

SB1787



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1787

Introduced 2/20/2015, by Sen. Darin M. LaHood

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-9005
225 ILCS 447/35-35

from Ch. 34, par. 3-9005

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that the Department of Financial and Professional Regulation shall issue a firearm control card to an elected or appointed State's Attorney or the State's Attorney's designated assistant who has passed an approved firearm training course, has met all the requirements of the Act, and possesses a valid firearm owner identification card. Inserts a corresponding provision into the Counties Code.

LRB099 08875 HAF 29047 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Counties Code is amended by changing Section
5 3-9005 as follows:

6 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)
7 Sec. 3-9005. Powers and duties of State's attorney.

8 (a) The duty of each State's attorney shall be:

9 (1) To commence and prosecute all actions, suits,
10 indictments and prosecutions, civil and criminal, in the
11 circuit court for his county, in which the people of the
12 State or county may be concerned.

13 (2) To prosecute all forfeited bonds and
14 recognizances, and all actions and proceedings for the
15 recovery of debts, revenues, moneys, fines, penalties and
16 forfeitures accruing to the State or his county, or to any
17 school district or road district in his county; also, to
18 prosecute all suits in his county against railroad or
19 transportation companies, which may be prosecuted in the
20 name of the People of the State of Illinois.

21 (3) To commence and prosecute all actions and
22 proceedings brought by any county officer in his official
23 capacity.

1 (4) To defend all actions and proceedings brought
2 against his county, or against any county or State officer,
3 in his official capacity, within his county.

4 (5) To attend the examination of all persons brought
5 before any judge on habeas corpus, when the prosecution is
6 in his county.

7 (6) To attend before judges and prosecute charges of
8 felony or misdemeanor, for which the offender is required
9 to be recognized to appear before the circuit court, when
10 in his power so to do.

11 (7) To give his opinion, without fee or reward, to any
12 county officer in his county, upon any question or law
13 relating to any criminal or other matter, in which the
14 people or the county may be concerned.

15 (8) To assist the attorney general whenever it may be
16 necessary, and in cases of appeal from his county to the
17 Supreme Court, to which it is the duty of the attorney
18 general to attend, he shall furnish the attorney general at
19 least 10 days before such is due to be filed, a manuscript
20 of a proposed statement, brief and argument to be printed
21 and filed on behalf of the people, prepared in accordance
22 with the rules of the Supreme Court. However, if such
23 brief, argument or other document is due to be filed by law
24 or order of court within this 10 day period, then the
25 State's attorney shall furnish such as soon as may be
26 reasonable.

1 (9) To pay all moneys received by him in trust, without
2 delay, to the officer who by law is entitled to the custody
3 thereof.

4 (10) To notify, by first class mail, complaining
5 witnesses of the ultimate disposition of the cases arising
6 from an indictment or an information.

7 (11) To perform such other and further duties as may,
8 from time to time, be enjoined on him by law.

9 (12) To appear in all proceedings by collectors of
10 taxes against delinquent taxpayers for judgments to sell
11 real estate, and see that all the necessary preliminary
12 steps have been legally taken to make the judgment legal
13 and binding.

14 (13) To notify, by first-class mail, the State
15 Superintendent of Education, the applicable regional
16 superintendent of schools, and the superintendent of the
17 employing school district or the chief school
18 administrator of the employing nonpublic school, if any,
19 upon the conviction of any individual known to possess a
20 certificate or license issued pursuant to Article 21 or
21 21B, respectively, of the School Code of any offense set
22 forth in Section 21B-80 of the School Code or any other
23 felony conviction, providing the name of the certificate
24 holder, the fact of the conviction, and the name and
25 location of the court where the conviction occurred. The
26 certificate holder must also be contemporaneously sent a

1 copy of the notice.

2 (b) The State's Attorney of each county shall have
3 authority to appoint one or more special investigators to serve
4 subpoenas, make return of process and conduct investigations
5 which assist the State's Attorney in the performance of his
6 duties. A special investigator shall not carry firearms except
7 with permission of the State's Attorney and only while carrying
8 appropriate identification indicating his employment and in
9 the performance of his assigned duties.

10 Subject to the qualifications set forth in this subsection,
11 special investigators shall be peace officers and shall have
12 all the powers possessed by investigators under the State's
13 Attorneys Appellate Prosecutor's Act.

14 No special investigator employed by the State's Attorney
15 shall have peace officer status or exercise police powers
16 unless he or she successfully completes the basic police
17 training course mandated and approved by the Illinois Law
18 Enforcement Training Standards Board or such board waives the
19 training requirement by reason of the special investigator's
20 prior law enforcement experience or training or both. Any
21 State's Attorney appointing a special investigator shall
22 consult with all affected local police agencies, to the extent
23 consistent with the public interest, if the special
24 investigator is assigned to areas within that agency's
25 jurisdiction.

26 Before a person is appointed as a special investigator, his

1 fingerprints shall be taken and transmitted to the Department
2 of State Police. The Department shall examine its records and
3 submit to the State's Attorney of the county in which the
4 investigator seeks appointment any conviction information
5 concerning the person on file with the Department. No person
6 shall be appointed as a special investigator if he has been
7 convicted of a felony or other offense involving moral
8 turpitude. A special investigator shall be paid a salary and be
9 reimbursed for actual expenses incurred in performing his
10 assigned duties. The county board shall approve the salary and
11 actual expenses and appropriate the salary and expenses in the
12 manner prescribed by law or ordinance.

13 (b-5) The State's Attorney of each county and the State's
14 Attorney's designated assistant may be issued a firearm control
15 card by the Department of Professional and Financial Regulation
16 as provided under Section 35-35 of the Private Detective,
17 Private Alarm, Private Security, Fingerprint Vendor, and
18 Locksmith Act of 2004.

19 (c) The State's Attorney may request and receive from
20 employers, labor unions, telephone companies, and utility
21 companies location information concerning putative fathers and
22 noncustodial parents for the purpose of establishing a child's
23 paternity or establishing, enforcing, or modifying a child
24 support obligation. In this subsection, "location information"
25 means information about (i) the physical whereabouts of a
26 putative father or noncustodial parent, (ii) the putative

1 father or noncustodial parent's employer, or (iii) the salary,
2 wages, and other compensation paid and the health insurance
3 coverage provided to the putative father or noncustodial parent
4 by the employer of the putative father or noncustodial parent
5 or by a labor union of which the putative father or
6 noncustodial parent is a member.

7 (d) For each State fiscal year, the State's Attorney of
8 Cook County shall appear before the General Assembly and
9 request appropriations to be made from the Capital Litigation
10 Trust Fund to the State Treasurer for the purpose of providing
11 assistance in the prosecution of capital cases in Cook County
12 and for the purpose of providing assistance to the State in
13 post-conviction proceedings in capital cases under Article 122
14 of the Code of Criminal Procedure of 1963 and in relation to
15 petitions filed under Section 2-1401 of the Code of Civil
16 Procedure in relation to capital cases. The State's Attorney
17 may appear before the General Assembly at other times during
18 the State's fiscal year to request supplemental appropriations
19 from the Trust Fund to the State Treasurer.

20 (e) The State's Attorney shall have the authority to enter
21 into a written agreement with the Department of Revenue for
22 pursuit of civil liability under subsection (E) of Section 17-1
23 of the Criminal Code of 2012 against persons who have issued to
24 the Department checks or other orders in violation of the
25 provisions of paragraph (1) of subsection (B) of Section 17-1
26 of the Criminal Code of 2012, with the Department to retain the

1 amount owing upon the dishonored check or order along with the
2 dishonored check fee imposed under the Uniform Penalty and
3 Interest Act, with the balance of damages, fees, and costs
4 collected under subsection (E) of Section 17-1 of the Criminal
5 Code of 2012 or under Section 17-1a of that Code to be retained
6 by the State's Attorney. The agreement shall not affect the
7 allocation of fines and costs imposed in any criminal
8 prosecution.

9 (Source: P.A. 96-431, eff. 8-13-09; 96-1551, eff. 7-1-11;
10 97-607, eff. 8-26-11; 97-1150, eff. 1-25-13.)

11 Section 10. The Private Detective, Private Alarm, Private
12 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
13 amended by changing Section 35-35 as follows:

14 (225 ILCS 447/35-35)

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

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

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

22 (b) No employer shall employ any person to perform the
23 duties for which licensure or employee registration is required
24 and allow that person to carry a firearm unless that person has

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

11 (c) Possession of a valid firearm control card allows a
12 licensee or employee to carry a firearm not otherwise
13 prohibited by law while the licensee or employee is engaged in
14 the performance of his or her duties or while the licensee or
15 employee is commuting directly to or from the licensee's or
16 employee's place or places of employment.

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

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

6 (d-5) The Department shall issue a firearm control card to
7 a person who has passed an approved firearm training course, is
8 an elected or appointed State's Attorney or the State's
9 Attorney's designated assistant, has met all the requirements
10 of this Act, and possesses a valid firearm owner identification
11 card. Application for the firearm control card shall be made by
12 the State's Attorney to the Department on forms provided by the
13 Department. The Department shall forward the card to the
14 State's Attorney, who shall be responsible for its issuance to
15 the licensee. The firearm control card shall be issued by the
16 Department and shall identify the person holding it and the
17 name of the course where the licensee received firearm
18 instruction and shall specify the type of weapon or weapons the
19 person is authorized by the Department to carry and for which
20 the person has been trained.

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

23 (f) The Department may, in addition to any other
24 disciplinary action permitted by this Act, refuse to issue,
25 suspend, or revoke a firearm control card if the applicant or
26 holder has been convicted of any felony or crime involving the

1 illegal use, carrying, or possession of a deadly weapon or for
2 a violation of this Act or rules promulgated under this Act.
3 The Department shall refuse to issue or shall revoke a firearm
4 control card if the applicant or holder fails to possess a
5 valid firearm owners identification card without hearing. The
6 Secretary shall summarily suspend a firearm control card if the
7 Secretary finds that its continued use would constitute an
8 imminent danger to the public. A hearing shall be held before
9 the Board within 30 days if the Secretary summarily suspends a
10 firearm control card.

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

14 (h) The Department may issue a temporary firearm control
15 card pending issuance of a new firearm control card upon an
16 agency's acquiring of an established armed account. An agency
17 that has acquired armed employees as a result of acquiring an
18 established armed account may, on forms supplied by the
19 Department, request the issuance of a temporary firearm control
20 card for each acquired employee who held a valid firearm
21 control card under his or her employment with the newly
22 acquired established armed account immediately preceding the
23 acquiring of the account and who continues to meet all of the
24 qualifications for issuance of a firearm control card set forth
25 in this Act and any rules adopted under this Act. The
26 Department shall, by rule, set the fee for issuance of a

1 temporary firearm control card.

2 (i) The Department shall not issue a firearm control card
3 to a licensed fingerprint vendor or a licensed locksmith or
4 employees of a licensed fingerprint vendor agency or a licensed
5 locksmith agency.

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