



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1424

Introduced 2/9/2007, by Sen. Debbie DeFrancesco Halvorson

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Provides for the regulation of canine handlers through the issuance of canine handler authorization cards and the regulation of canine trainers through the issuance of canine trainer authorization cards issued by the Department of Financial and Professional Regulation. Provides for the licensure as private detectives and private security contractors, without examination, of any person who has been providing canine odor detection services since January 1, 2005. Changes the membership of the Private Detective, Private Alarm, Private Security, and Locksmith Board from 11 members to 13 by adding one licensed private detective who provides canine odor detection services and one licensed private security contractor who provides canine odor detection services. Makes other changes. Amends the Animal Welfare Act to exempt private detective agencies and private security agencies licensed under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 that provide guard dog or canine odor detection services from the Act. Effective January 1, 2008.

LRB095 08130 RAS 28295 b

FISCAL NOTE ACT  
MAY APPLY

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, and Locksmith Act of 2004 is amended by changing  
6 Sections 5-10, 10-5, 10-10, 10-25, 15-10, 25-10, 35-10, 40-10,  
7 and 50-10 and by adding Sections 5-3, 35-41, 35-42, and 35-43  
8 as follows:

9 (225 ILCS 447/5-3 new)

10 Sec. 5-3. References to Department or Director of  
11 Professional Regulation. References in this Act (i) to the  
12 Department of Professional Regulation are deemed, in  
13 appropriate contexts, to be references to the Department of  
14 Financial and Professional Regulation and (ii) to the Director  
15 of Professional Regulation are deemed, in appropriate  
16 contexts, to be references to the Secretary of Financial and  
17 Professional Regulation.

18 (225 ILCS 447/5-10)

19 (Section scheduled to be repealed on January 1, 2014)

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

21 "Advertisement" means any printed material that is  
22 published in a phone book, newspaper, magazine, pamphlet,

1 newsletter, or other similar type of publication that is  
2 intended to either attract business or merely provide contact  
3 information to the public for an agency or licensee.  
4 Advertisement shall include any material disseminated by  
5 printed or electronic means or media, but shall not include a  
6 licensee's or an agency's letterhead, business cards, or other  
7 stationery used in routine business correspondence or  
8 customary name, address, and number type listings in a  
9 telephone directory.

10 "Alarm system" means any system, including an electronic  
11 access control system, a surveillance video system, a security  
12 video system, a burglar alarm system, a fire alarm system, or  
13 any other electronic system, that activates an audible,  
14 visible, remote, or recorded signal that is designed for the  
15 protection or detection of intrusion, entry, theft, fire,  
16 vandalism, escape, or trespass.

17 "Armed employee" means a licensee or registered person who  
18 is employed by an agency licensed or an armed proprietary  
19 security force registered under this Act who carries a weapon  
20 while engaged in the performance of official duties within the  
21 course and scope of his or her employment during the hours and  
22 times the employee is scheduled to work or is commuting between  
23 his or her home or place of employment, provided that commuting  
24 is accomplished within one hour from departure from home or  
25 place of employment.

26 "Armed proprietary security force" means a security force

1 made up of 5 or more armed individuals employed by a private,  
2 commercial, or industrial operation or one or more armed  
3 individuals employed by a financial institution as security  
4 officers for the protection of persons or property.

5 "Board" means the Private Detective, Private Alarm,  
6 Private Security, and Locksmith Board.

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

17 "Canine handler" means a person who uses or handles a  
18 trained dog to protect persons or property or to conduct  
19 investigations.

20 "Canine handler authorization card" means a card issued by  
21 the Department that authorizes the holder to use or handle a  
22 trained dog to protect persons or property or to conduct  
23 investigations during the performance of his or her duties as  
24 specified in this Act.

25 "Canine trainer" means a person who acts as a dog trainer  
26 for the purpose of training dogs to protect persons or property

1 or to conduct investigations.

2 "Canine trainer authorization card" means a card issued by  
3 the Department that authorizes the holder to train a dog to  
4 protect persons or property or to conduct investigations during  
5 the performance of his or her duties as specified in this Act.

6 "Canine training facility" means a facility operated by a  
7 licensed private detective agency or private security agency  
8 wherein dogs are trained for the purposes of protecting persons  
9 or property or to conduct investigations.

10 "Corporation" means an artificial person or legal entity  
11 created by or under the authority of the laws of a state,  
12 including without limitation a corporation, limited liability  
13 company, or any other legal entity.

14 "Department" means the Department of Professional  
15 Regulation.

16 "Director" means the Director of Professional Regulation.

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

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

25 "Firearm authorization card" means a card issued by the  
26 Department that authorizes the holder to carry a weapon during

1 the performance of his or her duties as specified in this Act.

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

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

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

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

24 "Peace officer" or "police officer" means a person who, by  
25 virtue of office or public employment, is vested by law with a  
26 duty to maintain public order or to make arrests for offenses,

1 whether that duty extends to all offenses or is limited to  
2 specific offenses. Officers, agents, or employees of the  
3 federal government commissioned by federal statute to make  
4 arrests for violations of federal laws are considered peace  
5 officers.

6 "Permanent employee registration card" means a card issued  
7 by the Department to an individual who has applied to the  
8 Department and meets the requirements for employment by a  
9 licensed agency under this Act.

10 "Person" means a natural person.

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

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

25 "Private alarm contractor agency" means a person,  
26 corporation, or other entity that engages in the private alarm

1 contracting business and employs, in addition to the private  
2 alarm contractor-in-charge, at least one other person in  
3 conducting such business.

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

13 "Private detective" means any person who by any means,  
14 including, but not limited to, manual, canine odor detection,  
15 or electronic methods, engages in the business of, accepts  
16 employment to furnish, or agrees to make or makes  
17 investigations for a fee or other consideration to obtain  
18 information relating to:

19 (1) Crimes or wrongs done or threatened against the  
20 United States, any state or territory of the United States,  
21 or any local government of a state or territory.

22 (2) The identity, habits, conduct, business  
23 occupation, honesty, integrity, credibility, knowledge,  
24 trustworthiness, efficiency, loyalty, activity, movements,  
25 whereabouts, affiliations, associations, transactions,  
26 acts, reputation, or character of any person, firm, or



1 other entity by any means, manual or electronic.

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

4 (4) The cause, origin, or responsibility for fires,  
5 accidents, or injuries to individuals or real or personal  
6 property.

7 (5) The truth or falsity of any statement or  
8 representation.

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

11 (7) The protection of individuals from bodily harm or  
12 death (bodyguard functions).

13 (8) Service of process in criminal and civil  
14 proceedings without court order.

15 "Private detective agency" means a person, firm,  
16 corporation, or other legal entity that engages in the private  
17 detective business and employs, in addition to the  
18 licensee-in-charge, one or more persons in conducting such  
19 business.

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

1 adopt rules mandating licensee-in-charge participation in  
2 agency affairs.

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

1 death (bodyguard functions).

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

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

16 "Public member" means a person who is not a licensee or  
17 related to a licensee, or who is not an employer or employee of  
18 a licensee. The term "related to" shall be determined by the  
19 rules of the Department.

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

21 (225 ILCS 447/10-5)

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

23 Sec. 10-5. Requirement of license.

24 (a) It is unlawful for a person to act as or provide the  
25 functions of a private detective, private security contractor,

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

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

17 (c) No agency shall operate a branch office without first  
18 applying for and receiving a branch office license for each  
19 location.

20 (d) No person shall operate a canine training facility  
21 unless licensed as a private detective agency or private  
22 security contractor agency under this Act, and no person shall  
23 act as a canine trainer unless he or she is licensed as a  
24 private detective or private security contractor or is a  
25 registered employee of a private detective agency or private  
26 security contractor agency.

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

2 (225 ILCS 447/10-10)

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

4 Sec. 10-10. General exemptions. This Act does not apply to  
5 any of the following:

6 (1) A person, firm, or corporation engaging in fire  
7 protection engineering, including the design, testing, and  
8 inspection of fire protection systems.

9 (2) The practice of professional engineering as  
10 defined in the Professional Engineering Practice Act of  
11 1989.

12 (3) The practice of structural engineering as defined  
13 in the Structural Engineering Practice Act of 1989.

14 (4) The practice of architecture as defined in the  
15 Illinois Architecture Practice Act of 1989.

16 (5) The activities of persons or firms licensed under  
17 the Illinois Public Accounting Act if performed in the  
18 course of their professional practice.

19 (6) An attorney licensed to practice in Illinois while  
20 engaging in the practice of law.

21 (7) A person engaged exclusively and employed by a  
22 person, firm, association, or corporation in the business  
23 of transporting persons or property in interstate commerce  
24 and making an investigation related to the business of that  
25 employer.

1           (8) A person who provides canine odor detection  
2           services to a unit of federal, State, or local government  
3           on an emergency call-out or volunteer and not-for-hire  
4           basis.

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

6           (225 ILCS 447/10-25)

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

8           Sec. 10-25. Issuance of license; renewal; fees.

9           (a) The Department shall, upon the applicant's  
10          satisfactory completion of the requirements set forth in this  
11          Act and upon receipt of the fee, issue the license indicating  
12          the name and business location of the licensee and the date of  
13          expiration.

14          (b) An applicant may, upon satisfactory completion of the  
15          requirements set forth in this Act and upon receipt of fees  
16          related to the application and testing for licensure, elect to  
17          defer the issuance of the applicant's initial license for a  
18          period not longer than 6 years. An applicant who fails to  
19          request issuance of his or her initial license or agency  
20          license and to remit the fees required for that license within  
21          6 years shall be required to resubmit an application together  
22          with all required fees.

23          (c) The expiration date, renewal period, and conditions for  
24          renewal and restoration of each license, permanent employee  
25          registration card, canine handler authorization card, canine

1 trainer authorization card, and firearm authorization card  
2 shall be set by rule. The holder may renew the license,  
3 permanent employee registration card, canine handler  
4 authorization card, canine trainer authorization card, or  
5 firearm authorization card during the 30 days preceding its  
6 expiration by paying the required fee and by meeting conditions  
7 that the Department may specify. Any license holder who  
8 notifies the Department on forms prescribed by the Department  
9 may place his or her license on inactive status for a period of  
10 not longer than 6 years and shall, subject to the rules of the  
11 Department, be excused from payment of renewal fees until the  
12 license holder notifies the Department, in writing, of an  
13 intention to resume active status. Practice while on inactive  
14 status constitutes unlicensed practice. A non-renewed license  
15 that has lapsed for less than 6 years may be restored upon  
16 payment of the restoration fee and all lapsed renewal fees. A  
17 license that has lapsed for more than 6 years may be restored  
18 by paying the required restoration fee and all lapsed renewal  
19 fees and by providing evidence of competence to resume practice  
20 satisfactory to the Department and the Board, which may include  
21 passing a written examination. All restoration fees and lapsed  
22 renewal fees shall be waived for an applicant whose license  
23 lapsed while on active duty in the armed forces of the United  
24 States if application for restoration is made within 12 months  
25 after discharge from the service.

26 (d) Any permanent employee registration card expired for

1 less than one year may be restored upon payment of lapsed  
2 renewal fees. Any permanent employee registration card expired  
3 for one year or more may be restored by making application to  
4 the Department and filing proof acceptable to the Department of  
5 the licensee's fitness to have the permanent employee  
6 registration card restored, including verification of  
7 fingerprint processing through the Department of State Police  
8 and Federal Bureau of Investigation and paying the restoration  
9 fee.

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

11 (225 ILCS 447/15-10)

12 (Section scheduled to be repealed January 1, 2014)

13 Sec. 15-10. Qualifications for licensure as a private  
14 detective.

15 (a) A person is qualified for licensure as a private  
16 detective if he or she meets all of the following requirements:

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

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

22 (3) Is of good moral character. Good character is a  
23 continuing requirement of licensure. Conviction of crimes  
24 other than felonies may be used in determining moral  
25 character, but shall not constitute an absolute bar to



1 licensure.

2 (4) Has not been declared by any court of competent  
3 jurisdiction to be incompetent by reason of mental or  
4 physical defect or disease, unless a court has subsequently  
5 declared him or her to be competent.

6 (5) Is not suffering from dependence on alcohol or from  
7 narcotic addiction or dependence.

8 (6) Has a minimum of 3 years experience of the 5 years  
9 immediately preceding application working full-time for a  
10 licensed private detective agency as a registered private  
11 detective agency employee or with 3 years experience of the  
12 5 years immediately preceding his or her application  
13 employed as a full-time investigator for a licensed  
14 attorney or in a law enforcement agency of a federal or  
15 state political subdivision, which shall include a state's  
16 attorney's office or a public defender's office. The Board  
17 and the Department shall approve such full-time  
18 investigator experience. An applicant who has a  
19 baccalaureate degree, or higher, in law enforcement or a  
20 related field or a business degree from an accredited  
21 college or university shall be given credit for 2 of the 3  
22 years of the required experience. An applicant who has an  
23 associate degree in law enforcement or in a related field  
24 or in business from an accredited college or university  
25 shall be given credit for one of the 3 years of the  
26 required experience.

1           (7) Has not been dishonorably discharged from the armed  
2 forces of the United States or has not been discharged from  
3 a law enforcement agency of the United States or of any  
4 state or of any political subdivision thereof, which shall  
5 include a state's attorney's office, for reasons relating  
6 to his or her conduct as an employee of that law  
7 enforcement agency.

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

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

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

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

22          (c) Any person who has been providing canine odor detection  
23 services for hire since January 1, 2005 shall be granted a  
24 private detective license without examination upon the  
25 submission of a completed application, the payment of  
26 applicable fees, and the satisfactory demonstration to the

1 Department of evidence of the provision of such services.

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

3 (225 ILCS 447/25-10)

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

5 Sec. 25-10. Qualifications for licensure as a private  
6 security contractor.

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

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

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

15 (3) Is of good moral character. Good character is a  
16 continuing requirement of licensure. Conviction of crimes  
17 other than felonies may be used in determining moral  
18 character, but shall not constitute an absolute bar to  
19 licensure.

20 (4) Has not been declared by any court of competent  
21 jurisdiction to be incompetent by reason of mental or  
22 physical defect or disease, unless a court has subsequently  
23 declared him or her to be competent.

24 (5) Is not suffering from dependence on alcohol or from  
25 narcotic addiction or dependence.

1           (6) Has a minimum of 3 years experience of the 5 years  
2 immediately preceding application working as a full-time  
3 manager for a licensed private security contractor agency  
4 or a manager of a proprietary security force of 30 or more  
5 persons registered with the Department or with 3 years  
6 experience of the 5 years immediately preceding his or her  
7 application employed as a full-time supervisor in a law  
8 enforcement agency of a federal or state political  
9 subdivision, which shall include a state's attorney's  
10 office or public defender's office. The Board and the  
11 Department shall approve such full-time supervisory  
12 experience. An applicant who has a baccalaureate degree or  
13 higher in police science or a related field or a business  
14 degree from an accredited college or university shall be  
15 given credit for 2 of the 3 years of the required  
16 experience. An applicant who has an associate degree in  
17 police science or in a related field or in business from an  
18 accredited college or university shall be given credit for  
19 one of the 3 years of the required experience.

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

22           (8) Has passed an examination authorized by the  
23 Department.

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

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

2 (b) It is the responsibility of the applicant to obtain  
3 general liability insurance in an amount and coverage  
4 appropriate for the applicant's circumstances as determined by  
5 rule. The applicant shall provide evidence of insurance to the  
6 Department before being issued a license. Failure to maintain  
7 general liability insurance and to provide the Department with  
8 written proof of the insurance shall result in cancellation of  
9 the license.

10 (c) Any person who has been providing canine odor detection  
11 services for hire since January 1, 2005 shall be granted a  
12 private security contractor license without examination upon  
13 the submission of a completed application, the payment of  
14 applicable fees, and the satisfactory demonstration to the  
15 Department of evidence of the provision of such services.

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

17 (225 ILCS 447/35-10)

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

19 Sec. 35-10. Inspection of facilities. Each licensee shall  
20 permit his or her office facilities, canine training  
21 facilities, and registered employee files to be audited or  
22 inspected at reasonable times and in a reasonable manner upon  
23 24 hours notice by the Department.

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

1 (225 ILCS 447/35-41 new)

2 Sec. 35-41. Requirement of a canine handler authorization  
3 card.

4 (a) No person shall perform duties that include the use or  
5 handling of a canine to protect persons or property or to  
6 conduct investigations without having been issued a valid  
7 canine handler authorization card by the Department.

8 (b) No employer shall employ any person to perform the  
9 duties for which employee registration is required and allow  
10 that person to use or handle a canine to protect persons or  
11 property or to conduct investigations unless that person has  
12 been issued a canine handler authorization card.

13 (c) The Department shall issue a canine handler  
14 authorization card to a person who (i) has passed an approved  
15 canine handler training course, (ii) is currently employed by  
16 an agency licensed under this Act, and (iii) has met all of the  
17 applicable requirements of this Act. Application for the canine  
18 handler authorization card shall be made by the employer to the  
19 Department on forms provided by the Department. The Department  
20 shall forward the card to the employer who shall be responsible  
21 for its issuance to the employee. The canine handler  
22 authorization card shall be issued by the Department and must  
23 identify the person holding it and the name of the canine  
24 training facility where the employee received canine handler  
25 instruction and must specify the name of each canine the holder  
26 is authorized by the Department to use or handle.

1       (d) The Department may, in addition to any other  
2 disciplinary action permitted by this Act, refuse to issue,  
3 suspend, or revoke a canine handler authorization card if the  
4 applicant or holder has been convicted of any felony or  
5 misdemeanor involving cruelty to animals or for a violation of  
6 this Act or rules adopted under this Act.

7           (225 ILCS 447/35-42 new)

8       Sec. 35-42. Canine handler authorization; training  
9 requirements.

10       (a) The Department shall, pursuant to rule, approve or  
11 disapprove training programs for the canine handler training  
12 course, which shall be taught by a qualified instructor.  
13 Qualifications for instructors shall be set by rule. The canine  
14 handler training course must be conducted by a licensee under  
15 this Act and approved by the Department. A canine handler  
16 course must consist of each of the following minimum  
17 requirements:

18           (1) Sixty hours of training, which shall include the  
19 following subjects:

20                   (A) canine handling safety procedures;

21                   (B) basic veterinary health and wellness  
22 principles, including canine first aid;

23                   (C) principles of canine conditioning;

24                   (D) canine obedience techniques;

25                   (E) search patterns and techniques; and

1           (F) legal guidelines affecting canine odor  
2           detection operations.

3           (2) An examination given at the completion of the  
4           course, which shall consist of a canine practical  
5           qualification course and a written examination. Successful  
6           completion of the examination shall be determined by the  
7           canine training facility.

8           (b) The canine handler training requirement may be waived  
9           for an employee who has completed training provided by an  
10           approved canine training program as determined by rule.

11           (225 ILCS 447/35-43 new)

12           Sec. 35-43. Requirement of a canine trainer authorization  
13           card; qualifications.

14           (a) No person may perform duties that include the training  
15           of canine handlers and canines to protect persons or property  
16           or to conduct investigations without having been issued a valid  
17           canine trainer authorization card by the Department.

18           (b) No employer shall employ any person to perform the  
19           duties for which employee registration is required under this  
20           Act and allow that person to train canine handlers and canines  
21           unless that person has been issued a canine trainer  
22           authorization card.

23           (c) The Department shall issue a canine trainer  
24           authorization card to a person who (i) has passed an approved  
25           canine trainer training course, (ii) is currently employed by



1 an agency licensed under this Act, and (iii) has met all of the  
2 applicable requirements of this Act. Application for the canine  
3 trainer authorization card shall be made by the employer to the  
4 Department on forms provided by the Department. The Department  
5 shall forward the card to the employer who shall be responsible  
6 for its issuance to the employee.

7 (d) The Department may, in addition to any other  
8 disciplinary action permitted by this Act, refuse to issue,  
9 suspend, or revoke a canine trainer authorization card if the  
10 applicant or holder has been convicted of any felony or  
11 misdemeanor involving cruelty to animals or for a violation of  
12 this Act or rules promulgated under this Act.

13 (e) Qualifications for canine trainers shall be set by the  
14 Department by rule.

15 (225 ILCS 447/40-10)

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

17 Sec. 40-10. Disciplinary sanctions.

18 (a) The Department may deny issuance, refuse to renew, or  
19 restore or may reprimand, place on probation, suspend, or  
20 revoke any license, registration, permanent employee  
21 registration card, canine handler authorization card, canine  
22 trainer authorization card, or firearm authorization card, and  
23 it may impose a fine not to exceed \$1,500 for a first violation  
24 and not to exceed \$5,000 for a second or subsequent violation  
25 for any of the following:

1           (1) Fraud or deception in obtaining or renewing of a  
2 license or registration.

3           (2) Professional incompetence as manifested by poor  
4 standards of service.

5           (3) Engaging in dishonorable, unethical, or  
6 unprofessional conduct of a character likely to deceive,  
7 defraud, or harm the public.

8           (4) Conviction in Illinois or another state of any  
9 crime that is a felony under the laws of Illinois; a felony  
10 in a federal court; a misdemeanor, an essential element of  
11 which is dishonesty; or directly related to professional  
12 practice.

13           (5) Performing any services in a grossly negligent  
14 manner or permitting any of a licensee's employees to  
15 perform services in a grossly negligent manner, regardless  
16 of whether actual damage to the public is established.

17           (6) Continued practice, although the person has become  
18 unfit to practice due to any of the following:

19           (A) Physical illness, including, but not limited  
20 to, deterioration through the aging process or loss of  
21 motor skills that results in the inability to serve the  
22 public with reasonable judgment, skill, or safety.

23           (B) Mental disability demonstrated by the entry of  
24 an order or judgment by a court that a person is in  
25 need of mental treatment or is incompetent.

26           (C) Addiction to or dependency on alcohol or drugs

1           that is likely to endanger the public. If the  
2           Department has reasonable cause to believe that a  
3           person is addicted to or dependent on alcohol or drugs  
4           that may endanger the public, the Department may  
5           require the person to undergo an examination to  
6           determine the extent of the addiction or dependency.

7           (7) Receiving, directly or indirectly, compensation  
8           for any services not rendered.

9           (8) Willfully deceiving or defrauding the public on a  
10          material matter.

11          (9) Failing to account for or remit any moneys or  
12          documents coming into the licensee's possession that  
13          belong to another person or entity.

14          (10) Discipline by another United States jurisdiction  
15          or foreign nation, if at least one of the grounds for the  
16          discipline is the same or substantially equivalent to those  
17          set forth in this Act.

18          (11) Giving differential treatment to a person that is  
19          to that person's detriment because of race, color, creed,  
20          sex, religion, or national origin.

21          (12) Engaging in false or misleading advertising.

22          (13) Aiding, assisting, or willingly permitting  
23          another person to violate this Act or rules promulgated  
24          under it.

25          (14) Performing and charging for services without  
26          authorization to do so from the person or entity serviced.

1           (15) Directly or indirectly offering or accepting any  
2 benefit to or from any employee, agent, or fiduciary  
3 without the consent of the latter's employer or principal  
4 with intent to or the understanding that this action will  
5 influence his or her conduct in relation to his or her  
6 employer's or principal's affairs.

7           (16) Violation of any disciplinary order imposed on a  
8 licensee by the Department.

9           (17) Failing to comply with any provision of this Act  
10 or rule promulgated under it.

11           (18) Conducting an agency without a valid license.

12           (19) Revealing confidential information, except as  
13 required by law, including but not limited to information  
14 available under Section 2-123 of the Illinois Vehicle Code.

15           (20) Failing to make available to the Department, upon  
16 request, any books, records, or forms required by this Act.

17           (21) Failing, within 30 days, to respond to a written  
18 request for information from the Department.

19           (22) Failing to provide employment information or  
20 experience information required by the Department  
21 regarding an applicant for licensure.

22           (23) Failing to make available to the Department at the  
23 time of the request any indicia of licensure or  
24 registration issued under this Act.

25           (24) Purporting to be a licensee-in-charge of an agency  
26 without active participation in the agency.

1 (b) The Department shall seek to be consistent in the  
2 application of disciplinary sanctions.

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

4 (225 ILCS 447/50-10)

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

6 Sec. 50-10. The Private Detective, Private Alarm, Private  
7 Security, and Locksmith Board.

8 (a) The Private Detective, Private Alarm, Private  
9 Security, and Locksmith Board shall consist of 13 ~~11~~ members  
10 appointed by the Director and comprised of 3 ~~2~~ licensed private  
11 detectives, one of whom provides canine odor detection  
12 services; ~~4~~ ~~3~~ licensed private security contractors, one of  
13 whom provides canine odor detection services; ~~1~~ 2 licensed  
14 private alarm contractors; ~~1~~ 2 licensed locksmiths; ~~1~~ one public  
15 member who is not licensed or registered under this Act and who  
16 has no connection with a business licensed under this Act; ~~1~~ and  
17 one member representing the employees registered under this  
18 Act. Each member shall be a resident of Illinois. Each licensed  
19 member shall have at least 5 years experience as a licensee in  
20 the professional area in which the person is licensed and be in  
21 good standing and actively engaged in that profession. In  
22 making appointments, the Director shall consider the  
23 recommendations of the professionals and the professional  
24 organizations representing the licensees. The membership shall  
25 reasonably reflect the different geographic areas in Illinois.

1 (b) Members shall serve 4 year terms and may serve until  
2 their successors are appointed. No member shall serve for more  
3 than 2 successive terms. Appointments to fill vacancies shall  
4 be made in the same manner as the original appointments for the  
5 unexpired portion of the vacated term. Members of the Board in  
6 office on the effective date of this Act pursuant to the  
7 Private Detective, Private Alarm, Private Security, and  
8 Locksmith Act of 1993 shall serve for the duration of their  
9 terms and may be appointed for one additional term.

10 (c) A member of the Board may be removed for cause. A  
11 member subject to formal disciplinary proceedings shall  
12 disqualify himself or herself from all Board business until the  
13 charge is resolved. A member also shall disqualify himself or  
14 herself from any matter on which the member cannot act  
15 objectively.

16 (d) Members shall receive compensation as set by law. Each  
17 member shall receive reimbursement as set by the Governor's  
18 Travel Control Board for expenses incurred in carrying out the  
19 duties as a Board member.

20 (e) A majority of Board members constitutes a quorum. A  
21 majority vote of the quorum is required for a decision.

22 (f) The Board shall elect a chairperson and vice  
23 chairperson.

24 (g) Board members are not liable for their acts, omissions,  
25 decisions, or other conduct in connection with their duties on  
26 the Board, except those determined to be willful, wanton, or

1 intentional misconduct.

2 (h) The Board may recommend policies, procedures, and rules  
3 relevant to the administration and enforcement of this Act.

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

5 Section 10. The Animal Welfare Act is amended by changing  
6 Section 3 as follows:

7 (225 ILCS 605/3) (from Ch. 8, par. 303)

8 Sec. 3. (a) Except as provided in subsection (b) of this  
9 Section, no ~~No~~ person shall engage in business as a pet shop  
10 operator, dog dealer, kennel operator, cattery operator, or  
11 operate a guard dog service, an animal control facility or  
12 animal shelter or any combination thereof, in this State  
13 without a license therefor issued by the Department. Only one  
14 license shall be required for any combination of businesses at  
15 one location, except that a separate license shall be required  
16 to operate a guard dog service. Guard dog services that are  
17 located outside this State but provide services within this  
18 State are required to obtain a license from the Department.  
19 Out-of-state guard dog services are required to comply with the  
20 requirements of this Act with regard to guard dogs and sentry  
21 dogs transported to or used within this State.

22 (b) This Act does not apply to a private detective agency  
23 or private security agency licensed under the Private  
24 Detective, Private Alarm, Private Security, and Locksmith Act

1 of 2004 that provides guard dog or canine odor detection  
2 services and does not otherwise operate a kennel for hire.

3 (Source: P.A. 89-178, eff. 7-19-95.)

4 Section 99. Effective date. This Act takes effect January  
5 1, 2008.



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