

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2493 Session of
2006

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CALTAGIRONE, BALDWIN, BELFANTI, BEYER, CAPPELLI, CRAHALLA,
CREIGHTON, GINGRICH, HARRIS, KOTIK, R. MILLER, MYERS, RAPP,
SONNEY AND SURRA, MARCH 15, 2006

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 15, 2006

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 22 (Detectives and
2 Private Police) of the Pennsylvania Consolidated Statutes,
3 providing for the offense of impersonating a private
4 investigator, security professional, fugitive recovery agent
5 or employee; amending the heading of Title 22 and 22 Pa.C.S.
6 Ch. 3; codifying and making extensive revisions to The
7 Private Detective Act of 1953; providing for the continuation
8 of certain licenses; making an appropriation; and making
9 related repeals.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follow:

12 Section 1. Title 18 of the Pennsylvania Consolidated
13 Statutes is amended by adding a section to read:

14 § 4913.1. Impersonating private investigator, security
15 professional, fugitive recovery agent or employee.

16 A person commits a misdemeanor of the second degree if the
17 person does any of the following:

18 (1) Falsely pretends to hold a license as a private
19 investigator, security professional or fugitive recovery
20 agent within this Commonwealth.

- 1 313. Pocket cards and badges.
- 2 314. Firearms.
- 3 315. Bond and insurance.
- 4 316. Licensure of corporations and other legal entities.
- 5 317. Criminal history record check.
- 6 318. Prohibition.
- 7 319. Title and utilization.
- 8 320. Rules of professional conduct.
- 9 321. Sanctions.
- 10 322. Injunction.
- 11 323. Unlawful acts.
- 12 324. Exclusions.
- 13 325. Restrictions on public disclosure.

14 § 301. Scope of chapter.

15 This chapter relates to private investigators, security
16 professionals and fugitive recovery agents.

17 § 302. Declaration of policy.

18 The General Assembly finds and declares as follows:

19 (1) The practice of private investigators and security
20 professionals has been regulated at a county level, which has
21 resulted in inconsistent regulation on a Statewide basis.

22 (2) The practice of fugitive recovery agents has
23 essentially been unregulated in this Commonwealth.

24 (3) Reasonable Statewide regulation of these professions
25 is in furtherance of public health, safety and welfare
26 interests.

27 (4) Statewide regulation is necessary to set standards
28 of conduct for each of these professions and to protect the
29 public from unprincipled practitioners.

30 (5) Consumer protection with respect to both health and

1 economic matters will be afforded the public through the
2 regulation and associated legal remedies provided for in this
3 chapter.

4 § 303. Definitions.

5 The following words and phrases when used in this chapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Account." The Professional Licensure Augmentation Account.

9 "Applicant." An individual who applies for any license under
10 this chapter. The term does not include an individual renewing a
11 license under section 308 (relating to license renewal).

12 "Board." The State Board of Private Investigators, Security
13 Professionals and Fugitive Recovery Agents established in
14 section 304 (relating to board).

15 "Bureau." The Bureau of Professional and Occupational
16 Affairs.

17 "Categories of licenses." Private investigator licenses,
18 security professional licenses and fugitive recovery agent
19 licenses.

20 "CPIN compatible." Compatible with the Commonwealth Photo
21 Imaging Network.

22 "Fugitive recovery agent."

23 (1) An individual, corporation, partnership, limited
24 liability company or other legal entity which for a fee
25 primarily engages in one or more of the following:

26 (i) Fugitive recovery.

27 (ii) Bail enforcement.

28 (iii) Bail recovery.

29 (iv) Investigation as to the location or whereabouts
30 of any person who has failed to appear in any Federal or

1 State court of law, when required by law, or has failed
2 to answer any criminal charge or subpoena, when required
3 by law.

4 (v) Assistance in the apprehension, arrest,
5 detention, confinement, surrender or securing of a person
6 described in subparagraph (iv).

7 (vi) Surveillance of a person described in
8 subparagraph (iv).

9 (2) The term does not include any individual excluded
10 from this chapter by section 324 (relating to exclusions).

11 "License." Any license to practice as a private
12 investigator, security professional or fugitive recovery agent
13 under this chapter.

14 "Licensee." An individual, corporation, partnership, limited
15 liability company or other legal entity who holds a license
16 under this chapter.

17 "Private Detective Act of 1953." The former act of August
18 21, 1953 (P.L.1273, No.361), known as The Private Detective Act
19 of 1953.

20 "Private investigator."

21 (1) An individual, corporation, partnership, limited
22 liability company or other legal entity which for a fee
23 primarily engages in the investigation of any of the
24 following activities:

25 (i) Crimes or wrongs done or threatened against an
26 individual, corporation, partnership, limited liability
27 company or other legal entity.

28 (ii) The identity, habits, conduct, movement,
29 whereabouts, affiliations, association, transactions,
30 reputation or character of any individual, group of

1 individuals, association, organization, society,
2 partnership, corporation, limited liability company or
3 other legal entity.

4 (iii) The credibility of witnesses or other
5 individuals.

6 (iv) The whereabouts of missing individuals.

7 (v) The location or recovery of lost or stolen
8 property.

9 (vi) The cases or origins of or responsibility for
10 fires or torts or losses, accidents, damage or injuries
11 to personal or real property.

12 (vii) The conduct of employees, agents, contractors
13 and subcontractors.

14 (viii) The securing of evidence for any civil or
15 criminal proceeding.

16 (2) The term does not include any individual excluded
17 from this chapter by section 324 (relating to exclusions).
18 "Security professional."

19 (1) An individual, corporation, partnership, limited
20 liability company or other legal entity which for a fee
21 primarily provides security guards, watchmen or private
22 patrolmen for any individual, private corporation or other
23 legal entity.

24 (2) The term does not include any individual excluded
25 from this chapter by section 324 (relating to exclusions).

26 § 304. Board.

27 (a) Establishment.--The State Board of Private
28 Investigators, Security Professionals and Fugitive Recovery
29 Agents is established as a board in the bureau.

30 (b) Membership.--The following shall be members of the

1 board:

2 (1) The Commissioner of Professional and Occupational
3 Affairs or a designee.

4 (2) The Commissioner of Pennsylvania State Police or a
5 designee.

6 (3) The Attorney General or a designee.

7 (4) Three public members, who are residents of this
8 Commonwealth, appointed by the Governor, with the advice and
9 consent of a majority of the members elected to the Senate. A
10 person shall not be eligible for appointment under this
11 paragraph if the person or the person's spouse meets any of
12 the following provisions:

13 (i) Is licensed under this chapter or the Private
14 Detective Act of 1953.

15 (ii) Has, other than as a consumer, a financial
16 interest in a business entity which engages in an
17 activity licensed by this chapter.

18 (5) Seven professional members appointed by the Governor
19 with the advice and consent of a majority of the members
20 elected to the Senate. The professional members shall:

21 (i) be licensed under this chapter; and

22 (ii) include at least one licensee from each of the
23 categories of licenses under this chapter.

24 (c) Initial appointments.--Notwithstanding the provisions of
25 subsection (b)(4) and section 316 (relating to licensure of
26 corporations and other legal entities), the following shall
27 apply:

28 (1) Individuals licensed under the Private Detective Act
29 of 1953 shall, until the expiration of the license, be
30 qualified to serve as professional members of the board as

1 representatives of private investigator licensees or security
2 professional licensees under this chapter.

3 (2) Fugitive recovery agents who have been actively
4 engaged in their profession and have a well-respected
5 reputation in the field shall, until July 1, 2009, be
6 qualified to serve as professional members of the board as
7 representatives of fugitive recovery agent licensees under
8 this chapter.

9 (d) Terms.--All of the following shall apply to terms of
10 members:

11 (1) Members under subsection (b)(1), (2) and (3) shall
12 serve ex officio.

13 (2) Members under subsection (b)(4) shall serve initial
14 terms as follows:

15 (i) One member shall be appointed for a term of two
16 years.

17 (ii) One member shall be appointed for a term of
18 three years.

19 (iii) One member shall be appointed for a term of
20 four years.

21 (3) Members under subsection (b)(5) shall serve initial
22 terms as follows:

23 (i) Three members shall be appointed for a term of
24 two years.

25 (ii) Two members shall be appointed for a term of
26 three years.

27 (iii) Two members shall be appointed for a term of
28 four years.

29 (4) After the expiration of a term under paragraph (2)
30 or (3), a subsequent term shall be for four years.

1 (5) A replacement for a member under subsection (b)(4)
2 or (5) shall serve the remainder of the unexpired term.

3 (6) A member under subsection (b)(4) or (5) shall not be
4 eligible for more than two consecutive terms.

5 (e) Procedure.--All of the following shall apply to board
6 procedure:

7 (1) A majority of the members of the board constitutes a
8 quorum. A member must participate at a meeting of the board
9 in person or by teleconference for purposes of meeting a
10 quorum.

11 (2) Voting must be direct, voting by proxy shall not be
12 permitted.

13 (f) Organization.--All of the following shall apply to board
14 organization:

15 (1) An organizational meeting of the board shall be held
16 annually at which time the board shall elect from its
17 membership a president, a vice president and a secretary, who
18 shall serve for one year or until their successors are duly
19 elected.

20 (2) If a vacancy in the office of president, vice
21 president or secretary of the board occurs, the remaining
22 members of the board shall fill the vacancy by election.

23 (g) Compensation.--Each member of the board under subsection
24 (b)(4) or (5), when performing functions of the board, shall
25 receive all of the following:

26 (1) A per diem fee of \$100 for each meeting the member
27 attends in person. No member shall receive more than \$1,000
28 of aggregate per diem fees in any calendar year.

29 (2) Reasonable travel, hotel and other necessary
30 expenses, as set by regulation of the board.

1 (h) Meetings.--The board shall meet at least once every two
2 months and at additional times as necessary to conduct the
3 business of the board.

4 (i) Participation.--A member of the board under subsection
5 (b)(4) or (5) who fails to attend three consecutive meetings
6 shall forfeit membership unless the president, upon written
7 request from the member, finds that the member should be excused
8 for good cause.

9 (j) Powers and duties.--The board shall have all of the
10 following powers and duties to administer this chapter:

11 (1) To develop an entrance examination for each of the
12 categories of licenses. The entrance examinations shall, at a
13 minimum, test an applicant's knowledge of the laws of this
14 Commonwealth and the United States which are applicable to
15 the practice of that category of license.

16 (2) To develop applications and renewal applications for
17 each of the categories of licenses.

18 (3) To promulgate reasonable rules and regulations to
19 carry out the provisions of this chapter.

20 (4) To establish monetary penalties and fees for
21 licenses, renewals, badges, pocket cards and other goods and
22 services provided by the board to licensees. Initial fees
23 shall be designed to recover the board's administrative
24 costs. If the funds raised by penalties and fees under this
25 chapter are not sufficient to meet the board's administrative
26 costs over a two-year period, the board may promulgate
27 regulations to increase those penalties and fees so that the
28 projected funds will meet the board's projected costs.

29 (5) To enforce the laws of this Commonwealth relating to
30 the practice of private investigators, security professionals

1 and fugitive recovery agents and to instruct and require
2 agents of the board to initiate appropriate proceedings for
3 unauthorized and unlawful practice.

4 (6) To take disciplinary action as described in this
5 chapter. In all disciplinary proceedings brought pursuant to
6 this chapter, the board shall have the power to administer
7 oaths, to summon witnesses and to compel the production of
8 documents in accordance with law. Upon the failure of any
9 person to appear or produce documents in accordance with the
10 board's order, the board may take appropriate action in
11 accordance with the act of October 15, 1980 (P.L.950,
12 No.164), known as the Commonwealth Attorneys Act, to enforce
13 compliance.

14 (7) To take appropriate actions to initiate injunction
15 and criminal prosecution proceedings in connection with the
16 unlawful and unauthorized practice of private investigators,
17 security professionals or fugitive recovery agents or other
18 violations of this chapter. Injunction and criminal
19 proceedings shall be instituted in accordance with the
20 Commonwealth Attorneys Act.

21 (8) To keep a record of board proceedings.

22 (9) To keep a record of applications and renewal
23 applications, including a copy of all materials submitted
24 with applications and renewal applications.

25 (10) To keep records relating to all licensees directly
26 related to the practice of private investigators, security
27 professionals and fugitive recovery agents.

28 (11) To maintain an up-to-date roster showing the names
29 and business addresses of licensees. The roster shall be made
30 available to the public upon request and shall be posted on

1 the Internet.

2 (12) To establish a system which assures that licensees
3 receive timely information from the board regarding issues
4 affecting the practice and regulation of their license. The
5 system shall include the mailing of a renewal application
6 under section 308 (relating to license renewal) to each
7 licensee at the most recent address in the records of the
8 board.

9 (13) To design badges and pocket cards for each of the
10 categories of licenses.

11 (14) To approve badge designs submitted by a security
12 professional for use by employees of that security
13 professional.

14 (15) To conduct criminal history record checks as
15 provided in section 317 (relating to criminal history record
16 check).

17 (16) To develop and administer a mandatory continuing
18 professional education program for each of the categories of
19 licenses.

20 (17) To develop and enforce rules of professional
21 conduct for each of the categories of licenses.

22 § 305. Deposit of funds.

23 Fees and penalties collected under this chapter shall be paid
24 into the account and used by the bureau and the board to
25 administer this chapter.

26 § 306. Licensure.

27 (a) Requirement.--Except as set forth in section 324
28 (relating to exclusions), all of the following shall apply:

29 (1) A private investigator's license is required in
30 order to practice as a private investigator.

1 (2) A security professional's license is required in
2 order to practice as a security professional.

3 (3) A fugitive recovery agent's license is required in
4 order to practice as a fugitive recovery agent after July 1,
5 2009.

6 (b) Employees.--A licensee may employ individuals to assist
7 the licensee. Nothing in this chapter shall require an employee
8 of a licensee to obtain a license.

9 (c) Qualifications.--All applicants for any license under
10 this chapter must meet all of the following:

11 (1) Be at least 25 years of age.

12 (2) Be a United States citizen.

13 (3) Be of good moral character.

14 (4) Not be addicted to the habitual use of alcohol,
15 narcotics or other habit-forming drugs.

16 (5) Have a criminal history which does not include any
17 of the offenses listed under section 318 (relating to
18 prohibition).

19 (6) Qualify by successful completion of a professional
20 entrance examination for the category of license which is the
21 subject of the application.

22 (d) Additional qualifications.--An applicant for a specific
23 license shall meet the following specific additional
24 qualifications:

25 (1) In addition to the other requirements of this
26 chapter, a private investigator license shall not be issued
27 unless the applicant for the license has held one or more of
28 the following positions for a period of at least five years
29 and was not separated from the position for a period of more
30 than five years from the time of application:

1 (i) Worked as an investigator as a member of the
2 Pennsylvania State Police.

3 (ii) Worked as an investigator as a member of a
4 state, county or municipal police force.

5 (iii) Worked as an investigator as a member of a
6 United States or state investigative service.

7 (iv) Worked full time as a private investigator
8 licensed under the Private Detective Act of 1953.

9 (v) Worked full time under the direction of a
10 private investigator who is or was licensed under this
11 chapter or under the Private Detective Act of 1953.

12 (vi) Worked full time as an investigator or in a
13 similar capacity for an insurance company in a special
14 investigation unit.

15 (vii) Worked full time as an attorney or an
16 investigator for an attorney or law firm.

17 (viii) Worked full time as an investigator for a
18 common carrier or any entity regulated by the
19 Pennsylvania Public Utility Commission.

20 (ix) Has other investigative or investigative
21 support experience that the board finds relevant to the
22 activities of a private investigator.

23 (2) In addition to the other requirements of this
24 chapter, a security professional license shall not be issued
25 unless the applicant for the license has held one or more of
26 the following positions for a period of at least five years
27 and was not separated from the position for a period of more
28 than five years from the time of application:

29 (i) Worked as a member of the Pennsylvania State
30 Police.

1 (ii) Worked as a member of a state, county or
2 municipal police force.

3 (iii) Worked as a sheriff or deputy sheriff.

4 (iv) Worked as a member of a Federal or state
5 investigative service.

6 (v) Worked full time under the direction of a
7 security professional who is or was licensed under this
8 chapter.

9 (vi) Worked full time as a private investigator
10 licensed under the Private Detective Act of 1953.

11 (vii) Worked full time under the direction of a
12 private investigator who was licensed under the Private
13 Detective Act of 1953.

14 (viii) Has other security or security support
15 experience that the board finds relevant to the
16 activities of a security professional.

17 (3) In addition to the other requirements of this
18 chapter, a fugitive recovery agent license shall not be
19 issued unless the applicant for the license has held one or
20 more of the following positions for a period of at least five
21 years and was not separated from the position for a period of
22 more than five years from the time of application:

23 (i) Worked as a member of the Pennsylvania State
24 Police.

25 (ii) Worked as a member of a state, county or
26 municipal police force.

27 (iii) Worked as a sheriff or deputy sheriff.

28 (iv) Worked as a constable or deputy constable
29 certified to perform judicial duties under 42 Pa.C.S. Ch.
30 29 Subch. C (relating to constables).

1 (v) Worked as a member of a state or United States
2 investigative service.

3 (vi) Worked full time under the direction of a
4 fugitive recovery agent who is or was licensed under this
5 chapter.

6 (vii) Has other fugitive recovery or related
7 experience that the board finds relevant to the
8 activities of a fugitive recovery agent.

9 (viii) Worked as a fugitive recovery agent prior to
10 July 1, 2009. This subparagraph shall expire July 1,
11 2014.

12 (e) Education and part-time work experience.--The board may
13 allow an applicant for any category of license under subsection
14 (d) to do any of the following:

15 (1) Substitute up to two years of relevant educational
16 experience for work experience required of an applicant under
17 subsection (d).

18 (2) Aggregate part-time work experience to reach the
19 minimum five years of the full time employment requirement
20 for an applicant under subsection (d).

21 (f) Application process.--An individual, corporation,
22 partnership, limited liability company or other legal entity
23 intending to be a licensee shall apply for a license as set
24 forth in this chapter. Applicants shall do all of the following:

25 (1) File an application and accompanying information as
26 described in subsection (g).

27 (2) Pay a fee as established by regulation of the board.

28 (3) Sit for an examination prepared and administered by
29 the board.

30 (g) Application and accompanying information.--An

1 application shall require the applicant to provide all of the
2 following:

3 (1) The applicant's full name, aliases, current and
4 previous occupations, and information which demonstrates
5 compliance with the specific additional qualifications under
6 subsection (d) for that category of license.

7 (2) The applicant's date of birth, as evidenced by a
8 birth certificate or other documentation approved by the
9 board.

10 (3) The applicant's residences since 18 years of age or
11 for the last 15 years, whichever period of time is shorter.

12 (4) Two current CPIN compatible photographs.

13 (5) A statement whether the applicant applying for a
14 license intends to practice as an individual, corporation,
15 partnership, limited liability company or other legal entity.
16 If the applicant intends to practice as a corporation,
17 partnership, limited liability company or legal entity other
18 than an individual, the applicant shall identify all
19 principals of that entity and shall also provide all of the
20 following:

21 (i) The name and appropriate credentials of the
22 qualifying officer.

23 (ii) The name and principal business address of that
24 entity.

25 (iii) The articles of incorporation, partnership
26 agreement, certificate of organization or similar
27 governing document.

28 (iv) The name and address of all shareholders or
29 other owners of the corporation, partnership, limited
30 liability company or other legal entity.

1 (6) The location of each bureau, agency, office or
2 branch office.

3 (7) The applicant's signature.

4 (8) Two full sets of the applicant's fingerprints, for
5 use in conducting a criminal history record check as provided
6 in section 317 (relating to criminal history record check).

7 (9) The payment of a bond and submission of proof of
8 insurance as required in section 315 (relating to bond and
9 insurance).

10 (10) Any other information which the board deems
11 appropriate.

12 (h) Issuance of license.

13 (1) The board shall conduct an investigation of an
14 applicant, including a credit check, if the applicant has met
15 all of the following:

16 (i) Completed the application process under
17 subsection (f).

18 (ii) Been found to meet all of the qualifications in
19 subsection (c).

20 (iii) Been found to meet the additional
21 qualifications for the category of license in subsection
22 (d).

23 (2) If the board is satisfied that the applicant is fit
24 to practice, the board shall issue the applicant a license
25 and duplicates as provided in section 307 (relating to form
26 of license) and a pocket card and badge as provided in
27 section 313 (relating to pocket cards and badges).

28 (i) Term of license.--The term of a license shall be two
29 years. Renewal of a license shall be subject to section 308
30 (relating to license renewal).

1 (j) Current law enforcement officers.--Individuals currently
2 employed as a police officer, sheriff, deputy sheriff, probation
3 or parole officer or member of a Federal or State investigative
4 service shall not be eligible for a license.

5 § 307. Form of license.

6 (a) Contents.--A license under this chapter shall contain
7 all of the following:

8 (1) The full name and title of the licensee.

9 (2) The location of each bureau, agency, office or
10 branch office for which the license was issued.

11 (3) The expiration date.

12 (4) Any other information deemed appropriate by the
13 board.

14 (b) Duplicates.--A licensee shall, for a fee, be issued
15 duplicate licenses for display in each bureau, agency, office or
16 branch office included in the license application.

17 (c) Display.--A licensee shall post the license or a
18 duplicate in a conspicuous place in each bureau, agency, office
19 or branch office.

20 (d) Expiration.--A licensee shall surrender the license and
21 all duplicates to a designated location established by the board
22 within 15 days of expiration or after receipt of notice that the
23 license has been suspended or revoked by the board. A licensee
24 who fails to comply with this subsection commits a misdemeanor
25 of the third degree.

26 § 308. License renewal.

27 (a) General rule.--The following shall apply:

28 (1) The following may apply for a renewal of a license
29 under this section:

30 (i) A licensee whose license will expire within six

1 months of the date on the renewal application.

2 (ii) A licensee whose license has not been expired
3 for more than six months on the date of renewal
4 application.

5 (2) For the purposes of this subsection, the term
6 "licensee" shall include any individual, corporation,
7 partnership, limited liability company or other legal entity
8 licensed under the Private Detective Act of 1953 on the
9 effective date of this section who is applying for a license
10 as a private investigator or security professional under this
11 chapter prior to the expiration of the license under the
12 Private Detective Act of 1953. The qualification by
13 successful completion of a professional entrance examination
14 in section 306(c)(6) (relating to licensure) and the required
15 additional qualifications of section 306(d) shall not apply
16 to a licensee under the Private Detective Act of 1953 who met
17 the work experience requirements under section 4(a) of that
18 act and is applying for renewal of a license as a private
19 investigator or security professional under this section.

20 (b) Renewal process.--A licensee applying for a renewal of a
21 license shall do all of the following:

22 (1) File a renewal application with the board.

23 (2) Pay a bond and provide proof of insurance as
24 required in section 315 (relating to bond and insurance).

25 (3) Pay a fee as established by regulation of the board.

26 (4) Provide two current CPIN compatible photographs.

27 (5) Provide any other information which the board deems
28 appropriate.

29 (c) Issuance of renewal license.--Once a licensee has
30 completed the renewal process in subsection (b) and the board,

1 after investigation, is satisfied that the licensee is fit to
2 continue the practice of the license, the board shall issue the
3 applicant a license as provided in section 307 (relating to form
4 of license).

5 § 309. Change of residence or business location.

6 (a) Residence.--A licensee shall notify the board in writing
7 within 15 days of the licensee's change of residence.

8 (b) Business location.--A licensee shall notify the board in
9 writing within 15 days of the change of location of any bureau,
10 agency, office or branch office. Notice shall include the new
11 location of the bureau, agency, office or branch office and the
12 date on which the change was effected.

13 (c) Notation on license and duplicates.--Pursuant to a
14 change of business location under subsection (b), a licensee
15 shall deliver the license and any duplicates to a designated
16 location established by the board. The board shall, at its
17 discretion, do one of the following:

18 (1) Note the change on the license and duplicates and
19 return the license and duplicates to the licensee.

20 (2) Issue a new license and duplicates for the unexpired
21 term of the license.

22 § 310. Expedited reciprocal licensing.

23 The board may, without examination, issue a license, pocket
24 card and badge to any individual, corporation, partnership,
25 limited liability company or other legal entity who is licensed
26 in another state in the same category of license if all of the
27 following apply:

28 (1) The individual or the officers of the corporation,
29 partnership, limited liability company or other legal entity
30 provide two full sets of fingerprints for the board to

1 conduct a criminal history record check under section 317
2 (relating to criminal history record check).

3 (2) The individual, corporation, partnership, limited
4 liability company or other legal entity pays a bond and
5 provides proof of insurance as required in section 315
6 (relating to bond and insurance).

7 (3) The individual, corporation, partnership, limited
8 liability company or other legal entity pays a fee as
9 established by regulation of the board.

10 (4) The individual or the officers of the corporation,
11 partnership, limited liability company or other legal entity
12 provide two current CPIN compatible photographs.

13 (5) The individual, corporation, partnership, limited
14 liability company or other legal entity establishes a bureau,
15 agency, office or branch office within this Commonwealth.

16 (6) The individual, corporation, partnership, limited
17 liability company or other legal entity provides any other
18 information which the board deems appropriate.

19 (7) The standards for licensing in the other state are,
20 in the board's opinion, sufficiently similar to the standards
21 under this chapter.

22 (8) The other state will license or certify Pennsylvania
23 licensees to practice in that state in a similar expedited
24 fashion.

25 § 311. Employees.

26 (a) General rule.--A licensee may employ as many individuals
27 as necessary to assist the licensee in the licensee's work. The
28 licensee shall at all times during the employment be responsible
29 for the reasonable supervision of each employee and accountable
30 for the employee's conduct.

1 (b) Employee statement.--A prospective employee shall
2 provide to the licensee all of the following:

3 (1) The prospective employee's full name, aliases,
4 current and previous occupations and Social Security number.

5 (2) The prospective employee's date of birth, as
6 evidenced by a birth certificate or other documentation
7 approved by the board.

8 (3) The prospective employee's residences since 18 years
9 of age or for the last 15 years, whichever period of time is
10 shorter.

11 (4) Two current CPIN compatible photographs.

12 (5) A statement indicating whether the employee has met
13 the requirements of the act of October 10, 1974 (P.L.705,
14 No.235), known as the Lethal Weapons Training Act.

15 (6) A physical description.

16 (7) The prospective employee's signature.

17 (8) A statement indicating that the prospective employee
18 has not been convicted of an offense listed in section 318(c)
19 (relating to prohibition).

20 (9) Three full sets of the prospective employee's
21 fingerprints. One set shall be kept on file by the licensee
22 and the other two shall be submitted to the board for use in
23 conducting a criminal history record check as provided in
24 section 317 (relating to criminal history record check).

25 (10) Any other information which the board deems
26 appropriate.

27 (c) Duty of licensee.--A licensee shall do all of the
28 following:

29 (1) Act with due diligence to reasonably verify the
30 truthfulness of the employee statement.

1 (2) Promptly transmit two sets of the fingerprints
2 provided pursuant to subsection (b)(9) to the board for use
3 in conducting a criminal history record check as provided in
4 section 317.

5 (3) Promptly transmit a CPIN compatible photograph of
6 the employee provided pursuant to subsection (b)(4) to the
7 board for its use.

8 (4) Promptly transmit to the board any other information
9 which the board deems appropriate.

10 (d) Duty of board.--The board shall promptly conduct a
11 criminal history record check on the prospective employee as
12 provided in section 317 and notify the licensee of the results.

13 (e) Penalties.--The following shall apply:

14 (1) A licensee who knowingly, recklessly or negligently
15 hires an individual who fails to fill out an employee
16 statement under subsection (b) or has been convicted of any
17 offense listed in section 318(c) (relating to prohibition)
18 commits a misdemeanor of the first degree.

19 (2) A licensee who knowingly, recklessly or negligently
20 files the fingerprints of an individual other than the
21 prospective employee, in the prospective employee's name,
22 commits a misdemeanor of the third degree.

23 (3) A licensee who fails to adequately or accurately
24 keep records of employees commits a misdemeanor of the third
25 degree.

26 § 312. Private investigator employees.

27 Any employee of a private investigator who, except as
28 provided by law, divulges information learned in that employee's
29 capacity to anyone other than the private investigator or to an
30 individual designated by the private investigator commits a

1 misdemeanor of the third degree.

2 § 313. Pocket cards and badges.

3 (a) Licensees.--Upon payment of a fee by the licensee, the
4 board shall issue the licensee a pocket card and a badge, which
5 shall be numbered. The pocket card shall be of the size and
6 design as the board shall designate and shall be
7 nontransferable. At minimum, the pocket card shall include all
8 of the following:

9 (1) The licensee's name.

10 (2) The licensee's CPIN compatible photograph.

11 (3) The licensee's business name, if different than the
12 name under paragraph (1).

13 (4) Authenticity information such as license number,
14 date of expiration and the official State seal.

15 (b) Employees.--If a prospective employee of a licensee has
16 not been prohibited from being hired by the board, the board
17 shall issue to the licensee a pocket card which contains the
18 employee's CPIN compatible photograph for use by the employee.
19 If the licensee does not employ the prospective employee for any
20 reason, the licensee shall return the pocket card to the board,
21 which shall destroy the returned pocket card. Failure of the
22 licensee to do any of the following shall constitute a summary
23 offense:

24 (1) Return a pocket card.

25 (2) Notify the board of the licensee's inability to
26 retrieve a pocket card from an employee.

27 (c) Renewal or replacement.--The following shall apply to
28 pocket card or badges:

29 (1) After payment of a fee as set by the board, the
30 board shall issue a licensee a new pocket card and badge or a

1 new pocket card for an employee if any of the following
2 apply:

3 (i) A pocket card or badge has been defaced,
4 damaged, stolen or lost.

5 (ii) The licensee has not been issued a pocket card
6 or badge or pocket cards for employees.

7 (2) The board may impose sanctions under section 321
8 (relating to sanctions) upon a licensee who reports multiple
9 or repeated lost or stolen pocket cards, badges or employee
10 pocket cards.

11 (d) Holders of pocket cards and badges.--It shall be
12 unlawful for a licensee or an employee of a licensee to lend or
13 to transfer the pocket card or badge or to allow any other
14 individual to use, wear or display a pocket card or badge. A
15 licensee or employee who violates this subsection commits a
16 misdemeanor of the third degree.

17 § 314. Firearms.

18 Licensees and their employees shall be authorized to carry a
19 lethal weapon in the course of their employment if they are in
20 compliance with or are exempt from the requirements of the act
21 of October 10, 1974 (P.L.705, No.235), known as the Lethal
22 Weapons Training Act.

23 § 315. Bond and insurance.

24 (a) General rule.--An applicant for a license and licensees
25 seeking renewal of a license shall deliver to the board a bond
26 in an amount set by the board.

27 (b) Corporate surety.--A bond required under subsection (a)
28 shall be written by a corporate surety company authorized to do
29 business in this Commonwealth as a surety and shall be executed
30 in the name of the Commonwealth of Pennsylvania.

1 (c) Proof of general liability insurance.--All applicants
2 and licensees seeking renewal of licenses shall provide proof of
3 general liability insurance in an amount set by the board, but
4 not less than \$1,000,000.

5 (d) Proof of workers' compensation insurance.--All
6 applicants for licenses and licensees seeking renewal of
7 licenses shall provide proof of compliance with or exemption
8 from the act of June 2, 1915 (P.L.736, No.338), known as the
9 Workers' Compensation Act.

10 (e) Change of bond or insurance.--A licensee shall notify
11 the board within 15 days of any change relating to a bond or
12 insurance under this section.

13 (f) Loss of bond or insurance.--A licensee who fails to
14 maintain a bond or insurance in an amount set by the board shall
15 immediately suspend activity pursuant to the license until a new
16 bond or insurance is acquired.

17 § 316. Licensure of corporations and other legal entities.

18 (a) Licensing.--If a corporation, partnership, limited
19 liability company or other legal entity other than a natural
20 person applies for or has one or more categories of licenses
21 under this chapter, the requirements of licensing for that
22 category under this chapter, except the qualification by
23 examination under section 306(c)(6) (relating to licensure) and
24 the required additional qualifications of section 306(d), shall
25 apply to the president, treasurer and secretary of the
26 corporation or equivalent officers of a corporation,
27 partnership, limited liability company or other legal entity. At
28 least one officer, known as a qualifying officer, shall meet one
29 of the following requirements for each category of license:

30 (1) Fulfillment of the requirements of section 306(c)(6)

1 and (d).

2 (2) Possession of the category of license under this
3 chapter.

4 (3) Entitlement to apply for renewal pursuant to section
5 308(a) (relating to license renewal) for that category of
6 license held by the corporation, partnership, limited
7 liability company or other legal entity.

8 (b) Qualifying officers.--Unless an officer of a
9 corporation, partnership, limited liability company or other
10 legal entity meets one of the following requirements, the
11 officer shall not receive a pocket card or badge identifying the
12 officer as a licensee under section 313(a) (relating to pocket
13 cards and badges) or be eligible for appointment to the board as
14 one of the professional members under section 304(b)(5)
15 (relating to board):

16 (1) Fulfillment of the requirements of section 306(c)(6)
17 and (d).

18 (2) Possession of a license under this chapter.

19 (3) Entitlement to apply for renewal pursuant to section
20 308(a).

21 (c) Successors.--In case of death, resignation or removal of
22 an officer of a corporation, partnership, limited liability
23 company or other legal entity, all of the following shall apply:

24 (1) The successor officer must comply with this section.

25 (2) Notice must be provided in writing to the board
26 regarding the death, resignation or removal.

27 (3) A copy of the minutes of any meeting of the board of
28 directors or similar body regarding the death, resignation or
29 removal of an officer and designation of a successor must be
30 provided to the board.

1 § 317. Criminal history record check.

2 (a) General rule.--The board shall conduct a criminal
3 history record check, as provided under subsection (b), on each
4 applicant for a license, each licensee applying for renewal and
5 each employee of a licensee.

6 (b) Records check.--The board shall do all of the following:

7 (1) Obtain a report of criminal history record
8 information from the central repository pursuant to 18
9 Pa.C.S. Ch. 91 (relating to criminal history record
10 information).

11 (2) Submit a set of fingerprints to the Pennsylvania
12 State Police to provide to the Federal Bureau of
13 Investigation for Federal criminal history record information
14 pursuant to the Federal Bureau of Investigation appropriation
15 of Title II of Public Law 92-544, 86 Stat. 1115. The board
16 shall be the intermediary for the purposes of this paragraph.

17 (3) Conduct additional research concerning an
18 applicant's, licensee's or employee's criminal history as the
19 board deems necessary.

20 § 318. Prohibition.

21 (a) Applicant.--In no case shall a license be issued to an
22 applicant or a renewal license issued to a licensee if the
23 applicant's or licensee's criminal history record information
24 indicates the applicant has been convicted of any offense under
25 subsection (c).

26 (b) Licensee.--The board shall revoke the license of any
27 licensee who is convicted of an offense under subsection (c).

28 (c) Prohibited offenses.--The following shall include
29 prohibited offenses:

30 (1) An offense designated as a felony under the act of

1 April 14, 1972 (P.L.233, No.64), known as The Controlled
2 Substance, Drug, Device and Cosmetic Act.

3 (2) An offense under one or more of the following
4 provisions of 18 Pa.C.S. (relating to crimes and offenses):

5 Chapter 25 (relating to criminal homicide).

6 Chapter 27 (relating to assault) where the offense is
7 graded higher than a summary offense.

8 Chapter 29 (related to kidnapping).

9 Chapter 31 (relating to sexual offenses).

10 Section 3301 (relating to arson and related
11 offenses).

12 Section 3502 (relating to burglary).

13 Chapter 37 (relating to robbery).

14 Chapter 39 (relating to theft and related offenses)
15 where the offense is graded higher than a summary
16 offense.

17 Chapter 41 (relating to forgery and fraudulent
18 practices).

19 Chapter 43 (relating to offenses against the family).

20 Chapter 47 (relating to bribery and corrupt
21 influence).

22 Chapter 49 (relating to falsification and
23 intimidation).

24 Chapter 53 (relating to abuse of office).

25 Chapter 55 (relating to riot, disorderly conduct and
26 related offenses) where the offense is graded higher than
27 a summary offense, except for an offense under section
28 5503 (relating to disorderly conduct) regardless of the
29 grading of the offense.

30 Chapter 57 (relating to wiretapping and electronic

1 surveillance).

2 Chapter 59 (relating to public indecency).

3 Chapter 61 (relating to firearms and other dangerous
4 articles) where the offense is graded higher than a
5 summary offense.

6 Chapter 63 (relating to minors) where the offense is
7 graded higher than a summary offense.

8 (3) An offense related to misconduct in public office,
9 including tampering, bribery, making false statements or
10 impersonation.

11 (4) A Federal or out-of-State offense similar in nature
12 to those listed in paragraph (1), (2) or (3).

13 (5) An attempt, solicitation or conspiracy to commit any
14 of the offenses listed in paragraphs (1), (2), (3) or (4).

15 § 319. Title and utilization.

16 (a) Private investigator licensee.--A private investigator
17 licensee has the right to use the title "Private Investigator"
18 or "Private Detective" and the abbreviation "P.I."

19 (b) Security professional licensee.--A security professional
20 licensee has the right to use the title "Security Professional."

21 (c) Fugitive recovery agent licensee.--A fugitive recovery
22 agent licensee has the right to use the title "Bounty Hunter" or
23 "Fugitive Recovery Agent."

24 § 320. Rules of professional conduct.

25 (a) General rule.--The following constitute the rules of
26 professional conduct for all licensees and employees:

27 (1) A licensee and all employees shall carry out the
28 licensed practice with reasonable skill.

29 (2) A licensee and all employees shall not violate any
30 regulation or order of the board.

1 (3) A licensee and all employees shall not practice or
2 attempt to practice beyond a licensee's defined scope of
3 practice.

4 (4) A licensee and all employees shall not knowingly
5 aid, assist or provide advice to encourage the unlawful
6 practice of a profession licensed under this chapter.

7 (5) A licensee and all employees shall not violate any
8 other rule of professional conduct as promulgated by
9 regulation of the board.

10 (b) Private investigator licensees.--A private investigator
11 licensee or employee of the licensee who is asked to locate a
12 person shall make a reasonable effort to determine the reason
13 for the inquiry.

14 § 321. Sanctions.

15 (a) Discretionary.--The following shall apply to
16 discretionary sanctions:

17 (1) If the board finds that a licensee has violated any
18 of the rules of professional conduct, has engaged in any
19 conduct prohibited by this chapter or has failed to fulfill
20 any duties imposed by this chapter, the board may administer
21 the following sanctions:

22 (i) Suspend enforcement of its finding and place a
23 licensee on probation with the right to vacate the
24 probationary order for noncompliance.

25 (ii) Administer a public reprimand.

26 (iii) Impose an administrative penalty of up to
27 \$5,000.

28 (iv) Suspend the license.

29 (v) Revoke the license.

30 (2) The board may vacate a sanction if it determines

1 that vacation is just and reasonable.

2 (b) Mandatory.--The following shall apply to mandatory
3 sanctions:

4 (1) The board shall suspend a license if any of the
5 following apply:

6 (i) The licensee is committed to an institution
7 because of mental incompetence from any cause.

8 (ii) The licensee is convicted of any prohibited
9 offense as provided in section 318(c) (relating to
10 prohibition).

11 (2) Automatic suspension under this subsection shall not
12 be stayed pending any appeal of a conviction.

13 (c) Administrative agency law.--This section shall be
14 subject to 2 Pa.C.S. Ch. 5 Subch A. (relating to practice and
15 procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating
16 to judicial review of Commonwealth agency action).

17 (d) Return of license.--The board shall require a licensee
18 whose license has been suspended or revoked to return the
19 license as provided in section 307(d) (relating to form of
20 license).

21 § 322. Injunction.

22 The board may seek injunctive relief in a court of competent
23 jurisdiction to enjoin a person from committing any violation of
24 this chapter. Relief under this section shall be in addition to
25 and not in lieu of all remedies and penalties under sections 321
26 (relating to sanctions), 323 (relating to unlawful acts) and
27 other penalties or remedies provided for in this chapter.

28 § 323. Unlawful acts.

29 (a) Unlawful practice.--A person commits a misdemeanor of
30 the second degree if the person does any of the following:

1 (1) Without being licensed, engages in the practice of
2 one of the categories of license under this chapter.

3 (2) Falsely pretends to hold a license under this
4 chapter.

5 (3) Falsely pretends to be an employee of a licensee
6 under this chapter.

7 (4) Possesses a forged or counterfeit license, pocket
8 card or badge in furtherance of paragraphs (2) or (3).

9 (5) Performs any other action in furtherance of a false
10 pretense under paragraph (2) or (3).

11 (b) Fraud.--A person who sells, fraudulently obtains or
12 fraudulently furnishes a license, pocket card or badge commits a
13 misdemeanor of the second degree.

14 (c) Unlawful use of title.--A person who uses a title or
15 abbreviation in violation of section 319 (relating to title and
16 utilization) commits a misdemeanor of the third degree.

17 (d) Penalties to be in addition to other penalties.--A
18 penalty imposed under this section shall be in addition to other
19 criminal penalties provided for in this chapter

20 § 324. Exclusions.

21 (a) General rule.--Nothing in this chapter shall be
22 construed as preventing, restricting or requiring licensure of
23 an individual, while engaged in the official performance of his
24 duties, who is in the exclusive employment of any of the
25 following:

26 (1) The Federal Government.

27 (2) The Commonwealth or any of its political
28 subdivisions.

29 (3) Any other state or political subdivision of a state,
30 including the District of Columbia, the Commonwealth of

1 Puerto Rico and the territories and possessions of the United
2 States.

3 (b) Private investigator's license.--The following shall not
4 be required to obtain a private investigator's license:

5 (1) An individual exclusively employed by a credit
6 bureau whose responsibility is to collect information as to
7 an individual's creditworthiness or financial condition,
8 while engaged in the duties of such employment.

9 (2) An individual exclusively employed for one insurance
10 company, while engaged in the duties of such employment, as
11 an investigator in a special investigation unit or similar
12 capacity.

13 (3) An attorney or an individual exclusively employed as
14 an investigator for one attorney or law firm, while engaged
15 in the duties of such employment.

16 (4) An individual in the exclusive employment of a
17 common carrier subject to Federal regulation or regulation by
18 the Pennsylvania Public Utility Commission, while engaged in
19 the duties of such employment.

20 (5) An individual in the exclusive employment of a
21 telephone, telegraph or other telecommunications company
22 subject to regulation by the Federal Communications
23 Commission or the Pennsylvania Public Utility Commission,
24 while engaged in the duties of such employment.

25 (6) A license holder or corporation or other entity
26 licensed as a private investigative agency in this
27 Commonwealth under the Private Detective Act of 1953 before
28 the effective date of this chapter, if the license has not
29 expired.

30 (7) An employee of a licensee under paragraph (6).

1 (8) A holder of a license as a private investigator or
2 private detective from another state or jurisdiction or an
3 employee of the licensee, for the purpose of investigating a
4 single case which originated in the state or jurisdiction
5 where the license is held. The individual shall notify the
6 board, as soon as practical, of the nature of the
7 investigation.

8 (c) Security professional license.--An individual, while
9 engaged in the official performance of the individual's duties,
10 who is in the exclusive employment of a foreign government,
11 shall not be required to obtain a security professional's
12 license.

13 (d) Fugitive recovery agent's license.--The following shall
14 not be required to obtain a fugitive recovery agent's license:

15 (1) A professional bondsman licensed under 42 Pa.C.S. §
16 5743 (relating to issuance of license).

17 (2) A fidelity or surety company which acts as surety on
18 an undertaking under 42 Pa.C.S. § 5747 (relating to
19 statements by fidelity or surety companies).

20 (3) An individual, corporation, partnership, limited
21 liability company or other legal entity licensed as a private
22 investigator under this chapter or an employee of the
23 licensee.

24 (4) An individual listed under subsection (b)(6) or (7).

25 (5) A holder of license as a bail bondsman, bounty
26 hunter, fugitive recovery agent or similar license from
27 another state or jurisdiction or employee of the licensee,
28 for the purpose of capturing a fugitive who fled from the
29 state or jurisdiction where the license is held. The
30 individual shall notify the board, as soon as practical, of

1 the fugitive and the nature of the work.

2 (6) A holder of a license as a private investigator or
3 private detective from another state or jurisdiction or
4 employee of the licensee, for the purpose of capturing a
5 fugitive who fled from the state or jurisdiction where the
6 license is held. The individual shall notify the board, as
7 soon as practical, of the fugitive and the nature of the
8 work.

9 (7) A constable or deputy constable certified to perform
10 judicial duties under 42 Pa.C.S. Ch. 29 Subch. C (relating to
11 constables).

12 (e) Other exclusions.--The board may by regulation exclude
13 other individuals or entities from the licensing requirements
14 under this chapter.

15 § 325. Restrictions on public disclosure.

16 The following information in the possession of the board
17 shall not be subject to access under the act of June 21, 1957
18 (P.L.390, No.212), referred to as the Right-to-Know Law:

19 (1) The residence address or former residence address of
20 any applicant, licensee or employee.

21 (2) The date of birth of any applicant, licensee or
22 employee.

23 (3) The fingerprints of any applicant, licensee or
24 employee.

25 (4) Any criminal history record information of an
26 applicant, licensee or employee.

27 Section 5. The following shall apply:

28 (1) An individual, corporation, partnership, limited
29 liability company or other legal entity licensed under the
30 former act of August 21, 1953 (P.L.1273, No. 361), known as

1 The Private Detective Act of 1953, on the effective date of
2 this section shall be deemed to be licensed as both a private
3 investigator and a security professional under 22 Pa.C.S. Ch.
4 3 for the balance of the term of the license issued under the
5 former act known as The Private Detective Act of 1953.

6 (2) Nothing in 22 Pa.C.S. Ch. 3 shall require fugitive
7 recovery agents to obtain a license or comply with the
8 chapter until July 1, 2009.

9 Section 6. The following shall apply:

10 (1) The sum of \$150,000, or as much thereof as may be
11 necessary, is hereby appropriated from the Professional
12 Licensure Augmentation Account for the fiscal year July 1,
13 2006, to June 30, 2007, for the operation of the State Board
14 of Private Investigators, Security Professionals and Fugitive
15 Recovery Agents to carry out the provisions of 22 Pa.C.S. Ch.
16 3. The appropriation shall be a continuing appropriation
17 until June 30, 2010, at which time any unexpended funds shall
18 lapse into the account.

19 (2) The appropriation under paragraph (1) shall be
20 repaid by the board to the account within three years of the
21 beginning of issuance of licenses by the board.

22 Section 7. The provisions of this act are severable. If any
23 provision of this act or its application to any person or
24 circumstance is held invalid, the invalidity shall not affect
25 other provisions or applications of this act which can be given
26 effect without the invalid provision or application.

27 Section 8. Repeals are as follows:

28 (1) (i) The General Assembly declares that the repeal
29 under subparagraph (ii) is necessary to effectuate the
30 addition of 22 Pa.C.S. Ch. 3.

1 (ii) The act of August 21, 1953 (P.L.1273, No.361),
2 known as The Private Detective Act of 1953, is repealed.

3 (2) All acts and parts of acts are repealed insofar as
4 they are inconsistent with this act.

5 Section 9. This act shall take effect as follows:

6 (1) The following provisions shall take effect
7 immediately:

8 (i) The addition of 22 Pa.C.S. § 304.

9 (ii) Section 6.

10 (iii) This section.

11 (2) The remainder of this act shall take effect in 180
12 days.