

1 AN ACT concerning the regulation of 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 Section 5 as follows:

7 (225 ILCS 446/5)

8 Sec. 5. Definitions. In this Act:

9 "Armed employee" means a licensee or a person who is  
10 currently employed by an agency certified under this Act who  
11 is armed while engaged in the performance of official duties  
12 within the course and scope of his or her employment or  
13 exclusively employed by an employer during the hours or times  
14 he or she is scheduled to work for that employer, or is  
15 commuting between his or her home and place of employment,  
16 provided the commuting is accomplished within one hour from  
17 departure from home or place of employment, and there exists  
18 an employer/employee relationship, whose full or part-time  
19 duties include the wearing, carrying or possessing of a  
20 firearm in the performance of those duties.

21 "Board" means the Illinois Private Detective, Private  
22 Alarm, Private Security, and Locksmith Board.

23 "Department" means the Illinois Department of  
24 Professional Regulation.

25 "Director" means the Director of the Department of  
26 Professional Regulation.

27 "Person" means a natural person.

28 "Private alarm contractor" means any person who engages  
29 in a business that sells, installs, monitors, maintains,  
30 alters, repairs, replaces, services, or responds to alarm  
31 systems, including fire alarm systems, at protected premises

1 or at premises to be protected on an emergency basis and not  
2 as a full-time security guard; but the term does not include  
3 a person, firm, or corporation that manufactures or sells  
4 alarm systems only from its place of business and does not  
5 sell, install, monitor, maintain, alter, repair, replace,  
6 service, or respond to alarm systems at protected premises or  
7 premises to be protected or a licensed electrical contractor  
8 who repairs or services fire alarm systems on an "emergency  
9 call-in basis", or who sells, installs, maintains, alters,  
10 and repairs, or services fire alarm systems. A person  
11 "engages" in a business when he does the business himself or  
12 by or through others, undertakes to do it, offers to do it,  
13 represents himself as having the capacity to do it or to  
14 undertake to do it, or submits a bid to do it.

15 "Private alarm contractor agency" means any person, firm,  
16 association, or corporation that engages in the private alarm  
17 contractor business and employs one or more persons in  
18 conducting the business.

19 "Private detective" means any person who by any means,  
20 including but not limited to manual or electronic methods,  
21 engages in the business of, accepts employment to furnish, or  
22 agrees to make or makes investigations for fees or other  
23 valuable consideration to obtain information with reference  
24 to:

25 (1) Crime or wrongs done or threatened against the  
26 United States or any state or territory of the United  
27 States.

28 (2) The identity, habits, conduct, business  
29 occupation, honesty, integrity, credibility, knowledge,  
30 trustworthiness, efficiency, loyalty, activity,  
31 movements, whereabouts, affiliations, associations,  
32 transactions, acts, reputation, or character of any  
33 person, firm, association, or corporation, by any means,  
34 manually or electronically.

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

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

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

7           (6) Securing evidence to be used before any court,  
8 board, officer, or investigating committee.

9           (7) Personal protection of individuals from bodily  
10 harm or death (bodyguard functions).

11           (8) Service of process in criminal and civil  
12 proceedings without court order.

13           "Private detective agency" means any person, firm,  
14 association, or corporation that engages in the private  
15 detective business and employs one or more persons in  
16 conducting the business.

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

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

27           (2) The prevention, observation, or detection of  
28 any unauthorized activity on private or governmental  
29 property.

30           (3) The protection of patrons and persons lawfully  
31 authorized to be on the premises of the person, firm,  
32 association, or corporation for whom he or she  
33 contractually is obligated to provide security services.

34           (4) The prevention of the misappropriation or

1 concealment of goods, money, bonds, stocks, notes,  
2 valuable documents, or papers.

3 (5) The control, regulation, or direction of the  
4 flow or movement of the public, whether by vehicle or  
5 otherwise, only to the extent and for the time directly  
6 and specifically required to assure the protection of  
7 property on property owned or controlled by the client.

8 (6) The protection of individuals from bodily harm  
9 or death (bodyguard functions).

10 "Private security contractor agency" means any person,  
11 firm, association, or corporation that engages in the private  
12 security contractor business and that employs one or more  
13 persons in conducting the business.

14 "Locksmith" means a person who has received a license  
15 under this Act and who engages in the practice of  
16 locksmithing as defined in this Act.

17 "Locksmith agency" means any person, firm, association,  
18 or corporation that engages in the locksmith business and  
19 that employs one or more persons in conducting the business.

20 "The practice of locksmithing" includes, but is not  
21 limited to, the servicing, installing, originating first  
22 keys, re-coding, manipulation, or bypassing of mechanical or  
23 electronic locking devices at premises, vehicles, safes,  
24 vaults, safe deposit boxes, or automatic teller machines.

25 "Public member" means a person who is not a licensee or a  
26 relative of a licensee, or who is not an employer or an  
27 employee of a licensee. The term "relative" shall be  
28 determined by rules of the Department.

29 "In charge" means the individual licensee whose name and  
30 license number appear on a certificate of registration for a  
31 detective, private security contractor, private alarm  
32 contractor, or locksmith agency is a full-time executive  
33 employee or owner who assumes full responsibility for all  
34 employees of the agency and for their directed actions, and

1 assumes full responsibility for maintaining all records  
2 required by this Act or rule of the Department and is  
3 responsible for otherwise assuring compliance with this Act.  
4 The full-time "in charge" executive employee shall work at  
5 least 30 hours per week for the agency in the period of  
6 agency licensure unless the "in charge" employee is the  
7 controlling interest owner. Records shall be maintained at  
8 a location in Illinois and the address of the location filed  
9 with the Department and accessible to Department  
10 representatives in accordance with Section 115 of this Act.  
11 This does not relieve any person, firm, association, or  
12 corporation licensed as an agency under this Act from also  
13 assuming full responsibility for compliance with this Act.  
14 It is the responsibility of the licensee in charge to notify  
15 the Department, in writing within 10 days, when the licensee  
16 terminates his or her in charge relationship with an agency.

17 "Permanent employee registration card" means a card  
18 issued by the Department to an individual who has applied to  
19 the Department and has been found to be employable by an  
20 agency certified under this Act.

21 "Firearm authorization card" means a card issued by the  
22 Department that authorizes the holder to carry a weapon  
23 during the performance of his or her duties as specified  
24 under Section 180 of this Act.

25 "Burglar Alarm system" means any system, including an  
26 electronic access system, surveillance television system, or  
27 other electronic security system, that activates an audible,  
28 visible, or remote signal that requires a response and is  
29 designed for the prevention or detection of intrusion, entry,  
30 theft, vandalism, or trespass.

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

1 "Branch office" means any business location removed from  
2 the place of business for which an agency license has been  
3 issued.

4 "Armed proprietary security force" means any security  
5 force made up of 5 or more armed individuals employed in a  
6 commercial or industrial operation; one or more armed  
7 individuals employed in a financial operation as security  
8 guards for the protection of persons; or one or more armed  
9 individuals employed for the protection of private property  
10 related to a commercial, industrial, or financial operation.

11 "Association" means 2 or more persons joined together for  
12 a business purpose.

13 "Firm" means any unincorporated business entity or  
14 enterprise, including but not limited to proprietorships and  
15 partnerships.

16 "Corporation" means any artificial person or legal entity  
17 created by or under the authority of the laws of a state.

18 (Source: P.A. 91-815, eff. 6-13-00.)