



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3479

Introduced 2/23/2005, by Rep. John J. Millner

SYNOPSIS AS INTRODUCED:

225 ILCS 447/5-10
225 ILCS 447/10-5
225 ILCS 447/25-5
225 ILCS 447/35-30
225 ILCS 447/35-45

Amends the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Replaces the definition of "armed proprietary security force" with "proprietary security force". Requires security officers to be registered by the Department of Financial and Professional Regulation. Exempts proprietary security forces from the record-keeping requirements of the Act and, instead, requires proprietary security forces to maintain a file containing certain documents. Exempts all security officers currently employed by qualified employers on the effective date of this amendatory Act from the Act for as long as they remain employed as a security officer by their current employer. Makes related changes.

LRB094 08912 RAS 39132 b

FISCAL NOTE ACT
MAY APPLY

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, and Locksmith Act of 2004 is amended by changing
6 Sections 5-10, 10-5, 35-30, 35-45, and 25-5 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8 (Section scheduled to be repealed on January 1, 2014)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,
25 visible, remote, or recorded signal that is designed for the
26 protection or detection of intrusion, entry, theft, fire,
27 vandalism, escape, or trespass.

28 "Armed employee" means a licensee or registered person who
29 is employed by an agency licensed or an armed proprietary
30 security force registered under this Act who carries a weapon
31 while engaged in the performance of official duties within the
32 course and scope of his or her employment during the hours and

1 times the employee is scheduled to work or is commuting between
2 his or her home or place of employment, provided that commuting
3 is accomplished within one hour from departure from home or
4 place of employment.

5 ~~"Armed proprietary security force" means a security force~~
6 ~~made up of 5 or more armed individuals employed by a private,~~
7 ~~commercial, or industrial operation or one or more armed~~
8 ~~individuals employed by a financial institution as security~~
9 ~~officers for the protection of persons or property.~~

10 "Board" means the Private Detective, Private Alarm,
11 Private Security, and Locksmith Board.

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

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

26 "Department" means the Department of Professional
27 Regulation.

28 "Director" means the Director of Professional Regulation.

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

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

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

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

6 "Locksmith" means a person who engages in a business or
7 holds himself out to the public as providing a service that
8 includes, but is not limited to, the servicing, installing,
9 originating first keys, re-coding, repairing, maintaining,
10 manipulating, or bypassing of a mechanical or electronic
11 locking device, access control or video surveillance system at
12 premises, vehicles, safes, vaults, safe deposit boxes, or
13 automatic teller machines.

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

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

26 "Licensee" means any person or entity that has been issued
27 a license under this Act. All references to "licensee" found in
28 this Act shall also apply to all persons or entities registered
29 under this Act.

30 "Peace officer" or "police officer" means a person who, by
31 virtue of office or public employment, is vested by law with a
32 duty to maintain public order or to make arrests for offenses,
33 whether that duty extends to all offenses or is limited to
34 specific offenses. Officers, agents, or employees of the
35 federal government commissioned by federal statute to make
36 arrests for violations of federal laws are considered peace

1 officers.

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

6 "Person" means a natural person.

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

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

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

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

35 "Private detective" means any person who by any means,
36 including but not limited to manual or electronic methods,

1 engages in the business of, accepts employment to furnish, or
2 agrees to make or makes investigations for a fee or other
3 consideration to obtain information relating to:

4 (1) Crimes or wrongs done or threatened against the
5 United States, any state or territory of the United States,
6 or any local government of a state or territory.

7 (2) The identity, habits, conduct, business
8 occupation, honesty, integrity, credibility, knowledge,
9 trustworthiness, efficiency, loyalty, activity, movements,
10 whereabouts, affiliations, associations, transactions,
11 acts, reputation, or character of any person, firm, or
12 other entity by any means, manual or electronic.

13 (3) The location, disposition, or recovery of lost or
14 stolen property.

15 (4) The cause, origin, or responsibility for fires,
16 accidents, or injuries to individuals or real or personal
17 property.

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

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

22 (7) The protection of individuals from bodily harm or
23 death (bodyguard functions).

24 (8) Service of process in criminal and civil
25 proceedings without court order.

26 "Private detective agency" means a person, firm,
27 corporation, or other legal entity that engages in the private
28 detective business and employs, in addition to the
29 licensee-in-charge, one or more persons in conducting such
30 business.

31 "Private detective licensee-in-charge" means a person who
32 has been designated by an agency to be the licensee-in-charge
33 of an agency, who is a full-time management employee or owner
34 who assumes sole responsibility for maintaining all records
35 required by this Act, and who assumes sole responsibility for
36 assuring the licensed agency's compliance with its

1 responsibilities as stated in this Act. The Department shall
2 adopt rules mandating licensee-in-charge participation in
3 agency affairs.

4 "Private security contractor" means a person who engages in
5 the business of providing a private security officer, watchman,
6 patrol, or a similar service by any other title or name on a
7 contractual basis for another person, firm, corporation, or
8 other entity for a fee or other consideration and performing
9 one or more of the following functions:

10 (1) The prevention or detection of intrusion, entry,
11 theft, vandalism, abuse, fire, or trespass on private or
12 governmental property.

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

15 (3) The protection of persons authorized to be on the
16 premises of the person, firm, or other entity for which the
17 security contractor contractually provides security
18 services.

19 (4) The prevention of the misappropriation or
20 concealment of goods, money, bonds, stocks, notes,
21 documents, or papers.

22 (5) The control, regulation, or direction of the
23 movement of the public for the time specifically required
24 for the protection of property owned or controlled by the
25 client.

26 (6) The protection of individuals from bodily harm or
27 death (bodyguard functions).

28 "Private security contractor agency" means a person, firm,
29 corporation, or other legal entity that engages in the private
30 security contractor business and that employs, in addition to
31 the licensee-in-charge, one or more persons in conducting such
32 business.

33 "Private security contractor licensee-in-charge" means a
34 person who has been designated by an agency to be the
35 licensee-in-charge of an agency, who is a full-time management
36 employee or owner who assumes sole responsibility for

1 maintaining all records required by this Act, and who assumes
2 sole responsibility for assuring the licensed agency's
3 compliance with its responsibilities as stated in this Act. The
4 Department shall adopt rules mandating licensee-in-charge
5 participation in agency affairs.

6 "Proprietary security force" means a security force made up
7 of 5 or more individuals employed by a qualified employer as
8 security officers.

9 "Public member" means a person who is not a licensee or
10 related to a licensee, or who is not an employer or employee of
11 a licensee. The term "related to" shall be determined by the
12 rules of the Department.

13 "Qualified employer" means any person, firm, corporation,
14 or subsidiary or department of a firm or corporation that
15 employs 5 or more security officers on a proprietary basis for
16 the person's or entity's own use.

17 "Security officer" means a person, other than a police
18 officer, employed by a qualified employer to principally
19 perform one or more of the following functions:

20 (1) The prevention or detection of intrusion, entry, or
21 theft that is not abuse, fire, or trespass on private or
22 governmental property.

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

25 (3) The protection of individuals or property from harm
26 or other unlawful activity.

27 (4) The prevention of the misappropriation or
28 concealment of goods, money, bonds, stocks, notes,
29 documents, or papers.

30 (5) The protection of individuals from bodily harm or
31 death through bodyguard functions.

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

33 (225 ILCS 447/10-5)

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

35 Sec. 10-5. Requirement of license or registration.

1 (a) It is unlawful for a person to act as or provide the
2 functions of a private detective, private security contractor,
3 private alarm contractor, ~~or~~ locksmith, or security officer or
4 to advertise or to assume to act as any one of these, or to use
5 these or any other title implying that the person is engaged in
6 any of these activities unless licensed or registered as such
7 by the Department. An individual or sole proprietor who does
8 not employ any employees other than himself or herself may
9 operate under a "doing business as" or assumed name
10 certification without having to obtain an agency license, so
11 long as the assumed name is first registered with the
12 Department.

13 (b) It is unlawful for a person, firm, corporation, or
14 other legal entity to act as an agency or qualified employer
15 licensed under this Act, to advertise, or to assume to act as a
16 licensed agency or qualified employer or to use a title
17 implying that the person, firm, or other entity is engaged in
18 the practice as a private detective agency, private security
19 contractor agency, private alarm contractor agency, or
20 locksmith agency unless licensed by the Department.

21 (c) No agency shall operate a branch office without first
22 applying for and receiving a branch office license for each
23 location.

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

25 (225 ILCS 447/25-5)

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

27 Sec. 25-5. Exemptions; private security contractor. The
28 provisions of this Act related to licensure of a private
29 security contractor do not apply to either ~~any~~ of the
30 following:

31 (1) An employee of the United States, Illinois, or a
32 political subdivision of either while the employee is
33 engaged in the performance of his or her official duties
34 within the scope of his or her employment. However, any
35 such person who offers his or her services as a private

1 security contractor or uses a similar title when these
2 services are performed for compensation or other
3 consideration, whether received directly or indirectly, is
4 subject to this Act.

5 (2) A person employed as either an armed or unarmed
6 security officer at a nuclear energy, storage, weapons, or
7 development site or facility regulated by the United States
8 Nuclear Regulatory Commission who has completed the
9 background screening and training mandated by the
10 regulations of the United States Nuclear Regulatory
11 Commission.

12 ~~(3) A person, watchman, or proprietary security~~
13 ~~officer employed exclusively by only one employer in~~
14 ~~connection with the exclusive activities of that employer.~~

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

16 (225 ILCS 447/35-30)

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

18 Sec. 35-30. Employee requirements. All employees of a
19 licensed agency or security officers employed by a qualified
20 employer, other than those exempted, shall apply for a
21 permanent employee registration card. The holder of an agency
22 license issued under this Act, known in this Section as
23 "employer", or the holder of a proprietary security force
24 registration issued under this Act, known in this Section as
25 "qualified employer", may employ in the conduct of his or her
26 business employees under the following provisions:

27 (1) No person shall be issued a permanent employee
28 registration card who:

29 (A) Is younger than 18 years of age.

30 (B) Is younger than 21 years of age if the services
31 will include being armed.

32 (C) Has been determined by the Department to be
33 unfit by reason of conviction of an offense in this or
34 another state, other than a traffic offense. The
35 Department shall adopt rules for making those

1 determinations that shall afford the applicant due
2 process of law.

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

18 (E) Has been declared incompetent by any court of
19 competent jurisdiction by reason of mental disease or
20 defect and has not been restored.

21 (F) Has been dishonorably discharged from the
22 armed services of the United States.

23 (2) No person may be employed by a private detective
24 agency, private security contractor agency, private alarm
25 contractor agency, or locksmith agency under this Section
26 until he or she has executed and furnished to the employer,
27 on forms furnished by the Department, a verified statement
28 to be known as "Employee's Statement" setting forth:

29 (A) The person's full name, age, and residence
30 address.

31 (B) The business or occupation engaged in for the 5
32 years immediately before the date of the execution of
33 the statement, the place where the business or
34 occupation was engaged in, and the names of employers,
35 if any.

36 (C) That the person has not had a license or

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

15 (D) Any conviction of a felony or misdemeanor.

16 (E) Any declaration of incompetence by a court of
17 competent jurisdiction that has not been restored.

18 (F) Any dishonorable discharge from the armed
19 services of the United States.

20 (G) Any other information as may be required by any
21 rule of the Department to show the good character,
22 competency, and integrity of the person executing the
23 statement.

24 (c) Each applicant for a permanent employee registration
25 card shall have his or her fingerprints submitted to the
26 Department of State Police in an electronic format that
27 complies with the form and manner for requesting and furnishing
28 criminal history record information as prescribed by the
29 Department of State Police. These fingerprints shall be checked
30 against the Department of State Police and Federal Bureau of
31 Investigation criminal history record databases now and
32 hereafter filed. The Department of State Police shall charge
33 applicants a fee for conducting the criminal history records
34 check, which shall be deposited in the State Police Services
35 Fund and shall not exceed the actual cost of the records check.
36 The Department of State Police shall furnish, pursuant to

1 positive identification, records of Illinois convictions to
2 the Department. The Department may require applicants to pay a
3 separate fingerprinting fee, either to the Department or
4 directly to the vendor. The Department, in its discretion, may
5 allow an applicant who does not have reasonable access to a
6 designated vendor to provide his or her fingerprints in an
7 alternative manner. The Department, in its discretion, may also
8 use other procedures in performing or obtaining criminal
9 background checks of applicants. Instead of submitting his or
10 her fingerprints, an individual may submit proof that is
11 satisfactory to the Department that an equivalent security
12 clearance has been conducted. Also, an individual who has
13 retired as a peace officer within 12 months of application may
14 submit verification, on forms provided by the Department and
15 signed by his or her employer, of his or her previous full-time
16 employment as a peace officer.

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

29 (e) Each employer shall maintain a record of each employee
30 that is accessible to the duly authorized representatives of
31 the Department. The record shall contain the following
32 information:

33 (1) A photograph taken within 10 days of the date that
34 the employee begins employment with the employer. The
35 photograph shall be replaced with a current photograph
36 every 3 calendar years.

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

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

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

30 (5) The Department may, by rule, prescribe further
31 record requirements.

32 (f) Every employer shall furnish an employee
33 identification card to each of his or her employees. This
34 employee identification card shall contain a recent photograph
35 of the employee, the employee's name, the name and agency
36 license number of the employer, the employee's personal

1 description, the signature of the employer, the signature of
2 that employee, the date of issuance, and an employee
3 identification card number.

4 (g) No employer may issue an employee identification card
5 to any person who is not employed by the employer in accordance
6 with this Section or falsely state or represent that a person
7 is or has been in his or her employ. It is unlawful for an
8 applicant for registered employment to file with the Department
9 the fingerprints of a person other than himself or herself.

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

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

15 (j) No agency or qualified employer may employ any person
16 to perform a licensed activity under this Act unless the person
17 possesses a valid permanent employee registration card or a
18 valid license under this Act, or is exempt pursuant to
19 subsection (n).

20 (k) Notwithstanding the provisions of subsection (j), an
21 agency or qualified employer may employ a person in a temporary
22 capacity if all of the following conditions are met:

23 (1) The agency or qualified employer completes in its
24 entirety and submits to the Department an application for a
25 permanent employee registration card, including the
26 required fingerprint receipt and fees.

27 (2) The agency or qualified employer has verification
28 from the Department that the applicant has no record of any
29 criminal conviction pursuant to the criminal history check
30 conducted by the Department of State Police. The agency or
31 qualified employer shall maintain the verification of the
32 results of the Department of State Police criminal history
33 check as part of the employee record as required under
34 subsection (e) of this Section.

35 (3) The agency or qualified employer exercises due
36 diligence to ensure that the person is qualified under the

1 requirements of the Act to be issued a permanent employee
2 registration card.

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

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

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

28 An agency or qualified employer may not employ a person in
29 a temporary capacity if it knows or reasonably should have
30 known that the person has been convicted of a crime under the
31 laws of this State, has been convicted in another state of any
32 crime that is a crime under the laws of this State, has been
33 convicted of any crime in a federal court, or has been posted
34 as an unapproved applicant by the Department. Notice by the
35 Department to the agency, via certified mail, personal
36 delivery, electronic mail, or posting on the Department's

1 Internet site accessible to the agency that the person has been
2 convicted of a crime shall be deemed constructive knowledge of
3 the conviction on the part of the agency. The Department may
4 adopt rules to implement this subsection (k).

5 (l) No person may be employed by a qualified employer under
6 this Section in any capacity if:

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

11 (2) the person wears any portion of his or her official
12 uniform, emblem of authority, or equipment while so
13 employed.

14 (m) If information is discovered affecting the
15 registration of a person whose fingerprints were submitted
16 under this Section, the Department shall so notify the agency
17 or qualified employer that submitted the fingerprints on behalf
18 of that person.

19 (n) Peace officers shall be exempt from the requirements of
20 this Section relating to permanent employee registration
21 cards. The agency or qualified employer shall remain
22 responsible for any peace officer employed under this
23 exemption, regardless of whether the peace officer is
24 compensated as an employee or as an independent contractor and
25 as further defined by rule.

26 (o) Agency employees ~~Persons~~ who have no access to
27 confidential or security information and who otherwise do not
28 provide traditional security services are exempt from employee
29 registration. Examples of exempt employees include, but are not
30 limited to, employees working in the capacity of ushers,
31 directors, ticket takers, cashiers, drivers, and reception
32 personnel. Confidential or security information is that which
33 pertains to employee files, scheduling, client contracts, or
34 technical security and alarm data.

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

1 (225 ILCS 447/35-45)

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

3 Sec. 35-45. Proprietary ~~Armed proprietary~~ security force.

4 (a) All qualified employers ~~financial institutions that~~
5 ~~employ one or more armed employees and all commercial or~~
6 ~~industrial operations that employ 5 or more persons as armed~~
7 ~~employees~~ shall register their proprietary security forces
8 with the Department on forms provided by the Department.

9 (b) All armed security officers employed by a qualified
10 employer ~~employees of the registered proprietary security~~
11 ~~force~~ must complete a 20-hour basic training course and 20-hour
12 firearm training pursuant to subsection (a) of Section 25-20
13 and Section 35-40 of this Act.

14 (b-5) All security officers employed by a qualified
15 employer must complete a 20-hour basic training course pursuant
16 to subsection (a) of Section 25-20.

17 (c) Every proprietary security force is required to apply
18 to the Department, on forms supplied by the Department, for a
19 firearm authorization card for each armed employee.

20 (d) The Department may provide rules for the administration
21 of this Section.

22 (e) Proprietary security forces shall be exempt from all
23 record-keeping requirements of this Act, except that a
24 proprietary security force shall maintain a file accessible to
25 the Department that shall contain the following documents:

26 (1) an application for employment; and

27 (2) a copy of the Department's web page indicating that
28 the applicant has no record of any criminal conviction
29 pursuant to paragraph 2 of subsection (k) of Section 35-30.

30 (f) All security officers currently employed on the
31 effective date of this amendatory Act of the 94th General
32 Assembly by a person, firm, corporation, or subsidiary or
33 department of a firm or corporation to which the term
34 "qualified employer" applies, shall be exempt from all of the
35 requirements of this Act so long as they remain employed as a
36 security officer by their current employer.

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