The General Assembly of Pennsylvania

House Bill

No. 65

Session of 2009

Introduced by Deasy, Petri, Caltagirone, Saylor, Belfanti, Brennan, Brooks, Carroll, Creighton, Donatucci, Frankel, Goodman, Grove, Josephs, Kotik, Melio, Siptroth, Solobay, Sturla, Swanger, Vulakovich, Fabrizio, Wansacz, Drucker, Myers, Oberlander, Matzie and Murt, January 26, 2009

As re-reported from Committee on Appropriations, House of Representatives, as amended, July 1, 2010

AN ACT

Amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, amending the heading of Title 22 and 22 Pa.C.S. Ch. 3; codifying and making extensive revisions to The Private Detective Act of 1953; codifying the Lethal Weapons Training Act; further providing for the definition of "privately employed agents"; providing for the continuation of certain licenses; making an appropriation; and making related repeals.

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

Section 1. The heading of Title 22 of the Pennsylvania Consolidated Statutes is amended to read:

TITLE 22

[DETECTIVES AND PRIVATE POLICE]

PRIVATE INVESTIGATORS, SECURITY PROFESSIONALS, FUGITIVE RECOVERY AGENTS, PRIVATE POLICE AND LETHAL WEAPONS

Section 2. Chapter 3 of Title 22 is amended to read:

[CHAPTER 3]

DETECTIVES
Section 3. Title 22 is amended by adding chapters to read:

CHAPTER 3

PRIVATE INVESTIGATORS, SECURITY PROFESSIONALS

AND FUGITIVE RECOVERY AGENTS

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§ 301. Scope of chapter. 
This chapter relates to private investigators, security professionals and fugitive recovery agents.

§ 302. Declaration of policy. 
The General Assembly finds and declares as follows:

(1) The practice of private investigators and security professionals has been regulated at a county level, which has resulted in inconsistent regulation on a Statewide basis.
(2) The practice of fugitive recovery agents has essentially been unregulated in this Commonwealth.
(3) Reasonable Statewide regulation of these professions is in furtherance of public health, safety and welfare interests.
(4) Statewide regulation is necessary to set standards of conduct for each of these professions and to protect the public from unprincipled practitioners.
(5) Consumer protection with respect to both health and economic matters will be afforded the public through the regulation and associated legal remedies provided for in this chapter.

§ 303. Definitions. 
The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Applicant." An individual who applies for any license under this chapter. The term does not include an individual renewing a license under section 308 (relating to license renewal).
"Board." The State Board of Private Investigators, Security Professionals and Fugitive Recovery Agents established in 20090HB0065PN4073.
section 304 (relating to board).

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

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

"CPIN-compatible." Compatible with the Commonwealth Photo Imaging Network.

"Fugitive recovery agent."

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

(i) Fugitive recovery.

(ii) Bail enforcement.

(iii) Bail recovery.

(iv) Investigation as to the location or whereabouts of any person who has failed to appear in any Federal or State court of law, when required by law, or has failed to answer any criminal charge or subpoena, when required by law.

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

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

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

"License." Any license to practice as a private investigator, security professional or fugitive recovery agent under this chapter.
"Licensee." An individual, corporation, partnership, limited liability company or other legal entity who holds a license under this chapter.


"Private investigator."

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

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

(ii) The identity, habits, conduct, movement, whereabouts, affiliations, association, transactions, reputation or character of any individual, group of individuals, association, organization, society, partnership, corporation, limited liability company or other legal entity.

(iii) The credibility of witnesses or other individuals.

(iv) The whereabouts of missing individuals.

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

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

(vii) The conduct of employees, agents, contractors and subcontractors.
(viii) The securing of evidence for any civil or criminal proceeding.

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

"Security professional."

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

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

"Serious misdemeanor." A criminal offense for which more than one year in prison can be imposed as a punishment.

§ 304. Board.

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

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

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

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

(3) The Attorney General or a designee.

(4) Five public members, who are residents of this Commonwealth, appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate. At least one of the five public members must be an attorney whose practice primarily consists of representation of
criminal defendants. At least one of the five public members must be an attorney whose practice primarily consists of the representation of civil plaintiffs. At least one of five public members must be an attorney whose practice primarily consists of the representation of civil defendants. A person shall not be eligible for appointment under this paragraph if the person or any member of the person's immediate family, as defined under 65 Pa.C.S. § 1102 (relating to definitions), meets any of the following provisions:

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

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

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

(i) be licensed under this chapter; and

(ii) include at least two licensees from each of the categories of licenses under this chapter.

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

(1) Individuals licensed under the Private Detective Act of 1953 shall, until the expiration of the license, be qualified to serve as professional members of the board as representatives of private investigator licensees or security professional licensees under this chapter.

(2) Fugitive recovery agents who have been actively
engaged in their profession and have a well-respected reputation in the field shall, until July 1, 2012, be qualified to serve as professional members of the board as representatives of fugitive recovery agent licensees under this chapter.

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

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

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

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

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

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

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

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

(ii) Three members shall be appointed for a term of three years.

(iii) Three members shall be appointed for a term of four years.

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

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

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

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

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

(2) Voting must be direct; voting by proxy shall not be permitted.

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

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

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

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

(1) A per diem fee of $60 for each meeting the member attends in person. No member shall receive more than $1,000 of aggregate per diem fees in any calendar year.

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

(h) Meetings.--The board shall meet at least once every two months and at additional times as necessary to conduct the business of the board.
(i) Participation.--A member of the board under subsection (b)(4) or (5) who fails to attend three consecutive meetings shall forfeit membership unless the president, upon written request from the member, finds that the member should be excused for good cause.

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

(1) To contract for the development of a licensing examination for each of the categories of licenses. The licensing examinations shall, at a minimum, test an applicant's knowledge of the laws of this Commonwealth and the United States which are applicable to the practice of that category of license.

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

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

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

(5) To enforce the laws of this Commonwealth relating to the practice of private investigators, security professionals and fugitive recovery agents and to instruct and require agents of the board to initiate appropriate proceedings for
unauthorized and unlawful practice.

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

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

(8) To keep a record of board proceedings.

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

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

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

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

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

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

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

(16) To develop and administer a mandatory continuing professional education program for each of the categories of licenses. The continuing professional education program shall consist of at least 12 hours of mandatory continuing education for each licensee during each two-year license period.

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

(18) To develop standards and practices, in circumstances where an employee of the board has safety concerns, to request aid from the chief law enforcement officer, as defined under 42 Pa.C.S. § 8951 (relating to definitions), of the political subdivision where any bureau, agency, office or branch office of a licensee is located.

(19) To issue licenses, renew licenses, reinstate licenses, refuse to renew, suspend and revoke licenses as
provided under this chapter.

(20) To develop standards for the training and professional development of employees by licensees.

§ 305. Deposit of funds.

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

§ 306. Licensure.

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

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

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

(3) A fugitive recovery agent's license is required in order to practice as a fugitive recovery agent after July 1, 2012.

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

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

(1) Be at least 25 years of age.

(2) Be a United States citizen.

(3) Be of good moral character.

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

(5) Have a criminal history which does not include any of the offenses listed under section 318 (relating to prohibition).
(6) Qualify by successful completion of a professional licensing examination for the category of license which is the subject of the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Worked as a sheriff or deputy sheriff.

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

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

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

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

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

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

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

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

(iii) Worked as a sheriff or deputy sheriff.

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

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

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

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

(viii) Worked as a fugitive recovery agent prior to July 1, 2012. This subparagraph shall expire July 1, 2017.

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

(1) Substitute up to one year of relevant educational experience for work experience required of an applicant under subsection (d).

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

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

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

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

(3) Sit for an examination prepared and administered by a third party approved by the board.

(g) Application and accompanying information.--An application shall require the applicant to provide all of the following:

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

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

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

(4) Two current CPIN-compatible photographs.

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

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

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

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

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

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

(7) The applicant's signature.

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

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

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

(h) Issuance of license.--

(1) The board shall conduct an investigation of an applicant's fitness for licensure if the applicant has met all of the following:

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

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

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

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

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

(j) Current law enforcement officers.--Individuals currently employed as a police officer, sheriff, deputy sheriff, probation or parole officer or member of a Federal or state investigative service shall not be:

(1) eligible for a license as a private investigator; or
(2) employed by a private investigator.

§ 307. Form of license.

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

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

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

(3) The expiration date.

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

(b) Duplicates.--A licensee shall, for a fee, be issued duplicate licenses for display in each bureau, agency, office or branch office included in the license application.
(c) Display.--A licensee shall post the license or a
duplicate in a conspicuous place in each bureau, agency, office
or branch office.
(d) Expiration.--A licensee shall surrender the license and
all duplicates to a designated location established by the board
within 15 days of expiration or after receipt of notice that the
license has been suspended or revoked by the board. A licensee
who fails to comply with this subsection commits a misdemeanor
of the third degree.
§ 308. License renewal.
(a) General rule.--The following shall apply:
(1) The following may apply for a renewal of a license
under this section:
(i) A licensee whose license will expire within six
months of the date on the renewal application.
(ii) A licensee whose license has not been expired
for more than six months on the date of renewal
application.
(2) For the purposes of this subsection, the term
"licensee" shall include any individual, corporation,
partnership, limited liability company or other legal entity
licensed under the Private Detective Act of 1953 on the
effective date of this section who is applying for a license
as a private investigator or security professional under this
chapter prior to the expiration of the license under the
Private Detective Act of 1953. The qualification by
successful completion of a professional licensure examination
in section 306(c)(6) (relating to licensure) and the required
additional qualifications of section 306(d) shall not apply
to a licensee under the Private Detective Act of 1953 who met
the work experience requirements under section 4(a) of that act and is applying for renewal of a license as a private investigator or security professional under this section.

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

(1) File a renewal application with the board.

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

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

(4) Provide two current CPIN-compatible photographs.

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

(c) Issuance of renewal license.--Once a licensee has completed the renewal process in subsection (b) and the board, after investigation, is satisfied that the licensee is fit to continue the practice of the license, the board shall issue the applicant a license as provided in section 307 (relating to form of license).

§ 309. Change of residence or business location.

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

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

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

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

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

§ 310. Expedited reciprocal licensing.

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

(1) The individual or the officers of the corporation, partnership, limited liability company or other legal entity provide two full sets of fingerprints for the board to conduct a criminal history record check under section 317 (relating to criminal history record check).

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

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

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

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

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

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

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

§ 311. Employees.

(a) General rule.--A licensee may employ as many individuals as necessary to assist the licensee in the licensee's work. The licensee shall at all times during the employment be:

(1) responsible for the reasonable supervision, training and professional development of each employee; and

(2) accountable for the employee's conduct.

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

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

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

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

(4) Two current CPIN-compatible photographs.

(5) A statement indicating whether the employee has met the requirements of the act of October 10, 1974 (P.L.705, No. 235), known as the Lethal Weapons Training Act or Chapter 11 (relating to lethal weapons training).
(6) A physical description.

(7) The prospective employee's signature.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 312. Private investigator employees.

Any employee of a private investigator who, except as provided by law, divulges information learned in that employee's capacity to anyone other than the private investigator or to an individual designated by the private investigator commits a misdemeanor of the third degree.

§ 313. Pocket cards and badges.

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

(1) The licensee's name.

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

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

(4) Authenticity information such as license number, date of expiration and the official State seal.
(b) Employees.--If a prospective employee of a licensee has not been prohibited from being hired due to a disqualifying criminal conviction, the board shall issue to the licensee a pocket card which contains the employee's CPIN-compatible photograph for use by the employee. If the licensee does not employ the prospective employee for any reason, the licensee shall return the pocket card to the board, which shall destroy the returned pocket card. Failure of the licensee to do any of the following shall constitute a summary offense:

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

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

(1) After payment of a fee as set by the board, the board shall issue a licensee a new pocket card and badge or a new pocket card for an employee if any of the following apply:

   (i) A pocket card or badge has been defaced, damaged, stolen or lost.
   (ii) The licensee has not been issued a pocket card or badge or pocket cards for employees.

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

(d) Holders of pocket cards and badges.--It shall be unlawful for a licensee or an employee of a licensee to lend or to transfer the pocket card or badge or to allow any other individual to use, wear or display a pocket card or badge. A
licensee or employee who violates this subsection commits a
misdemeanor of the third degree.
§ 314. Firearms.
Licensees and their employees shall be authorized to carry a
lethal weapon in the course of their employment if they are in
compliance with or are exempt from the requirements of the act
of October 10, 1974 (P.L.705, No.235), known as the Lethal
Weapons Training Act or Chapter 11 (relating to lethal weapons
training).
§ 315. Bond and insurance.
(a) General rule.--An applicant for a license and licensees
seeking renewal of a license shall deliver to the board a bond
in an amount set by the board.
(b) Corporate surety.--A bond required under subsection (a)
shall be written by a corporate surety company authorized to do
business in this Commonwealth as a surety and shall be executed
in the name of the Commonwealth.
(c) Proof of general liability insurance.--All applicants
and licensees seeking renewal of licenses shall provide proof of
general liability insurance in an amount set by the board, but
not less than $1,000,000.
(d) Proof of workers' compensation insurance.--All
applicants for licenses and licensees seeking renewal of
licenses shall provide proof of compliance with or exemption
from the act of June 2, 1915 (P.L.736, No.338), known as the
Workers' Compensation Act.
(e) Change of bond or insurance.--A licensee shall notify
the board within 15 days of any change relating to a bond or
insurance under this section.
(f) Loss of bond or insurance.--A licensee who fails to
maintain a bond or insurance in an amount set by the board shall immediately suspend activity pursuant to the license until a new bond or insurance is acquired.

(g) Deposit in lieu of bond and insurance.--Upon determining that a corporate surety bond as required by subsections (a) and (b) or general liability insurance as required by subsection (c) is not commercially available to a category of licensees, the board may accept from a licensee in that category, in lieu of bond or insurance, any of the following in an amount set by the board:

(1) A deposit of cash.
(2) A certified check.
(3) An irrevocable letter of credit.

(h) Amount of deposit.--When establishing an amount in lieu of general liability insurance under subsection (g), the board may do all of the following:

(1) Disregard the minimum amounts under subsection (c).
(2) Impose additional requirements as will, in the board's discretion, offer some assurance of recovery for an injured party.

§ 316. Licensure of corporations and other legal entities.

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

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

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

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

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

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

(2) Possession of a license under this chapter.

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

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

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

(2) Notice must be provided in writing to the board regarding the death, resignation or removal.
(3) A copy of the minutes of any meeting of the board of
directors or similar body regarding the death, resignation or
removal of an officer and designation of a successor must be
provided to the board.

§ 317. Criminal history record check.

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

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

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

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

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

§ 318. Prohibition.

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

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

(c) Prohibited offenses.—The following shall include prohibited offenses:

(1) An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) An offense designated as a felony or serious misdemeanor under one or more of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Chapter 25 (relating to criminal homicide).
Chapter 27 (relating to assault).
Chapter 29 (related to kidnapping).
Chapter 31 (relating to sexual offenses).
Section 3301 (relating to arson and related offenses).
Section 3502 (relating to burglary).
Chapter 37 (relating to robbery).
Chapter 39 (relating to theft and related offenses) where the offense is graded higher than a summary offense.
Chapter 41 (relating to forgery and fraudulent practices).
Chapter 43 (relating to offenses against the family).
Chapter 47 (relating to bribery and corrupt influence).
Chapter 49 (relating to falsification and intimidation).
Chapter 53 (relating to abuse of office).
Chapter 55 (relating to riot, disorderly conduct and related offenses).
Chapter 57 (relating to wiretapping and electronic surveillance).
Chapter 59 (relating to public indecency).
Chapter 61 (relating to firearms and other dangerous
articles).

Chapter 63 (relating to minors).

(3) An offense designated as a felony or serious misdemeanor related to misconduct in public office, including tampering, bribery, making false statements or impersonation.

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

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

§ 319. Title and utilization.

(a) Private investigator licensee.--A private investigator licensee has the right to use the title "private investigator" or "private detective" and the abbreviation "P.I."

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

(c) Fugitive recovery agent licensee.--A fugitive recovery agent licensee has the right to use the title "bounty hunter" or "fugitive recovery agent."

§ 320. Rules of professional conduct.

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

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

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

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

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

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

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

§ 321. Sanctions.

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

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

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

(ii) Administer a public reprimand.

(iii) Impose an administrative penalty of up to
$10,000.

(iv) Suspend the license.

(v) Revoke the license.

(2) The board may vacate a sanction if it determines
that vacation is just and reasonable.

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

(1) The board shall suspend a license if any of the
following apply:
(i) The licensee is committed to an institution because of mental incompetence from any cause.

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

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

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

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

§ 322. Injunction.

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

§ 323. Unlawful acts.

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

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

(2) Falsely pretends to hold a license under this chapter with intent to induce another to submit to the pretended official authority or otherwise to act in reliance...
upon that pretense to the other's prejudice.

(3) Falsely pretends to be an employee of a licensee under this chapter with intent to induce another to submit to the pretended official authority or otherwise to act in reliance upon that pretense to the other's prejudice.

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

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

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

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

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

§ 324. Exclusions.

(a) General rule.--

(1) Nothing in this chapter shall be construed as preventing, restricting or requiring licensure of an individual, while engaged in the official performance of his duties, who is in the exclusive employment of any of the following:

(i) The Federal Government.

(ii) The Commonwealth or any of its political subdivisions.

(iii) Any other state or political subdivision of a state, including the District of Columbia, the
Commonwealth of Puerto Rico and the territories and
possessions of the United States.

(2) Nothing in this chapter shall be construed as
preventing, restricting or requiring licensure of an
individual who:

(i) holds any other professional license issued by
any licensing entity within the bureau; and

(ii) is acting within the scope of the profession
for which the person is licensed.

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

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

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

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

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

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

(6) An individual in the exclusive employment of a newspaper of general circulation while engaged in the duties of that employment.

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

(8) An employee of a licensee under paragraph (7).

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

(10) An employer, or a third party acting on behalf of an employer, conducting a background check upon an applicant or employee with the written consent of the applicant or employee. For the purposes of this paragraph, the term employer shall include any volunteer organization conducting a background check upon a volunteer or prospective volunteer.

(11) An individual who accesses public records without compensation or other remuneration.

(12) An individual who conducts investigations for or at a nuclear facility licensed by the Nuclear Regulatory Commission.

(13) An individual in the exclusive employment of an electric or natural gas public utility subject to Federal
regulation by the Pennsylvania Public Utility Commission, while engaged in the duties of such employment or an individual in the employment of an affiliated interest, as defined in 66 Pa.C.S. § 2101 (relating to definition of affiliated interest), of an electric or natural gas utility subject to Federal regulation or regulation by the Pennsylvania Public Utility Commission, while engaged in the duties of such employment.

(14) An individual who engages in investigative functions for the individual's employer in connection with the affairs of that employer only.

(15) A licensee, qualified nonlicensee or qualified association under the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law.

(c) Security professional license.--The following shall not be required to obtain a security professional's license:

(1) An individual, while engaged in the official performance of the individual's duties, who is in the exclusive employment of a foreign government, shall not be required to obtain a security professional's license.

(2) An individual who performs duties related to the defense of a nuclear facility licensed by the Nuclear Regulatory Commission shall not be required to obtain a license for, or register as an employee assisting, a security professional.

(3) An individual who engages in security functions for the individual's employer in connection with the affairs of that employer only.

(d) Fugitive recovery agent's license.--The following shall not be required to obtain a fugitive recovery agent's license:
(1) A professional bondsman licensed under 42 Pa.C.S. § 5743 (relating to issuance of license) or an employee of the bondsman.

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

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

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

(5) A holder of license as a bail bondsman, bounty hunter, fugitive recovery agent or similar license from another state or jurisdiction or employee of the licensee, for the purpose of capturing a fugitive who fled from the state or jurisdiction where the license is held. The individual shall, before attempting apprehension of the fugitive, notify both the board and the chief law enforcement officer, as defined in 42 Pa.C.S. § 8951 (relating to definitions), of the political subdivision where the fugitive is located.

(6) A holder of a license as a private investigator or private detective from another state or jurisdiction or employee of the licensee, for the purpose of capturing a fugitive who fled from the state or jurisdiction where the license is held. The individual shall, before attempting apprehension of the fugitive, notify both the board and the chief law enforcement officer, as defined in 42 Pa.C.S. § 8951, of the political subdivision where the fugitive is
located.

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

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

CHAPTER 11

LETHAL WEAPONS TRAINING

Sec.

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§ 1101. Legislative findings and purpose.

The following shall apply:

(1) The General Assembly finds that there are private detectives, investigators, watchmen, security guards, patrolmen and fugitive recovery agents, privately employed within this Commonwealth who carry and use lethal weapons, including firearms, as an incidence of their employment and that there have been various tragic incidents involving these
individuals which occurred because of unfamiliarity with the handling of weapons. The General Assembly also finds that there is presently no training required for privately employed agents in the handling of lethal weapons or in the knowledge of law enforcement and the protection of rights of citizens, and that the training would be beneficial to the safety of the citizens of this Commonwealth.

(2) It is the purpose of this chapter to provide for the education, training and certification of privately employed agents who, as an incidence to their employment, carry lethal weapons through a program administered or approved by the Commissioner of Pennsylvania State Police.

§ 1102. Definitions.

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


"Full-time police officer." Any employee of a city, borough, town, township or county police department assigned to law enforcement duties who works a minimum of 200 days per year. The term does not include persons employed to check parking meters or to perform only administrative duties, nor does it include auxiliary and fire police.

"Lethal weapons." The term includes firearms and other weapons calculated to produce death or serious bodily harm. A concealed billy club is a lethal weapon. Chemical mace or any similar substance shall not be considered as "lethal weapons" for the purposes of this chapter.

"Privately employed agents." Any person employed for the
purpose of providing watch guard, protective patrol, fugitive recovery, bail enforcement, bail recovery, detective or criminal investigative services either for another for a fee or for the person's employer. The term includes any licensee or employee of a licensee, under Chapter 3 (relating to private investigators, security professionals and fugitive recovery agents) and a police officer of a municipal authority. The term shall not include Federal, State or local government employees or those police officers commissioned by the Governor under the former act of February 27, 1865 (P.L.225, No.228), entitled "An act empowering railroad companies to employ police force" or Chapter 33 (relating to railroad and street railway police).

"Program." The education and training program established and administered or approved by the Commissioner of Pennsylvania State Police in accordance with this chapter.

§ 1103. Education and training program.

(a) Establishment.--An education and training program in the handling of lethal weapons, law enforcement and protection of rights of citizens shall be established and administered or approved by the commissioner in accordance with the provisions of this chapter.

(b) Requirement.--All privately employed agents, except those who have been granted a waiver from compliance with this chapter by the commissioner who, as an incidence to their employment, carry a lethal weapon shall be required to attend the program established by subsection (a) in accordance with the requirements or regulations established by the commissioner and, upon satisfactory completion of the program, shall be entitled to certification by the commissioner.

(c) Alternate programs prohibited.--Except for colleges and
universities, no nongovernment employer of a privately employed agent who, as an incidence to the privately employed agent's employment, carries a lethal weapon, shall own, operate or otherwise participate in, directly or indirectly, the establishment or administration of the program established by subsection (a).

§ 1104. Powers and duties of commissioner.

The commissioner shall have the power and duty to do all of the following:

(1) To implement and administer or approve the minimum courses of study and training for the program in the handling of lethal weapons, law enforcement and protection of the rights of citizens.

(2) To implement and administer or approve physical and psychological testing and screening of the candidate for the purpose of barring from the program those not physically or mentally fit to handle lethal weapons. Candidates who are full-time police officers and have successfully completed a physical and psychological examination as a prerequisite to employment or to continued employment by their local police departments or who have been continuously employed as full-time police officers since June 18, 1974, shall not be required to undergo any physical or psychological testing and screening procedures implemented under this paragraph.

(3) To issue certificates of approval to schools approved by the commissioner and to withdraw certificates of approval from those schools disapproved by the commissioner.

(4) To certify instructors pursuant to the minimum qualifications established by the commissioner.

(5) To consult and cooperate with universities,
colleges, community colleges and institutes for the
development of specialized courses in handling lethal
weapons, law enforcement and protection of the rights of
citizens.

(6) To consult and cooperate with departments and
agencies of this Commonwealth and other states and the
Federal Government concerned with similar training.

(7) To certify those individuals who have satisfactorily
completed basic educational and training requirements as
established by the commissioner and to issue appropriate
certificates to those persons.

(8) To visit and inspect approved schools at least once
a year.

(9) In the event that the commissioner implements and
administers a program, to collect reasonable charges from the
students enrolled therein to pay for the costs of the
program.

(10) To make rules and regulations and to perform other
duties as may be reasonably necessary or appropriate to
implement the education and training program.

(11) To grant waivers from compliance with the
provisions of this chapter applicable to privately employed
agents who have completed a course of instruction in a
training program approved by the commissioner.

§ 1105. Certificate of qualification.

(a) Application.--Any person desiring to enroll in a program
shall make application to the commissioner on a form to be
prescribed by the commissioner.

(b) Contents.--The application shall be signed and verified
by the applicant. It shall include the applicant's full name,
age, residence, present and previous occupations and any other information that may be required by the commissioner to show the good character, competency and integrity of the applicant.

(c) Presentation.--The application shall be personally presented by the applicant at an office of the Pennsylvania State Police where the applicant's fingerprints shall be affixed to the application. The application shall be accompanied by two current photographs of the applicant of a size and nature to be prescribed by the commissioner and an application fee set under section 616-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, unless the applicant is a full-time police officer, in which case no application fee shall be required. The application shall then be forwarded to the commissioner.

(d) Examination.--The fingerprints of the applicant shall be examined by the Pennsylvania State Police and the Federal Bureau of Investigation to determine if the applicant has been convicted of or has pleaded guilty or nolo contendere to a crime of violence. The commissioner shall have the power to waive the requirement of the Federal Bureau of Investigation examination. Any fee charged by the Federal agency shall be paid by the applicant.

(e) Age requirement.--No application shall be accepted if the applicant is 17 years of age or younger.

(f) Process.--After the application has been processed and if the commissioner determines that the applicant is 18 years of age and has not been convicted of or has not pleaded guilty or nolo contendere to a crime of violence and has satisfied any other requirements prescribed by the commissioner under the commissioner's powers and duties under section 1104 (relating to

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powers and duties of commissioner), the commissioner shall issue
a certificate of qualification which shall entitle the applicant
to enroll in an approved program.

§ 1106. Certification and fee.

(a) Fee.--A certification fee set under section 616-A of the
act of April 9, 1929 (P.L.177, No.175), known as The
Administrative Code of 1929, shall be paid by each individual
satisfactorily completing the program prior to the receipt of a
certificate.

(b) Certificate.--The commissioner shall furnish to each
individual satisfactorily completing the program, an appropriate
wallet or billfold size copy of the certificate, which shall
include a photograph of the individual.

(c) Identification.--Every certified individual shall carry
the wallet or billfold size certificate on the certified
individual's person as identification during the time when the
certified individual is on duty or going to and from duty and
carrying a lethal weapon.

(d) Time period.--Certification shall be for a period of
five years.

(e) Renewal.--Privately employed agents who, as an incidence
to their employment, carry a lethal weapon shall be required to
renew their certification within six months prior to the
expiration of their certificate. The commissioner shall
prescribe the manner in which the certification shall be renewed
and may charge a nominal renewal fee set under The
Administrative Code of 1929.

§ 1107. Good standing.

(a) Possession.--Privately employed agents must possess a
valid certificate whenever on duty or going to and from duty and
carrying a lethal weapon.

(b) Discharge.--Whenever an employer of a privately employed agent subject to the provisions of this chapter discharges the agent for cause, the employer shall notify the commissioner of the discharge within five days.

(c) Revocation.--The commissioner may revoke and invalidate any certificate issued to a privately employed agent under this chapter whenever the commissioner learns that false, fraudulent or misstated information appears on the original or renewal application or of a change of circumstances that would render an employee ineligible for original certification.

§ 1108. Retired police officers.

(a) Initial certification.--A nondisability retired police officer of a Pennsylvania municipality or the Pennsylvania State Police shall be initially certified under this chapter and need not meet the training and qualification standards or physical and psychological qualifications under this chapter if the officer was a full-time police officer for at least 20 years, retired in good standing and has assumed the duties of a privately employed agent on or before three years from the date of his retirement. If a retired police officer commences duties as a privately employed agent after three years from the date of the retired officer's retirement, the retired officer must meet the physical and psychological requirements of this chapter for certification under this section.

(b) Fee.--A retired police officer initially certified under this section shall not be required to pay the application fee but shall pay the certification fee upon the submission of a completed application provided by the commissioner.

§ 1109. Penalties.
(a) Misdemeanor offense.--Any privately employed agent who
in the course of the agent's employment carries a lethal weapon
and who fails to comply with section 1103(b) (relating to
education and training program) or with section 1107(a)
(relating to good standing) commits a misdemeanor and shall,
upon conviction, be subject to imprisonment of not more than one
year or payment of a fine not exceeding $1,000 or both.

(b) Summary offense.--Any privately employed agent who in
the course of the agent's employment carries a lethal weapon and
who violates section 1107(c) commits a summary offense and
shall, upon conviction, pay a fine not exceeding $50.

§ 1110. Prohibited acts.

No individual certified under this chapter shall carry an
inoperative or model firearm while employed and shall carry only
a powder actuated firearm approved by the commissioner.

§ 1111. Active police officers.

All active police officers subject to the training provisions
of 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police
education and training) shall be granted a waiver of the
training requirements of this chapter upon presentation to the
commissioner of evidence of their completion of the training
requirements of 53 Pa.C.S. Ch. 21 Subch. D and the successful
completion of a biennial firearms qualification examination
administered by their respective police agency.

§ 1112. Applicability.

This chapter shall not apply to an individual who provides
for the defense of a nuclear facility licensed by the Nuclear
Regulatory Commission.

Section 4. The following shall apply:

(1) An individual, corporation, partnership, limited
liability company or other legal entity licensed under the
former act of August 21, 1953 (P.L.1273, No. 361), known as
The Private Detective Act of 1953, on the effective date of
this section shall be deemed to be licensed as both a private
investigator and a security professional under 22 Pa.C.S. Ch.
3 for the balance of the term of the license issued under the
former act known as The Private Detective Act of 1953.

(2) Nothing in 22 Pa.C.S. Ch. 3 shall require fugitive
recovery agents to obtain a license or comply with Chapter 3
until July 1, 2012.

Section 5. The following shall apply:

(1) The sum of $150,000, or as much thereof as may be
necessary, is hereby appropriated from the Professional
Licensure Augmentation Account for the fiscal year July 1,
2009 2011, to June 30, 2012, for the operation of the
State Board of Private Investigators, Security Professionals
and Fugitive Recovery Agents to carry out the provisions of
22 Pa.C.S. Ch. 3. The appropriation shall be a continuing
appropriation until June 30, 2013 2015, at which time any
unexpended funds shall lapse into the account.

(2) Additional funding may be appropriated from the
Professional Licensure Augmentation Account, upon approval of
the Governor, for start-up costs in excess of the
appropriation under paragraph (1).

(3) The appropriation under paragraphs (1) and (2) shall
be repaid by the board to the account within three years of
the beginning of issuance of licenses by the board.

Section 6. The provisions of this act are severable. If any
provision of this act or its application to any person or
circumstance is held invalid, the invalidity shall not affect
other provisions or applications of this act which can be given
effect without the invalid provision or application.

Section 7. Repeals are as follows:

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

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

(2) (i) The General Assembly declares that the repeal
under subparagraph (ii) is necessary to effectuate the
addition of 22 Pa.C.S. Ch. 11.

(ii) The act of October 10, 1974 (P.L.705, No.235),
known as the Lethal Weapons Training Act, is repealed.

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

Section 8. The addition of 22 Pa.C.S. Ch. 3 is a
continuation of the act of August 21, 1953 (P.L.1273, No.361),
known as The Private Detective Act of 1953. Except as otherwise
provided in 22 Pa.C.S. Ch. 3, all activities initiated under The
Private Detective Act shall continue and remain in full force
and effect and may be completed under 22 Pa.C.S. Ch. 3. Orders,
regulations, rules and decisions which were made under The
Private Detective Act and which are in effect on the effective
date of section 7(1)(ii) of this act shall remain in full force
and effect until revoked, vacated or modified under 22 Pa.C.S.
Ch. 3. Contracts, obligations and collective bargaining
agreements entered into under The Private Detective Act are not
affected nor impaired by the repeal of The Private Detective
Act.

Section 9. The addition of 22 Pa.C.S. Ch. 11 is a
continuation of the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act. The following apply:

(1) Except as otherwise provided in 22 Pa.C.S. Ch. 11, all activities initiated under the Lethal Weapons Training Act shall continue and remain in full force and effect and may be completed under 22 Pa.C.S. Ch. 11. Orders, regulations, rules and decisions which were made under the Lethal Weapons Training Act and which are in effect on the effective date of section 7(2)(ii) of this act shall remain in full force and effect until revoked, vacated or modified under 22 Pa.C.S. Ch. 11. Contracts, obligations and collective bargaining agreements entered into under the Lethal Weapons Training Act are not affected nor impaired by the repeal of the Lethal Weapons Training Act.

(2) Except as set forth in paragraph (3), any difference in language between 22 Pa.C.S. Ch. 11 and the Lethal Weapons Training Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Lethal Weapons Training Act.

(3) Paragraph (2) does not apply to the addition of the definition of "privately employed agents" in 22 Pa.C.S. § 1102.

Section 10. This act shall take effect as follows:

(1) The following provisions shall take effect immediately JULY 1, 2011:

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

   (ii) Section 5.

   (iii) This section.

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(2) The remainder of this act shall take effect in 180 days JANUARY 1, 2012.