal prosecution brought for the violation of this Act.~~

9 (e) ~~(d)~~ All proceedings under this Section are matters of
10 public record and shall be preserved.

11 (f) ~~(e)~~ Upon the suspension or revocation of a license, the
12 licensee shall surrender the license to the Department and,
13 upon failure to do so, the Department shall seize the same.

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

15 (225 ILCS 447/45-20)

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

17 Sec. 45-20. Summary ~~Temporary~~ suspension of a license. The
18 Secretary ~~Director~~ may summarily ~~temporarily~~ suspend a license
19 without a hearing, simultaneously with the initiation of the
20 procedure for a hearing provided for in this Act, if the
21 Secretary ~~Director~~ finds that the public interest, safety, or
22 welfare requires such emergency action ~~evidence indicates that~~
23 ~~a licensee's continuation in business would constitute an~~
24 ~~imminent danger to the public.~~ If the Secretary summarily
25 ~~Director~~ ~~temporarily~~ suspends a license without a hearing, a

1 hearing by the Department shall be held within 30 days after
2 the suspension has occurred. The suspended licensee may seek a
3 continuance of the hearing, during which time the suspension
4 shall remain in effect. The proceeding shall be concluded
5 without appreciable delay. If the Department does not hold a
6 hearing within 30 days after the date of suspension and the
7 suspended licensee did not seek a continuance, the licensee's
8 license shall be automatically reinstated.

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

10 (225 ILCS 447/45-25)

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

12 Sec. 45-25. Disposition by consent order. At any point in
13 any investigation or disciplinary proceeding provided for in
14 the Act, both parties may agree to a negotiated consent order.
15 ~~Disposition may be made of any charge by consent order between~~
16 ~~the Department and the licensee. The Board shall be apprised of~~
17 ~~the consent order at its next meeting.~~ The consent order shall
18 be final upon signature of the Secretary.

19 (Source: P.A. 96-1445, eff. 8-20-10.)

20 (225 ILCS 447/45-30)

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

22 Sec. 45-30. Restoration of license after disciplinary
23 proceedings. At any time after the successful completion of a
24 term of indefinite probation, indefinite suspension, or

1 revocation of a license, the Department may restore it to the
2 licensee, unless, after an investigation and a hearing, the
3 Secretary determines that restoration is not in the public
4 interest. No person or entity whose license, registration, or
5 authority has been revoked as authorized in this Act may apply
6 for restoration of that license, registration, or authority
7 until such time as provided for in the Civil Administrative
8 Code of Illinois ~~upon the written recommendation of the Board~~
9 ~~unless the Board determines after an investigation and a~~
10 ~~hearing that restoration is not in the public interest.~~

11 (Source: P.A. 96-1445, eff. 8-20-10.)

12 (225 ILCS 447/45-45)

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

14 Sec. 45-45. Prima facie proof. An order ~~of revocation or~~
15 ~~suspension or placing a license on probationary status or other~~
16 ~~disciplinary action as the Department may consider proper~~ or a
17 certified copy thereof, over the seal of the Department and
18 purporting to be signed by the Secretary ~~Director~~, is prima
19 facie proof that:

20 (1) the signature is that of the Secretary ~~Director~~;

21 and

22 (2) the Secretary ~~Director~~ is qualified to act.; ~~and~~

23 ~~(3) the members of the Board are qualified to act.~~

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

1 (225 ILCS 447/45-50)

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

3 Sec. 45-50. Unlicensed practice; fraud in obtaining a
4 license.

5 (a) A person who violates any of the following provisions
6 shall be guilty of a Class A misdemeanor; a person who commits
7 a second or subsequent violation of these provisions is guilty
8 of a Class 4 felony:

9 (1) The practice of or attempted practice of or holding
10 out as available to practice as a private detective,
11 private security contractor, private alarm contractor,
12 fingerprint vendor, or locksmith without a license.

13 (2) Operation of or attempt to operate a private
14 detective agency, private security contractor agency,
15 private alarm contractor agency, fingerprint vendor
16 agency, or locksmith agency without ever having been issued
17 a valid agency license.

18 (3) The obtaining of or the attempt to obtain any
19 license or authorization issued under this Act by
20 fraudulent misrepresentation.

21 (b) Whenever a licensee is convicted of a felony related to
22 the violations set forth in this Section, the clerk of the
23 court in any jurisdiction shall promptly report the conviction
24 to the Department and the Department shall immediately revoke
25 any license as a private detective, private security
26 contractor, private alarm contractor, fingerprint vendor, or

1 locksmith held by that licensee. The individual shall not be
2 eligible for licensure under this Act until at least 10 years
3 have elapsed since the time of full discharge from any sentence
4 imposed for a felony conviction. If any person in making any
5 oath or affidavit required by this Act swears falsely, the
6 person is guilty of perjury and may be punished accordingly.

7 (c) In addition to any other penalty provided by law, a
8 person, licensed or unlicensed, who violates any provision of
9 this Section shall pay a civil penalty to the Department in an
10 amount not to exceed \$10,000 for each offense, as determined by
11 the Department. The civil penalty shall be imposed in
12 accordance with this Act. The civil penalty shall be paid
13 within 60 days after the effective date of the order imposing
14 the civil penalty. The order constitutes a judgment and may be
15 filed and executed in the same manner as any judgment from any
16 court of record.

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

18 (225 ILCS 447/45-55)

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

20 Sec. 45-55. Subpoenas.

21 (a) The Department, ~~with the approval of a member of the~~
22 ~~Board,~~ may subpoena and bring before it any person to take the
23 oral or written testimony or compel the production of any
24 books, papers, records, or any other documents that the
25 Secretary or his or her designee deems relevant or material to

1 any such investigation or hearing conducted by the Department
2 with the same fees and in the same manner as prescribed in
3 civil cases in the courts of this State.

4 (b) Any circuit court, upon the application of the
5 applicant, licensee, or the Department, ~~the designated hearing~~
6 ~~officer, or the Board,~~ may order the attendance and testimony
7 of witnesses and the production of relevant documents, files,
8 records, books and papers in connection with any hearing or
9 investigation. The circuit court may compel obedience to its
10 order by proceedings for contempt.

11 (c) The Secretary, the hearing officer, any member of the
12 Board, or a certified shorthand court reporter may administer
13 oaths at any hearing the Department conducts. Notwithstanding
14 any other statute or Department rule to the contrary, all
15 requests for testimony, production of documents or records
16 shall be in accordance with this Act.

17 (Source: P.A. 95-613, eff. 9-11-07; 96-1445, eff. 8-20-10.)

18 (225 ILCS 447/45-60)

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

20 Sec. 45-60. Stenographers. The Department, at its expense,
21 shall provide a stenographer to preserve a record of all formal
22 hearing ~~and pre-hearing~~ proceedings if a license may be
23 revoked, suspended, or placed on probationary status or other
24 disciplinary action is taken. Any registrant or licensee who is
25 found to have violated this Act or who fails to appear for a

1 hearing to refuse to issue, restore, or renew a license or to
2 discipline a licensee may be required by the Department to pay
3 for the costs of the proceeding. These costs are limited to
4 costs for court reporters, transcripts, and witness attendance
5 and mileage fees. The Secretary may waive payment of costs by a
6 registrant or licensee in whole or in part where there is an
7 undue financial hardship. ~~The notice of hearing, the complaint,~~
8 ~~all other documents in the nature of pleadings and written~~
9 ~~motions filed in the proceedings, the transcript of testimony,~~
10 ~~the report of the Board, and the orders of the Department shall~~
11 ~~constitute the record of the proceedings. The Department shall~~
12 ~~furnish a transcript of the record upon payment of the costs of~~
13 ~~copying and transmitting the record.~~

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

15 (225 ILCS 447/50-5)

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

17 Sec. 50-5. Personnel; investigators. The Secretary
18 ~~Director~~ shall employ, pursuant to the Personnel Code,
19 personnel, on a full-time or part-time basis, for the
20 enforcement of this Act. Each investigator shall have a minimum
21 of 2 years investigative experience out of the immediately
22 preceding 5 years. No investigator may hold an active license
23 issued pursuant to this Act, nor may an investigator have a
24 financial interest in a business licensed under this Act. This
25 prohibition, however, does not apply to an investigator holding

1 stock in a business licensed under this Act, provided the
2 investigator does not hold more than 5% of the stock in the
3 business. Any person licensed under this Act who is employed by
4 the Department shall surrender his or her license to the
5 Department for the duration of that employment. The licensee
6 shall be exempt from all renewal fees while employed. While
7 employed by the Department, the licensee is not required to
8 maintain the general liability insurance coverage required by
9 this Act.

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

11 (225 ILCS 447/50-10)

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

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

15 (a) The Private Detective, Private Alarm, Private
16 Security, Fingerprint Vendor, and Locksmith Board shall
17 consist of 13 members appointed by the Secretary ~~Director~~ and
18 comprised of 2 licensed private detectives, 3 licensed private
19 security contractors, one licensed private detective or
20 licensed private security contractor who provides canine odor
21 detection services, 2 licensed private alarm contractors, one
22 licensed fingerprint vendor except for the initial appointment
23 who shall be required to have experience in the fingerprint
24 vendor industry that is acceptable to the Department, 2
25 licensed locksmiths, one public member who is not licensed or

1 registered under this Act and who has no connection with a
2 business licensed under this Act, and one member representing
3 the employees registered under this Act. Each member shall be a
4 resident of Illinois. Except for the initial appointment of a
5 licensed fingerprint vendor after the effective date of this
6 amendatory Act of the 95th General Assembly, each licensed
7 member shall have at least 5 years experience as a licensee in
8 the professional area in which the person is licensed and be in
9 good standing and actively engaged in that profession. In
10 making appointments, the Secretary ~~Director~~ shall consider the
11 recommendations of the professionals and the professional
12 organizations representing the licensees. The membership shall
13 reasonably reflect the different geographic areas in Illinois.

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

23 (c) A member of the Board may be removed for cause. A
24 member subject to formal disciplinary proceedings shall
25 disqualify himself or herself from all Board business until the
26 charge is resolved. A member also shall disqualify himself or

1 herself from any matter on which the member cannot act
2 objectively.

3 (d) Members shall receive compensation as set by law. Each
4 member shall receive reimbursement as set by the Governor's
5 Travel Control Board for expenses incurred in carrying out the
6 duties as a Board member.

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

9 (f) The Board shall elect a chairperson and vice
10 chairperson.

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

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

17 (Source: P.A. 95-613, eff. 9-11-07; 96-1445, eff. 8-20-10.)

18 (225 ILCS 447/50-15)

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

20 Sec. 50-15. Powers and duties of the Department. Subject to
21 the provisions of this Act, the Department may exercise the
22 following powers and duties:

23 (1) Prescribe forms to be issued for the administration
24 and enforcement of this Act.

25 (2) Authorize examinations to ascertain the

1 qualifications and fitness of applicants for licensing as a
2 ~~licensed fingerprint vendor~~, locksmith, private alarm
3 contractor, private detective, or private security
4 contractor and pass upon the qualifications of applicants
5 for licensure.

6 (3) Examine the records of licensees or investigate any
7 other aspect of fingerprint vending, locksmithing, private
8 alarm contracting, private security contracting, or
9 practicing as a private detective that is relevant to the
10 Department's investigation or hearing.

11 (4) Conduct hearings on proceedings to refuse to issue
12 or renew licenses or to revoke, suspend, place on
13 probation, reprimand, or otherwise discipline a license
14 under this Act or take other non-disciplinary action.

15 (5) Adopt rules required for the administration of this
16 Act.

17 (6) Maintain rosters of the names and addresses of all
18 licensees and all persons whose licenses have been
19 suspended, revoked, denied renewal, or otherwise
20 disciplined within the previous calendar year. These
21 rosters shall be available upon written request and payment
22 of the required fee as established by rule.

23 (Source: P.A. 96-1445, eff. 8-20-10.)

24 (225 ILCS 447/50-50 new)

25 Sec. 50-50. 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 shall not disclose the
7 information to anyone other than law enforcement officials,
8 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 (225 ILCS 447/10-40 rep.)

18 Section 15. The Private Detective, Private Alarm, Private
19 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
20 amended by repealing Section 10-40.

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

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