

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 825 Session of 2007

INTRODUCED BY WALKO, SAYLOR, WHEATLEY, MARSICO, BELFANTI, CAPPELLI, CASORIO, FABRIZIO, GIBBONS, KOTIK, MAHONEY, MYERS, PETRI, SOLOBAY, JOSEPHS, JAMES, CREIGHTON, SIPTROTH, SHAPIRO, CALTAGIRONE AND BROOKS, MARCH 19, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 23, 2007

AN ACT

1 Amending ~~Titles 18 (Crimes and Offenses) and~~ TITLE 22 <—
2 (Detectives and Private Police) of the Pennsylvania
3 Consolidated Statutes, ~~providing for the offense of~~ <—
4 ~~impersonating a private investigator, security professional,~~
5 ~~fugitive recovery agent or employee;~~ amending the heading of
6 Title 22 and 22 Pa.C.S. Ch. 3; codifying and making extensive
7 revisions to The Private Detective Act of 1953; codifying the
8 Lethal Weapons Training Act; further providing for the
9 definition of "privately employed agents"; providing for the
10 continuation of certain licenses; making an appropriation;
11 and making related repeals.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follow:

14 ~~Section 1. Title 18 of the Pennsylvania Consolidated~~ <—
15 ~~Statutes is amended by adding a section to read:~~

16 ~~§ 4913.1. Impersonating private investigator, security~~
17 ~~professional, fugitive recovery agent or employee.~~

18 ~~A person commits a misdemeanor of the second degree if the~~
19 ~~person does any of the following:~~

20 ~~(1) Falsely pretends to hold a license as a private~~
21 ~~investigator, security professional or fugitive recovery~~

1 ~~agent within this Commonwealth.~~

2 ~~(2) Falsely pretends to be an employee of a licensed~~
3 ~~private investigator, security professional or fugitive~~
4 ~~recovery agent within this Commonwealth.~~

5 ~~(3) Performs any action in furtherance of paragraph (1)~~
6 ~~or (2).~~

7 Section 2. ~~The heading of Title 22 is amended to read:~~

8 SECTION 1. THE HEADING OF TITLE 22 OF THE PENNSYLVANIA
9 CONSOLIDATED STATUTES IS AMENDED TO READ:

<—

10 TITLE 22

11 [DETECTIVES AND PRIVATE POLICE] PRIVATE INVESTIGATORS,
12 SECURITY PROFESSIONALS, FUGITIVE RECOVERY AGENTS, PRIVATE POLICE
13 AND LETHAL WEAPONS

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

<—

15 [CHAPTER 3
16 DETECTIVES
17 (RESERVED)]

18 Section 4 3. Title 22 is amended by adding chapters to read:

<—

19 CHAPTER 3
20 PRIVATE INVESTIGATORS, SECURITY PROFESSIONALS
21 AND FUGITIVE RECOVERY AGENTS

22 Sec.

23 301. Scope of chapter.

24 302. Declaration of policy.

25 303. Definitions.

26 304. Board.

27 305. Deposit of funds.

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- 1 309. Change of residence or business location.
2 310. Expedited reciprocal licensing.
3 311. Employees.
4 312. Private investigator employees.
5 313. Pocket cards and badges.
6 314. Firearms.
7 315. Bond and insurance.
8 316. Licensure of corporations and other legal entities.
9 317. Criminal history record check.
10 318. Prohibition.
11 319. Title and utilization.
12 320. Rules of professional conduct.
13 321. Sanctions.
14 322. Injunction.
15 323. Unlawful acts.
16 324. Exclusions.
17 325. Restrictions on public disclosure.
18 § 301. Scope of chapter.

19 This chapter relates to private investigators, security
20 professionals and fugitive recovery agents.

21 § 302. Declaration of policy.

22 The General Assembly finds and declares as follows:

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

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

28 (3) Reasonable Statewide regulation of these professions
29 is in furtherance of public health, safety and welfare
30 interests.

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

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

8 § 303. 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 "Account." The Professional Licensure Augmentation Account.

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

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

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

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

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

26 "Fugitive recovery agent."

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

30 (i) Fugitive recovery.

1 (ii) Bail enforcement.

2 (iii) Bail recovery.

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

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

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

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

15 "License." Any license to practice as a private
16 investigator, security professional or fugitive recovery agent
17 under this chapter.

18 "Licensee." An individual, corporation, partnership, limited
19 liability company or other legal entity who holds a license
20 under this chapter.

21 "Private Detective Act of 1953." The former act of August
22 21, 1953 (P.L.1273, No.361), known as The Private Detective Act
23 of 1953.

24 "Private investigator."

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

29 (i) Crimes or wrongs done or threatened against an
30 individual, corporation, partnership, limited liability

1 company or other legal entity.

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

8 (iii) The credibility of witnesses or other
9 individuals.

10 (iv) The whereabouts of missing individuals.

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

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

16 (vii) The conduct of employees, agents, contractors
17 and subcontractors.

18 (viii) The securing of evidence for any civil or
19 criminal proceeding.

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

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

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

30 § 304. Board.

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

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

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

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

10 (3) The Attorney General or a designee.

11 (4) Five public members, who are residents of this
12 Commonwealth, appointed by the Governor, with the advice and
13 consent of a majority of the members elected to the Senate.
14 At least one of the five public members must be an attorney
15 whose practice primarily consists of representation of
16 criminal defendants. At least one of the five public members
17 must be an attorney whose practice primarily consists of the
18 representation of civil plaintiffs. At least one of five
19 public members must be an attorney whose practice primarily
20 consists of the representation of civil defendants. A person
21 shall not be eligible for appointment under this paragraph if
22 the person or the person's spouse meets any of the following
23 provisions:

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

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

29 (5) Nine professional members appointed by the Governor
30 with the advice and consent of a majority of the members

1 elected to the Senate. The professional members shall:

2 (i) be licensed under this chapter; and

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

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

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

14 (2) Fugitive recovery agents who have been actively
15 engaged in their profession and have a well-respected
16 reputation in the field shall, until July 1, 2010, be
17 qualified to serve as professional members of the board as
18 representatives of fugitive recovery agent licensees under
19 this chapter.

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

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

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

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

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

30 (iii) Two members shall be appointed for a term of

1 four years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (i) Participation.--A member of the board under subsection
16 (b)(4) or (5) who fails to attend three consecutive meetings
17 shall forfeit membership unless the president, upon written
18 request from the member, finds that the member should be excused
19 for good cause.

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

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

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

30 (3) To promulgate reasonable rules and regulations to

1 carry out the provisions of this chapter.

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

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

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

26 (7) To take appropriate actions to initiate injunction
27 and criminal prosecution proceedings in connection with the
28 unlawful and unauthorized practice of private investigators,
29 security professionals or fugitive recovery agents or other
30 violations of this chapter. Injunction and criminal

1 proceedings shall be instituted in accordance with the
2 Commonwealth Attorneys Act.

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

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

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

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

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

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

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

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

29 (16) To develop and administer a mandatory continuing
30 professional education program for each of the categories of

1 licenses, including the employees of a licensee.

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

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

10 § 305. Deposit of funds.

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

14 § 306. Licensure.

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

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

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

21 (3) A fugitive recovery agent's license is required in
22 order to practice as a fugitive recovery agent after July 1,
23 2009.

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

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

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

30 (2) Be a United States citizen.

1 (3) Be of good moral character.

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

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

7 (6) Qualify by successful completion of a professional
8 entrance examination for the category of license which is the
9 subject of the application.

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

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

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

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

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

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

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

30 (vi) Worked full time as an investigator or in a

1 similar capacity for an insurance company in a special
2 investigation unit.

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

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

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

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

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

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

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

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

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

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

29 (vii) Worked full time under the direction of a
30 private investigator who was licensed under the Private

1 Detective Act of 1953.

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

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

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

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

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

16 (iv) Worked as a constable or deputy constable
17 certified to perform judicial duties under 42 Pa.C.S. Ch.
18 29 Subch. C (relating to constables).

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

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

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

27 (viii) Worked as a fugitive recovery agent prior to
28 July 1, 2010. This subparagraph shall expire July 1,
29 2015.

30 (e) Education and part-time work experience.--The board may

1 allow an applicant for any category of license under subsection
2 (d) to do any of the following:

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

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

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

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

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

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

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

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

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

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

30 (4) Two current CPIN-compatible photographs.

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

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

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

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

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

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

21 (7) The applicant's signature.

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

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

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

30 (h) Issuance of license.--

1 (1) The board shall conduct an investigation of an
2 applicant, including a credit check, if the applicant has met
3 all of the following:

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

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

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

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

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

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

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

24 (2) employed by a private investigator.

25 § 307. Form of license.

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

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

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

1 (3) The expiration date.

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

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

7 (c) Display.--A licensee shall post the license or a
8 duplicate in a conspicuous place in each bureau, agency, office
9 or branch office.

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

16 § 308. License renewal.

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

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

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

22 (ii) A licensee whose license has not been expired
23 for more than six months on the date of renewal
24 application.

25 (2) For the purposes of this subsection, the term
26 "licensee" shall include any individual, corporation,
27 partnership, limited liability company or other legal entity
28 licensed under the Private Detective Act of 1953 on the
29 effective date of this section who is applying for a license
30 as a private investigator or security professional under this

1 chapter prior to the expiration of the license under the
2 Private Detective Act of 1953. The qualification by
3 successful completion of a professional entrance examination
4 in section 306(c)(6) (relating to licensure) and the required
5 additional qualifications of section 306(d) shall not apply
6 to a licensee under the Private Detective Act of 1953 who met
7 the work experience requirements under section 4(a) of that
8 act and is applying for renewal of a license as a private
9 investigator or security professional under this section.

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

- 12 (1) File a renewal application with the board.
- 13 (2) Pay a bond and provide proof of insurance as
14 required in section 315 (relating to bond and insurance).
- 15 (3) Pay a fee as established by regulation of the board.
- 16 (4) Provide two current CPIN-compatible photographs.
- 17 (5) Provide any other information which the board deems
18 appropriate.

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

25 § 309. Change of residence or business location.

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

28 (b) Business location.--A licensee shall notify the board in
29 writing within 15 days of the change of location of any bureau,
30 agency, office or branch office. Notice shall include the new

1 location of the bureau, agency, office or branch office and the
2 date on which the change was effected.

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

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

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

12 § 310. Expedited reciprocal licensing.

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

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

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

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

30 (4) The individual or the officers of the corporation,

1 partnership, limited liability company or other legal entity
2 provide two current CPIN-compatible photographs.

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

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

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

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

15 § 311. Employees.

16 (a) General rule.--A licensee may employ as many individuals
17 as necessary to assist the licensee in the licensee's work. The
18 licensee shall at all times during the employment be responsible
19 for the reasonable supervision of each employee and accountable
20 for the employee's conduct.

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

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

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

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

1 (4) Two current CPIN-compatible photographs.

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

6 (6) A physical description.

7 (7) The prospective employee's signature.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 § 312. Private investigator employees.

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

23 § 313. Pocket cards and badges.

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

30 (1) The licensee's name.

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

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

4 (4) Authenticity information such as license number,
5 date of expiration and the official State seal.

6 (b) Employees.--If a prospective employee of a licensee has
7 not been prohibited from being hired by the board, the board
8 shall issue to the licensee a pocket card which contains the
9 employee's CPIN-compatible photograph for use by the employee.
10 If the licensee does not employ the prospective employee for any
11 reason, the licensee shall return the pocket card to the board,
12 which shall destroy the returned pocket card. Failure of the
13 licensee to do any of the following shall constitute a summary
14 offense:

15 (1) Return a pocket card.

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

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

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

24 (i) A pocket card or badge has been defaced,
25 damaged, stolen or lost.

26 (ii) The licensee has not been issued a pocket card
27 or badge or pocket cards for employees.

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

1 pocket cards.

2 (d) Holders of pocket cards and badges.--It shall be
3 unlawful for a licensee or an employee of a licensee to lend or
4 to transfer the pocket card or badge or to allow any other
5 individual to use, wear or display a pocket card or badge. A
6 licensee or employee who violates this subsection commits a
7 misdemeanor of the third degree.

8 § 314. Firearms.

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

15 § 315. Bond and insurance.

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

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

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

27 (d) Proof of workers' compensation insurance.--All
28 applicants for licenses and licensees seeking renewal of
29 licenses shall provide proof of compliance with or exemption
30 from the act of June 2, 1915 (P.L.736, No.338), known as the

1 Workers' Compensation Act.

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

5 (f) Loss of bond or insurance.--A licensee who fails to
6 maintain a bond or insurance in an amount set by the board shall
7 immediately suspend activity pursuant to the license until a new
8 bond or insurance is acquired.

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

16 (1) A deposit of cash.

17 (2) A certified check.

18 (3) An irrevocable letter of credit.

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

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

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

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

27 (a) Licensing.--If a corporation, partnership, limited
28 liability company or other legal entity other than a natural
29 person applies for or has one or more categories of licenses
30 under this chapter, the requirements of licensing for that

1 category under this chapter, except the qualification by
2 examination under section 306(c)(6) (relating to licensure) and
3 the required additional qualifications of section 306(d), shall
4 apply to the president, treasurer and secretary of the
5 corporation or equivalent officers of a partnership, limited
6 liability company or other legal entity. At least one officer,
7 known as a qualifying officer, shall meet one of the following
8 requirements for each category of license:

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

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

13 (3) Entitlement to apply for renewal pursuant to section
14 308(a) (relating to license renewal) for that category of
15 license held by the corporation, partnership, limited
16 liability company or other legal entity.

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

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

27 (2) Possession of a license under this chapter.

28 (3) Entitlement to apply for renewal pursuant to section
29 308(a).

30 (c) Successors.--In case of death, resignation or removal of

1 an officer of a corporation, partnership, limited liability
2 company or other legal entity, all of the following shall apply:

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

4 (2) Notice must be provided in writing to the board
5 regarding the death, resignation or removal.

6 (3) A copy of the minutes of any meeting of the board of
7 directors or similar body regarding the death, resignation or
8 removal of an officer and designation of a successor must be
9 provided to the board.

10 § 317. Criminal history record check.

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

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

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

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

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

29 § 318. Prohibition.

30 (a) Applicant.--In no case shall a license be issued to an

1 applicant or a renewal license issued to a licensee if the
2 applicant's or licensee's criminal history record information
3 indicates the applicant has been convicted of any offense under
4 subsection (c).

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

7 (c) Prohibited offenses.--The following shall include
8 prohibited offenses:

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

12 (2) An offense under one or more of the following
13 provisions of 18 Pa.C.S. (relating to crimes and offenses):

14 Chapter 25 (relating to criminal homicide).

15 Chapter 27 (relating to assault) where the offense is
16 graded higher than a summary offense.

17 Chapter 29 (related to kidnapping).

18 Chapter 31 (relating to sexual offenses).

19 Section 3301 (relating to arson and related
20 offenses).

21 Section 3502 (relating to burglary).

22 Chapter 37 (relating to robbery).

23 Chapter 39 (relating to theft and related offenses)
24 where the offense is graded higher than a summary
25 offense.

26 Chapter 41 (relating to forgery and fraudulent
27 practices).

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

29 Chapter 47 (relating to bribery and corrupt
30 influence).

1 Chapter 49 (relating to falsification and
2 intimidation).

3 Chapter 53 (relating to abuse of office).

4 Chapter 55 (relating to riot, disorderly conduct and
5 related offenses) where the offense is graded higher than
6 a summary offense, except for an offense under section
7 5503 (relating to disorderly conduct) regardless of the
8 grading of the offense.

9 Chapter 57 (relating to wiretapping and electronic
10 surveillance).

11 Chapter 59 (relating to public indecency).

12 Chapter 61 (relating to firearms and other dangerous
13 articles) where the offense is graded higher than a
14 summary offense.

15 Chapter 63 (relating to minors) where the offense is
16 graded higher than a summary offense.

17 (3) An offense related to misconduct in public office,
18 including tampering, bribery, making false statements or
19 impersonation.

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

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

24 § 319. Title and utilization.

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

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

30 (c) Fugitive recovery agent licensee.--A fugitive recovery

1 agent licensee has the right to use the title "bounty hunter" or
2 "fugitive recovery agent."

3 § 320. Rules of professional conduct.

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

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

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

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

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

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

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

23 § 321. Sanctions.

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

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

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

4 (ii) Administer a public reprimand.

5 (iii) Impose an administrative penalty of up to
6 \$5,000.

7 (iv) Suspend the license.

8 (v) Revoke the license.

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

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

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

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

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

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

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

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

30 § 322. Injunction.

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

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

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

12 (2) Falsely pretends to hold a license under this
13 chapter WITH INTENT TO INDUCE ANOTHER TO SUBMIT TO THE <—
14 PRETENDED OFFICIAL AUTHORITY OR OTHERWISE TO ACT IN RELIANCE
15 UPON THAT PRETENSE TO THE OTHER'S PREJUDICE.

16 (3) Falsely pretends to be an employee of a licensee
17 under this chapter WITH INTENT TO INDUCE ANOTHER TO SUBMIT TO <—
18 THE PRETENDED OFFICIAL AUTHORITY OR OTHERWISE TO ACT IN
19 RELIANCE UPON THAT PRETENSE TO THE OTHER'S PREJUDICE.

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

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

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

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

30 (d) Penalties to be in addition to other penalties.--A

1 penalty imposed under this section shall be in addition to other
2 criminal penalties provided for in this chapter

3 § 324. Exclusions.

4 (a) General rule.--Nothing in this chapter shall be
5 construed as preventing, restricting or requiring licensure of
6 an individual, while engaged in the official performance of his
7 duties, who is in the exclusive employment of any of the
8 following:

9 (1) The Federal Government.

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

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

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

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

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

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

29 (4) An individual in the exclusive employment of a
30 common carrier subject to Federal regulation or regulation by

1 the Pennsylvania Public Utility Commission, while engaged in
2 the duties of such employment.

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

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

13 (7) An employee of a licensee under paragraph (6).

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

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

27 (10) An individual who accesses public records without
28 compensation or other remuneration.

29 (c) Security professional license.--An individual, while
30 engaged in the official performance of the individual's duties,

1 who is in the exclusive employment of a foreign government,
2 shall not be required to obtain a security professional's
3 license.

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

6 (1) A professional bondsman licensed under 42 Pa.C.S. §
7 5743 (relating to issuance of license) or an employee of the
8 bondsman.

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

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

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

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

28 (6) A holder of a license as a private investigator or
29 private detective from another state or jurisdiction or
30 employee of the licensee, for the purpose of capturing a

1 fugitive who fled from the state or jurisdiction where the
2 license is held. The individual shall, before attempting
3 apprehension of the fugitive, notify both the board and the
4 chief law enforcement officer, as defined in 42 Pa.C.S. §
5 8951, of the political subdivision where the fugitive is
6 located.

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

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

13 § 325. Restrictions on public disclosure.

14 The following information in the possession of the board
15 shall not be subject to access under the act of June 21, 1957
16 (P.L.390, No.212), referred to as the Right-to-Know Law:

17 (1) The residence address or former residence address of
18 any applicant, licensee or employee.

19 (2) The date of birth of any applicant, licensee or
20 employee.

21 (3) The fingerprints of any applicant, licensee or
22 employee.

23 (4) Any criminal history record information of an
24 applicant, licensed or employee.

25 CHAPTER 11

26 LETHAL WEAPONS TRAINING

27 Sec.

28 1101. Legislative findings and purpose.

29 1102. Definitions.

30 1103. Education and training program.

1 1104. Powers and duties of commissioner.

2 1105. Certificate of qualification.

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4 1107. Good standing.

5 1108. Retired police officers.

6 1109. Penalties.

7 1110. Prohibited acts.

8 1111. Active police officers.

9 § 1101. Legislative findings and purpose.

10 The following shall apply:

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

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

29 § 1102. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Commissioner." The Commissioner of Pennsylvania State
4 Police.

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

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

16 "Privately employed agents." Any person employed for the
17 purpose of providing watch guard, protective patrol, fugitive
18 recovery, bail enforcement, bail recovery, detective or criminal
19 investigative services either for another for a fee or for the
20 person's employer. The term includes any licensee or employee of
21 a licensee, under Chapter 3 (relating to private investigators,
22 security professionals and fugitive recovery agents) and a
23 police officer of a municipal authority. The term shall not
24 include Federal, State or local government employees or those
25 police officers commissioned by the Governor under the former
26 act of February 27, 1865 (P.L.225, No.228), entitled "An act
27 empowering railroad companies to employ police force" or Chapter
28 33 (relating to railroad and street railway police).

29 "Program." The education and training program established
30 and administered or approved by the Commissioner of Pennsylvania

1 State Police in accordance with this chapter.

2 § 1103. Education and training program.

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

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

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

23 § 1104. Powers and duties of commissioner.

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

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

30 (2) To implement and administer or approve physical and

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

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

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

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

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

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

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

30 (9) In the event that the commissioner implements and

1 administers a program, to collect reasonable charges from the
2 students enrolled therein to pay for the costs of the
3 program.

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

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

11 § 1105. Certificate of qualification.

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

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

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

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

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

11 (f) Process.--After the application has been processed and
12 if the commissioner determines that the applicant is 18 years of
13 age and has not been convicted of or has not pleaded guilty or
14 nolo contendere to a crime of violence and has satisfied any
15 other requirements prescribed by the commissioner under the
16 commissioner's powers and duties under section 1104 (relating to
17 powers and duties of commissioner), the commissioner shall issue
18 a certificate of qualification which shall entitle the applicant
19 to enroll in an approved program.

20 § 1106. Certification and fee.

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

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

30 (c) Identification.--Every certified individual shall carry

1 the wallet or billfold size certificate on the certified
2 individual's person as identification during the time when the
3 certified individual is on duty or going to and from duty and
4 carrying a lethal weapon.

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

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

14 § 1107. Good standing.

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

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

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

28 § 1108. Retired police officers.

29 (a) Initial certification.--A nondisability retired police
30 officer of a Pennsylvania municipality or the Pennsylvania State

1 Police shall be initially certified under this chapter and need
2 not meet the training and qualification standards or physical
3 and psychological qualifications under this chapter if the
4 officer was a full-time police officer for at least 20 years,
5 retired in good standing and has assumed the duties of a
6 privately employed agent on or before three years from the date
7 of his retirement. If a retired police officer commences duties
8 as a privately employed agent after three years from the date of
9 the retired officer's retirement, the retired officer must meet
10 the physical and psychological requirements of this chapter for
11 certification under this section.

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

16 § 1109. Penalties.

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

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

28 § 1110. Prohibited acts.

29 No individual certified under this chapter shall carry an
30 inoperative or model firearm while employed and shall carry only

1 a powder actuated firearm approved by the commissioner.

2 § 1111. Active police officers.

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

11 Section ~~5~~ 4. The following shall apply: ←

12 (1) An individual, corporation, partnership, limited
13 liability company or other legal entity licensed under the
14 former act of August 21, 1953 (P.L.1273, No. 361), known as
15 The Private Detective Act of 1953, on the effective date of
16 this section shall be deemed to be licensed as both a private
17 investigator and a security professional under 22 Pa.C.S. Ch.
18 3 for the balance of the term of the license issued under the
19 former act known as The Private Detective Act of 1953.

20 (2) Nothing in 22 Pa.C.S. Ch. 3 shall require fugitive
21 recovery agents to obtain a license or comply with Chapter 3
22 until July 1, 2010.

23 Section ~~6~~ 5. The following shall apply: ←

24 (1) The sum of \$150,000, or as much thereof as may be
25 necessary, is hereby appropriated from the Professional
26 Licensure Augmentation Account for the fiscal year July 1,
27 2007, to June 30, 2008, for the operation of the State Board
28 of Private Investigators, Security Professionals and Fugitive
29 Recovery Agents to carry out the provisions of 22 Pa.C.S. Ch.
30 3. The appropriation shall be a continuing appropriation

1 until June 30, 2011, at which time any unexpended funds shall
2 lapse into the account.

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

6 Section 7 6. The provisions of this act are severable. If ←
7 any provision of this act or its application to any person or
8 circumstance is held invalid, the invalidity shall not affect
9 other provisions or applications of this act which can be given
10 effect without the invalid provision or application.

11 Section 8 7. Repeals are as follows: ←

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

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

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

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

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

24 Section 9 8. The addition of 22 Pa.C.S. Ch. 3 is a ←
25 continuation of the act of August 21, 1953 (P.L.1273, No.361),
26 known as The Private Detective Act of 1953. Except as otherwise
27 provided in 22 Pa.C.S. Ch. 3, all activities initiated under The
28 Private Detective Act shall continue and remain in full force
29 and effect and may be completed under 22 Pa.C.S. Ch. 3. Orders,
30 regulations, rules and decisions which were made under The

1 Private Detective Act and which are in effect on the effective
2 date of section ~~8(1)(ii)~~ 7(1)(II) of this act shall remain in
3 full force and effect until revoked, vacated or modified under
4 22 Pa.C.S. Ch. 3. Contracts, obligations and collective
5 bargaining agreements entered into under The Private Detective
6 Act are not affected nor impaired by the repeal of The Private
7 Detective Act.

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

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11 (1) Except as otherwise provided in 22 Pa.C.S. Ch. 11,
12 all activities initiated under the Lethal Weapons Training
13 Act shall continue and remain in full force and effect and
14 may be completed under 22 Pa.C.S. Ch. 11. Orders,
15 regulations, rules and decisions which were made under the
16 Lethal Weapons Training Act and which are in effect on the
17 effective date of section ~~8(2)(ii)~~ 7(2)(II) of this act shall
18 remain in full force and effect until revoked, vacated or
19 modified under 22 Pa.C.S. Ch. 11. Contracts, obligations and
20 collective bargaining agreements entered into under the
21 Lethal Weapons Training Act are not affected nor impaired by
22 the repeal of the Lethal Weapons Training Act.

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

30 (3) Paragraph (2) does not apply to the addition of the

1 definition of "privately employed agents" in 22 Pa.C.S. §
2 1102.

3 Section ~~11~~ 10. This act shall take effect as follows: ←

4 (1) The following provisions shall take effect
5 immediately:

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

7 (ii) Section ~~6~~ 5. ←

8 (iii) This section.

9 (2) The remainder of this act shall take effect in 180
10 days.