

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 Sections 75, 80, and 185 as follows:

7 (225 ILCS 446/75)

8 (Section scheduled to be repealed on December 31, 2003)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (4) Has not been declared by any court of competent  
17 jurisdiction to be incompetent by reason of mental or  
18 physical defect or disease unless a court has since  
19 declared him or her to be competent.

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

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

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

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

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

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

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

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

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

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

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

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

6 (4) Has not been declared by any court of competent  
7 jurisdiction to be incompetent by reason of mental or  
8 physical defect or disease unless a court has since  
9 declared him or her to be competent.

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

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

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

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

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

1 bar to licensure.

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

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

15 (i) applies for a license between September 2, 2002  
16 ~~July--17--2000~~ and September 5, 2002 ~~August-317-2000~~, in  
17 writing, on forms supplied by the Department;

18 (ii) provides proof to the Department that he or  
19 she was engaged in the alarm contracting business on or  
20 before July 1, 1975 ~~January-17-1984~~;

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

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

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

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

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

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

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

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

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

8 (5) Has not been declared by any court of competent  
9 jurisdiction to be incompetent by reason of mental or  
10 physical defect or disease unless a court has since  
11 declared him or her to be competent.

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

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

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

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

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

1 a private detective agency to any of the following:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

1 in charge because of disciplinary action by the Department.

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

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

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

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

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

1 in the practice of locksmithing.

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

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

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

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

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

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

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

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

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

16 (Source: P.A. 90-436, eff. 1-1-98; 90-580, eff. 5-21-98;  
17 90-602, eff. 6-26-98; 91-357, eff. 7-29-99; 91-815, eff.  
18 6-13-00.)

19 (225 ILCS 446/80)

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

21 Sec. 80. Employee requirements. All employees of a  
22 licensed agency, other than those exempted, shall apply for a  
23 Permanent Employee Registration Card. The holder of an  
24 agency certificate issued under this Act, known in this Act  
25 as "employer", may employ in the conduct of his or her  
26 business employees under the following provisions:

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

29 (1) Is under 18 years of age.

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

32 (3) Has been determined by the Department to be  
33 unfit by reason of conviction of an offense in this or

1 another state, other than a minor traffic offense. The  
2 Department shall promulgate rules for procedures by which  
3 those circumstances shall be determined and that afford  
4 the applicant due process of law.

5 (4) Has had a license or permanent employee  
6 registration card refused, denied, suspended, or revoked  
7 under this Act.

8 (5) Has been declared incompetent by any court of  
9 competent jurisdiction by reason of mental disease or  
10 defect and has not been restored.

11 (6) Has been dishonorably discharged from the armed  
12 services of the United States.

13 (b) No person may be employed by a private detective  
14 agency, private security contractor agency, or private alarm  
15 contractor agency, or locksmith agency under this Section  
16 until he or she has executed and furnished to the employer,  
17 on forms furnished by the Department, a verified statement to  
18 be known as "Employee's Statement" setting forth:

19 (1) The person's full name, age, and residence  
20 address.

21 (2) The business or occupation engaged in for the 5  
22 years immediately before the date of the execution of the  
23 statement, the place where the business or occupation was  
24 engaged in, and the names of employers, if any.

25 (3) That the person has not had a license or  
26 employee registration refused, revoked, or suspended  
27 under this Act.

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

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

31 (6) Any dishonorable discharge from the armed  
32 services of the United States.

33 (7) Any other information as may be required by any  
34 rule of the Department to show the good character,

1 competency, and integrity of the person executing the  
2 statement.

3 (c) Each applicant for a permanent employee  
4 registration card shall have his or her fingerprints  
5 submitted to the Department of State Police in an electronic  
6 format that complies with the form and manner for requesting  
7 and furnishing criminal history record information as  
8 prescribed by the Department of State Police. These  
9 fingerprints shall be checked against the Department of State  
10 Police and Federal Bureau of Investigation criminal history  
11 record databases now and hereafter filed. The Department of  
12 State Police shall charge applicants a fee for conducting the  
13 criminal history records check, which shall be deposited in  
14 the State Police Services Fund and shall not exceed the  
15 actual cost of the records check. The Department of State  
16 Police shall furnish, pursuant to positive identification,  
17 records of Illinois convictions to the Department. The  
18 Department may require applicants to pay a separate  
19 fingerprinting fee, either to the Department or directly to  
20 the vendor. The Department, in its discretion, may allow an  
21 applicant who does not have reasonable access to a designated  
22 vendor to provide his or her fingerprints in an alternative  
23 manner. The Department, in its discretion, may also use other  
24 procedures in performing or obtaining criminal background  
25 checks of applicants. submit--to--the--Department--with--the  
26 applicable--fees,--on--fingerprint--cards--furnished--by--the  
27 Department,--2--complete--sets--of--fingerprints--that--are--verified  
28 to--be--those--of--the--applicant.--If--an--applicant's--fingerprint  
29 cards--are--returned--to--the--Department--as--unclassifiable--by--the  
30 screening--agency,--the--applicant--has--90--days--after  
31 notification--is--sent--by--the--Department--to--submit--additional  
32 fingerprint--cards--taken--by--a--different--technician--to--replace  
33 the--unclassifiable--fingerprint--cards.

34 The--Department--shall--notify--the--submitting--licensed

1 agency-within-10-days-if-the--applicant's--fingerprint--cards  
2 are--returned--to-the-Department-as-unclassifiable.--However,  
3 Instead of submitting his or her fingerprints, an individual  
4 may submit proof that is satisfactory to the Department that  
5 an equivalent security clearance has been conducted. Also, a  
6 ~~full-time-peace-officer-or~~ an individual who has retired as a  
7 peace officer within 12 months of application may submit  
8 verification, on forms provided by the Department and signed  
9 by one's employer, of his or her full-time employment as a  
10 peace officer. "Peace officer" means any person who by  
11 virtue of his or her office or public employment is vested by  
12 law with a duty to maintain public order or to make arrests  
13 for offenses, whether that duty extends to all offenses or is  
14 limited to specific offenses; officers, agents, or employees  
15 of the federal government commissioned by federal statute to  
16 make arrests for violations of federal criminal laws are  
17 considered peace officers.

18 (d) ~~Upon receipt of the verified fingerprint cards,--the~~  
19 ~~Department--shall--cause-the-fingerprints-to-be-compared-with~~  
20 ~~fingerprints-of-criminals-now-or--hereafter--filed--with--the~~  
21 ~~Illinois-Department-of-State-Police.--The-Department-may-also~~  
22 ~~cause-the-fingerprints-to-be-checked-against-the-fingerprints~~  
23 ~~of--criminals--now-or-hereafter-filed-in-the-records-of-other~~  
24 ~~official-fingerprint-files-within-or-without-this-State.~~ The  
25 Department shall issue a permanent employee registration  
26 card, in a form the Department prescribes, to all qualified  
27 applicants. The Department shall notify the submitting  
28 licensed agency within 10 days upon the issuance of or intent  
29 to deny the permanent employee registration card. The holder  
30 of a permanent employee registration card shall carry the  
31 card at all times while actually engaged in the performance  
32 of the duties of his or her employment. Expiration and  
33 requirements for renewal of permanent employee registration  
34 cards shall be established by rule of the Department.



1 Possession of a permanent employee registration card does not  
2 in any way imply that the holder of the card is employed by  
3 an agency unless the permanent employee registration card is  
4 accompanied by the employee identification card required by  
5 subsection (g) of this Section.

6 (e) (Blank). Within--5--days--of--the--receipt--of--the  
7 application--materials,--the--Department--shall--institute--an  
8 investigation--for--a--criminal--record--by--checking--the  
9 applicant's--name--with--immediately--available--criminal--history  
10 information--systems.

11 (f) Each employer shall maintain a record of each  
12 employee that is accessible to the duly authorized  
13 representatives of the Department. The record shall contain  
14 the following information:

15 (1) A photograph taken within 10 days of the date  
16 that the employee begins employment with the employer.  
17 The photograph shall be replaced with a current  
18 photograph every 3 calendar years.

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

21 (3) All correspondence or documents relating to the  
22 character and integrity of the employee received by the  
23 employer from any official source or law enforcement  
24 agency.

25 (4) In the case of former employees, the employee  
26 identification card of that person issued under  
27 subsection (g) of this Section.

28 Each employee record shall duly note if the employee is  
29 employed in an armed capacity. Armed employee files shall  
30 contain a copy of an active Firearm Owners Identification  
31 Card and a copy of an active Firearm Authorization Card.

32 Each employer shall maintain a record for each armed  
33 employee of each instance in which the employee's weapon was  
34 discharged during the course of his or her professional

1 duties or activities. The record shall be maintained on  
2 forms provided by the Department, a copy of which must be  
3 filed with the Department within 15 days of an instance. The  
4 record shall include the date and time of the occurrence, the  
5 circumstances involved in the occurrence, and any other  
6 information as the Department may require. Failure to  
7 provide this information to the Department or failure to  
8 maintain the record as a part of each armed employee's  
9 permanent file is grounds for disciplinary action. The  
10 Department, upon receipt of a report, shall have the  
11 authority to make any investigation it considers appropriate  
12 into any occurrence in which an employee's weapon was  
13 discharged and to take disciplinary action as may be  
14 appropriate.

15 The Department may, by rule, prescribe further record  
16 requirements.

17 (g) Every employer shall furnish an employee  
18 identification card to each of his or her employees. This  
19 employee identification card shall contain a recent  
20 photograph of the employee, the employee's name, the name and  
21 agency certification number of the employer, the employee's  
22 personal description, the signature of the employer, the  
23 signature of that employee, the date of issuance, and an  
24 employee identification card number.

25 (h) No employer may issue an employee identification  
26 card to any person who is not employed by the employer in  
27 accordance with this Section or falsely state or represent  
28 that a person is or has been in his or her employ. It is  
29 unlawful for an applicant for registered employment to file  
30 with the Department the fingerprints of a person other than  
31 himself or herself, or to fail to exercise due diligence in  
32 resubmitting replacement fingerprints for those employees who  
33 have had original fingerprint submissions returned as  
34 unclassifiable.

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

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

6 (k) No agency may employ any person to perform a  
7 licensed activity under this Act unless~~---~~~~(1)~~ the person  
8 possesses a valid permanent employee registration card, ~~or~~  
9 the person has a valid license under this Act, or the person  
10 is exempt pursuant to subsection (o). ~~+-or~~

11 (k-5) Notwithstanding the provisions of subsection (k),  
12 an agency may employ a person in a temporary capacity if the  
13 following conditions are met:

14 (1) The agency completes in its entirety and  
15 submits to the Department an application for a permanent  
16 employee registration card, including the required  
17 fingerprint receipt and fees;

18 (2) The agency has verification from the Department  
19 that the applicant has no record of any criminal  
20 conviction pursuant to the criminal history check  
21 conducted by the Department of State Police. The agency  
22 shall maintain the verification of the results of the  
23 Department of State Police criminal history check as part  
24 of the employee record as required under subsection (f)  
25 of this Section;

26 (3) The agency exercises due diligence to ensure  
27 that the person is qualified under the requirements of  
28 the Act to be issued a permanent employee registration  
29 card; and

30 (4) The agency maintains a separate roster of the  
31 names of all employees whose applications are currently  
32 pending with the Department and submits the roster to the  
33 Department on a monthly basis. Rosters are to be  
34 maintained by the agency for a period of at least 24

1       months.

2       An agency may employ only a permanent employee applicant  
3 for which it either submitted a permanent employee  
4 application and all required forms and fees or it confirms  
5 with the Department that a permanent employee application and  
6 all required forms and fees have been submitted by another  
7 agency and all other requirements of this Section are met.

8       The Department shall have the authority to revoke,  
9 without a hearing, the temporary authority of an individual  
10 to work upon receipt of Federal Bureau of Investigation  
11 fingerprint data or a report of another official authority  
12 indicating a criminal conviction. If the Department has not  
13 received a temporary employee's Federal Bureau of  
14 Investigation fingerprint data within 120 days of the date  
15 the Department received the Department of State Police  
16 fingerprint data, the Department may, at its discretion,  
17 revoke the employee's temporary authority to work with 15  
18 days written notice to the individual and the employing  
19 agency.

20       An agency may not employ a person in a temporary capacity  
21 if it knows or reasonably should have known that the person  
22 has been convicted of a crime under the laws of this State,  
23 who has been convicted in another state of any crime that is  
24 a crime under the laws of this State, who has been convicted  
25 of any crime in a federal court, or who has been posted as an  
26 unapproved applicant by the Department. Notice by the  
27 Department to the agency, via certified mail, personal  
28 delivery, electronic mail, or posting on an internet site  
29 accessible to the agency that the person has been convicted  
30 of a crime shall be deemed constructive knowledge of the  
31 conviction on the part of the agency.

32       The Department may adopt rules to implement this  
33 subsection (k-5).

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) (Blank). Failure by an agency to submit the  
 17           application, fees, and fingerprints specified in this Section  
 18           before scheduling the person for work shall result in a fine,  
 19           in an amount up to \$1,000, or other disciplinary action being  
 20           imposed against the agency. Failure to maintain and submit  
 21           the specified rosters is grounds for discipline under this  
 22           Act.

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

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

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

32           (n) If information is discovered affecting the  
 33           registration of a person whose fingerprints were submitted  
 34           under this Section, the Department shall so notify the agency

1 that submitted the fingerprints on behalf of that person.

2 (o) Peace officers, as defined in subsection (c), shall  
3 be exempt from the requirements of this Section relating to  
4 permanent employee registration cards. The agency shall  
5 remain responsible for any peace officer employed under this  
6 exemption, regardless of whether the peace officer is  
7 compensated as an employee or an independent contractor and  
8 as further defined by rule.

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

10 (225 ILCS 446/185)

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

12 Sec. 185. Firearm authorization; training courses.

13 (a) No person shall perform duties that include the use,  
14 carrying, or possession of a firearm in the performance of  
15 those duties without fully complying with this Section and  
16 having been issued a valid firearm authorization card by the  
17 Department. This Act permits only the following to carry  
18 firearms while actually engaged in the performance of their  
19 duties or while commuting directly to or from their places of  
20 employment: persons licensed as private alarm contractors;  
21 persons licensed as private detectives; persons licensed as  
22 private security contractors and their registered employees;  
23 and registered armed proprietary security forces and their  
24 registered employees.

25 (b) No employer shall employ any person to perform the  
26 duties for which employee registration is required under  
27 Section 80 and allow that person to carry a firearm in the  
28 performance of those duties unless that person has fully  
29 complied with the firearm training requirements specified in  
30 this Section and has been issued a valid firearm  
31 authorization card by the Department.

32 Actual possession of a valid firearm authorization card  
33 allows an employee to carry a firearm not otherwise

1 prohibited by law, while the employee is actually engaged in  
2 the performance of his or her duties or while the employee is  
3 commuting directly to or from the employee's place or places  
4 of employment, provided that this commuting is accomplished  
5 within one hour from departure from home or a place of  
6 employment.

7 (c) The Department shall evaluate and either approve or  
8 disapprove training programs for the basic firearm training  
9 course. The determination by the Department shall be  
10 reasonably made.

11 The firearm training course shall be taught by an  
12 instructor qualified to give the instruction. Reasonable  
13 qualifications shall be determined by the Department.

14 The firearm training course may be conducted by agencies  
15 or institutions approved by the Department or may be  
16 conducted by a licensee or any agency certified by this Act  
17 so long as the course is approved by the Department. The  
18 firearm course shall consist of the following:

19 (1) A minimum of 40 hours of training, 20 of which  
20 shall be as described in Section 180, and 20 of which  
21 shall be as follows:

22 (i) instruction in the dangers of and misuse  
23 of the firearm, safety rules, and care and cleaning  
24 of the firearm;

25 (ii) practice firing on a range with live  
26 ammunition;

27 (iii) instruction in the legal use of firearms  
28 under the provisions of the Criminal Code of 1961,  
29 and relevant court decisions;

30 (iv) a forceful presentation of the ethical  
31 and moral consideration assumed by any person who  
32 uses a firearm;

33 (v) a review of the current law regarding  
34 arrest, search, and seizure; and

1 (vi) liability for acts.

2 (2) An examination shall be given at the completion  
3 of the course. The examination shall be in 2 parts which  
4 shall consist of a firearms qualification course and a  
5 written examination, which shall be approved by the  
6 Department. Successful completion shall be determined by  
7 the Department.

8 (d) The firearm training requirement shall be waived for  
9 an employee who has completed training provided by the  
10 Illinois Law Enforcement Training Standards Board, or the  
11 equivalent public body in another state, provided supporting  
12 documentation showing requalification with the weapon on the  
13 firing range is submitted to the Department. Notwithstanding  
14 any other provision of this Act to the contrary, all  
15 requirements relating to firearms authorization cards do not  
16 apply to a peace officer as defined in subsection (c) of  
17 Section 80 of this Act. ~~;-er-for-an-employee-who-is-also~~  
18 ~~employed-as-a-law--enforcement--officer--as--defined--in--the~~  
19 ~~Illinois-Police-Training-Act.~~

20 (e) The Department shall issue a firearm authorization  
21 card to a person who has passed an approved basic firearm  
22 training course, who is currently employed by an agency  
23 certified under this Act, who is authorized under subsection  
24 (a) of this Section, who has met all the requirements of the  
25 Act, and who possesses a valid Firearm Owner Identification  
26 Card. Application for the card shall be made by the employer  
27 to the Department on forms provided by the Department. The  
28 Department shall forward this card to the employer who shall  
29 be responsible for its issuance. The firearm authorization  
30 card shall be issued by the Department in the form of a  
31 pocket card designed by the Department and shall identify the  
32 person holding the card and the name of the course where the  
33 employee received firearm instruction; the card shall specify  
34 the type of weapon or weapons that the person is authorized



1 by the Department to carry and for which the person has been  
2 trained.

3 (f) Expiration and requirements for renewal of firearm  
4 authorization cards shall be established by rule of the  
5 Department.

6 (g) The Department may, in addition to any other  
7 discipline allowed under this Act, refuse to issue, suspend,  
8 or revoke a firearm authorization card if the applicant or  
9 holder has been convicted of any felony or any crime  
10 involving the illegal use, carrying, or possession of a  
11 deadly weapon, or for violation of this Act or rules  
12 promulgated under this Act. The procedures in this Act for  
13 disciplining a licensee shall be followed in taking action  
14 under this paragraph.

15 The Department shall refuse to issue or shall revoke a  
16 Firearm Authorization Card if the applicant or holder fails  
17 to hold a valid Firearm Owners Identification Card.

18 The Director shall summarily suspend a firearm  
19 authorization card if the Director finds that continued use  
20 of the card would constitute an immediate danger to the  
21 public health, safety, or welfare. A prompt hearing on the  
22 charges shall be held before the Board if the Director  
23 summarily suspends a Firearm Authorization Card.

24 (Source: P.A. 88-363; 88-586, eff. 8-12-94; 89-694, eff.  
25 12-31-96.)

26 Section 99. Effective date. This Act takes effect upon  
27 becoming law.