

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 751

Session of
1973

INTRODUCED BY ARLENE, REIBMAN, SMITH, HANKINS, STAPLETON,
MURPHY, COPPERSMITH, NOSZKA, MESSINGER, MAZZEI, O'PAKE, ROSS,
LYNCH, NOLAN, DUFFIELD, MELLOW, LAMB, CIANFRANI, MURRAY,
McCREESH AND ORLANDO, MAY 2, 1973

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 6, 1974

AN ACT

1 ~~Amending the act of August 21, 1953 (P.L.1273, No.361), entitled~~ <—
2 ~~"An act to regulate the business of private detectives,~~
3 ~~investigators and watch, guard, or patrol agencies, and the~~
4 ~~licensing thereof in each county; providing penalties,"~~
5 ~~requiring certain licensees to successfully complete a~~
6 ~~procedures training course and adding to the powers and~~
7 ~~duties of the Commissioner of Pennsylvania State Police.~~
8 PROVIDING FOR THE TRAINING AND LICENSING OF PERSONS CARRYING AND <—
9 USING LETHAL WEAPONS IN THEIR EMPLOYMENT; IMPOSING POWERS AND
10 DUTIES ON THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE;
11 AND PROVIDING PENALTIES.

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

14 ~~Section 1. The act of August 21, 1953 (P.L.1273, No.361),~~ <—
15 ~~known as "The Private Detective Act of 1953," is amended by~~
16 ~~adding a section to read:~~

17 ~~Section 6.1. Procedures Training Course. The Commissioner~~
18 ~~of the Pennsylvania State Police shall establish a training~~
19 ~~course to insure adequate skill and knowledge in the use of~~
20 ~~firearms and in the lawful use of authority. The administration~~

1 ~~thereof shall be the responsibility of the Pennsylvania State~~
2 ~~Police. The powers and duties of the commissioner in connection~~
3 ~~therewith shall be as follows:~~

4 ~~(1) To implement and administer the minimum courses of study~~
5 ~~and training for private detectives, investigators, watchmen,~~
6 ~~guards and patrolmen.~~

7 ~~(2) To issue certificates of approval to schools approved by~~
8 ~~the commissioner and to withdraw certificates of approval from~~
9 ~~those schools disapproved by the commissioner.~~

10 ~~(3) To certify instructors pursuant to the minimum~~
11 ~~qualifications established by the commissioner.~~

12 ~~(4) To implement and administer courses of study and in-~~
13 ~~service training for private detectives, investigators,~~
14 ~~watchmen, guards, and patrolmen, licensed before the effective~~
15 ~~date of this act as established by the commissioner.~~

16 ~~(5) To consult, and cooperate with, universities, colleges,~~
17 ~~community colleges and institutes for the development of~~
18 ~~specialized courses for private detectives, investigators,~~
19 ~~watchmen, guards and patrolmen.~~

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

23 ~~(7) To certify private detectives, investigators, watchmen,~~
24 ~~guards, and patrolmen who have satisfactorily completed basic~~
25 ~~educational and training requirements as established by the~~
26 ~~commissioner and to issue appropriate certificates to such~~
27 ~~persons.~~

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

30 ~~(9) To make such rules and regulations and to perform such~~

1 ~~other duties as may be reasonably necessary or appropriate to~~
2 ~~implement the education and training program for private~~
3 ~~detectives, investigators, watchmen, guards, and patrolmen.~~

4 Section 2. ~~Subsection (a) of section 13 of the act is~~
5 ~~amended to read:~~

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

13 ~~No holder of any unexpired license certificate issued~~
14 ~~pursuant to this act shall knowingly employ or continue in~~
15 ~~employment in connection with his or its business, in any~~
16 ~~capacity [whatsoever,] described in section 6.1(1) any person~~
17 ~~who has not been certified as having successfully completed the~~
18 ~~training course provided for in this act or who has been~~
19 ~~convicted of a felony, or any of the following offenses, and who~~
20 ~~has not, subsequent to such conviction, received executive~~
21 ~~pardon therefor removing this disability: (1) illegally using,~~
22 ~~carrying or possessing a pistol or other dangerous weapon; (2)~~
23 ~~making or possessing burglar's instruments; (3) buying or~~
24 ~~receiving stolen property; (4) unlawful entry of a building; (5)~~
25 ~~aiding escape from prison; (6) unlawfully possessing or~~
26 ~~distributing habit forming narcotic drugs; (7) picking pockets~~
27 ~~or attempting to do so; (8) soliciting any person to commit~~
28 ~~sodomy or other lewdness; or (9) any person whose private~~
29 ~~detective or investigator's license was revoked or application~~
30 ~~for such license was denied by the court of quarter sessions or~~

1 ~~by the authorities of any other state or territory because of~~
2 ~~conviction of any of the crimes or offenses specified in this~~
3 ~~section.~~

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

13 * * *

14 ~~Section 3. Any person employed pursuant to the provisions of~~
15 ~~this act prior to its effective date shall be required to~~
16 ~~conform to the mandatory training course provisions within one~~
17 ~~year of the effective date of this act.~~

18 SECTION 1. SHORT TITLE.--THIS ACT SHALL BE KNOWN AND MAY BE <—
19 CITED AS THE "LETHAL WEAPONS TRAINING ACT."

20 SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE.--(A) THE
21 GENERAL ASSEMBLY FINDS THAT THERE ARE NUMEROUS INDIVIDUALS, SUCH
22 AS PRIVATE DETECTIVES, INVESTIGATORS, WATCHMEN, SECURITY GUARDS
23 AND PATROLMEN, PRIVATELY EMPLOYED WITHIN THIS COMMONWEALTH WHO
24 CARRY AND USE LETHAL WEAPONS INCLUDING FIREARMS AS AN INCIDENCE
25 OF THEIR EMPLOYMENT AND THAT THERE HAVE BEEN VARIOUS TRAGIC
26 INCIDENTS INVOLVING THESE INDIVIDUALS WHICH OCCURRED BECAUSE OF
27 UNFAMILIARITY WITH THE HANDLING OF WEAPONS. THE GENERAL ASSEMBLY
28 ALSO FINDS THAT THERE IS PRESENTLY NO TRAINING REQUIRED FOR SUCH
29 PRIVATELY EMPLOYED INDIVIDUALS IN THE HANDLING OF LETHAL WEAPONS
30 OR IN THE KNOWLEDGE OF LAW ENFORCEMENT AND THE PROTECTION OF

1 RIGHTS OF CITIZENS, AND THAT SUCH TRAINING WOULD BE BENEFICIAL
2 TO THE SAFETY OF THE CITIZENS OF THIS COMMONWEALTH.

3 (B) IT IS THE PURPOSE OF THIS ACT TO PROVIDE FOR THE
4 EDUCATION, TRAINING AND CERTIFICATION OF ALL PRIVATELY EMPLOYED
5 INDIVIDUALS WHO, AS AN INCIDENCE TO THEIR EMPLOYMENT, CARRY
6 LETHAL WEAPONS THROUGH A PROGRAM ADMINISTERED OR APPROVED BY THE
7 COMMISSIONER OF THE PENNSYLVANIA STATE POLICE.

8 SECTION 3. DEFINITIONS.--AS USED IN THIS ACT:

9 "COMMISSIONER" MEANS THE COMMISSIONER OF THE PENNSYLVANIA
10 STATE POLICE.

11 "LETHAL WEAPONS" INCLUDE BUT ARE NOT LIMITED TO FIREARMS,
12 MACE AND OTHER WEAPONS CALCULATED TO PRODUCE DEATH OR SERIOUS
13 BODILY HARM. A CONCEALED BILLY CLUB IS A LETHAL WEAPON.

14 "PRIVATELY EMPLOYED INDIVIDUALS" INCLUDE SELF-EMPLOYED
15 INDIVIDUALS AS WELL AS INDIVIDUALS EMPLOYED BY OTHERS. PRIVATELY
16 EMPLOYED INDIVIDUALS DO NOT INCLUDE LOCAL, STATE OR FEDERAL
17 GOVERNMENT EMPLOYEES WHO, AS AN INCIDENCE TO THEIR EMPLOYMENT,
18 ARE AUTHORIZED TO CARRY LETHAL WEAPONS.

19 "PROGRAM" MEANS THE EDUCATION AND TRAINING PROGRAM
20 ESTABLISHED AND ADMINISTERED OR APPROVED BY THE COMMISSIONER IN
21 ACCORDANCE WITH THIS ACT.

22 SECTION 4. EDUCATION AND TRAINING PROGRAM.--(A) AN EDUCATION
23 AND TRAINING PROGRAM IN THE HANDLING OF LETHAL WEAPONS, LAW
24 ENFORCEMENT AND PROTECTION OF RIGHTS OF CITIZENS SHALL BE
25 ESTABLISHED AND ADMINISTERED OR APPROVED BY THE COMMISSIONER IN
26 ACCORDANCE WITH THE PROVISIONS OF THIS ACT.

27 (B) ALL PRIVATELY EMPLOYED INDIVIDUALS, SUCH AS BUT NOT
28 LIMITED TO PRIVATE DETECTIVES, INVESTIGATORS, WATCHMEN, SECURITY
29 GUARDS AND PATROLMEN, WHO, AS AN INCIDENCE TO THEIR EMPLOYMENT,
30 CARRY A LETHAL WEAPON SHALL BE REQUIRED TO ATTEND THE PROGRAM

1 ESTABLISHED BY SUBSECTION (A) OF THIS SECTION IN ACCORDANCE WITH
2 THE REQUIREMENTS OR REGULATIONS ESTABLISHED BY THE COMMISSIONER
3 AND, UPON SATISFACTORY COMPLETION OF SUCH PROGRAM, SHALL BE
4 ENTITLED TO CERTIFICATION BY THE COMMISSIONER.

5 (C) EXCEPT FOR COLLEGES AND UNIVERSITIES, NO NONGOVERNMENT
6 EMPLOYER OF AN INDIVIDUAL WHO, AS AN INCIDENCE TO HIS
7 EMPLOYMENT, CARRIES A LETHAL WEAPON, SHALL OWN, OPERATE, OR
8 OTHERWISE PARTICIPATE IN, DIRECTLY OR INDIRECTLY, THE
9 ESTABLISHMENT OR ADMINISTRATION OF THE PROGRAM ESTABLISHED BY
10 SUBSECTION (A) OF THIS SECTION.

11 SECTION 5. POWER AND DUTIES OF COMMISSIONER.--THE
12 COMMISSIONER SHALL HAVE THE POWER AND DUTY:

13 (1) TO IMPLEMENT AND ADMINISTER OR APPROVE THE MINIMUM
14 COURSES OF STUDY AND TRAINING FOR THE PROGRAM IN THE HANDLING OF
15 LETHAL WEAPONS, LAW ENFORCEMENT AND PROTECTION OF THE RIGHTS OF
16 CITIZENS.

17 (2) TO IMPLEMENT AND ADMINISTER OR APPROVE PHYSICAL AND
18 PSYCHOLOGICAL TESTING AND SCREENING OF THE CANDIDATE FOR THE
19 PURPOSE OF BARRING FROM THE PROGRAM THOSE NOT PHYSICALLY OR
20 MENTALLY FIT TO HANDLE LETHAL WEAPONS.

21 (3) TO ISSUE CERTIFICATES OF APPROVAL TO SCHOOLS APPROVED BY
22 THE COMMISSIONER AND TO WITHDRAW CERTIFICATES OF APPROVAL FROM
23 THOSE SCHOOLS DISAPPROVED BY THE COMMISSIONER.

24 (4) TO CERTIFY INSTRUCTORS PURSUANT TO THE MINIMUM
25 QUALIFICATIONS ESTABLISHED BY THE COMMISSIONER.

26 (5) TO CONSULT AND COOPERATE WITH UNIVERSITIES, COLLEGES,
27 COMMUNITY COLLEGES AND INSTITUTES FOR THE DEVELOPMENT OF
28 SPECIALIZED COURSES IN HANDLING LETHAL WEAPONS, LAW ENFORCEMENT
29 AND PROTECTION OF THE RIGHTS OF CITIZENS.

30 (6) TO CONSULT AND COOPERATE WITH DEPARTMENTS AND AGENCIES

1 OF THIS COMMONWEALTH AND OTHER STATES AND THE FEDERAL GOVERNMENT
2 CONCERNED WITH SIMILAR TRAINING.

3 (7) TO CERTIFY THOSE INDIVIDUALS WHO HAVE SATISFACTORILY
4 COMPLETED BASIC EDUCATIONAL AND TRAINING REQUIREMENTS AS
5 ESTABLISHED BY THE COMMISSIONER AND TO ISSUE APPROPRIATE
6 CERTIFICATES TO SUCH PERSONS.

7 (8) TO VISIT AND INSPECT APPROVED SCHOOLS AT LEAST ONCE A
8 YEAR.

9 (9) IN THE EVENT THAT THE COMMISSIONER IMPLEMENTS AND
10 ADMINISTERS A PROGRAM, TO COLLECT REASONABLE CHARGES FROM THE
11 STUDENTS ENROLLED THEREIN TO PAY FOR THE COSTS OF THE PROGRAM.

12 (10) TO MAKE SUCH RULES AND REGULATIONS AND TO PERFORM SUCH
13 OTHER DUTIES AS MAY BE REASONABLY NECESSARY OR APPROPRIATE TO
14 IMPLEMENT THE EDUCATION AND TRAINING PROGRAM.

15 SECTION 6. CERTIFICATE OF QUALIFICATION.--(A) ANY PERSON
16 DESIRING TO ENROLL IN SUCH PROGRAM SHALL MAKE APPLICATION TO THE
17 COMMISSIONER, ON A FORM TO BE PRESCRIBED BY THE COMMISSIONER.

18 (B) THE APPLICATION SHALL BE SIGNED AND VERIFIED BY THE
19 APPLICANT. IT SHALL INCLUDE HIS FULL NAME, AGE, RESIDENCE,
20 PRESENT AND PREVIOUS OCCUPATIONS AND SUCH OTHER INFORMATION THAT
21 MAY BE REQUIRED BY THE COMMISSIONER TO SHOW THE GOOD CHARACTER,
22 COMPETENCY AND INTEGRITY OF THE APPLICANT.

23 (C) THE APPLICATION SHALL BE PERSONALLY PRESENTED BY THE
24 APPLICANT AT AN OFFICE OF THE PENNSYLVANIA STATE POLICE WHERE
25 HIS FINGERPRINTS SHALL BE AFFIXED THERETO. THE APPLICATION SHALL
26 BE ACCOMPANIED BY TWO CURRENT PHOTOGRAPHS OF THE APPLICANT OF A
27 SIZE AND NATURE TO BE PRESCRIBED BY THE COMMISSIONER AND A
28 THIRTY-FIVE DOLLAR (\$35) APPLICATION FEE. THEREAFTER THE
29 APPLICATION SHALL BE FORWARDED TO THE COMMISSIONER.

30 (D) THE FINGERPRINTS OF THE APPLICANT SHALL BE EXAMINED BY

1 THE PENNSYLVANIA STATE POLICE AND THE FEDERAL BUREAU OF
2 INVESTIGATION TO DETERMINE IF HE HAS BEEN CONVICTED OF OR HAS
3 PLEADED GUILTY OR NOLO CONTENDERE TO A CRIME OF VIOLENCE.

4 (E) NO APPLICATION SHALL BE ACCEPTED IF THE APPLICANT IS
5 UNDER THE AGE OF EIGHTEEN.

6 (F) AFTER THE APPLICATION HAS BEEN PROCESSED AND IF THE
7 COMMISSIONER DETERMINES THAT THE APPLICANT IS EIGHTEEN YEARS OF
8 AGE AND HAS NOT BEEN CONVICTED OF OR HAS NOT PLEADED GUILTY OR
9 NOLO CONTENDERE TO A CRIME OF VIOLENCE, AND HAS SATISFIED ANY
10 OTHER REQUIREMENTS PRESCRIBED BY HIM UNDER HIS POWERS AND DUTIES
11 PURSUANT TO SECTION 5, HE SHALL ISSUE A CERTIFICATE OF
12 QUALIFICATION WHICH SHALL ENTITLE THE APPLICANT TO ENROLL IN AN
13 APPROVED PROGRAM.

14 SECTION 7. CERTIFICATION AND FEE.--(A) A CERTIFICATION FEE
15 OF NOT MORE THAN FIFTEEN DOLLARS (\$15) SHALL BE PAID BY EACH
16 INDIVIDUAL SATISFACTORILY COMPLETING THE PROGRAM PRIOR TO THE
17 RECEIPT OF A CERTIFICATE.

18 (B) THE COMMISSIONER SHALL FURNISH TO EACH INDIVIDUAL
19 SATISFACTORILY COMPLETING THE PROGRAM, AN APPROPRIATE WALLET OR
20 BILLFOLD SIZE COPY OF THE CERTIFICATE, WHICH SHALL INCLUDE A
21 PHOTOGRAPH OF THE INDIVIDUAL THEREON.

22 (C) EVERY CERTIFIED INDIVIDUAL SHALL CARRY HIS WALLET OR
23 BILLFOLD SIZE CERTIFICATE ON HIS PERSON AS IDENTIFICATION DURING
24 THE TIME WHEN HE IS ON DUTY OR GOING TO AND FROM DUTY AND
25 CARRYING A LETHAL WEAPON.

26 (D) CERTIFICATION SHALL BE FOR A PERIOD OF FIVE YEARS.

27 (E) PRIVATELY EMPLOYED INDIVIDUALS WHO, AS AN INCIDENCE TO
28 THEIR EMPLOYMENT, CARRY A LETHAL WEAPON SHALL BE REQUIRED TO
29 RENEW THEIR CERTIFICATION WITHIN SIX MONTHS PRIOR TO THE
30 EXPIRATION OF THEIR CERTIFICATE. THE COMMISSIONER SHALL

1 PRESCRIBE THE MANNER IN WHICH THE CERTIFICATION SHALL BE
2 RENEWED, AND MAY CHARGE A NOMINAL RENEWAL FEE THEREFORE, NOT TO
3 EXCEED FIFTEEN DOLLARS (\$15).

4 SECTION 8. GOOD STANDING.--(A) PRIVATELY EMPLOYED
5 INDIVIDUALS MUST POSSESS A VALID CERTIFICATE WHENEVER ON DUTY OR
6 GOING TO AND FROM DUTY AND CARRYING A LETHAL WEAPON.

7 (B) WHENEVER AN EMPLOYER OF A PRIVATELY EMPLOYED INDIVIDUAL
8 SUBJECT TO THE PROVISIONS OF THIS ACT DISCHARGES HIM FOR CAUSE,
9 THE EMPLOYER SHALL NOTIFY THE COMMISSIONER OF SUCH WITHIN FIVE
10 DAYS OF THE DISCHARGE.

11 (C) THE COMMISSIONER MAY REVOKE AND INVALIDATE ANY
12 CERTIFICATE ISSUED TO A PRIVATELY EMPLOYED INDIVIDUAL UNDER THIS
13 ACT WHENEVER HE LEARNS THAT FALSE, FRAUDULENT OR MISSTATED
14 INFORMATION APPEARS ON THE ORIGINAL OR RENEWAL APPLICATION OR
15 WHENEVER HE LEARNS OF A CHANGE OF CIRCUMSTANCES THAT WOULD
16 RENDER AN EMPLOYEE INELIGIBLE FOR ORIGINAL CERTIFICATION.

17 SECTION 9. PENALTIES.--(A) ANY PRIVATELY EMPLOYED INDIVIDUAL
18 WHO IN THE COURSE OF HIS EMPLOY CARRIES A LETHAL WEAPON, AND WHO
19 FAILS TO COMPLY WITH SUBSECTION (B) OF SECTION 4 OR WITH
20 SUBSECTION (A) OF SECTION 8 OF THIS ACT, SHALL BE GUILTY OF A
21 MISDEMEANOR AND UPON CONVICTION SHALL BE SUBJECT TO IMPRISONMENT
22 OF NOT MORE THAN ONE YEAR OR PAYMENT OF A FINE NOT EXCEEDING ONE
23 THOUSAND DOLLARS (\$1,000), OR BOTH.

24 (B) ANY PRIVATELY EMPLOYED INDIVIDUAL WHO IN THE COURSE OF
25 HIS EMPLOY CARRIES A LETHAL WEAPON, AND WHO VIOLATES SUBSECTION
26 (C) OF SECTION 7 OF THIS ACT SHALL BE GUILTY OF A SUMMARY
27 OFFENSE, AND, UPON CONVICTION, SHALL PAY A FINE NOT EXCEEDING
28 FIFTY DOLLARS (\$50).

29 SECTION 10. PROHIBITED ACT.--NO INDIVIDUAL CERTIFIED UNDER
30 THIS ACT SHALL CARRY AN INOPERATIVE OR MODEL FIREARM WHILE

1 EMPLOYED AND HE SHALL CARRY ONLY A POWDER ACTUATED FIREARM
2 APPROVED BY THE COMMISSIONER.

3 SECTION 11. EFFECTIVE DATE.--(A) SECTIONS 1, 2, 3,
4 SUBSECTIONS (A) AND (C) OF SECTION 4, SECTIONS 5, 6, 7,
5 SUBSECTIONS (B) AND (C) OF SECTION 8, AND SECTIONS 9 AND 10 OF
6 THIS ACT SHALL TAKE EFFECT IN SIX MONTHS.

7 (B) SUBSECTION (B) OF SECTION 4 AND SUBSECTION (A) OF
8 SECTION 8 OF THIS ACT SHALL TAKE EFFECT IN NINE MONTHS.