

1 AN ACT in relation to regulated professions.

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, and Locksmith Act of 1993 is amended by changing  
6 Sections 75 and 77 as follows:

7 (225 ILCS 446/75)

8 (Section scheduled to be repealed on December 31, 2003)

9 Sec. 75. Qualifications for licensure and agency  
10 certification.

11 (a) Private Detective. A person is qualified to receive  
12 a license as a private detective if he or she meets all of  
13 the following requirements:

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

15 (2) Has not been convicted in any jurisdiction of  
16 any felony or at least 10 years have expired from the  
17 time of discharge from any sentence imposed for a felony.

18 (3) Is of good moral character. Good character is  
19 a continuing requirement of licensure. Conviction of  
20 crimes not listed in paragraph (2) of subsection (a) of  
21 this Section may be used in determining moral character,  
22 but does not operate as an absolute bar to licensure.

23 (4) Has not been declared by any court of competent  
24 jurisdiction to be incompetent by reason of mental or  
25 physical defect or disease unless a court has since  
26 declared him or her to be competent.

27 (5) Is not suffering from habitual drunkenness or  
28 from narcotic addiction or dependence.

29 (6) Has a minimum of 3 years experience out of the  
30 5 years immediately preceding his or her application  
31 working full-time for a licensed private detective agency

1 as a registered private detective employee or with 3  
2 years experience out of the 5 years immediately preceding  
3 his or her application employed as a full-time  
4 investigator for a licensed attorney or in a law  
5 enforcement agency of a federal or State political  
6 subdivision, which shall include a State's Attorney's  
7 office or a Public Defender's office, such full-time  
8 investigator experience to be approved by the Board and  
9 the Department. An applicant who has obtained a  
10 baccalaureate degree in police science or a related field  
11 or a business degree from an accredited college or  
12 university shall be given credit for 2 of the 3 years  
13 experience required under this Section. An applicant who  
14 has obtained an associate degree in police science or a  
15 related field or in business from an accredited college  
16 or university shall be given credit for one of the 3  
17 years experience required under this Section.

18 (7) Has not been dishonorably discharged from the  
19 armed services of the United States.

20 (8) Has successfully passed an examination  
21 authorized by the Department. The examination shall  
22 include subjects reasonably related to the activities  
23 licensed so as to provide for the protection of the  
24 health and safety of the public.

25 (9) Has not violated Section 15, 20, or 25 of this  
26 Act, but this requirement does not operate as an absolute  
27 bar to licensure.

28 It is the responsibility of the applicant to obtain  
29 liability insurance in an amount and coverage type  
30 appropriate as determined by rule for the applicant's  
31 individual business circumstances. The applicant shall  
32 provide evidence of insurance to the Department before being  
33 issued a license. This insurance requirement is a continuing  
34 requirement for licensure. Failure to maintain insurance

1 shall result in cancellation of the license by the  
2 Department.

3 (b) Private security contractor. A person is qualified  
4 to receive a license as a private security contractor if he  
5 or she meets all of the following requirements:

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

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

10 (3) Is of good moral character. Good moral  
11 character is a continuing requirement of licensure.  
12 Convictions of crimes not listed in paragraph (2) of  
13 subsection (b) of this Section may be used in determining  
14 moral character, but do not operate as an absolute bar to  
15 licensure.

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 since  
19 declared him or her to be competent.

20 (5) Is not suffering from habitual drunkenness or  
21 from narcotic addiction or dependence.

22 (6) Has a minimum of 3 years experience out of the  
23 5 years immediately preceding his or her application as a  
24 full-time manager or administrator for a licensed private  
25 security contractor agency or a manager or administrator  
26 of a proprietary security force of 30 or more persons  
27 registered with the Department, or with 3 years  
28 experience out of the 5 years immediately preceding his  
29 or her application as a full-time supervisor in a law  
30 enforcement agency of a federal or State political  
31 subdivision, which shall include a State's Attorney's  
32 office or Public Defender's office, such full-time  
33 supervisory experience to be approved by the Board and  
34 the Department. An applicant who has obtained a

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

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

11               (8) Has successfully passed an examination  
12       authorized by the Department. The examination shall  
13       include subjects reasonably related to the activities  
14       licensed so as to provide for the protection of the  
15       health and safety of the public.

16               (9) Has not violated Section 15, 20, or 25 of this  
17       Act, but this requirement does not operate as an absolute  
18       bar to licensure.

19       It is the responsibility of the applicant to obtain  
20       liability insurance in amount and coverage type appropriate  
21       as determined by rule for the applicant's individual business  
22       circumstances. The applicant shall provide evidence of  
23       insurance to the Department before being issued a license.  
24       This insurance requirement is a continuing requirement for  
25       licensure. Failure to maintain insurance shall result in  
26       cancellation of the license by the Department.

27       (c) Private alarm contractor. A person is qualified to  
28       receive a license as a private alarm contractor if he or she  
29       meets all of the following requirements:

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

31               (2) Has not been convicted in any jurisdiction of  
32       any felony or at least 10 years have expired from the  
33       time of discharge from any sentence imposed for a felony.

34               (3) Is of good moral character. Good moral

1 character is a continuing requirement of licensure.  
2 Convictions of crimes not listed in paragraph (2) of  
3 subsection (c) of this Section may be used in determining  
4 moral character, but do not operate as an absolute bar to  
5 licensure.

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 since  
9 declared him or her to be competent.

10 (5) Is not suffering from habitual drunkenness or  
11 from narcotic addiction or dependence.

12 (6) Has not been dishonorably discharged from the  
13 armed services of the United States.

14 (7) Has a minimum of 3 years experience out of the  
15 5 years immediately preceding application as a full time  
16 manager or administrator for an agency licensed as a  
17 private alarm contractor agency, or for an entity that  
18 designs, sells, installs, services, or monitors alarm  
19 systems which in the judgment of the Board satisfies  
20 standards of alarm industry competence. An individual  
21 who has received a 4 year degree in electrical  
22 engineering or a related field from a program approved by  
23 the Board shall be given credit for 2 years of experience  
24 under this item (7). An individual who has successfully  
25 completed a national certification program approved by  
26 the Board shall be given credit for one year of  
27 experience under this item (7).

28 (8) Has successfully passed an examination  
29 authorized by the Department. The examination shall  
30 include subjects reasonably related to the activities  
31 licensed so as to provide for the protection of the  
32 health and safety of the public.

33 (9) Has not violated Section 15, 20, or 25 of this  
34 Act, but this requirement does not operate as an absolute

1 bar to licensure.

2 It is the responsibility of the applicant to obtain  
3 liability insurance in an amount and coverage type  
4 appropriate as determined by rule for the applicant's  
5 individual business circumstances. The applicant shall  
6 provide evidence of insurance to the Department before being  
7 issued a license. This insurance requirement is a continuing  
8 requirement for licensure. Failure to maintain insurance  
9 shall result in cancellation of the license by the  
10 Department.

11 Alternatively, a person is qualified to receive a license  
12 as a private alarm contractor without meeting the  
13 requirements of items (7), (8), and (9) of this subsection,  
14 if he or she:

15 (i) applies for a license between December 9, 2003  
16 and December 12, 2003 ~~September-27-2002-and-September--57~~  
17 ~~2002~~, in writing, on forms supplied by the Department;

18 (ii) provides proof to the Department that he or  
19 she was engaged in the alarm contracting business on or  
20 before July 1, 1975;

21 (iii) submits the photographs, fingerprints, proof  
22 of insurance, and current license fee required by the  
23 Department;

24 (iv) has not violated Section 25 of this Act; and

25 (v) has held a Permanent Employee Registration Card  
26 for a minimum of 12 months.

27 (d) Locksmith. A person is qualified to receive a  
28 license as a locksmith if he or she meets all of the  
29 following requirements:

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

31 (2) Has not violated any provisions of Section 120  
32 of this Act.

33 (3) Has not been convicted in any jurisdiction of  
34 any felony or at least 10 years have expired from the

1 time of discharge from any sentence imposed for a felony.

2 (4) Is of good moral character. Good moral  
3 character is a continuing requirement of licensure.  
4 Convictions of crimes not listed in paragraph (3) of  
5 subsection (d) of this Section may be used in determining  
6 moral character, but do not operate as an absolute bar to  
7 licensure.

8 (5) 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 since  
11 declared him or her to be competent.

12 (6) Is not suffering from habitual drunkenness or  
13 from narcotic addiction or dependence.

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

16 (8) Has passed an examination authorized by the  
17 Department in the theory and practice of the profession.

18 (9) Has submitted to the Department proof of  
19 insurance sufficient for the individual's business  
20 circumstances. The Department, with input from the  
21 Board, shall promulgate rules specifying minimum  
22 insurance requirements. This insurance requirement is a  
23 continuing requirement for licensure. Failure to  
24 maintain insurance shall result in the cancellation of  
25 the license by the Department. A locksmith employed by a  
26 licensed locksmith agency or employed by a private  
27 concern may provide proof that his or her actions as a  
28 locksmith are covered by the insurance of his or her  
29 employer.

30 (e) Private detective agency. Upon payment of the  
31 required fee and proof that the applicant has a full-time  
32 Illinois licensed private detective in charge, which is a  
33 continuing requirement for agency certification, the  
34 Department shall issue, without examination, a certificate as

1 a private detective agency to any of the following:

2 (1) An individual who submits an application in  
3 writing and who is a licensed private detective under  
4 this Act.

5 (2) A firm or association that submits an  
6 application in writing and all of the members of the firm  
7 or association are licensed private detectives under this  
8 Act.

9 (3) A duly incorporated or registered corporation  
10 allowed to do business in Illinois that is authorized by  
11 its articles of incorporation to engage in the business  
12 of conducting a detective agency, provided at least one  
13 officer or executive employee is licensed as a private  
14 detective under this Act and all unlicensed officers and  
15 directors of the corporation are determined by the  
16 Department to be persons of good moral character.

17 No private detective may be the private detective in  
18 charge for more than one agency. Upon written request by a  
19 representative of an agency within 10 days after the loss of  
20 a licensee in charge of an agency because of the death of  
21 that individual or because of an unanticipated termination of  
22 the employment of that individual, the Department shall issue  
23 a temporary permit allowing the continuing operation of a  
24 previously licensed agency. No temporary permit shall be  
25 valid for more than 90 days. An extension of an additional 90  
26 days may be granted by the Department for good cause shown  
27 upon written request by the representative of the agency. No  
28 more than 2 extensions may be granted to any agency. No  
29 temporary permit shall be issued for the loss of the  
30 detective in charge because of disciplinary action by the  
31 Department.

32 (f) Private alarm contractor agency. Upon receipt of  
33 the required fee and proof that the applicant has a full-time  
34 Illinois licensed private alarm contractor in charge, which



1 is a continuing requirement for agency certification, the  
2 Department shall issue, without examination, a certificate as  
3 a private alarm contractor agency to any of the following:

4 (1) An individual who submits an application in  
5 writing and who is a licensed private alarm contractor  
6 under this Act.

7 (2) A firm or association that submits an  
8 application in writing that all of the members of the  
9 firm or association are licensed private alarm  
10 contractors under this Act.

11 (3) A duly incorporated or registered corporation  
12 allowed to do business in Illinois that is authorized by  
13 its articles of incorporation to engage in the business  
14 of conducting a private alarm contractor agency, provided  
15 at least one officer or executive employee is licensed as  
16 a private alarm contractor under this Act and all  
17 unlicensed officers and directors of the corporation are  
18 determined by the Department to be persons of good moral  
19 character.

20 No private alarm contractor may be the private alarm  
21 contractor in charge for more than one agency. Upon written  
22 request by a representative of an agency within 10 days after  
23 the loss of a licensed private alarm contractor in charge of  
24 an agency because of the death of that individual or because  
25 of the unanticipated termination of the employment of that  
26 individual, the Department shall issue a temporary permit  
27 allowing the continuing operation of a previously licensed  
28 agency. No temporary permit shall be valid for more than 90  
29 days. An extension of an additional 90 days may be granted  
30 by the Department for good cause shown and upon written  
31 request by the representative of the agency. No more than 2  
32 extensions may be granted to any agency. No temporary permit  
33 shall be issued for the loss of the licensee in charge  
34 because of disciplinary action by the Department.

1 (g) Private security contractor agency. Upon receipt of  
2 the required fee and proof that the applicant has a full-time  
3 Illinois licensed private security contractor in charge,  
4 which is continuing requirement for agency certification, the  
5 Department shall issue, without examination, a certificate as  
6 a private security contractor agency to any of the following:

7 (1) An individual who submits an application in  
8 writing and who is a licensed private security contractor  
9 under this Act.

10 (2) A firm or association that submits an  
11 application in writing that all of the members are  
12 licensed private security contractors under this Act.

13 (3) A duly incorporated or registered corporation  
14 allowed to do business in Illinois that is authorized by  
15 its articles of incorporation to engage in the business  
16 of conducting a private security contractor agency,  
17 provided at least one officer or executive employee is  
18 licensed as a private security contractor under this Act  
19 and all unlicensed officers and directors of the  
20 corporation are determined by the Department to be  
21 persons of good moral character.

22 No private security contractor may be the private  
23 security contractor in charge for more than one agency. Upon  
24 written request by a representative of the agency within 10  
25 days after the loss of a licensee in charge of an agency  
26 because of the death of that individual or because of the  
27 unanticipated termination of the employment of that  
28 individual, the Department shall issue a temporary permit  
29 allowing the continuing operation of a previously licensed  
30 agency. No temporary permit shall be valid for more than 90  
31 days. An extension of an additional 90 days may be granted  
32 upon written request by the representative of the agency. No  
33 more than 2 extensions may be granted to any agency. No  
34 temporary permit shall be issued for the loss of the licensee

1 in charge because of disciplinary action by the Department.

2 (h) Licensed locksmith agency. Upon receipt of the  
3 required fee and proof that the applicant is an Illinois  
4 licensed locksmith who shall assume full responsibility for  
5 the operation of the agency and the directed actions of the  
6 agency's employees, which is a continuing requirement for  
7 agency licensure, the Department shall issue, without  
8 examination, a certificate as a Locksmith Agency to any of  
9 the following:

10 (1) An individual who submits an application in  
11 writing and who is a licensed locksmith under this Act.

12 (2) A firm or association that submits an  
13 application in writing and certifies that all of the  
14 members of the firm or association are licensed  
15 locksmiths under this Act.

16 (3) A duly incorporated or registered corporation  
17 or limited liability company allowed to do business in  
18 Illinois that is authorized by its articles of  
19 incorporation or organization to engage in the business  
20 of conducting a locksmith agency, provided that at least  
21 one officer or executive employee of a corporation or one  
22 member of a limited liability company is licensed as a  
23 locksmith under this Act, and provided that person agrees  
24 in writing on a form acceptable to the Department to  
25 assume full responsibility for the operation of the  
26 agency and the directed actions of the agency's  
27 employees, and further provided that all unlicensed  
28 officers and directors of the corporation or members of  
29 the limited liability company are determined by the  
30 Department to be persons of good moral character.

31 An individual licensed locksmith operating under a  
32 business name other than the licensed locksmith's own name  
33 shall not be required to obtain a locksmith agency license if  
34 that licensed locksmith does not employ any persons to engage

1 in the practice of locksmithing.

2 An applicant for licensure as a locksmith agency shall  
3 submit to the Department proof of insurance sufficient for  
4 the agency's business circumstances. The Department shall  
5 promulgate rules specifying minimum insurance requirements.  
6 This insurance requirement is a continuing requirement for  
7 licensure.

8 No licensed locksmith may be the licensed locksmith  
9 responsible for the operation of more than one agency except  
10 for any individual who submits proof to the Department that,  
11 on the effective date of this amendatory Act of 1995, he or  
12 she is actively responsible for the operations of more than  
13 one agency. A licensed private alarm contractor who is  
14 responsible for the operation of a licensed private alarm  
15 contractor agency and who is a licensed locksmith may also be  
16 the licensed locksmith responsible for the operation of a  
17 locksmith agency.

18 Upon written request by a representative of an agency  
19 within 10 days after the loss of a responsible licensed  
20 locksmith of an agency, because of the death of that  
21 individual or because of the unanticipated termination of the  
22 employment of that individual, the Department shall issue a  
23 temporary permit allowing the continuing operation of a  
24 previously licensed locksmith agency. No temporary permit  
25 shall be valid for more than 90 days. An extension for an  
26 additional 90 days may be granted by the Department for good  
27 cause shown and upon written request by a representative of  
28 the agency. No more than 2 extensions may be granted to any  
29 agency. No temporary permit shall be issued to any agency  
30 due to the loss of the responsible locksmith because of  
31 disciplinary action by the Department.

32 (i) Proprietary Security Force. All commercial or  
33 industrial operations that employ 5 or more persons as armed  
34 security guards and all financial institutions that employ

1 armed security guards shall register their security forces  
2 with the Department on forms provided by the Department.

3 All armed security guard employees of the registered  
4 proprietary security force shall be required to complete a  
5 20-hour basic training course and 20-hour firearm training  
6 course in accordance with administrative rules.

7 Each proprietary security force shall be required to  
8 apply to the Department, on forms supplied by the Department,  
9 for the issuance of a firearm authorization card, in  
10 accordance with administrative rules, for each armed employee  
11 of the security force.

12 The Department shall prescribe rules for the  
13 administration of this Section.

14 (j) Any licensed agency that operates a branch office as  
15 defined in this Act shall apply for a branch office license.

16 (Source: P.A. 91-357, eff. 7-29-99; 91-815, eff. 6-13-00;  
17 92-833, eff. 8-22-02.)

18 (225 ILCS 446/77)

19 (Section scheduled to be repealed on December 31, 2003)

20 Sec. 77. Necessity for licensure of locksmith agencies;  
21 grandfather provision.

22 (a) On or after January 1, 1997, no person shall  
23 practice as a locksmith and no business entity shall operate  
24 as a locksmith agency without first applying for and  
25 obtaining a license for that purpose from the Department.

26 (b) Applications must be accompanied by the required  
27 fee.

28 (c) In lieu of the examination given to other applicants  
29 for licensure, the Director may issue a license to an  
30 individual who presents proof to the Director that he or she  
31 was actively engaged as a locksmith or as a supervisor,  
32 manager, or administrator of a locksmith business for 3 years  
33 out of the 5 years immediately preceding January 1, 1996 and

1 meets all other requirements of this Act.

2 (d) The application for a license without examination  
3 shall be made to the Director within 2 years after the  
4 effective date of this amendatory Act of 1995.

5 (e) A person who applies for licensure under this  
6 Section between December 9, 2003 and December 12, 2003  
7 ~~September-17-2000-and-December-317-2000~~ shall be exempt from  
8 subsection (d) of this Section and shall be issued a license  
9 upon proof of meeting all other requirements for licensure  
10 under this Section.

11 (Source: P.A. 90-602, eff. 6-26-98; 91-815, eff. 6-13-00.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.