

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2073 Session of
1997

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

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 16, 1997

AN ACT

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

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

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

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

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

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

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

16 * * *

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

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

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

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

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

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

30 Should the holder of an unexpired license certificate falsely

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

9 * * *

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