

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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PETRI AND SOLOBAY, MARCH 19, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 19, 2007

AN ACT

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

- 1 312. Private investigator employees.
- 2 313. Pocket cards and badges.
- 3 314. Firearms.
- 4 315. Bond and insurance.
- 5 316. Licensure of corporations and other legal entities.
- 6 317. Criminal history record check.
- 7 318. Prohibition.
- 8 319. Title and utilization.
- 9 320. Rules of professional conduct.
- 10 321. Sanctions.
- 11 322. Injunction.
- 12 323. Unlawful acts.
- 13 324. Exclusions.
- 14 325. Restrictions on public disclosure.

15 § 301. Scope of chapter.

16 This chapter relates to private investigators, security
17 professionals and fugitive recovery agents.

18 § 302. Declaration of policy.

19 The General Assembly finds and declares as follows:

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

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

25 (3) Reasonable Statewide regulation of these professions
26 is in furtherance of public health, safety and welfare
27 interests.

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

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

5 § 303. Definitions.

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

9 "Account." The Professional Licensure Augmentation Account.

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

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

16 "Bureau." The Bureau of Professional and Occupational
17 Affairs.

18 "Categories of licenses." Private investigator licenses,
19 security professional licenses and fugitive recovery agent
20 licenses.

21 "CPIN-compatible." Compatible with the Commonwealth Photo
22 Imaging Network.

23 "Fugitive recovery agent."

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

27 (i) Fugitive recovery.

28 (ii) Bail enforcement.

29 (iii) Bail recovery.

30 (iv) Investigation as to the location or whereabouts

1 of any person who has failed to appear in any Federal or
2 State court of law, when required by law, or has failed
3 to answer any criminal charge or subpoena, when required
4 by law.

5 (v) Assistance in the apprehension, arrest,
6 detention, confinement, surrender or securing of a person
7 described in subparagraph (iv).

8 (vi) Surveillance of a person described in
9 subparagraph (iv).

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

12 "License." Any license to practice as a private
13 investigator, security professional or fugitive recovery agent
14 under this chapter.

15 "Licensee." An individual, corporation, partnership, limited
16 liability company or other legal entity who holds a license
17 under this chapter.

18 "Private Detective Act of 1953." The former act of August
19 21, 1953 (P.L.1273, No.361), known as The Private Detective Act
20 of 1953.

21 "Private investigator."

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

26 (i) Crimes or wrongs done or threatened against an
27 individual, corporation, partnership, limited liability
28 company or other legal entity.

29 (ii) The identity, habits, conduct, movement,
30 whereabouts, affiliations, association, transactions,

1 reputation or character of any individual, group of
2 individuals, association, organization, society,
3 partnership, corporation, limited liability company or
4 other legal entity.

5 (iii) The credibility of witnesses or other
6 individuals.

7 (iv) The whereabouts of missing individuals.

8 (v) The location or recovery of lost or stolen
9 property.

10 (vi) The cases or origins of or responsibility for
11 fires or torts or losses, accidents, damage or injuries
12 to personal or real property.

13 (vii) The conduct of employees, agents, contractors
14 and subcontractors.

15 (viii) The securing of evidence for any civil or
16 criminal proceeding.

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

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

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

27 § 304. Board.

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

1 (b) Membership.--The following shall be members of the
2 board:

3 (1) The Commissioner of Professional and Occupational
4 Affairs or a designee.

5 (2) The Commissioner of Pennsylvania State Police or a
6 designee.

7 (3) The Attorney General or a designee.

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

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

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

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

29 (i) be licensed under this chapter; and

30 (ii) include at least two licensees from each of the

1 categories of licenses under this chapter.

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

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

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

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

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

21 (2) Members under subsection (b)(4) shall serve initial
22 terms as follows:

23 (i) One member shall be appointed for a term of two
24 years.

25 (ii) Two members shall be appointed for a term of
26 three years.

27 (iii) Two members shall be appointed for a term of
28 four years.

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

1 (i) Three members shall be appointed for a term of
2 two years.

3 (ii) Three members shall be appointed for a term of
4 three years.

5 (iii) Three members shall be appointed for a term of
6 four years.

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

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

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

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

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

19 (2) Voting must be direct; voting by proxy shall not be
20 permitted.

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

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

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

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

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

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

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

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

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

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

25 (2) To develop applications and renewal applications for
26 each of the categories of licenses.

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

29 (4) To establish monetary penalties and fees for
30 licenses, renewals, badges, pocket cards and other goods and

1 services provided by the board to licensees. Initial fees
2 shall be designed to recover the board's administrative
3 costs. If the funds raised by penalties and fees under this
4 chapter are not sufficient to meet the board's administrative
5 costs over a two-year period, the board may promulgate
6 regulations to increase those penalties and fees so that the
7 projected funds will meet the board's projected costs.

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

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

23 (7) To take appropriate actions to initiate injunction
24 and criminal prosecution proceedings in connection with the
25 unlawful and unauthorized practice of private investigators,
26 security professionals or fugitive recovery agents or other
27 violations of this chapter. Injunction and criminal
28 proceedings shall be instituted in accordance with the
29 Commonwealth Attorneys Act.

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

1 (9) To keep a record of applications and renewal
2 applications, including a copy of all materials submitted
3 with applications and renewal applications.

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

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

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

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

20 (14) To approve badge designs submitted by a security
21 professional for use by employees of that security
22 professional.

23 (15) To conduct criminal history record checks as
24 provided in section 317 (relating to criminal history record
25 check).

26 (16) To develop and administer a mandatory continuing
27 professional education program for each of the categories of
28 licenses, including the employees of a licensee.

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

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

7 § 305. Deposit of funds.

8 Fees and penalties collected under this chapter shall be paid
9 into the account and used by the bureau and the board to
10 administer this chapter.

11 § 306. Licensure.

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

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

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

18 (3) A fugitive recovery agent's license is required in
19 order to practice as a fugitive recovery agent after July 1,
20 2009.

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

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

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

27 (2) Be a United States citizen.

28 (3) Be of good moral character.

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

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

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

7 (d) Additional qualifications.--An applicant for a specific
8 license shall meet the following specific additional
9 qualifications:

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

16 (i) Worked as an investigator as a member of the
17 Pennsylvania State Police.

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

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

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

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

27 (vi) Worked full time as an investigator or in a
28 similar capacity for an insurance company in a special
29 investigation unit.

30 (vii) Worked full time as an attorney or an

1 investigator for an attorney or law firm.

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

5 (ix) Has other investigative or investigative
6 support experience that the board finds relevant to the
7 activities of a private investigator.

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

14 (i) Worked as a member of the Pennsylvania State
15 Police.

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

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

19 (iv) Worked as a member of a Federal or state
20 investigative service.

21 (v) Worked full time under the direction of a
22 security professional who is or was licensed under this
23 chapter.

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

26 (vii) Worked full time under the direction of a
27 private investigator who was licensed under the Private
28 Detective Act of 1953.

29 (viii) Has other security or security support
30 experience that the board finds relevant to the

1 activities of a security professional.

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

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

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

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

13 (iv) Worked as a constable or deputy constable
14 certified to perform judicial duties under 42 Pa.C.S. Ch.
15 29 Subch. C (relating to constables).

16 (v) Worked as a member of a state or United States
17 investigative service.

18 (vi) Worked full time under the direction of a
19 fugitive recovery agent who is or was licensed under this
20 chapter.

21 (vii) Has other fugitive recovery or related
22 experience that the board finds relevant to the
23 activities of a fugitive recovery agent.

24 (viii) Worked as a fugitive recovery agent prior to
25 July 1, 2010. This subparagraph shall expire July 1,
26 2015.

27 (e) Education and part-time work experience.--The board may
28 allow an applicant for any category of license under subsection
29 (d) to do any of the following:

30 (1) Substitute up to one year of relevant educational

experience for work experience required of an applicant under subsection (d).

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

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

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

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

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

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

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

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

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

(4) Two current CPIN-compatible photographs.

(5) A statement whether the applicant applying for a license intends to practice as an individual, corporation, partnership, limited liability company or other legal entity.

1 If the applicant intends to practice as a corporation,
2 partnership, limited liability company or legal entity other
3 than an individual, the applicant shall identify all
4 principals of that entity and shall also provide all of the
5 following:

6 (i) The name and appropriate credentials of the
7 qualifying officer.

8 (ii) The name and principal business address of that
9 entity.

10 (iii) The articles of incorporation, partnership
11 agreement, certificate of organization or similar
12 governing document.

13 (iv) The name and address of all shareholders or
14 other owners of the corporation, partnership, limited
15 liability company or other legal entity.

16 (6) The location of each bureau, agency, office or
17 branch office.

18 (7) The applicant's signature.

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

22 (9) The payment of a bond and submission of proof of
23 insurance as required in section 315 (relating to bond and
24 insurance).

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

27 (h) Issuance of license.--

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

1 (i) Completed the application process under
2 subsection (f).

3 (ii) Been found to meet all of the qualifications in
4 subsection (c).

5 (iii) Been found to meet the additional
6 qualifications for the category of license in subsection
7 (d).

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

13 (i) Term of license.--The term of a license shall be two
14 years. Renewal of a license shall be subject to section 308
15 (relating to license renewal).

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

- 20 (1) eligible for a license as a private investigator; or
- 21 (2) employed by a private investigator.

22 § 307. Form of license.

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

- 25 (1) The full name and title of the licensee.
- 26 (2) The location of each bureau, agency, office or
27 branch office for which the license was issued.
- 28 (3) The expiration date.
- 29 (4) Any other information deemed appropriate by the
30 board.

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

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

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

13 § 308. License renewal.

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

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

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

19 (ii) A licensee whose license has not been expired
20 for more than six months on the date of renewal
21 application.

22 (2) For the purposes of this subsection, the term
23 "licensee" shall include any individual, corporation,
24 partnership, limited liability company or other legal entity
25 licensed under the Private Detective Act of 1953 on the
26 effective date of this section who is applying for a license
27 as a private investigator or security professional under this
28 chapter prior to the expiration of the license under the
29 Private Detective Act of 1953. The qualification by
30 successful completion of a professional entrance examination

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

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

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

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

22 § 309. Change of residence or business location.

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

25 (b) Business location.--A licensee shall notify the board in
26 writing within 15 days of the change of location of any bureau,
27 agency, office or branch office. Notice shall include the new
28 location of the bureau, agency, office or branch office and the
29 date on which the change was effected.

30 (c) Notation on license and duplicates.--Pursuant to a

1 change of business location under subsection (b), a licensee
2 shall deliver the license and any duplicates to a designated
3 location established by the board. The board shall, at its
4 discretion, do one of the following:

5 (1) Note the change on the license and duplicates and
6 return the license and duplicates to the licensee.

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

9 § 310. Expedited reciprocal licensing.

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

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

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

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

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

30 (5) The individual, corporation, partnership, limited

1 liability company or other legal entity establishes a bureau,
2 agency, office or branch office within this Commonwealth.

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

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

9 (8) The other state will license or certify Pennsylvania
10 licensees to practice in that state in a similar expedited
11 fashion.

12 § 311. Employees.

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

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

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

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

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

28 (4) Two current CPIN-compatible photographs.

29 (5) A statement indicating whether the employee has met
30 the requirements of the act of October 10, 1974 (P.L.705,

1 No.235), known as the Lethal Weapons Training Act or Chapter
2 11 (relating to lethal weapons training).

3 (6) A physical description.

4 (7) The prospective employee's signature.

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

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

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

15 (c) Duty of licensee.--A licensee shall do all of the
16 following:

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

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

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

26 (4) Promptly transmit to the board any other information
27 which the board deems appropriate.

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

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

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

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

11 (3) A licensee who fails to adequately or accurately
12 keep records of employees commits a misdemeanor of the third
13 degree.

14 § 312. Private investigator employees.

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

20 § 313. Pocket cards and badges.

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

27 (1) The licensee's name.

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

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

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

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

12 (1) Return a pocket card.

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

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

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

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

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

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

29 (d) Holders of pocket cards and badges.--It shall be
30 unlawful for a licensee or an employee of a licensee to lend or

1 to transfer the pocket card or badge or to allow any other
2 individual to use, wear or display a pocket card or badge. A
3 licensee or employee who violates this subsection commits a
4 misdemeanor of the third degree.

5 § 314. Firearms.

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

12 § 315. Bond and insurance.

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

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

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

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

29 (e) Change of bond or insurance.--A licensee shall notify
30 the board within 15 days of any change relating to a bond or

1 insurance under this section.

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

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

13 (1) A deposit of cash.

14 (2) A certified check.

15 (3) An irrevocable letter of credit.

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

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

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

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

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

1 apply to the president, treasurer and secretary of the
2 corporation or equivalent officers of a partnership, limited
3 liability company or other legal entity. At least one officer,
4 known as a qualifying officer, shall meet one of the following
5 requirements for each category of license:

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

8 (2) Possession of the category of license under this
9 chapter.

10 (3) Entitlement to apply for renewal pursuant to section
11 308(a) (relating to license renewal) for that category of
12 license held by the corporation, partnership, limited
13 liability company or other legal entity.

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

22 (1) Fulfillment of the requirements of section 306(c)(6)
23 and (d).

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

25 (3) Entitlement to apply for renewal pursuant to section
26 308(a).

27 (c) Successors.--In case of death, resignation or removal of
28 an officer of a corporation, partnership, limited liability
29 company or other legal entity, all of the following shall apply:

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

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

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

7 § 317. Criminal history record check.

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

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

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

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

23 (3) Conduct additional research concerning an
24 applicant's, licensee's or employee's criminal history as the
25 board deems necessary.

26 § 318. Prohibition.

27 (a) Applicant.--In no case shall a license be issued to an
28 applicant or a renewal license issued to a licensee if the
29 applicant's or licensee's criminal history record information
30 indicates the applicant has been convicted of any offense under

1 subsection (c).

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

4 (c) Prohibited offenses.--The following shall include
5 prohibited offenses:

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

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

11 Chapter 25 (relating to criminal homicide).

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

14 Chapter 29 (related to kidnapping).

15 Chapter 31 (relating to sexual offenses).

16 Section 3301 (relating to arson and related
17 offenses).

18 Section 3502 (relating to burglary).

19 Chapter 37 (relating to robbery).

20 Chapter 39 (relating to theft and related offenses)
21 where the offense is graded higher than a summary
22 offense.

23 Chapter 41 (relating to forgery and fraudulent
24 practices).

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

26 Chapter 47 (relating to bribery and corrupt
27 influence).

28 Chapter 49 (relating to falsification and
29 intimidation).

30 Chapter 53 (relating to abuse of office).

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

6 Chapter 57 (relating to wiretapping and electronic
7 surveillance).

8 Chapter 59 (relating to public indecency).

9 Chapter 61 (relating to firearms and other dangerous
10 articles) where the offense is graded higher than a
11 summary offense.

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

14 (3) An offense related to misconduct in public office,
15 including tampering, bribery, making false statements or
16 impersonation.

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

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

21 § 319. Title and utilization.

22 (a) Private investigator licensee.--A private investigator
23 licensee has the right to use the title "private investigator"
24 or "private detective" and the abbreviation "P.I."

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

27 (c) Fugitive recovery agent licensee.--A fugitive recovery
28 agent licensee has the right to use the title "bounty hunter" or
29 "fugitive recovery agent."

30 § 320. Rules of professional conduct.

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

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

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

7 (3) A licensee and all employees shall not practice or
8 attempt to practice beyond a licensee's defined scope of
9 practice.

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

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

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

20 § 321. Sanctions.

21 (a) Discretionary.--The following shall apply to
22 discretionary sanctions:

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

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

1 (ii) Administer a public reprimand.

2 (iii) Impose an administrative penalty of up to
3 \$5,000.

4 (iv) Suspend the license.

5 (v) Revoke the license.

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

8 (b) Mandatory.--The following shall apply to mandatory
9 sanctions:

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

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

14 (ii) The licensee is convicted of any prohibited
15 offense as provided in section 318(c) (relating to
16 prohibition).

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

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

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

27 § 322. Injunction.

28 The board may seek injunctive relief in a court of competent
29 jurisdiction to enjoin a person from committing any violation of
30 this chapter. Relief under this section shall be in addition to

1 and not in lieu of all remedies and penalties under sections 321
2 (relating to sanctions), 323 (relating to unlawful acts) and
3 other penalties or remedies provided for in this chapter.

4 § 323. Unlawful acts.

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

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

9 (2) Falsely pretends to hold a license under this
10 chapter.

11 (3) Falsely pretends to be an employee of a licensee
12 under this chapter.

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

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

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

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

23 (d) Penalties to be in addition to other penalties.--A
24 penalty imposed under this section shall be in addition to other
25 criminal penalties provided for in this chapter

26 § 324. Exclusions.

27 (a) General rule.--Nothing in this chapter shall be
28 construed as preventing, restricting or requiring licensure of
29 an individual, while engaged in the official performance of his
30 duties, who is in the exclusive employment of any of the

1 following:

2 (1) The Federal Government.

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

5 (3) Any other state or political subdivision of a state,
6 including the District of Columbia, the Commonwealth of
7 Puerto Rico and the territories and possessions of the United
8 States.

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

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

15 (2) An individual exclusively employed for one insurance
16 company, while engaged in the duties of such employment, as
17 an investigator in a special investigation unit or similar
18 capacity.

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

22 (4) An individual in the exclusive employment of a
23 common carrier subject to Federal regulation or regulation by
24 the Pennsylvania Public Utility Commission, while engaged in
25 the duties of such employment.

26 (5) An individual in the exclusive employment of a
27 telephone, telegraph or other telecommunications company
28 subject to regulation by the Federal Communications
29 Commission or the Pennsylvania Public Utility Commission,
30 while engaged in the duties of such employment.

1 (6) A license holder or corporation or other entity
2 licensed as a private investigative agency in this
3 Commonwealth under the Private Detective Act of 1953 before
4 the effective date of this chapter, if the license has not
5 expired.

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

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

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

20 (10) An individual who accesses public records without
21 compensation or other remuneration.

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

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

29 (1) A professional bondsman licensed under 42 Pa.C.S. §
30 5743 (relating to issuance of license) or an employee of the

1 bondsman.

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

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

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

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

21 (6) A holder of a license as a private investigator or
22 private detective from another state or jurisdiction or
23 employee of the licensee, for the purpose of capturing a
24 fugitive who fled from the state or jurisdiction where the
25 license is held. The individual shall, before attempting
26 apprehension of the fugitive, notify both the board and the
27 chief law enforcement officer, as defined in 42 Pa.C.S. §
28 8951, of the political subdivision where the fugitive is
29 located.

30 (7) A constable or deputy constable certified to perform

1 judicial duties under 42 Pa.C.S. Ch. 29 Subch. C (relating to
2 constables).

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

6 § 325. Restrictions on public disclosure.

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

10 (1) The residence address or former residence address of
11 any applicant, licensee or employee.

12 (2) The date of birth of any applicant, licensee or
13 employee.

14 (3) The fingerprints of any applicant, licensee or
15 employee.

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

18 CHAPTER 11

19 LETHAL WEAPONS TRAINING

20 Sec.

21 1101. Legislative findings and purpose.

22 1102. Definitions.

23 1103. Education and training program.

24 1104. Powers and duties of commissioner.

25 1105. Certificate of qualification.

26 1106. Certification and fee.

27 1107. Good standing.

28 1108. Retired police officers.

29 1109. Penalties.

30 1110. Prohibited acts.

1 1111. Active police officers.

2 § 1101. Legislative findings and purpose.

3 The following shall apply:

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

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

22 § 1102. Definitions.

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

26 "Commissioner." The Commissioner of Pennsylvania State
27 Police.

28 "Full-time police officer." Any employee of a city, borough,
29 town, township or county police department assigned to law
30 enforcement duties who works a minimum of 200 days per year. The

1 term does not include persons employed to check parking meters
2 or to perform only administrative duties, nor does it include
3 auxiliary and fire police.

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

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

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

25 § 1103. Education and training program.

26 (a) Establishment.--An education and training program in the
27 handling of lethal weapons, law enforcement and protection of
28 rights of citizens shall be established and administered or
29 approved by the commissioner in accordance with the provisions
30 of this chapter.

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

9 (c) Alternate programs prohibited.--Except for colleges and
10 universities, no nongovernment employer of a privately employed
11 agent who, as an incidence to the privately employed agent's
12 employment, carries a lethal weapon, shall own, operate or
13 otherwise participate in, directly or indirectly, the
14 establishment or administration of the program established by
15 subsection (a).

16 § 1104. Powers and duties of commissioner.

17 The commissioner shall have the power and duty to do all of
18 the following:

19 (1) To implement and administer or approve the minimum
20 courses of study and training for the program in the handling
21 of lethal weapons, law enforcement and protection of the
22 rights of citizens.

23 (2) To implement and administer or approve physical and
24 psychological testing and screening of the candidate for the
25 purpose of barring from the program those not physically or
26 mentally fit to handle lethal weapons. Candidates who are
27 full-time police officers and have successfully completed a
28 physical and psychological examination as a prerequisite to
29 employment or to continued employment by their local police
30 departments or who have been continuously employed as full-

1 time police officers since June 18, 1974, shall not be
2 required to undergo any physical or psychological testing and
3 screening procedures implemented under this paragraph.

4 (3) To issue certificates of approval to schools
5 approved by the commissioner and to withdraw certificates of
6 approval from those schools disapproved by the commissioner.

7 (4) To certify instructors pursuant to the minimum
8 qualifications established by the commissioner.

9 (5) To consult and cooperate with universities,
10 colleges, community colleges and institutes for the
11 development of specialized courses in handling lethal
12 weapons, law enforcement and protection of the rights of
13 citizens.

14 (6) To consult and cooperate with departments and
15 agencies of this Commonwealth and other states and the
16 Federal Government concerned with similar training.

17 (7) To certify those individuals who have satisfactorily
18 completed basic educational and training requirements as
19 established by the commissioner and to issue appropriate
20 certificates to those persons.

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

23 (9) In the event that the commissioner implements and
24 administers a program, to collect reasonable charges from the
25 students enrolled therein to pay for the costs of the
26 program.

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

30 (11) To grant waivers from compliance with the

1 provisions of this chapter applicable to privately employed
2 agents who have completed a course of instruction in a
3 training program approved by the commissioner.

4 § 1105. Certificate of qualification.

5 (a) Application.--Any person desiring to enroll in a program
6 shall make application to the commissioner on a form to be
7 prescribed by the commissioner.

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

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

24 (d) Examination.--The fingerprints of the applicant shall be
25 examined by the Pennsylvania State Police and the Federal Bureau
26 of Investigation to determine if the applicant has been
27 convicted of or has pleaded guilty or nolo contendere to a crime
28 of violence. The commissioner shall have the power to waive the
29 requirement of the Federal Bureau of Investigation examination.
30 Any fee charged by the Federal agency shall be paid by the

1 applicant.

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

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

13 § 1106. Certification and fee.

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

19 (b) Certificate.--The commissioner shall furnish to each
20 individual satisfactorily completing the program, an appropriate
21 wallet or billfold size copy of the certificate, which shall
22 include a photograph of the individual.

23 (c) Identification.--Every certified individual shall carry
24 the wallet or billfold size certificate on the certified
25 individual's person as identification during the time when the
26 certified individual is on duty or going to and from duty and
27 carrying a lethal weapon.

28 (d) Time period.--Certification shall be for a period of
29 five years.

30 (e) Renewal.--Privately employed agents who, as an incidence

1 to their employment, carry a lethal weapon shall be required to
2 renew their certification within six months prior to the
3 expiration of their certificate. The commissioner shall
4 prescribe the manner in which the certification shall be renewed
5 and may charge a nominal renewal fee set under The
6 Administrative Code of 1929.

7 § 1107. Good standing.

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

11 (b) Discharge.--Whenever an employer of a privately employed
12 agent subject to the provisions of this chapter discharges the
13 agent for cause, the employer shall notify the commissioner of
14 the discharge within five days.

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

21 § 1108. Retired police officers.

22 (a) Initial certification.--A nondisability retired police
23 officer of a Pennsylvania municipality or the Pennsylvania State
24 Police shall be initially certified under this chapter and need
25 not meet the training and qualification standards or physical
26 and psychological qualifications under this chapter if the
27 officer was a full-time police officer for at least 20 years,
28 retired in good standing and has assumed the duties of a
29 privately employed agent on or before three years from the date
30 of his retirement. If a retired police officer commences duties

1 as a privately employed agent after three years from the date of
2 the retired officer's retirement, the retired officer must meet
3 the physical and psychological requirements of this chapter for
4 certification under this section.

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

9 § 1109. Penalties.

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

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

21 § 1110. Prohibited acts.

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

25 § 1111. Active police officers.

26 All active police officers subject to the training provisions
27 of 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police
28 education and training) shall be granted a waiver of the
29 training requirements of this chapter upon presentation to the
30 commissioner of evidence of their completion of the training

1 requirements of 53 Pa.C.S. Ch. 21 Subch. D and the successful
2 completion of a biennial firearms qualification examination
3 administered by their respective police agency.

4 Section 5. The following shall apply:

5 (1) An individual, corporation, partnership, limited
6 liability company or other legal entity licensed under the
7 former act of August 21, 1953 (P.L.1273, No. 361), known as
8 The Private Detective Act of 1953, on the effective date of
9 this section shall be deemed to be licensed as both a private
10 investigator and a security professional under 22 Pa.C.S. Ch.
11 3 for the balance of the term of the license issued under the
12 former act known as The Private Detective Act of 1953.

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

16 Section 6. The following shall apply:

17 (1) The sum of \$150,000, or as much thereof as may be
18 necessary, is hereby appropriated from the Professional
19 Licensure Augmentation Account for the fiscal year July 1,
20 2007, to June 30, 2008, for the operation of the State Board
21 of Private Investigators, Security Professionals and Fugitive
22 Recovery Agents to carry out the provisions of 22 Pa.C.S. Ch.
23 3. The appropriation shall be a continuing appropriation
24 until June 30, 2011, at which time any unexpended funds shall
25 lapse into the account.

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

29 Section 7. The provisions of this act are severable. If any
30 provision of this act or its application to any person or

1 circumstance is held invalid, the invalidity shall not affect
2 other provisions or applications of this act which can be given
3 effect without the invalid provision or application.

4 Section 8. Repeals are as follows:

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

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

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

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

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

17 Section 9. The addition of 22 Pa.C.S. Ch. 3 is a
18 continuation of the act of August 21, 1953 (P.L.1273, No.361),
19 known as The Private Detective Act of 1953. Except as otherwise
20 provided in 22 Pa.C.S. Ch. 3, all activities initiated under The
21 Private Detective Act shall continue and remain in full force
22 and effect and may be completed under 22 Pa.C.S. Ch. 3. Orders,
23 regulations, rules and decisions which were made under The
24 Private Detective Act and which are in effect on the effective
25 date of section 8(1)(ii) of this act shall remain in full force
26 and effect until revoked, vacated or modified under 22 Pa.C.S.
27 Ch. 3. Contracts, obligations and collective bargaining
28 agreements entered into under The Private Detective Act are not
29 affected nor impaired by the repeal of The Private Detective
30 Act.

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

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

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

23 (3) Paragraph (2) does not apply to the addition of the
24 definition of "privately employed agents" in 22 Pa.C.S. §
25 1102.

26 Section 11. This act shall take effect as follows:

27 (1) The following provisions shall take effect
28 immediately:

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

30 (ii) Section 6.

1 (iii) This section.

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