

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2235 Session of
1986

INTRODUCED BY EVANS, TRUMAN, KOSINSKI AND DEAL, MARCH 12, 1986

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 12, 1986

AN ACT

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

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

9 Section 1. Section 2 of the act of August 21, 1953
10 (P.L.1273, No.361), known as The Private Detective Act of 1953,
11 is amended by adding a subsection to read:

12 Section 2. Definitions.--* * *

13 (e) The term "patrol agency" shall mean and include any
14 agency and/or individuals (including therein security guards,
15 uniformed or nonuniformed) employed full time or part time, on a
16 temporary or permanent basis, who, for any consideration
17 whatsoever patrols, guards, protects, monitors, regulates,
18 secures or watches over persons and/or property, either real or
19 personal. This term specifically includes any person employed in

1 any capacity, for any length of time, to protect property,
2 either real or personal against labor strikes or against any
3 person or persons who have become a party to any labor strike.

4 Section 2. Sections 13(a), (b) and (c) and 16 of the act are
5 amended to read:

6 Section 13. Employees.--(a) The holder of any license
7 certificate issued pursuant to this act may employ to assist him
8 in his work of private detective or investigator as described in
9 section 2 and in the conduct of such business as many persons as
10 he may deem necessary, and shall at all times during such
11 employment be legally responsible for the good conduct in the
12 business of each and every person so employed and shall be
13 responsible for the reasonable supervision of said employes'
14 conduct.

15 No holder of any unexpired license certificate issued
16 pursuant to this act shall knowingly employ in connection with
17 his or its business, in any capacity whatsoever, any person who
18 has been convicted of a felony, or any of the following
19 offenses, and who has not, subsequent to such conviction,
20 received executive pardon therefor removing this disability: (1)
21 illegally using, carrying or possessing a pistol or other
22 dangerous weapon; (2) making or possessing burglar's
23 instruments; (3) buying or receiving stolen property; (4)
24 unlawful entry of a building; (5) aiding escape from prison; (6)
25 unlawfully possessing or distributing habit forming narcotic
26 drugs; (7) picking pockets or attempting to do so; (8)
27 soliciting any person to commit sodomy or other lewdness; [or]
28 (9) any person whose private detective or investigator's license
29 was revoked or application for such license was denied by the
30 court of quarter sessions or by the authorities of any other

1 state or territory because of conviction of any of the crimes or
2 offenses specified in this section[.]; (10) recklessly
3 endangering another person; (11) terroristic threats; (12)
4 aggravated assault (a felony of the second degree); or (13)
5 simple assault.

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

13 A first conviction for violation of this section may subject
14 the license holder to revocation of his license by the issuing
15 authority.

16 Upon the second conviction of a license holder for knowingly
17 hiring a person convicted of a felony or other specified
18 offenses in this section, the license of said holder shall be
19 revoked.

20 Should the holder of an unexpired license certificate falsely
21 state or represent that a person is or has been in his employ,
22 such false statement or misrepresentation shall be sufficient
23 cause for the revocation of such license. Any person falsely
24 stating or representing that he is or has been a detective or
25 employed by a detective agency shall be guilty of a misdemeanor,
26 and, upon conviction thereof, shall be sentenced to pay a fine
27 of not more than five hundred dollars (\$500) or to undergo
28 imprisonment for not more than one (1) year, or both.

29 (b) No person shall hereafter be employed by any holder of a
30 license certificate until he shall have executed and furnished

1 to such license certificate holder a verified statement to be
2 known as "employee's statement," setting forth:

3 (1) His full name, age and residence address;

4 (2) The country of which he is a citizen;

5 (2.1) That he has been domiciled in this Commonwealth for no
6 less than one (1) year;

7 (3) The business or occupation engaged in for the three
8 years immediately preceding the date of the filing of the
9 statement, setting forth the place or places where such business
10 or occupation was engaged in, and the name or names of
11 employers, if any;

12 (4) That he has not been convicted of a felony, or of any
13 offense involving moral turpitude, or of any of the misdemeanors
14 or offenses described in subsection (a) of this section;

15 (5) Such further information as the court of quarter
16 sessions may by rule require to show the good character,
17 competency and integrity of the person executing the statement.

18 (c) [Immediately] The license holder shall act with due
19 diligence in taking the necessary steps to ensure the veracity
20 of the employee's statement and immediately upon the verification
21 of an employee's statement, the holder of a license certificate
22 by whom such person has been or is to be employed shall cause
23 two sets of fingerprints of the two hands of such person to be
24 recorded in such manner as the court of quarter sessions may by
25 rule prescribe. The holder of a license certificate shall
26 immediately stamp, in indelible ink, the employee's statement and
27 each set of fingerprints with the name, year and license
28 certificate number of such holder, and a number, which number
29 shall be determined by the number of such statements furnished
30 to such holder and shall be in numerical sequence.

1 * * *

2 Section 16. Unlawful Acts.--It is unlawful for the holder of
3 a license issued under this act, or for any employe of such
4 licensee, knowingly to commit any of the following acts, within
5 or without the Commonwealth of Pennsylvania: to incite,
6 encourage, or aid in the incitement or encouragement of, any
7 person or persons who have become a party to any strike to do
8 unlawful acts against the person or property of any one, or to
9 incite, stir up, create, or aid in the inciting of discontent or
10 dissatisfaction among the employes of any person, partnership,
11 association, or corporation with the intention of having them
12 strike, to interfere or prevent lawful and peaceful picketing
13 during strikes, to interfere with, restrain, or coerce employes
14 in the exercise of their right to form, join, or assist any
15 labor organization of their own choosing, to interfere or hinder
16 the lawful or peaceful collective bargaining between employes
17 and employers, to pay, offer, or give any money, gratuity,
18 favor, consideration, or other thing of value, directly or
19 indirectly, to any person, for any verbal or written report of
20 the lawful activities of employes in the exercise of their right
21 of self-organization, to form, join, or assist labor
22 organizations, and to bargain collectively through
23 representatives of their own choosing, to advertise for,
24 recruit, furnish or replace, or offer to furnish or replace, for
25 hire or reward, within or without the Commonwealth of
26 Pennsylvania, any help or labor, skilled or unskilled, or to
27 furnish or offer to furnish armed guards, other than armed
28 guards theretofore regularly employed, for the protection of
29 payrolls, property or premises, for service upon property which
30 is being operated in anticipation of or during the course or

1 existence of a strike, or furnish armed guards upon the highways
2 for persons involved in labor disputes, or to furnish or offer
3 to furnish to employers or their agents, any arms, munitions,
4 tear gas, implements, or any other weapons, or to send letters
5 or literature to employers offering to eliminate labor unions,
6 or distribute or circulate any list of members of a labor
7 organization, or to advise any person of the membership of an
8 individual in a labor organization for the express purpose of
9 preventing those so listed or named from obtaining or retaining
10 employment. The violation of any of the provisions of this
11 section shall constitute a misdemeanor, and, upon conviction
12 thereof, shall be punishable by a fine of not less than five
13 hundred dollars (\$500) nor more than [one thousand dollars
14 (\$1000)] five thousand dollars (\$5000), or to imprisonment for
15 not less than six (6) months nor more than one (1) year or both.
16 If the holder of a license shall violate any of the provisions
17 in this section, the license holder may be subject to the
18 revocation of his license by the issuing authority. Upon the
19 second conviction of a license holder for violation of any of
20 the provisions in this section, the license of said holder shall
21 be revoked. It is unlawful for the holders of a license to
22 furnish or perform any services described in subsections (a) and
23 (b) of section 2 of this act on a contingent or percentage
24 basis, or to make or enter into any agreement for furnishing
25 services of any kind or character, by the terms or conditions of
26 which agreement the compensation to be paid for such services to
27 the holder of a license is partially or wholly contingent or
28 based upon a percentage of the amount of money or property
29 recovered or dependent in any way upon the result achieved.

30 Section 3. This act shall take effect in 60 days.