



Rep. Edward J. Acevedo

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1 AMENDMENT TO HOUSE BILL 2194

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2194 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Private Detective, Private Alarm, Private  
5 Security, and Locksmith Act of 2004 is amended by changing  
6 Sections 5-10 and 25-10 and by adding Section 25-35 as follows:

7 (225 ILCS 447/5-10)

8 (Section scheduled to be repealed on January 1, 2014)

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

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

21 "Alarm system" means any system, including an electronic  
22 access control system, a surveillance video system, a security  
23 video system, a burglar alarm system, a fire alarm system, or  
24 any other electronic system, that activates an audible,

1 visible, remote, or recorded signal that is designed for the  
2 protection or detection of intrusion, entry, theft, fire,  
3 vandalism, escape, or trespass.

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

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

18 "Board" means the Private Detective, Private Alarm,  
19 Private Security, and Locksmith Board.

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

30 "Corporation" means an artificial person or legal entity  
31 created by or under the authority of the laws of a state,  
32 including without limitation a corporation, limited liability  
33 company, or any other legal entity.

34 "Department" means the Department of Professional

1 Regulation.

2 "Director" means the Director of Professional Regulation.

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

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

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

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

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

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

28 "Locksmith licensee-in-charge" means a person who has been  
29 designated by agency to be the licensee-in-charge of an agency,  
30 who is a full-time management employee or owner who assumes  
31 sole responsibility for maintaining all records required by  
32 this Act, and who assumes sole responsibility for assuring the  
33 licensed agency's compliance with its responsibilities as  
34 stated in this Act. The Department shall adopt rules mandating

1 licensee-in-charge participation in agency affairs.

2 "Peace officer" or "police officer" means a person who, by  
3 virtue of office or public employment, is vested by law with a  
4 duty to maintain public order or to make arrests for offenses,  
5 whether that duty extends to all offenses or is limited to  
6 specific offenses. Officers, agents, or employees of the  
7 federal government commissioned by federal statute to make  
8 arrests for violations of federal laws are considered peace  
9 officers.

10 "Permanent employee registration card" means a card issued  
11 by the Department to an individual who has applied to the  
12 Department and meets the requirements for employment by a  
13 licensed agency under this Act.

14 "Person" means a natural person.

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

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

29 "Private alarm contractor agency" means a person,  
30 corporation, or other entity that engages in the private alarm  
31 contracting business and employs, in addition to the private  
32 alarm contractor-in-charge, at least one other person in  
33 conducting such business.

34 "Private alarm contractor licensee-in-charge" means a

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

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

14 (1) Crimes or wrongs done or threatened against the  
15 United States, any state or territory of the United States,  
16 or any local government of a state or territory.

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

23 (3) The location, disposition, or recovery of lost or  
24 stolen property.

25 (4) The cause, origin, or responsibility for fires,  
26 accidents, or injuries to individuals or real or personal  
27 property.

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

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

32 (7) The protection of individuals from bodily harm or  
33 death (bodyguard functions).

34 (8) Service of process in criminal and civil

1 proceedings without court order.

2 "Private detective agency" means a person, firm,  
3 corporation, or other legal entity that engages in the private  
4 detective business and employs, in addition to the  
5 licensee-in-charge, one or more persons in conducting such  
6 business.

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

16 "Private security contractor" means a person who engages in  
17 the business of providing a private security officer, watchman,  
18 patrol, or a similar service by any other title or name on a  
19 contractual basis for another person, firm, corporation, or  
20 other entity for a fee or other consideration and performing  
21 one or more of the following functions:

22 (1) The prevention or detection of intrusion, entry,  
23 theft, vandalism, abuse, fire, or trespass on private or  
24 governmental property.

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

27 (3) The protection of persons authorized to be on the  
28 premises of the person, firm, or other entity for which the  
29 security contractor contractually provides security  
30 services.

31 (4) The prevention of the misappropriation or  
32 concealment of goods, money, bonds, stocks, notes,  
33 documents, or papers.

34 (5) The control, regulation, or direction of the

1 movement of the public for the time specifically required  
2 for the protection of property owned or controlled by the  
3 client.

4 (6) The protection of individuals from bodily harm or  
5 death (bodyguard functions).

6 "Private security contractor agency" means a person, firm,  
7 corporation, or other legal entity that engages in the private  
8 security contractor business and that employs, in addition to  
9 the licensee-in-charge, one or more persons in conducting such  
10 business.

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

20 "Public member" means a person who is not a licensee or  
21 related to a licensee, or who is not an employer or employee of  
22 a licensee. The term "related to" shall be determined by the  
23 rules of the Department.

24 "Sex offender" has the meaning given to that term in the  
25 Sex Offender Registration Act.

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

27 (225 ILCS 447/25-10)

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

29 Sec. 25-10. Qualifications for licensure as a private  
30 security contractor.

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

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

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

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

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 as a full-time  
19 manager for a licensed private security contractor agency  
20 or a manager of a proprietary security force of 30 or more  
21 persons registered with the Department or with 3 years  
22 experience of the 5 years immediately preceding his or her  
23 application employed as a full-time supervisor in a law  
24 enforcement agency of a federal or state political  
25 subdivision, which shall include a state's attorney's  
26 office or public defender's office. The Board and the  
27 Department shall approve such full-time supervisory  
28 experience. An applicant who has a baccalaureate degree or  
29 higher in police science or a related field or a business  
30 degree from an accredited college or university shall be  
31 given credit for 2 of the 3 years of the required  
32 experience. An applicant who has an associate degree in  
33 police science or in a related field or in business from an  
34 accredited college or university shall be given credit for

1 one of the 3 years of the required experience.

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

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

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

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

10 (11) Has not been adjudicated a sex offender.

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

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

20 (225 ILCS 447/25-35 new)

21 Sec. 25-35. Employment of sex offenders prohibited. No  
22 private security contractor or private security contractor  
23 agency may employ a person who has been adjudicated a sex  
24 offender in a position providing security services."