

SB2462



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2462

Introduced 1/30/2018, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

225 ILCS 447/10-27

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides continuing education requirements for a private detective and a registered private detective employee in order to renew a license. Lists individuals who are exempt from the continuing education requirements. Provides criteria for continuing education courses, sponsors, and programs. Provides that the Department of Financial and Professional Regulation may adopt rules to implement the provisions (rather than adopt rules for continuing education). Effective immediately.

LRB100 16210 SMS 31333 b

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, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Section 10-27 as follows:

7 (225 ILCS 447/10-27)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 10-27. Continuing education.

10 (a) Continuing education hour requirements.

11 (1) A private detective is required to complete 12
12 continuing education hours for each year of the pre-renewal
13 period in courses approved by the Board. A registered
14 private detective employee is required to complete 9
15 continuing education hours for each year of the pre-renewal
16 period in courses approved by the Board. The pre-renewal
17 period is the 36-month period preceding the renewal. For
18 the 2020 renewal only, 30 hours of continuing education are
19 required for private detectives and 24 hours are required
20 for registered private detective employees.

21 (2) The continuing education requirement does not
22 apply to a private detective or registered private
23 detective employee whose license is inactive (or

1 nonexistent) for any year or any calendar period in which
2 either license was active for 180 days or less. A private
3 detective or registered private detective employee whose
4 license is active, or active more than 180 days, is
5 required to fulfill his or her full continuing education
6 requirement for those years.

7 (3) Continuing education is required for a private
8 detective or registered private detective employee who
9 maintains an active license more than 180 days in any
10 pre-renewal period, except a private detective or
11 registered private detective employee who, during the
12 pre-renewal period:

13 (A) serves in the armed services of the United
14 States;

15 (B) serves as an elected State or federal official;

16 (C) serves as a full-time employee of the
17 Department; or

18 (D) is admitted to practice law pursuant to
19 Illinois Supreme Court rule.

20 (4) The Department shall conduct random audits to
21 verify compliance with this Section.

22 (b) Approved continuing education.

23 (1) Continuing education credit may be earned for
24 verified attendance at, or participation in, an approved
25 course or program. Both the course and the instructor must
26 be approved by the Board.

1 (2) Continuing education credit may also be earned for
2 all related course work offered by an accredited 2-year or
3 4-year college or university, the Illinois Association of
4 Professional Process Servers, the National Association of
5 Professional Process Servers, or the Associated Detectives
6 and Security Agencies of Illinois.

7 (3) For all course work completed at a college or
8 university, 5 continuing education hours of credit shall be
9 granted for each semester hour completed.

10 (4) Continuing education credit for teaching an
11 approved continuing education course may be earned but only
12 once per course during a pre-renewal period. One hour of
13 teaching is equal to 3 hours of continuing education
14 credit.

15 (5) Out-of-state continuing education programs
16 accredited by any other state are acceptable. If it is not
17 accredited in any state, the program must be approved by
18 the Board based upon whether it meets the basic
19 requirements for continuing education credit under this
20 Act.

21 (6) No more than 6 hours of continuing education credit
22 may be earned in one calendar day.

23 (7) Continuing education credit shall be given for
24 whole hours only, with a minimum of 50 minutes constituting
25 one hour.

26 (8) A maximum of 3 continuing education credits per

1 year, limited to 9 continuing education credits per
2 pre-renewal period, may be earned for attendance at a
3 membership meeting of an Illinois nonprofit professional
4 investigative or investigative-related organization or
5 association whose members are regulated by this Act if the
6 private detective or registered private detective employee
7 is a member in good standing of the organization or
8 association.

9 (9) A course or program must contain materials that
10 contribute to the advancement, extension, and enhancement
11 of professional skills and knowledge.

12 (10) Recognizing the diverse professional practices of
13 persons licensed under this Act, it is the intent of this
14 Section to allow for a broad interpretation of the course
15 work, seminar subjects, or class topics to be considered
16 reasonably related to the practice of any profession
17 licensed under this Act.

18 (c) Continuing education sponsors and programs.

19 (1) The following are approved continuing education
20 sponsors:

21 (A) an accredited 2-year or 4-year college or
22 university;

23 (B) a unit of State, county, or local government;

24 (C) the Illinois Association of Professional
25 Process Servers, the National Association of
26 Professional Process Servers, and the Associated

1 Detectives and Security Agencies of Illinois for the
2 purposes of paragraph (2) of subsection (b); and

3 (D) a person, firm, or association approved and
4 authorized by the Department to coordinate and present
5 continuing education courses and programs in
6 conjunction with this Section.

7 (2) A continuing education sponsor application shall
8 be filed with the Department to obtain approval. The
9 application shall include:

10 (A) a copy of the certificate of attendance the
11 sponsor will use, which shall contain the following
12 information:

13 (i) the continuing education sponsor name and
14 address;

15 (ii) the name and license number of the
16 participant; and

17 (iii) the number of hours awarded;

18 (B) the name and contact information of the
19 individual or firm that proposes to offer the
20 continuing education;

21 (C) a curriculum vitae of each program instructor;

22 (D) a course outline of the specific topics to be
23 taught; and

24 (E) the required fee as set by the Department.

25 (d) Certification of compliance with continuing education
26 requirements.

1 (1) At renewal, a private detective or registered
2 private detective employee shall designate, on the renewal
3 form for the license under which he or she practices, that
4 his or her primary profession is private detective or
5 registered private detective employee.

6 (A) A private detective or registered private
7 detective employee is required to obtain continuing
8 education only for his or her designated primary
9 profession. Falsifying the primary designation on the
10 renewal form shall be considered unprofessional
11 conduct.

12 (B) A private detective or registered private
13 detective employee is required to take two-thirds of
14 his or her continuing education hours in the profession
15 that he or she has designated as his or her primary
16 profession. The remaining hours shall be considered
17 elective hours and may be taken in any discipline
18 licensed under this Act.

19 (C) A private detective or registered private
20 detective employee is required to maintain a
21 continuing education log for the 2 preceding
22 pre-renewal periods and shall retain proof of
23 attendance for all continuing education classes during
24 those periods.

25 (D) A licensee-in-charge of a private detective
26 agency shall maintain a list of registered private

1 detective employees by year and shall furnish that list
2 to the Department electronically when requested in a
3 format to be determined by the Department.

4 (E) A private detective who restores or reinstates
5 his or her license must provide documentation of 15
6 hours of continuing education before the issuance of
7 his or her license.

8 (2) If, during an audit conducted under paragraph (4)
9 of subsection (a) or a compliance review, the Department
10 determines that a private detective or registered private
11 detective employee may be deficient in complying with
12 continuing education requirements, the Department shall
13 notify the private detective or registered private
14 detective employee by email of the possible deficiency. The
15 private detective or registered private detective employee
16 shall have 60 days from the date the deficiency
17 notification is sent to submit to the Department
18 documentation of compliance with continuing education
19 requirements.

20 (A) If satisfactory documentation of compliance
21 with continuing education requirements is submitted,
22 the Department shall notify the private detective or
23 registered private detective employee by email that he
24 or she is in compliance.

25 (B) If the private detective or registered private
26 detective employee certified compliance with

1 continuing education requirements on his or her most
2 recent renewal application but does submit
3 documentation of having been in compliance on the
4 certification date, the private detective or
5 registered private detective employee may, during the
6 60-day notice period, submit documentation of
7 compliance with continuing education requirements
8 after the date the certification was made. The
9 documentation of post-certification course completion
10 must be accompanied by a fee of \$25 per continuing
11 education hour completed after the date the private
12 detective or registered private detective employee
13 originally certified compliance. The documentation
14 shall not be considered if the required fee is not
15 submitted. If the documentation is satisfactory, the
16 Department shall notify the private detective or
17 registered private detective employee that the
18 continuing education hours submitted for
19 post-certification course completion and found
20 satisfactory may not be used as credit for the next
21 renewal requirements.

22 (C) If the private detective or registered private
23 detective employee fails to submit satisfactory
24 documentation of compliance with continuing education
25 requirements within the 60-day notice period, the
26 failure shall be evidence of a violation of paragraph

1 (1) of subsection (a) of Section 40-10 regarding fraud
2 or misrepresentation in obtaining or renewing a
3 license or registration. The Department shall notify
4 the private detective or registered private detective
5 employee, as required by Section 45-10, indicating the
6 commencement of disciplinary proceedings.

7 (e) Rules. The Department may adopt rules to implement this
8 Section of continuing education for persons licensed under this
9 Act. The Department shall consider the recommendations of the
10 Board in establishing guidelines for the continuing education
11 requirements.

12 (Source: P.A. 95-613, eff. 9-11-07.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.