

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,
5 Private Security, and Locksmith Act of 1993 is amended by
6 changing Section 80 as follows:

7 (225 ILCS 446/80)

8 (Section scheduled to be repealed on December 31, 2003)

9 Sec. 80. Employee requirements. All employees of a
10 licensed agency, other than those exempted, shall apply for a
11 Permanent Employee Registration Card. The holder of an
12 agency certificate issued under this Act, known in this Act
13 as "employer", may employ in the conduct of his or her
14 business employees under the following provisions:

15 (a) No person shall be issued a permanent employee
16 registration card who:

17 (1) Is under 18 years of age.

18 (2) Is under 21 years of age if the services will
19 include being armed.

20 (3) Has been determined by the Department to be
21 unfit by reason of conviction of an offense in this or
22 another state, other than a minor traffic offense. The
23 Department shall promulgate rules for procedures by which
24 those circumstances shall be determined and that afford
25 the applicant due process of law.

26 (4) Has had a license or permanent employee
27 registration card refused, denied, suspended, or revoked
28 under this Act.

29 (5) Has been declared incompetent by any court of
30 competent jurisdiction by reason of mental disease or
31 defect and has not been restored.

1 (6) Has been dishonorably discharged from the armed
2 services of the United States.

3 (b) No person may be employed by a private detective
4 agency, private security contractor agency, or private alarm
5 contractor agency, or locksmith agency under this Section
6 until he or she has executed and furnished to the employer,
7 on forms furnished by the Department, a verified statement to
8 be known as "Employee's Statement" setting forth:

9 (1) The person's full name, age, and residence
10 address.

11 (2) The business or occupation engaged in for the 5
12 years immediately before the date of the execution of the
13 statement, the place where the business or occupation was
14 engaged in, and the names of employers, if any.

15 (3) That the person has not had a license or
16 employee registration refused, revoked, or suspended
17 under this Act.

18 (4) Any conviction of a felony or misdemeanor.

19 (5) Any declaration of incompetency by a court of
20 competent jurisdiction that has not been restored.

21 (6) Any dishonorable discharge from the armed
22 services of the United States.

23 (7) Any other information as may be required by any
24 rule of the Department to show the good character,
25 competency, and integrity of the person executing the
26 statement.

27 (c) Each applicant for a permanent employee
28 registration card shall have his or her fingerprints
29 submitted to the Illinois State Police by a vendor designated
30 by the Department in an electronic format that complies with
31 the Illinois State Police Electronic Fingerprint Submission
32 Specification. These fingerprints shall be checked against
33 the Illinois State Police and Federal Bureau of Investigation
34 criminal history record databases. The resulting data shall

1 be submitted to the Department of Professional Regulation and
2 the submitting agency. The Department may require the
3 applicants to pay a separate fingerprinting fee, either to
4 the Department or directly to the designated vendor, in
5 accordance with the agreement between the Department and the
6 designated vendor. The Department, in its discretion, may
7 allow an applicant who does not have reasonable access to a
8 designated vendor to provide his or her fingerprints in an
9 alternative manner. The Department, in its discretion, may
10 also use other procedures in performing or obtaining criminal
11 background checks of applicants. The Department of State
12 Police shall notify the Department of any changes in the
13 Illinois State Police Electronic Fingerprint Submission
14 Specification. Each--applicant--for--a--permanent---employee
15 registration--card--shall--submit--to--the--Department--with--the
16 applicable--fees,--on--fingerprint--cards--furnished--by--the
17 Department,--2--complete--sets--of--fingerprints--that--are--verified
18 to--be--those--of--the--applicant.--If--an--applicant's--fingerprint
19 cards--are--returned--to--the--Department--as--unclassifiable--by--the
20 screening---agency,---the---applicant---has---90--days--after
21 notification--is--sent--by--the--Department--to--submit--additional
22 fingerprint--cards--taken--by--a--different--technician--to--replace
23 the--unclassifiable--fingerprint--cards.

24 The--Department--shall--notify--the--submitting--licensed
25 agency--within--10--days--if--the--applicant's--fingerprint--cards
26 are--returned--to--the--Department--as--unclassifiable.--However,
27 Instead of submitting his or her fingerprints fingerprint
28 eards, an individual may submit proof that is satisfactory to
29 the Department that an equivalent security clearance has been
30 conducted. Also, a full-time peace officer or an individual
31 who has retired as a peace officer within 12 months of
32 application may submit verification, on forms provided by the
33 Department and signed by one's employer, of his or her
34 full-time employment as a peace officer. "Peace officer"

1 means any person who by virtue of his or her office or public
2 employment is vested by law with a duty to maintain public
3 order or to make arrests for offenses, whether that duty
4 extends to all offenses or is limited to specific offenses;
5 officers, agents, or employees of the federal government
6 commissioned by federal statute to make arrests for
7 violations of federal criminal laws are considered peace
8 officers.

9 (d) ~~Upon receipt of the verified fingerprint cards, the~~
10 ~~Department shall cause the fingerprints to be compared with~~
11 ~~fingerprints of criminals now or hereafter filed with the~~
12 ~~Illinois Department of State Police. The Department may also~~
13 ~~cause the fingerprints to be checked against the fingerprints~~
14 ~~of criminals now or hereafter filed in the records of other~~
15 ~~official fingerprint files within or without this State. The~~
16 Department shall issue a permanent employee registration
17 card, in a form the Department prescribes, to all qualified
18 applicants. The Department shall notify the submitting
19 licensed agency within 10 days upon the issuance of or intent
20 to deny the permanent employee registration card. The holder
21 of a permanent employee registration card shall carry the
22 card at all times while actually engaged in the performance
23 of the duties of his or her employment. Expiration and
24 requirements for renewal of permanent employee registration
25 cards shall be established by rule of the Department.
26 Possession of a permanent employee registration card does not
27 in any way imply that the holder of the card is employed by
28 an agency unless the permanent employee registration card is
29 accompanied by the employee identification card required by
30 subsection (g) of this Section.

31 (e) Within 5 days of the receipt of the application
32 materials, the Department shall institute an investigation
33 for a criminal record by checking the applicant's name with
34 immediately available criminal history information systems.

1 (f) Each employer shall maintain a record of each
2 employee that is accessible to the duly authorized
3 representatives of the Department. The record shall contain
4 the following information:

5 (1) A photograph taken within 10 days of the date
6 that the employee begins employment with the employer.
7 The photograph shall be replaced with a current
8 photograph every 3 calendar years.

9 (2) The employee's statement specified in
10 subsection (b) of this Section.

11 (3) All correspondence or documents relating to the
12 character and integrity of the employee received by the
13 employer from any official source or law enforcement
14 agency.

15 (4) In the case of former employees, the employee
16 identification card of that person issued under
17 subsection (g) of this Section.

18 Each employee record shall duly note if the employee is
19 employed in an armed capacity. Armed employee files shall
20 contain a copy of an active Firearm Owners Identification
21 Card and a copy of an active Firearm Authorization Card.

22 Each employer shall maintain a record for each armed
23 employee of each instance in which the employee's weapon was
24 discharged during the course of his or her professional
25 duties or activities. The record shall be maintained on
26 forms provided by the Department, a copy of which must be
27 filed with the Department within 15 days of an instance. The
28 record shall include the date and time of the occurrence, the
29 circumstances involved in the occurrence, and any other
30 information as the Department may require. Failure to
31 provide this information to the Department or failure to
32 maintain the record as a part of each armed employee's
33 permanent file is grounds for disciplinary action. The
34 Department, upon receipt of a report, shall have the

1 authority to make any investigation it considers appropriate
2 into any occurrence in which an employee's weapon was
3 discharged and to take disciplinary action as may be
4 appropriate.

5 The Department may, by rule, prescribe further record
6 requirements.

7 (g) Every employer shall furnish an employee
8 identification card to each of his or her employees. This
9 employee identification card shall contain a recent
10 photograph of the employee, the employee's name, the name and
11 agency certification number of the employer, the employee's
12 personal description, the signature of the employer, the
13 signature of that employee, the date of issuance, and an
14 employee identification card number.

15 (h) No employer may issue an employee identification
16 card to any person who is not employed by the employer in
17 accordance with this Section or falsely state or represent
18 that a person is or has been in his or her employ. It is
19 unlawful for an applicant for registered employment to file
20 with the Department the fingerprints of a person other than
21 himself or herself, or to fail to exercise due diligence in
22 resubmitting replacement fingerprints for those employees who
23 have had original fingerprint submissions returned as
24 unclassifiable.

25 (i) Every employer shall obtain the identification card
26 of every employee who terminates employment with him or her.

27 (j) Every employer shall maintain a separate roster of
28 the names of all employees currently working in an armed
29 capacity and submit the roster to the Department on request.

30 (k) No agency may employ any person under this Act
31 unless ~~+~~(1) the person possesses a valid permanent employee
32 registration card or the person has a valid license under
33 this Act.

34 (k-5) Notwithstanding the provisions of subsection (k),

1 an agency may employ a person in a temporary capacity if the
2 following conditions are met:

3 (1) The agency completes in its entirety and
4 submits to the Department an application for a permanent
5 employee registration card, including the required
6 fingerprint receipt and fees; and

7 (2) The agency has received from the Illinois State
8 Police confirmation that the applicant has not been
9 convicted of any crime.

10 The agency shall maintain the verification of the results
11 of the Illinois State Police criminal background check as
12 part of the employee record as required under subsection (f)
13 of this Section.

14 An individual may only be employed in a temporary
15 capacity at the agency who submitted the application on the
16 employee's behalf.

17 The Department shall have the authority to summarily
18 suspend, without a hearing, the temporary capacity of an
19 individual to work upon receipt of the Federal Bureau of
20 Investigation fingerprint data or a report of another
21 official authority indicating a criminal conviction.

22 If the Department has not received the Federal Bureau of
23 Investigation fingerprint data within 120 days of the date
24 the Department received the Illinois State Police fingerprint
25 data, the Department may, at its discretion, summarily
26 suspend the temporary capacity to work of an individual with
27 15 day written notice to the individual.

28 An agency may not employ in a temporary capacity a person
29 who has been convicted in this State or another State of any
30 crime under the laws of this State or who has been convicted
31 of any crime in a federal court.

32 The Department may adopt rules to implement this
33 subsection. --er

34 {2}--The-agency+

1 (i) on behalf of each person completes in its
 2 entirety and submits to the Department an
 3 application for a permanent employee registration
 4 card, including the required fingerprint card and
 5 fees;

6 (ii) exercises due diligence to ensure that
 7 the person is qualified under the requirements of
 8 the Act to be issued a permanent employee
 9 registration card; and

10 (iii) maintains a separate roster of the names
 11 of all employees whose applications are currently
 12 pending with the Department and submits the roster
 13 to the Department on a monthly basis. Rosters are
 14 to be maintained by the agency for a period of at
 15 least 24 months.

16 (1) Scheduling a person to work before receiving the
 17 results of the Illinois State Police fingerprint check shall
 18 be a violation of this Act. Failure by an agency to submit
 19 the application, fees, and fingerprints specified in this
 20 Section before scheduling the person for work shall result in
 21 a fine, in an amount up to \$1,000, or other disciplinary
 22 action being imposed against the agency. Failure to maintain
 23 and submit the specified rosters is grounds for discipline
 24 under this Act.

25 (m) No person may be employed under this Section in any
 26 capacity if:

27 (i) The person while so employed is being paid by
 28 the United States or any political subdivision for the
 29 time so employed in addition to any payments he or she
 30 may receive from the employer.

31 (ii) The person wears any portion of his or her
 32 official uniform, emblem of authority, or equipment while
 33 so employed except as provided in Section 30.

34 (n) If information is discovered affecting the

1 registration of a person whose fingerprints were submitted
2 under this Section, the Department shall so notify the agency
3 that submitted the fingerprints on behalf of that person.

4 (Source: P.A. 91-357, eff. 7-29-99; 91-815, eff. 6-13-00.)

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