

# SB1738



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1738

Introduced 2/15/2019, by Sen. Antonio Muñoz

### SYNOPSIS AS INTRODUCED:

225 ILCS 447/40-5

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that reasonable attorney's fees and costs may be awarded to a licensee, interested party, or person injured if he or she successfully obtains injunctive relief, whether by consent or otherwise. Effective immediately.

LRB101 07329 JRG 52369 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 Private Detective, Private Alarm, Private  
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
6 amended by changing Section 40-5 as follows:

7 (225 ILCS 447/40-5)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 40-5. Injunctive relief.

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

1 an order enforcing compliance with this Act. Upon the filing of  
2 a verified petition in court, if satisfied by affidavit or  
3 otherwise that the person, firm, corporation, or other legal  
4 entity is or has been conducting activities in violation of  
5 this Act, the court may enter a temporary restraining order or  
6 preliminary injunction, without bond, enjoining the defendant  
7 from further activity. A copy of the verified complaint shall  
8 be served upon the defendant and the proceedings shall be  
9 conducted as in civil cases. If it is established the defendant  
10 has been or is conducting activities in violation of this Act,  
11 the court may enter a judgment enjoining the defendant from  
12 that activity. In case of violation of any injunctive order or  
13 judgment entered under this Section, the court may punish the  
14 offender for contempt of court. Injunctive proceedings shall be  
15 in addition to all other penalties under this Act.

16 (b) If any person practices as a private detective, private  
17 security contractor, private alarm contractor, fingerprint  
18 vendor, locksmith, private detective agency, private security  
19 contractor agency, private alarm contractor agency,  
20 fingerprint vendor agency, or locksmith agency or holds himself  
21 or herself out as such without having a valid license under  
22 this Act, then any licensee, any interested party, or any  
23 person injured thereby may, in addition to the Secretary,  
24 petition for relief as provided in subsection (a) of this  
25 Section. Reasonable attorney's fees and costs may be awarded to  
26 the licensee, interested party, or person injured if he or she

1 successfully obtains injunctive relief, whether by consent or  
2 otherwise.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.