

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2073 Session of  
1997

INTRODUCED BY SAYLOR, HENNESSEY, E. Z. TAYLOR, BOSCOLA, PLATTS,  
McNAUGHTON, LAUGHLIN, TRELLO, GEIST, HERMAN, BAKER,  
BENNINGHOFF, MAHER, ROSS, BELARDI, CASORIO, J. TAYLOR,  
BROWNE, MILLER, SAINATO AND STEELMAN, DECEMBER 16, 1997

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 16, 1997

AN ACT

1 Amending the act of August 21, 1953 (P.L.1273, No.361), entitled  
2 "An act to regulate the business of private detectives,  
3 investigators and watch, guard, or patrol agencies, and the  
4 licensing thereof in each county; providing penalties,"  
5 making editorial changes regarding issuance of licenses and  
6 employees.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 6(b) and 13(a) of the act of August 21,  
10 1953 (P.L.1273, No.361), known as The Private Detective Act of  
11 1953, amended May 26, 1988 (P.L.405, No.68), are amended to  
12 read:

13 Section 6. Issuance of Licenses; Fees; Bonds.--\* \* \*

14 (b) Except as hereinafter provided in this subsection, no  
15 such license shall be issued to any person who has been  
16 convicted in this State or any other state or territory of a  
17 felony, or any of the following offenses: (1) illegally using,  
18 carrying or possessing a pistol or other dangerous weapon; (2)  
19 making or possessing burglar's instruments; (3) buying or

1 receiving stolen property; (4) unlawful entry of a building; (5)  
2 aiding escape from prison; (6) unlawfully possessing or  
3 distributing habit forming narcotic drugs; (7) picking pockets  
4 or attempting to do so; (8) soliciting any person to commit  
5 sodomy or other lewdness; (9) recklessly endangering another  
6 person; (10) making terroristic threats; or (11) committing  
7 [simple] criminal assault.

8 Except as hereinafter in this subsection provided, no license  
9 shall be issued to any person whose license has been previously  
10 revoked by the court of common pleas or the authorities of any  
11 other state or territory because of conviction of any of the  
12 crimes or offenses specified in this section. The provisions of  
13 this subsection shall not prevent the issuance of a license to  
14 any person who, subsequent to his conviction, shall have  
15 received executive pardon therefor removing this disability.

16 \* \* \*

17 Section 13. Employees.--(a) The holder of any license  
18 certificate issued pursuant to this act may employ to assist him  
19 in his work of private detective or investigator as described in  
20 section 2 and in the conduct of such business as many persons as  
21 he may deem necessary, and shall at all times during such  
22 employment be legally responsible for the good conduct in the  
23 business of each and every person so employed and shall be  
24 responsible for the reasonable supervision of said employees'  
25 conduct.

26 No holder of any unexpired license certificate issued  
27 pursuant to this act shall knowingly employ in connection with  
28 his or its business, in any capacity whatsoever, any person who  
29 has been convicted of a felony, or any of the following  
30 offenses, and who has not, subsequent to such conviction,

1 received executive pardon therefor removing this disability: (1)  
2 illegally using, carrying or possessing a pistol or other  
3 dangerous weapon; (2) making or possessing burglar's  
4 instruments; (3) buying or receiving stolen property; (4)  
5 unlawful entry of a building; (5) aiding escape from prison; (6)  
6 unlawfully possessing or distributing habit forming narcotic  
7 drugs; (7) picking pockets or attempting to do so; (8)  
8 soliciting any person to commit sodomy or other lewdness; (9)  
9 any person whose private detective or investigator's license was  
10 revoked or application for such license was denied by the court  
11 of common pleas or by the authorities of any other state or  
12 territory because of conviction of any of the crimes or offenses  
13 specified in this section; (10) recklessly endangering another  
14 person; (11) terroristic threats; or (12) committing [simple]  
15 criminal assault.

16 A holder of an unexpired license certificate issued pursuant  
17 to this act who knowingly employs a person who has been  
18 convicted of a felony or any of the offenses specified in this  
19 section shall be guilty of a misdemeanor and, upon conviction  
20 thereof, shall be sentenced to pay a fine of not more than five  
21 thousand dollars (\$5000) or to undergo imprisonment for not more  
22 than one (1) year, or both.

23 A first conviction for violation of this section may subject  
24 the license holder to revocation of his license by the issuing  
25 authority.

26 Upon the second conviction of a license holder for knowingly  
27 hiring a person convicted of a felony or other specified  
28 offenses in this section, the license of said holder shall be  
29 revoked.

30 Should the holder of an unexpired license certificate falsely

1 state or represent that a person is or has been in his employ,  
2 such false statement or misrepresentation shall be sufficient  
3 cause for the revocation of such license. Any person falsely  
4 stating or representing that he is or has been a detective or  
5 employed by a detective agency shall be guilty of a misdemeanor,  
6 and, upon conviction thereof, shall be sentenced to pay a fine  
7 of not more than five hundred dollars (\$500) or to undergo  
8 imprisonment for not more than one (1) year, or both.

9 \* \* \*

10 Section 2. This act shall take effect in 60 days.