

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2391 Session of
2004

INTRODUCED BY SOLOBAY, CAPPELLI, CORRIGAN, J. EVANS, FABRIZIO,
GERGELY, GRUCELA, HARHAI, JOSEPHS, KOTIK, PAYNE, THOMAS,
WANSACZ, WALKO AND YOUNGBLOOD, MARCH 8, 2004

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 8, 2004

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 further providing for issuances of licenses, fees and bonds,
6 for employees and for prosecution.

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

9 Section 1. Sections 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 assault[.]; (12) false swearing; (13) unsworn
8 falsifications to authorities; (14) false identification to law
9 enforcement authorities; (15) intimidation of witness or victim;
10 (16) false reports to law enforcement authorities; (17) theft by
11 unlawful taking; (18) theft by deception; (19) theft by
12 extortion; (20) forgery; (21) access device fraud; (22)
13 resisting arrest; (23) open lewdness; (24) corruption of minors;
14 (25) sale or lease of weapons or explosives; (26) indecent
15 exposure; or (27) indecent assault.

16 Except as hereinafter in this subsection provided, no license
17 shall be issued to any person whose license has been previously
18 revoked by the court of common pleas or the authorities of any
19 other state or territory because of conviction of any of the
20 crimes or offenses specified in this section. The provisions of
21 this subsection shall not prevent the issuance of a license to
22 any person who, subsequent to his conviction, shall have
23 received executive pardon therefor removing this disability.

24 * * *

25 Section 13. Employees.--(a) The holder of any license
26 certificate issued pursuant to this act may employ to assist him
27 in his work of private detective or investigator as described in
28 section 2 and in the conduct of such business as many persons as
29 he may deem necessary, and shall at all times during such
30 employment be legally responsible for the good conduct in the

1 business of each and every person so employed and shall be
2 responsible for the reasonable supervision of said employes'
3 conduct.

4 No holder of any unexpired license certificate issued
5 pursuant to this act shall knowingly employ in connection with
6 his or its business, in any capacity whatsoever, any person who
7 has been convicted of a felony, or any of the following
8 offenses, and who has not, subsequent to such conviction,
9 received executive pardon therefor removing this disability: (1)
10 illegally using, carrying or possessing a pistol or other
11 dangerous weapon; (2) making or possessing burglar's
12 instruments; (3) buying or receiving stolen property; (4)
13 unlawful entry of a building; (5) aiding escape from prison; (6)
14 unlawfully possessing or distributing habit forming narcotic
15 drugs; (7) picking pockets or attempting to do so; (8)
16 soliciting any person to commit sodomy or other lewdness; (9)
17 any person whose private detective or investigator's license was
18 revoked or application for such license was denied by the court
19 of common pleas or by the authorities of any other state or
20 territory because of conviction of any of the crimes or offenses
21 specified in this section; (10) recklessly endangering another
22 person; (11) terroristic threats; [or] (12) committing simple
23 assault[.]; (13) false swearing; (14) unsworn falsifications to
24 authorities; (15) false identification to law enforcement
25 authorities; (16) intimidation of witness or victim; (17) false
26 reports to law enforcement authorities; (18) theft by unlawful
27 taking; (19) theft by deception; (20) theft by extortion; (21)
28 forgery; (22) access device fraud; (23) resisting arrest; (24)
29 open lewdness; (25) corruption of minors; (26) sale or lease of
30 weapons or explosives; (27) indecent exposure; or (28) indecent

1 assault.

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

9 A first conviction for violation of this section may subject
10 the license holder to revocation of his license by the issuing
11 authority.

12 Upon the second conviction of a license holder for knowingly
13 hiring a person convicted of a felony or other specified
14 offenses in this section, the license of said holder shall be
15 revoked.

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

25 * * *

26 Section 2. Section 17 of the act is amended to read:

27 Section 17. District Attorneys to Prosecute.--Criminal
28 action for violation of this act shall be prosecuted by the
29 district attorney of the county in which any violation of this
30 act occurred. Additionally the police department of the

1 municipality in which any violation of this act occurs shall
2 have the power to investigate and file a police criminal
3 complaint for violations of this act.

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