

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2564 Session of
2010

INTRODUCED BY SAYLOR, CALTAGIRONE, MARSICO, BELFANTI, MILLER,
PICKETT, REICHLEY AND SWANGER, JUNE 9, 2010

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 9, 2010

AN ACT

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

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

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

13 TITLE 22

14 [DETECTIVES AND PRIVATE POLICE]

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

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

18 [CHAPTER 3

19 DETECTIVES

20 (RESERVED)]

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

1 CHAPTER 3

2 PRIVATE INVESTIGATORS, SECURITY PROFESSIONALS

3 AND FUGITIVE RECOVERY AGENTS

4 Sec.

5 301. Scope of chapter.

6 302. Declaration of policy.

7 303. Definitions.

8 304. Board.

9 305. Deposit of funds.

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12 308. License renewal.

13 309. Change of residence or business location.

14 310. Expedited reciprocal licensing.

15 311. Employees.

16 312. Private investigator employees.

17 313. Pocket cards and badges.

18 314. Firearms.

19 315. Bond and insurance.

20 316. Licensure of corporations and other legal entities.

21 317. Criminal history record check.

22 318. Prohibition.

23 319. Title and utilization.

24 320. Rules of professional conduct.

25 321. Sanctions.

26 322. Injunction.

27 323. Unlawful acts.

28 324. Exclusions.

29 § 301. Scope of chapter.

30 This chapter relates to private investigators, security

1 professionals and fugitive recovery agents.

2 § 302. Declaration of policy.

3 The General Assembly finds and declares as follows:

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

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

9 (3) Reasonable Statewide regulation of these professions
10 is in furtherance of public health, safety and welfare
11 interests.

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

15 (5) Consumer protection with respect to both health and
16 economic matters will be afforded the public through the
17 regulation and associated legal remedies provided for in this
18 chapter.

19 § 303. Definitions.

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

23 "Account." The Professional Licensure Augmentation Account.

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

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

30 "Bureau." The Bureau of Professional and Occupational

1 Affairs.

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

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

7 "Fugitive recovery agent."

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

11 (i) Fugitive recovery.

12 (ii) Bail enforcement.

13 (iii) Bail recovery.

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

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

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

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

26 "License." Any license to practice as a private
27 investigator, security professional or fugitive recovery agent
28 under this chapter.

29 "Licensee." An individual, corporation, partnership, limited
30 liability company or other legal entity who holds a license

1 under this chapter.

2 "Private Detective Act of 1953." The former act of August
3 21, 1953 (P.L.1273, No.361), known as The Private Detective Act
4 of 1953.

5 "Private investigator."

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

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

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

19 (iii) The credibility of witnesses or other
20 individuals.

21 (iv) The whereabouts of missing individuals.

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

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

27 (vii) The conduct of employees, agents, contractors
28 and subcontractors.

29 (viii) The securing of evidence for any civil or
30 criminal proceeding.

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

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

9 (2) The term does not include any individual excluded
10 from this chapter by section 324 (relating to exclusions).
11 "Serious misdemeanor." A criminal offense for which more
12 than one year in prison can be imposed as a punishment.

13 § 304. Board.

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

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

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

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

23 (3) The Attorney General or a designee.

24 (4) Five public members, who are residents of this
25 Commonwealth, appointed by the Governor, with the advice and
26 consent of a majority of the members elected to the Senate.
27 At least one of the five public members must be an attorney
28 whose practice primarily consists of representation of
29 criminal defendants. At least one of the five public members
30 must be an attorney whose practice primarily consists of the

1 representation of civil plaintiffs. At least one of five
2 public members must be an attorney whose practice primarily
3 consists of the representation of civil defendants. A person
4 shall not be eligible for appointment under this paragraph if
5 the person or any member of the person's immediate family, as
6 defined under 65 Pa.C.S. § 1102 (relating to definitions),
7 meets any of the following provisions:

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

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

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

16 (i) be licensed under this chapter; and

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

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

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

28 (2) Fugitive recovery agents who have been actively
29 engaged in their profession and have a well-respected
30 reputation in the field shall, until July 1, 2010, be

1 qualified to serve as professional members of the board as
2 representatives of fugitive recovery agent licensees under
3 this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 procedure:

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

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

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

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

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

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

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

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

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

29 (i) Participation.--A member of the board under subsection
30 (b) (4) or (5) who fails to attend three consecutive meetings

1 shall forfeit membership unless the president, upon written
2 request from the member, finds that the member should be excused
3 for good cause.

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

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

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

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

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

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

30 (6) To take disciplinary action as described in this

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

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

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

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

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

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

28 (12) To establish a system which assures that licensees
29 receive timely information from the board regarding issues
30 affecting the practice and regulation of their license. The

1 system shall include the mailing of a renewal application
2 under section 308 (relating to license renewal) to each
3 licensee at the most recent address in the records of the
4 board.

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

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

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

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

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

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

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

30 (20) To develop standards for the training and

1 professional development of employees by licensees.

2 § 305. Deposit of funds.

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

6 § 306. Licensure.

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

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

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

13 (3) A fugitive recovery agent's license is required in
14 order to practice as a fugitive recovery agent after July 1,
15 2009.

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

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

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

22 (2) Be a United States citizen.

23 (3) Be of good moral character.

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

26 (5) Have a criminal history which does not include any
27 of the offenses listed under section 318 (relating to
28 prohibition).

29 (6) Qualify by successful completion of a professional
30 licensing examination for the category of license which is

1 the subject of the application.

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

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

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

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

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

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

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

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

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

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

30 (ix) Has other investigative or investigative

1 support experience that the board finds relevant to the
2 activities of a private investigator.

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

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

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

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

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

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

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

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

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

27 (3) In addition to the other requirements of this
28 chapter, a fugitive recovery agent license shall not be
29 issued unless the applicant for the license has held one or
30 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, 2010. This subparagraph shall expire July 1, 2015.

(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).

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

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

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

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

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

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

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

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

22 (4) Two current CPIN-compatible photographs.

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

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

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

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

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

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

13 (7) The applicant's signature.

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

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

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

22 (h) Issuance of license.--

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

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

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

30 (iii) Been found to meet the additional

1 qualifications for the category of license in subsection
2 (d).

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

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

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

15 (1) eligible for a license as a private investigator; or

16 (2) employed by a private investigator.

17 § 307. Form of license.

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

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

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

23 (3) The expiration date.

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

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

29 (c) Display.--A licensee shall post the license or a
30 duplicate in a conspicuous place in each bureau, agency, office

1 or branch office.

2 (d) Expiration.--A licensee shall surrender the license and
3 all duplicates to a designated location established by the board
4 within 15 days of expiration or after receipt of notice that the
5 license has been suspended or revoked by the board. A licensee
6 who fails to comply with this subsection commits a misdemeanor
7 of the third degree.

8 § 308. License renewal.

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

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

12 (i) A licensee whose license will expire within six
13 months of the date on the renewal application.

14 (ii) A licensee whose license has not been expired
15 for more than six months on the date of renewal
16 application.

17 (2) For the purposes of this subsection, the term
18 "licensee" shall include any individual, corporation,
19 partnership, limited liability company or other legal entity
20 licensed under the Private Detective Act of 1953 on the
21 effective date of this section who is applying for a license
22 as a private investigator or security professional under this
23 chapter prior to the expiration of the license under the
24 Private Detective Act of 1953. The qualification by
25 successful completion of a professional licensure examination
26 in section 306(c)(6) (relating to licensure) and the required
27 additional qualifications of section 306(d) shall not apply
28 to a licensee under the Private Detective Act of 1953 who met
29 the work experience requirements under section 4(a) of that
30 act and is applying for renewal of a license as a private

1 investigator or security professional under this section.

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

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

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

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

8 (4) Provide two current CPIN-compatible photographs.

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

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

17 § 309. Change of residence or business location.

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

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

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

30 (1) Note the change on the license and duplicates and

1 return the license and duplicates to the licensee.

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

4 § 310. Expedited reciprocal licensing.

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

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

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

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

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

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

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

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

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

7 § 311. Employees.

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

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

13 (2) accountable for the employee's conduct.

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

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

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

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

24 (4) Two current CPIN-compatible photographs.

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

29 (6) A physical description.

30 (7) The prospective employee's signature.

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

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

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

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

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

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

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

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

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

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

28 (1) A licensee who knowingly, recklessly or negligently
29 hires an individual who fails to fill out an employee
30 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.

1 § 314. Firearms.

2 Licensees and their employees shall be authorized to carry a
3 lethal weapon in the course of their employment if they are in
4 compliance with or are exempt from the requirements of the act
5 of October 10, 1974 (P.L.705, No.235), known as the Lethal
6 Weapons Training Act or Chapter 11 (relating to lethal weapons
7 training).

8 § 315. Bond and insurance.

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

12 (b) Corporate surety.--A bond required under subsection (a)
13 shall be written by a corporate surety company authorized to do
14 business in this Commonwealth as a surety and shall be executed
15 in the name of the Commonwealth.

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

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

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

28 (f) Loss of bond or insurance.--A licensee who fails to
29 maintain a bond or insurance in an amount set by the board shall
30 immediately suspend activity pursuant to the license until a new

1 bond or insurance is acquired.

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

9 (1) A deposit of cash.

10 (2) A certified check.

11 (3) An irrevocable letter of credit.

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

15 (1) Disregard the minimum amounts under subsection (c).

16 (2) Impose additional requirements as will, in the
17 board's discretion, offer some assurance of recovery for an
18 injured party.

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

20 (a) Licensing.--If a corporation, partnership, limited
21 liability company or other legal entity other than a natural
22 person applies for or has one or more categories of licenses
23 under this chapter, the requirements of licensing for that
24 category under this chapter, except the qualification by
25 examination under section 306(c)(6) (relating to licensure) and
26 the required additional qualifications of section 306(d), shall
27 apply to the president, treasurer and secretary of the
28 corporation or equivalent officers of a partnership, limited
29 liability company or other legal entity. At least one officer,
30 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

1 prohibited offenses:

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

5 (2) An offense designated as a felony or serious
6 misdemeanor under one or more of the following provisions of
7 18 Pa.C.S. (relating to crimes and offenses):

8 Chapter 25 (relating to criminal homicide).

9 Chapter 27 (relating to assault).

10 Chapter 29 (related to kidnapping).

11 Chapter 31 (relating to sexual offenses).

12 Section 3301 (relating to arson and related
13 offenses).

14 Section 3502 (relating to burglary).

15 Chapter 37 (relating to robbery).

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

19 Chapter 41 (relating to forgery and fraudulent
20 practices).

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

22 Chapter 47 (relating to bribery and corrupt
23 influence).

24 Chapter 49 (relating to falsification and
25 intimidation).

26 Chapter 53 (relating to abuse of office).

27 Chapter 55 (relating to riot, disorderly conduct and
28 related offenses).

29 Chapter 57 (relating to wiretapping and electronic
30 surveillance).

1 Chapter 59 (relating to public indecency).

2 Chapter 61 (relating to firearms and other dangerous
3 articles).

4 Chapter 63 (relating to minors).

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

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

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

12 § 319. Title and utilization.

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

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

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

21 § 320. Rules of professional conduct.

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

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

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

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

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

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

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

11 § 321. Sanctions.

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

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

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

22 (ii) Administer a public reprimand.

23 (iii) Impose an administrative penalty of up to
24 \$5,000.

25 (iv) Suspend the license.

26 (v) Revoke the license.

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

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

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

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

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

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

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

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

18 § 322. Injunction.

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

25 § 323. Unlawful acts.

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

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

30 (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.--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:

(1) The Federal Government.

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

(3) Any other state or political subdivision of a state,

1 including the District of Columbia, the Commonwealth of
2 Puerto Rico and the territories and possessions of the United
3 States.

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

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

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

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

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

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

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

29 (7) A license holder or corporation or other entity
30 licensed as a private investigative agency in this

1 Commonwealth under the Private Detective Act of 1953 before
2 the effective date of this chapter, if the license has not
3 expired.

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

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

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

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

20 (c) Security professional license.--An individual, while
21 engaged in the official performance of the individual's duties,
22 who is in the exclusive employment of a foreign government,
23 shall not be required to obtain a security professional's
24 license.

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

27 (1) A professional bondsman licensed under 42 Pa.C.S. §
28 5743 (relating to issuance of license) or an employee of the
29 bondsman.

30 (2) A fidelity or surety company which acts as surety on

1 an undertaking under 42 Pa.C.S. § 5747 (relating to
2 statements by fidelity or surety companies) or an employee of
3 the fidelity or surety company.

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

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

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

19 (6) A holder of a license as a private investigator or
20 private detective from another state or jurisdiction or
21 employee of the licensee, for the purpose of capturing a
22 fugitive who fled from the state or jurisdiction where the
23 license is held. The individual shall, before attempting
24 apprehension of the fugitive, notify both the board and the
25 chief law enforcement officer, as defined in 42 Pa.C.S. §
26 8951, of the political subdivision where the fugitive is
27 located.

28 (7) A constable or deputy constable certified to perform
29 judicial duties under 44 Pa.C.S. Ch. 71 (relating to
30 constables).

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

4 CHAPTER 11

5 LETHAL WEAPONS TRAINING

6 Sec.

7 1101. Legislative findings and purpose.

8 1102. Definitions.

9 1103. Education and training program.

10 1104. Powers and duties of commissioner.

11 1105. Certificate of qualification.

12 1106. Certification and fee.

13 1107. Good standing.

14 1108. Retired police officers.

15 1109. Penalties.

16 1110. Prohibited acts.

17 1111. Active police officers.

18 § 1101. Legislative findings and purpose.

19 The following shall apply:

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

1 citizens, and that the training would be beneficial to the
2 safety of the citizens of this Commonwealth.

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

8 § 1102. Definitions.

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

12 "Commissioner." The Commissioner of Pennsylvania State
13 Police.

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

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

25 "Privately employed agents." Any person employed for the
26 purpose of providing watch guard, protective patrol, fugitive
27 recovery, bail enforcement, bail recovery, detective or criminal
28 investigative services either for another for a fee or for the
29 person's employer. The term includes any licensee or employee of
30 a licensee, under Chapter 3 (relating to private investigators,

1 security professionals and fugitive recovery agents) and a
2 police officer of a municipal authority. The term shall not
3 include Federal, State or local government employees or those
4 police officers commissioned by the Governor under the former
5 act of February 27, 1865 (P.L.225, No.228), entitled "An act
6 empowering railroad companies to employ police force" or Chapter
7 33 (relating to railroad and street railway police).

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

11 § 1103. Education and training program.

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

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

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

1 subsection (a).

2 § 1104. Powers and duties of commissioner.

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

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

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

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

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

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

30 (6) To consult and cooperate with departments and

1 agencies of this Commonwealth and other states and the
2 Federal Government concerned with similar training.

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

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

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

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

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

20 § 1105. Certificate of qualification.

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

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

29 (c) Presentation.--The application shall be personally
30 presented by the applicant at an office of the Pennsylvania

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

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

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

20 (f) Process.--After the application has been processed and
21 if the commissioner determines that the applicant is 18 years of
22 age and has not been convicted of or has not pleaded guilty or
23 nolo contendere to a crime of violence and has satisfied any
24 other requirements prescribed by the commissioner under the
25 commissioner's powers and duties under section 1104 (relating to
26 powers and duties of commissioner), the commissioner shall issue
27 a certificate of qualification which shall entitle the applicant
28 to enroll in an approved program.

29 § 1106. Certification and fee.

30 (a) Fee.--A certification fee set under section 616-A of the

1 act of April 9, 1929 (P.L.177, No.175), known as The
2 Administrative Code of 1929, shall be paid by each individual
3 satisfactorily completing the program prior to the receipt of a
4 certificate.

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

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

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

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

23 § 1107. Good standing.

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

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

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

7 § 1108. Retired police officers.

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

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

25 § 1109. Penalties.

26 (a) Misdemeanor offense.--Any privately employed agent who
27 in the course of the agent's employment carries a lethal weapon
28 and who fails to comply with section 1103(b) (relating to
29 education and training program) or with section 1107(a)
30 (relating to good standing) commits a misdemeanor and shall,

1 upon conviction, be subject to imprisonment of not more than one
2 year or payment of a fine not exceeding \$1,000 or both.

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

7 § 1110. Prohibited acts.

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

11 § 1111. Active police officers.

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

20 Section 4. The following shall apply:

21 (1) An individual, corporation, partnership, limited
22 liability company or other legal entity licensed under the
23 former act of August 21, 1953 (P.L.1273, No. 361), known as
24 The Private Detective Act of 1953, on the effective date of
25 this section shall be deemed to be licensed as both a private
26 investigator and a security professional under 22 Pa.C.S. Ch.
27 3 for the balance of the term of the license issued under the
28 former act known as The Private Detective Act of 1953.

29 (2) Nothing in 22 Pa.C.S. Ch. 3 shall require fugitive
30 recovery agents to obtain a license or comply with Chapter 3

1 until July 1, 2010.

2 Section 5. The following shall apply:

3 (1) The sum of \$150,000, or as much thereof as may be
4 necessary, is hereby appropriated from the Professional
5 Licensure Augmentation Account for the fiscal year July 1,
6 2007, to June 30, 2008, for the operation of the State Board
7 of Private Investigators, Security Professionals and Fugitive
8 Recovery Agents to carry out the provisions of 22 Pa.C.S. Ch.
9 3. The appropriation shall be a continuing appropriation
10 until June 30, 2011, at which time any unexpended funds shall
11 lapse into the account.

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

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

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

24 Section 7. Repeals are as follows:

25 (1) The General Assembly declares that the repeal under
26 paragraph (2) is necessary to effectuate the addition of 22
27 Pa.C.S. Ch. 3.

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

30 (3) The General Assembly declares that the repeal under

paragraph (4) is necessary to effectuate the addition of 22 Pa.C.S. Ch. 11.

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

(5) 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

1 in full force and effect until revoked, vacated or modified
2 under 22 Pa.C.S. Ch. 11. Contracts, obligations and
3 collective bargaining agreements entered into under the
4 Lethal Weapons Training Act are not affected nor impaired by
5 the repeal of the Lethal Weapons Training Act.

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

13 (3) Paragraph (2) does not apply to the addition of the
14 definition of "privately employed agents" in 22 Pa.C.S. §
15 1102.

16 Section 10. This act shall take effect as follows:

17 (1) The following provisions shall take effect
18 immediately:

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

20 (ii) Section 5.

21 (iii) This section.

22 (2) The remainder of this act shall take effect in 180
23 days.