
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 633

Session of
1983

INTRODUCED BY KELLEY, GREENLEAF AND STOUT, APRIL 13, 1983

REFERRED TO LAW AND JUSTICE, APRIL 13, 1983

AN ACT

1 Amending Title 22 (Detectives and Private Police) of the
2 Pennsylvania Consolidated Statutes, adding provisions
3 relating to detectives and private police; and making
4 repeals.

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4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Chapters 1, 3 and 5 of Title 22 of the
7 Pennsylvania Consolidated Statutes are repealed.

8 Section 2. Title 22 is amended by adding parts to read:

9 TITLE 22

10 DETECTIVES AND PRIVATE POLICE

11 Part

12 I. General Provisions

13 II. Private Detective and Security Business

14 III. Private Police

15 PART I

16 GENERAL PROVISIONS

17 Chapter

18 1. Preliminary Provisions

19 3. Lethal Weapons Training

20 5. State Board of Private Detectives and Security Businesses

21 CHAPTER 1

22 PRELIMINARY PROVISIONS

23 Sec.

24 101. Definitions.

25 § 101. Definitions.

26 Subject to additional definitions contained in subsequent
27 provisions of this title which are applicable to specific
28 provisions of this title, the following words and phrases when
29 used in this title shall have, unless the context clearly
30 indicates otherwise, the meanings given to them in this section:

1 "Alarm agent." An individual who holds an alarm agent
2 license under section 1323(a)(2) (relating to qualifications for
3 licensure).

4 "Alarm associate." An employee of an alarm business
5 registered pursuant to the provisions of Subchapter C of Chapter
6 13 (relating to employees of private detectives and security
7 business and privately employed security guards) or who has
8 applied for registration and has been issued a temporary
9 registration which has not expired.

10 "Alarm business." Any individual, partnership, association,
11 corporation or other entity engaged in the provision of alarm
12 services as defined in sections 1102(2) (relating to
13 applicability of part) and 1103(5) (relating to inapplicability
14 of part) and holding an alarm business license under the
15 provisions of Subchapter A of Chapter 13 (relating to private
16 detective and security business).

17 "Board." The State Board of Private Detectives and Security
18 Businesses.

19 "Business license." A license to engage in the private
20 detective and security business issued pursuant to the
21 provisions of Subchapter A of Chapter 13.

22 "Commissioner." The Commissioner of the Pennsylvania State
23 Police or the deputy commissioner duly authorized by the
24 commissioner to perform the duties and exercise the powers
25 granted to the commissioner under this title.

26 "Lethal weapon." A firearm, concealed billy club and any
27 other weapon calculated to produce death or serious bodily harm.
28 The term does not include chemical mace or any similar
29 substance.

30 "Private detective." The holder of a private detective

1 license issued pursuant to the provisions of Subchapter B of
2 Chapter 13 (relating to private detectives and other security
3 agents).

4 "Private detective associate." An employee of a private
5 detective business registered pursuant to the provisions of
6 Subchapter C of Chapter 13 or who has applied for registration
7 and has been issued a temporary registration which has not
8 expired.

9 "Private policeman" or "policeman." An individual
10 commissioned under Chapter 31 (relating to private police) to
11 act as a private policeman.

12 "Security business." Any individual, partnership,
13 association, corporation or other entity engaged in the
14 provision of alarm services or security services as defined in
15 sections 1102(2) and (3) (relating to applicability of part),
16 and 1103 (relating to inapplicability of part) and holding a
17 license under the provisions of Subchapter A of Chapter 13.

18 CHAPTER 3

19 LETHAL WEAPONS TRAINING

20 Sec.

21 301. Short title of chapter.

22 302. Education and training program.

23 303. Powers and duties of commissioner.

24 304. Enrollment in program.

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28 308. Limitation on type of firearms.

29 309. Disposition of fees and other moneys.

30 310. Penalties.

1 § 301. Short title of chapter.

2 This chapter shall be known and may be cited as the Lethal
3 Weapons Training Act.

4 § 302. Education and training program.

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

10 (b) Attendance.--A private detective, private detective
11 associate, security guard and any other person who is required
12 to be licensed or registered under this title or who is employed
13 as a private policeman by a nonprofit organization or entity and
14 commissioned under the provisions of Chapter 31 (relating to
15 private police) and who, as an incidence to his employment,
16 carries a lethal weapon shall be required to attend the program
17 established by subsection (a) in accordance with the
18 requirements or regulations established by the commissioner and,
19 upon satisfactory completion of the program, shall be entitled
20 to certification by the commissioner. This subsection shall not
21 require attendance for guards and watchmen who fulfill the
22 requirements of the appropriate Federal agency for the
23 performance of security guard duties in connection with the
24 construction and operation of a commercial utilization or
25 production facility under the authority of the Federal Atomic
26 Energy Act of 1954.

27 (c) Limitation on employer participation in program
28 administration.--Except for colleges and universities, no
29 nongovernment employer of a person who incident to his
30 employment carries a lethal weapon shall own, operate or

1 otherwise participate in, directly or indirectly, the
2 establishment or administration of the program.

3 § 303. Powers and duties of commissioner.

4 The commissioner shall have the power and duty to:

5 (1) Implement and administer or approve the minimum
6 courses of study and training for the program in the handling
7 of lethal weapons, law enforcement and protection of the
8 rights of citizens. He may appoint such employees, promulgate
9 such rules and regulations and prescribe such forms as may be
10 necessary for this purpose.

11 (2) Implement and administer or approve physical and
12 psychological testing and screening of the candidate for the
13 purpose of barring from the program those not physically or
14 mentally fit to handle lethal weapons.

15 (3) Issue certificates to schools approved by the
16 commissioner and withdraw certificates from those schools
17 disapproved by the commissioner.

18 (4) Certify instructors pursuant to the minimum
19 qualifications established by the commissioner.

20 (5) Consult and cooperate with universities, colleges,
21 community colleges and institutes for the development of
22 specialized courses in handling lethal weapons, law
23 enforcement and protection of the rights of citizens.

24 (6) Consult and cooperate with Commonwealth agencies and
25 agencies of other states and the Federal Government concerned
26 with similar training.

27 (7) Certify those individuals who have satisfactorily
28 completed basic education and training requirements as
29 established by the commissioner and issue appropriate
30 certificates.

1 (8) Visit and inspect approved schools annually.

2 (9) Collect reasonable charges from the students
3 enrolled therein to pay for the costs of the program.

4 (10) Grant waivers from compliance with the provisions
5 of this chapter to persons who have satisfactorily completed
6 a course of instruction in a training program approved by the
7 commissioner.

8 (11) Perform all other duties as may be reasonably
9 necessary or appropriate to implement this chapter.

10 § 304. Enrollment in program.

11 (a) Application.--Any person desiring to enroll in the
12 program shall file an application with the commissioner.

13 (b) Information required.--The application shall be signed
14 and verified by the applicant. It shall include his full name,
15 age, residence, present and previous occupations and such other
16 information that may be required by the commissioner to show the
17 good character, competency and integrity of the applicant.

18 (c) Fingerprints, photograph and fee.--The application shall
19 be personally presented by the applicant at an office of the
20 Pennsylvania State Police where his fingerprints shall be
21 affixed thereto. The application, together with two current
22 photographs of the applicant and an application fee of \$35,
23 shall be forwarded to the commissioner.

24 (d) Investigation.--The fingerprints of the applicant shall
25 be examined by the Pennsylvania State Police and the Federal
26 Bureau of Investigation to determine if he has been convicted of
27 a felony or a violation of any provision of law listed in
28 section 1323(b) (relating to qualifications for licensure).

29 (e) Age.--No application shall be accepted if the applicant
30 is under the age of 18 years.

1 (f) Authorization.--After the application has been processed
2 and it is determined that the applicant has not been convicted
3 of crimes under subsection (d) and has otherwise satisfied the
4 requirements of this section, the commissioner shall authorize
5 the applicant to enroll in an approved program.

6 § 305. Certification.

7 (a) General rule.--Upon receipt of a fee of \$15, the
8 commissioner shall furnish to each person satisfactorily
9 completing the program an appropriate certificate which shall
10 include his photograph.

11 (b) Possession of certificate.--The certificate shall be
12 carried on the person as identification during all times when on
13 duty or going to and from duty and carrying a lethal weapon.

14 (c) Duration.--Certification shall be for a period of five
15 years and the renewal fee shall be \$15. Additional training as a
16 condition of renewal shall be required by the commissioner at
17 intervals of not less than five years, unless the commissioner
18 is aware of information which would require specific training
19 prior to renewal. The commissioner shall prescribe the manner in
20 which the certification shall be renewed.

21 § 306. Notice of discharge for cause.

22 Whenever an employer discharges a certified individual
23 subject to the provisions of this chapter for cause, the
24 employer shall immediately notify the commissioner of the
25 discharge.

26 § 307. Revocation of certificate.

27 The commissioner may revoke or refuse to renew any
28 certificate issued under this chapter whenever he learns that
29 false, fraudulent or misstated information appears on the
30 original or renewal application or whenever he learns of a

1 change of circumstances that would render an employee ineligible
2 for certification.

3 § 308. Limitation on type of firearms.

4 No individual certified under this chapter shall carry an
5 inoperative or model firearm while employed and he shall carry
6 only a powder actuated firearm approved by the commissioner. Any
7 violation of this section shall be grounds for the commissioner
8 to revoke the certification.

9 § 309. Disposition of fees and other moneys.

10 All fees and other moneys derived from the operations of this
11 chapter shall be paid into the General Fund.

12 § 310. Penalties.

13 (a) Uncertified persons.--Any person required to obtain a
14 certificate under this chapter who, in the course of his
15 employment, carries a lethal weapon and who fails to comply with
16 section 302(b) (relating to education and training program) or
17 has not obtained a certificate commits a misdemeanor of the
18 third degree.

19 (b) Failure to carry certificate.--Any person who, in the
20 course of his employment, carries a lethal weapon and who
21 violates section 305(b) (relating to certification) commits a
22 summary offense.

23 CHAPTER 5

24 STATE BOARD OF PRIVATE DETECTIVES

25 AND SECURITY BUSINESSES

26 Sec.

27 501. Creation of board.

28 502. Organization of board.

29 503. Powers and duties of board.

30 504. Proceedings of board.

1 505. Board to keep records.

2 § 501. Creation of board.

3 (a) General rule.--There is hereby created a departmental
4 administrative board in the Department of State to be known as
5 the State Board of Private Detectives and Security Businesses.

6 (b) Applicability of certain laws.--The provisions of the
7 act of April 9, 1929 (P.L.177, No.175), known as The
8 Administrative Code of 1929, generally applicable to
9 professional and occupational boards in the Department of State
10 shall likewise be applicable to the State Board of Private
11 Detectives and Security Businesses. Fees set by Part II
12 (relating to private detective and security business) or
13 otherwise set by regulations shall be collected, credited,
14 allocated and generally administered in accordance with the act
15 of July 1, 1978 (P.L.700, No.124), known as the Bureau of
16 Professional and Occupational Affairs Fee Act.

17 § 502. Organization of board.

18 (a) Composition.--The State Board of Private Detectives and
19 Security Businesses shall consist of the Commissioner of
20 Professional and Occupational Affairs, two persons who shall be
21 members representing the public at large, and four licensees (at
22 least one of whom is engaged in investigation, at least one of
23 whom is engaged in security and at least one of whom is engaged
24 in alarm services) and one person who represents an employer
25 (other than a licensee) of security guards registered under this
26 title. Members shall be appointed by the Governor with the
27 advice and consent of a majority of the members elected to the
28 Senate and shall serve terms of six years, except that the first
29 appointed members shall serve staggered terms of two, four and
30 six years as determined by the Governor. Vacancies occurring by

1 death or resignation shall be filled by the Governor for the
2 unexpired term.

3 (b) Quorum and meetings.--Four members shall constitute a
4 quorum. The board shall select from their number a chairman and
5 shall select a secretary who need not be a member of the board.
6 There shall be two stated meetings of the board each year at a
7 place within this Commonwealth as determined by the board for
8 the transaction of its business but the board may hold other
9 meetings at its discretion and by vote of the majority upon due
10 notice thereof to all members of the board. The board need not
11 meet in person to take official action but may conduct official
12 or unofficial business by telephone or by writing provided it
13 otherwise complies with the act of July 19, 1974 (P.L.486,
14 No.175), referred to as the Public Agency Open Meeting Law.

15 (c) Compensation and expenses.--Each member of the board,
16 other than the Commissioner of Professional and Occupational
17 Affairs, shall receive actual traveling, hotel, food and other
18 necessary expenses incurred while engaged in the discharge of
19 official duties as well as per diem allowance of \$30. The
20 secretary shall receive reasonable compensation as the board
21 shall determine with the approval of the Commissioner of
22 Professional and Occupational Affairs.

23 § 503. Powers and duties of board.

24 The board shall have the power and duty to:

25 (1) Receive, investigate, develop and administer
26 examinations, approve or disapprove applications for and
27 renewals of licenses and registrations required by Part II
28 (relating to private detective and security business). The
29 board may establish reasonable examination fees.

30 (2) Conduct all other business reasonably related to the

1 license and registration function of the board.

2 (3) Revoke, suspend or reinstate licenses and
3 registrations (including the power to revoke or suspend
4 licenses and registrations for nonpayment of fees).

5 (4) Receive and act upon complaints.

6 (5) Compel attendance of witnesses and the production of
7 books or records.

8 (6) Issue orders, or modifications thereof, as may be
9 necessary in connection with proceedings under this chapter
10 and Part II.

11 (7) Conduct comprehensive studies and investigations as
12 it deems proper and pertinent to the licensing and
13 registration function of the board.

14 (8) Adopt rules and regulations of professional conduct
15 appropriate to establish and maintain a high standard of
16 integrity, skills and practice in the professions licensed or
17 registered under Part II.

18 (9) Formulate, adopt, promulgate and repeal such rules
19 and regulations as are deemed necessary to implement the
20 provisions of this chapter and Part II.

21 § 504. Proceedings of board.

22 In proceedings of the board relating to the license and
23 registration powers and duties, the board shall not be bound by
24 the strict rules of evidence in the conduct of its proceedings
25 but any determinations made shall be found upon sufficient legal
26 evidence to sustain them. The burden of meeting the
27 qualifications for licensing or registration shall be on the
28 applicant. A district attorney who has filed objections shall be
29 considered a party for the purposes of appeal. The right of
30 appeal from decisions of the board shall be in accordance with

1 law.

2 § 505. Board to keep records.

3 (a) General rule.--The board shall keep records of its
4 proceedings, especially with relation to the issuance, denial,
5 registration, suspension and revocation of licenses and
6 registrations. All licenses and registrations issued by the
7 board shall be numbered and recorded by the secretary and a file
8 kept for that purpose and such file or record shall be open to
9 public inspection. In all actions or proceedings in any court a
10 transcript of any record or any part thereof, which is certified
11 to be a true copy by the secretary, shall be entitled to
12 admission in evidence.

13 (b) Roster of licensees and registrants.--The board shall
14 maintain a current roster of the names and addresses of all
15 business licensees, private detective licensees, registered
16 private detective associates and registered security guard. The
17 roster shall be open to public inspection.

18 PART II

19 PRIVATE DETECTIVE AND SECURITY BUSINESS

20 Chapter

21 11. General Provisions

22 13. Licenses and Registrations

23 15. Identification Documents, Uniforms and Equipment

24 17. Enforcement

25 CHAPTER 11

26 GENERAL PROVISIONS

27 Sec.

28 1101. Short title of part.

29 1102. Applicability of part.

30 1103. Inapplicability of part.

1 1104. Preemption of local regulation.

2 § 1101. Short title of part.

3 This part shall be known and may be cited as the Private
4 Detective and Security Business Act.

5 § 1102. Applicability of part.

6 This part applies to the private detective and security
7 business which shall include the business of investigator,
8 detective agency and watch, guard or patrol agency and mean,
9 separately or collectively, investigating for hire, reward or
10 any consideration whatsoever and notwithstanding that other
11 functions and services may also be performed for hire or reward,
12 to obtain information or perform services with reference to any
13 of the following matters:

14 (1) Investigative and related services.--

15 (i) Crime or wrongs done or threatened against the
16 government of the United States of America or any state.

17 (ii) The identity, habits, conduct, movements,
18 whereabouts, affiliations, associations, transactions,
19 reputation or character of any person, group of persons,
20 association, organization, society, partnership or
21 corporation.

22 (iii) The credibility of witnesses or other persons.

23 (iv) The whereabouts of missing persons.

24 (v) The location or recovery of lost or stolen
25 property.

26 (vi) The causes and origin of, or responsibility
27 for, fires, libels, losses, accidents or damage or
28 injuries to real or personal property.

29 (vii) The affiliation, connection or relation of any
30 person, partnership or corporation with any union,

1 organization, society or association, or any official
2 member or representative thereof.

3 (viii) Persons seeking employment in the place of
4 any person or persons who have quit work by reason of any
5 strike.

6 (ix) The conduct, honesty, efficiency, loyalty or
7 activities of employees, agents, contractors and
8 subcontractors, including the providing of detection of
9 deception services.

10 (x) The securing of evidence to be used before any
11 authorized investigating committee, board of award or
12 board of arbitration or in the trial of civil or criminal
13 cases.

14 (2) Alarm services.--The door to door sales,
15 installation, maintenance, repair, replacement or servicing
16 of alarm systems in this Commonwealth by which the equipment
17 detects and signals the presence of an unauthorized intrusion
18 or hazard requiring urgent attention or transmits a signal to
19 a central station, law enforcement agency or fire department;
20 or the furnishing of monitoring or responding services in
21 connection with any alarm signaling devices in this
22 Commonwealth.

23 (3) Security services.--Watchmen, guards, private
24 patrolmen or other persons to protect persons or property or
25 to prevent the theft or the unlawful taking of goods, wares
26 and merchandise, or to prevent the misappropriation or
27 concealment of goods, wares or merchandise, money, bonds,
28 stocks, choses in action, notes or other valuable documents,
29 papers and articles of value or to transport such goods or
30 procure the return thereof or the performing of such

1 services.

2 § 1103. Inapplicability of part.

3 This part does not apply to:

4 (1) A detective, officer or employee of the Pennsylvania
5 State Police or a police force of any municipality while
6 engaged in the performance of his official duties but this
7 exclusion does not apply if the police force is furnishing
8 the functions or services for hire or reward or is being
9 reimbursed for its costs by any private person.

10 (2) A person whose business is exclusively the
11 furnishing of information as to the business and financial
12 standing and credit responsibility of any person.

13 (3) A person exclusively and regularly employed as a
14 special agent, investigator or adjuster by one employer in
15 connection with the affairs of that employer only.

16 (4) A charitable or philanthropic society or association
17 duly incorporated under the Laws of this Commonwealth and
18 which is organized and maintained for the public good and not
19 for profit.

20 (5) Alarm companies which only manufacture alarm
21 equipment or sell alarm equipment from their place of
22 business and do not sell, install, service, maintain, monitor
23 or respond to alarm equipment at the protected premises or
24 the premises to be protected.

25 (6) Investigators or adjusters for insurance companies.

26 § 1104. Preemption of local regulation.

27 It is the intent of the General Assembly to enact a
28 comprehensive licensing and registration system for the private
29 investigating and security business and thereby preempt this
30 field. All municipal and county ordinances inconsistent with

1 this part or imposing additional duties, fees, charges, fines or
2 different standards on any licensee or individual subject to
3 this part shall be invalid.

4 CHAPTER 13

5 LICENSES AND REGISTRATIONS

6 Subchapter

7 A. Private Detective and Security Business

8 B. Private Detectives and Other Security Agents

9 C. Employees of Private Detectives and Security Business and
10 Privately Employed Security Guards

11 SUBCHAPTER A

12 PRIVATE DETECTIVE AND SECURITY BUSINESS

13 Sec.

14 1301. License required.

15 1302. Application for license.

16 1303. Managing agent required for each office.

17 1304. Investigation of applicant.

18 1305. License.

19 1306. Transfer of license to another location.

20 1307. Renewal of license.

21 § 1301. License required.

22 No person shall engage in the private detective or security
23 business or advertise his or its business to be a private
24 detective business or security business, notwithstanding the
25 name or title used in describing the business, without having
26 first obtained a business license. A separate license shall be
27 obtained for each location at which an office, branch office,
28 bureau, agency or subagency is maintained for the conduct of the
29 private detective or security business.

30 § 1302. Application for license.

1 (a) General rule.--Any person intending to conduct a private
2 detective business or other security business shall file with
3 the board a signed and verified application. If the applicant is
4 a partnership, association or corporation, the application shall
5 contain the information required in this section for, and shall
6 be signed and verified by, each individual composing the
7 partnership or association or each principal officer and, unless
8 the stock of the corporation or its ultimate parent corporation
9 is listed on a National Securities Exchange or registered under
10 section 12 of the Federal Securities and Exchange Act of 1934,
11 each shareholder owning more than 5% of the shares of the
12 corporation. The application shall set forth his full name, age,
13 residence, present and previous occupations, the address of the
14 principal place of business and the office, branch office,
15 bureau, agency, subagency for which the business license is
16 desired, and such further information as may be required by the
17 board to show the good character, competency and integrity of
18 the individual. The application shall also contain two
19 photographs and the fingerprints of the two hands of each
20 applicant. The managing agent of the applicant for each location
21 of its offices shall be identified and a copy of his private
22 detective or alarm agent license, or application for license,
23 shall be included.

24 (b) References.--Each individual or partnership who is an
25 applicant shall be recommended by not less than five reputable
26 citizens of the community in which he resides or for which the
27 business license is desired, who shall certify under oath that
28 he has personally known the individual for a period of at least
29 five years prior to the filing of the application, that he has
30 read the application and believes each of the statements made

1 therein to be true, that the person is honest, of good character
2 and competent and not related or connected to him by blood or
3 marriage.

4 (c) Additional information for corporation.--In the case of
5 a corporation, the application shall include its name, date and
6 place of incorporation, the amount of its outstanding paid-up
7 capital stock and whether paid in cash or property and, if in
8 property, the nature of the property, and the names of not less
9 than three credit references. In addition, the corporate
10 applicant shall supply a certified copy of the certificate of
11 incorporation.

12 (d) Death, etc. of member or officer.--Notice of the death,
13 resignation, withdrawal or removal of the managing agent, member
14 of a partnership or association, or any principal officer or
15 shareholder required to sign the application shall forthwith be
16 given in writing to the board and a successor agent, member,
17 officer or shareholder shall file with the board the appropriate
18 information or application.

19 (e) Branch offices of licensee.--An application by a
20 business licensee for a branch license may incorporate the
21 information previously furnished to the board by reference and
22 shall contain only additional information necessary to conduct
23 the review required by this subchapter.

24 § 1303. Managing agent required for each office.

25 (a) Private detective.--No private detective business
26 license shall be issued unless the applicant or the managing
27 agent possesses a private detective license and certifies that
28 he will engage full time in the private detective business at
29 the location for which the license is requested.

30 (b) Alarm business.--No alarm business license shall be

1 issued unless, either:

2 (1) the individual applicant or at least one individual
3 who is an owner, officer, partner or full-time employee of
4 the applicant possesses an alarm agent license and certifies
5 that he will engage full time in the provision of alarm
6 services at the location for which the license is requested;
7 or

8 (2) the applicant is engaged in the provision of alarm
9 services as of the effective date of this part and the
10 individual applicant or at least one individual who is an
11 owner, officer, partner or full-time employee of the
12 applicant meets the examination requirements of section
13 1323(a)(3) (relating to qualifications for licensure) and
14 certifies that he will engage full time in the provision of
15 alarm services at the location for which the license is
16 requested.

17 (c) Notification of board.--In the event that the individual
18 whom the applicant relies upon to comply with subsection (b)
19 shall for any reason cease to perform his duties on a regular
20 basis, the business licensee shall promptly notify the board by
21 certified or registered mail and shall make every effort to
22 obtain as promptly as possible a substitute eligible individual.
23 If the business licensee fails to obtain the substitute eligible
24 individual within six months from and after the disqualification
25 of the licensee, the board may revoke the business license or,
26 for good cause shown, may extend for a reasonable time the
27 period for obtaining a substitute qualifying individual or the
28 board may determine, based upon the experience and performance
29 of the licensee, that the licensee need not obtain the
30 substitute qualifying individual.

1 § 1304. Investigation of applicant.

2 The board shall refer the application to the district
3 attorney of the county where the office or branch office,
4 bureau, agency or subagency will be located. Upon receipt of the
5 application the district attorney shall direct an appropriate
6 investigation of the applicant and shall, within 30 days of
7 receipt of the application, forward to the board a complete
8 written report of the investigative findings and a
9 recommendation as to the disposition of the application. The
10 board shall also obtain through the State Police or otherwise
11 criminal history records, fingerprint comparative information
12 and such other information as it requires.

13 § 1305. License.

14 (a) Issuance.--If after investigation the board is satisfied
15 of the good character, competency and integrity of the applicant
16 and a period of 45 days from the date of the filing of the
17 application has elapsed, the board shall issue and deliver to
18 the applicant a business license for the premises stated in the
19 application. In the event verified objections to the issuance of
20 a license are filed with the board, he shall hold a public
21 hearing with notice to all interested parties prior to issuing
22 or refusing to issue the license.

23 (b) Fee and liability insurance.--Prior to the issuance of a
24 business license, the applicant shall pay to the Commonwealth
25 for each license a fee of \$250, and shall file with the board
26 evidence that it has in force a general liability insurance
27 policy in an amount insuring against claims of not less than
28 \$300,000 in the case of personal injuries and \$100,000 in the
29 case of property damage written by an insurance company
30 authorized to do business in this Commonwealth. Each policy

1 shall contain an endorsement that the policy will not be
2 cancelled or modified without notification to the board.

3 (c) Form.--The business license shall be in a form
4 prescribed by the board and shall specify the full name of the
5 applicant, the location of the principal office and the office,
6 branch office, bureau, agency or subagency for which the license
7 is issued, the date on which it is issued, the date on which it
8 will expire and the name and residence of each licensed private
9 detective or alarm agent employed by it at that location.

10 (d) Posting.--The business license shall be at all times
11 displayed in a conspicuous place in the office for which it is
12 issued.

13 (e) Advertisement.--Every advertisement by a business
14 licensee soliciting or advertising business shall contain the
15 licensee's name and license number as they appear in the records
16 of the board.

17 (f) Revocation.--The business license shall be revocable at
18 any time by the board for cause shown. Every license shall be
19 surrendered to the board within 72 hours after its term has
20 expired or after notice in writing to the holder that the
21 license has been revoked. Any licensee failing to comply with
22 any of the provisions of this section commits a misdemeanor of
23 the third degree. Such failure shall be sufficient cause for the
24 revocation of a license.

25 § 1306. Transfer of license to another location.

26 If a business licensee desires to transfer the license to a
27 place other than that described in it, he shall prior thereto
28 apply to the board for leave to transfer the license. The
29 application for transfer shall describe the premises to which
30 the transfer will be made and the date of transfer. The board

1 shall cause an appropriate investigation to be made and, if he
2 is satisfied, authorize the transfer.

3 § 1307. Renewal of license.

4 A business license shall be renewed biennially by the board
5 upon application at such time prior to expiration and in such
6 form as the board may prescribe and payment of a biennial fee of
7 \$200 and the filing of evidence of insurance as required for the
8 original license. The license shall be renewed without further
9 investigation unless the applicant no longer qualifies for the
10 license or verified objections to the renewal are received by
11 the board prior to issuance. If the board has received
12 information relevant to the renewal, he shall hold a public
13 hearing as provided for in the case of an original application.

14 SUBCHAPTER B

15 PRIVATE DETECTIVES AND OTHER SECURITY AGENTS

16 Sec.

17 1321. License or registration required.

18 1322. Limited licenses.

19 1323. Qualifications for licensure.

20 1324. Incompatible employment.

21 1325. Application for license.

22 1326. License.

23 1327. Renewal of license.

24 § 1321. License or registration required.

25 No person shall perform any of the functions and services set
26 forth in section 1102 (relating to applicability of part)
27 without having obtained from the board a private detective or
28 security business license or having registered as an associate
29 or as a security guard under Subchapter C (relating to employees
30 of private detectives and security business and privately

1 employed security guards).

2 § 1322. Limited licenses.

3 (a) General rule.--Notwithstanding the prohibition contained
4 in section 1321 (relating to license or registration required),
5 a person, partnership, association or corporation may perform
6 polygraph services defined in section 1102(1)(ix) (relating to
7 applicability of part) providing he or it applies to the board
8 for a limited license. This limited license may be granted by
9 the board notwithstanding that the applicant does not meet the
10 experience qualifications of section 1323(a)(1) or (2) (relating
11 to qualifications for licensure) provided that the applicant
12 meets all other requirements of this title relating to standards
13 of criminal disqualification, incompatible employment, character
14 fitness, personal references, age or other qualifications set by
15 the board.

16 (b) Defining types of licensees.--The board may define those
17 persons to be licensed under this section as "polygraph
18 operator," but the definition shall be substantially as follows:

19 "Polygraph operator." Any individual employed in this
20 Commonwealth to investigate the conduct, honesty, efficiency,
21 loyalty or activities of employees, agents, contractors and
22 subcontractors by means of detection of deception devices of a
23 mechanical nature.

24 (c) Regulation of licensees.--All other rights and duties of
25 polygraph operators shall be as provided by this title. It is
26 the intent of this section only that polygraph operators shall
27 be relieved of the experience requirements for licensure as
28 private detectives or alarm agents. The board may set, by rules
29 and regulations, reasonable and appropriate requirements for
30 licensure for these limited licenses.

1 (d) Limitation on activities of licensees.--Limited licenses
2 issued under this section shall authorize only the conduct of
3 polygraph operator and by operation of law prohibit private
4 detective and security business activities.

5 § 1323. Qualifications for licensure.

6 (a) Experience and examination.--

7 (1) No private detective license shall be issued unless
8 the applicant has been regularly employed for a period of not
9 less than five years as a detective, an associate of a
10 licensed private detective, a member of the United States
11 Government investigative service, the Pennsylvania State
12 Police, a municipality with a rank or grade higher than
13 patrolman, or a sheriff.

14 (2) No alarm agent license shall be issued unless the
15 applicant establishes that he was an alarm associate or was
16 regularly engaged or was employed in the provision of alarm
17 services of on-premises sales, installation or service for an
18 aggregate period of not less than five years prior to the
19 filing of the application. The individual shall be required
20 to engage full time in, or supervising, the on-premises
21 sales, installation or servicing of alarm systems.

22 (3) Applicants for an alarm agent license shall take a
23 board administered alarm agent examination designed to
24 measure the individual's knowledge and competence in the
25 alarm business and score a passing grade. Applicants engaged
26 in the alarm business on the effective date of the part shall
27 have one year after the effective date of the part to comply
28 with this examination requirement.

29 (4) Any employee of a private detective or security
30 business who is not otherwise disqualified under this section

1 or section 1324 (relating to incompatible employment) from
2 obtaining a license under this section may be registered as
3 an associate under section 1342 (relating to regulation of
4 private detective associates) or 1343 (relating to
5 registration of security guards and alarm associates)
6 notwithstanding that he does not possess the experience
7 required under this section to obtain a private detective or
8 alarm agent license.

9 (b) Criminal disqualifications.--

10 (1) No private detective license shall be issued to any
11 person who has been convicted in this Commonwealth or any
12 other state of a felony or a violation of any of the
13 following provisions of law:

14 18 Pa.C.S. § 907 (relating to possessing instruments
15 of crime).

16 18 Pa.C.S. § 908 (relating to prohibited offensive
17 weapons).

18 18 Pa.C.S. § 2702 (relating to aggravated assault).

19 18 Pa.C.S. § 3124 (relating to voluntary deviate
20 sexual intercourse).

21 18 Pa.C.S. § 3503 (relating to criminal trespass).

22 18 Pa.C.S. § 3921 (relating to theft by unlawful
23 taking or disposition).

24 18 Pa.C.S. § 3925 (relating to receiving stolen
25 property).

26 18 Pa.C.S. § 5121 (relating to escape).

27 Act of April 14, 1972 (P.L.233, No.64), known as The
28 Controlled Substance, Drug, Device and Cosmetic Act.

29 (2) The conviction of any other crime in this
30 Commonwealth or any other state may be the basis for denying

1 the issuance or renewal of a license.

2 (c) Previous revocation.--No private detective license or
3 registration shall be issued to any person whose license or
4 registration has been previously revoked because of conviction
5 of a felony or any of the offenses specified in this section
6 unless the person has received an executive or judicial pardon
7 removing this disability.

8 (d) Age.--No private detective license shall be issued to a
9 person under the age of 25 years and no registration as an
10 associate or security guard shall be issued to a person under
11 the age of 18 years.

12 § 1324. Incompatible employment.

13 (a) Certain public officials.--No private detective or alarm
14 agent license shall be issued to a member of a State or
15 municipality police force, constable, probation officer or any
16 individual who holds a public office and who, by virtue of that
17 public office, possess extraordinary police authority, not
18 allowed private persons, for the benefit of the public. In the
19 case of an association, partnership or corporation, no license
20 shall be issued if any individual composing the association or
21 partnership, or corporate officer or shareholder, is so employed
22 or holds such public office. This subsection does not prevent a
23 person from obtaining registration as a security guard if his
24 public employer certifies that service as a security guard
25 during hours when he is not pursuing regular duties is not
26 prohibited.

27 (b) Employment agency.--No holder of an employment agency
28 license shall be licensed under this chapter. While holding a
29 private detective license under this chapter a licensee shall
30 not simultaneously hold an employment agency license or have any

1 financial interest in or participate in the control and
2 management of any employment agency or any other private
3 detective business. A licensee may own or possess stock in any
4 corporation whose only business is to undertake for hire the
5 preparation of payrolls and the transportation of payrolls,
6 moneys, securities and other valuables or whose only business is
7 to provide or furnish protective or guard services to any
8 Federal agency.

9 § 1325. Application for license.

10 (a) General rule.--Any person who is qualified to do so may
11 execute and file with the board an application for a private
12 detective license setting forth under oath:

13 (1) His full name, age and residence.

14 (2) Citizenship.

15 (3) The name and address of all employers or occupations
16 engaged in for the three years immediately preceding.

17 (4) That he has not been convicted of a felony or of any
18 offense involving moral turpitude or of any of the offenses
19 described in section 1323 (relating to qualifications for
20 licensure).

21 (5) That he is not disqualified under section 1323 or
22 1324 (relating to incompatible employment) from being
23 licensed as a private detective.

24 (6) Such further information as the board may require to
25 show good character, competency and integrity of the
26 applicant.

27 The application shall be accompanied by a set of fingerprints
28 and two photographs and a license fee of \$100 which shall be
29 nonrefundable.

30 (b) Investigation of applicant.--The board shall cause an

1 investigation of the applicant in the same manner as section
2 1304 (relating to investigation of applicant).

3 § 1326. License.

4 (a) Issuance.--If after investigation the board is satisfied
5 of the good character, competency and integrity of the applicant
6 and a period of 45 days from the date of the filing of the
7 application has elapsed, the board shall issue and deliver to
8 the applicant a private detective license. In the event verified
9 objections to the issuance of a license are filed with the
10 board, it shall hold a public hearing with notice to all
11 interested parties prior to issuing or refusing to issue the
12 license.

13 (b) Form.--The license shall be in a form prescribed by the
14 board and shall specify the full name of the applicant, the
15 location of the principal office, and the location of the
16 office, branch office, bureau, agency or subagency from which
17 the applicant will work, the date on which it was issued and the
18 date on which it will expire.

19 (c) Posting.--The license shall at all times be displayed in
20 a conspicuous place in the principal office from which the
21 applicant works.

22 (d) Revocation.--The license shall be revocable at any time
23 by the board for cause shown. Every license shall be surrendered
24 to the board within 72 hours after its term has expired or after
25 notice in writing to the holder that the license has been
26 revoked. Any licensee failing to comply with any of the
27 provisions of this subsection commits a misdemeanor of the third
28 degree. Such failure shall be sufficient cause for the
29 revocation of a license.

30 § 1327. Renewal of license.

1 A license shall be renewed biennially by the board upon
2 application at such time prior to expiration and in such form as
3 the board may prescribe and payment of a biennial fee of \$75.
4 The license may be renewed without further investigation unless
5 the applicant no longer qualifies for the license or verified
6 objections to the renewal are received by the board prior to
7 issuance. If the board has received information relevant to the
8 renewal, it shall hold a public hearing as provided for in the
9 case of an original application.

10 SUBCHAPTER C

11 EMPLOYEES OF PRIVATE DETECTIVES AND SECURITY

12 BUSINESS AND PRIVATELY EMPLOYED SECURITY GUARDS

13 Sec.

14 1341. Responsibility for employees.

15 1342. Registration of private detective associates.

16 1343. Registration of security guards and alarm associates.

17 1344. Duties of licensee and certain other employers.

18 § 1341. Responsibility for employees.

19 A business licensee shall be legally responsible for the good
20 conduct within the scope of employment in the private detective
21 and private security business of each person employed to assist
22 him. No licensee shall knowingly employ in connection with the
23 private detective and private security business in any capacity
24 any person who has been convicted of a felony or any of the
25 offenses specified in section 1323(b) (relating to
26 qualifications for licensure) or whose private detective license
27 or associate or security guard registration was revoked or
28 application for license or registration denied by the board or
29 by the authorities of any state.

30 § 1342. Registration of private detective associates.

1 (a) Registration required.--No person shall be employed by a
2 business licensee to investigate or obtain information with
3 reference to any of the matters set forth in section 1102(1)
4 (relating to applicability of part) who does not possess a valid
5 registration as a private detective associate unless he has
6 executed and filed with the board an application for
7 registration as provided in this section.

8 (b) Application for registration.--Any person who is
9 qualified to do so may execute and file with the board an
10 application for registration setting forth under oath:

11 (1) His full name, age and residence.

12 (2) Citizenship.

13 (3) The name and address of all employers or occupations
14 engaged in for the three years immediately preceding.

15 (4) That he has not been convicted of a felony or of any
16 offense involving moral turpitude or of any of the offenses
17 described in section 1323 (relating to qualifications for
18 licensure).

19 (5) That he is not disqualified under section 1323 or
20 1324 (relating to incompatible employment) from being
21 registered as an associate.

22 (6) Such further information as the board may require to
23 show good character, competency and integrity of the
24 applicant.

25 The application shall be accompanied by a set of fingerprints
26 and two photographs and a registration fee of \$50 which shall be
27 nonrefundable.

28 (c) Investigation of applicant.--The board shall cause an
29 appropriate investigation of the applicant, including criminal
30 history record and fingerprint comparative information reports.

1 (d) Issuance.--If after investigation the board is satisfied
2 of the good character, competency and integrity of the
3 applicant, the board shall issue and deliver to the applicant an
4 associate registration.

5 (e) Revocation.--The registration shall be revocable at any
6 time by the board for cause shown. Every registration and
7 identification document shall be surrendered to the board within
8 72 hours after its term has expired or after notice in writing
9 to the holder that the registration has been revoked. Any
10 licensee failing to comply with any of the provisions of this
11 subsection commits a misdemeanor of the third degree. Such
12 failure shall be sufficient cause for the revocation of a
13 registration.

14 (f) Renewal.--The registration shall be renewed biennially
15 upon forms prescribed by the board and payment of a biennial fee
16 of \$35. The registration may be renewed without further
17 investigation unless the applicant no longer qualifies or
18 verified objections to the renewal are received by the board
19 prior to issuance. If the board has received information
20 relevant to the renewal, it shall hold a public hearing.

21 § 1343. Registration of security guards and alarm associates.

22 (a) Registration required.--No person shall be employed by
23 an alarm business licensee and no person shall be employed by a
24 business licensee or by any person for the purpose of providing
25 watchguard, protective patrol, courier or other services to
26 protect persons or property or any of the services described in
27 section 1102(2) and (3) (relating to applicability of part) who
28 does not possess a valid registration under this part unless he
29 has executed and filed with the board an application for
30 registration as provided in this part.

1 (b) Application for registration.--Any person who is
2 qualified to do so may execute and file with the board an
3 application for registration setting forth under oath:

4 (1) His full name, age and residence.

5 (2) Citizenship.

6 (3) The name and address of all employers or occupations
7 engaged in for the three years immediately preceding.

8 (4) That he has not been convicted of any felony or of
9 any offense involving moral turpitude or of any of the
10 offenses described in section 1323(b) (relating to
11 qualifications for licensure).

12 (5) Two sets of classifiable fingerprints recorded in
13 such manner as may be specified by the board.

14 (6) If applying for a security guard registration, that
15 he is not employed by a state or municipality police force
16 or, if he is so employed, that his public employer does not
17 prohibit him from serving as a security guard during hours
18 other than those when he is pursuing his regular duties.

19 (7) Such further information as the board may require to
20 show the good character, competency and integrity of the
21 applicant.

22 The application shall be accompanied by a set of fingerprints
23 and two photographs and a registration fee of \$25 which shall be
24 nonrefundable.

25 (c) Investigation of applicant.--The board shall cause an
26 appropriate investigation of the applicant, including criminal
27 history record and fingerprint comparative information reports.

28 (d) Issuance.--If after investigation the board is satisfied
29 of the good character, competency and integrity of the
30 applicant, the board shall issue and deliver to the applicant a

1 security guard or alarm associate registration.

2 (e) Revocation.--The registration shall be revocable at any
3 time by the board for cause shown. Every registration and
4 identification document shall be surrendered to the board within
5 72 hours after its term has expired or after notice in writing
6 to the holder that the registration has been revoked. Any
7 licensee failing to comply with any of the provisions of this
8 subsection commits a misdemeanor of the third degree. Such
9 failure shall be sufficient cause for the revocation of a
10 registration.

11 (f) Renewal.--The registration shall be renewed biennially
12 upon forms prescribed by the board and payment of a biennial fee
13 of \$15. The registration may be renewed without further
14 investigation unless the applicant no longer qualifies or
15 verified objections to the renewal are received by the board
16 prior to issuance. If the board has received information
17 relevant to the renewal, it shall hold a public hearing.

18 § 1344. Duties of licensee and certain other employers.

19 Prior to allowing an associate or a security guard registered
20 under section 1342 (relating to registration of private
21 detective associates) or 1343 (relating to registration of
22 security guards and alarm associates) to perform services, the
23 business licensee or other employer shall verify his
24 registration, or in the case of an applicant for registration,
25 the licensee or employer may issue, in accordance with
26 regulations promulgated by the board, a temporary registration
27 which shall be void if the applicant's employment is terminated
28 for any reason, the registration is refused by the board, on or
29 after 90 days, whichever first occurs. The licensee or employer
30 shall retain on file a copy of the application and one set of

1 fingerprints until permanent registration of the associate or
2 security guard is verified. If the employment of an associate or
3 security guard is terminated for cause at any time, the licensee
4 or employer shall immediately notify the board.

5 CHAPTER 15

6 IDENTIFICATION DOCUMENTS, UNIFORMS

7 AND EQUIPMENT

8 Sec.

9 1501. Private detective and alarm agent identification card.

10 1502. Associate and security guard identification card.

11 1503. Responsibility for identification documents.

12 1504. Uniforms and equipment.

13 § 1501. Private detective and alarm agent identification card.

14 (a) Contents of card.--Upon the issuance of a private
15 detective or alarm agent license, the board shall also issue an
16 identification card which shall contain the licensee's
17 photograph, name and business address, and, in the case of
18 private detectives, a metal badge as evidence of authorization
19 pursuant to the terms of this part.

20 (b) Carrying requirement.--The identification card shall be
21 carried by an individual required to obtain an identification
22 card under subsection (a) whenever the individual is engaged in
23 the provision of private detective or alarm services and shall
24 be exhibited upon request.

25 § 1502. Associate and security guard identification card.

26 (a) Associate or security guard.--Upon the issuance of a
27 registration as an associate or security guard under Subchapter
28 C of Chapter 13, (relating to employees of private detectives
29 and security business and privately employed security guards)
30 the board shall issue an identification card which shall contain

1 such information as the board shall prescribe.

2 (b) Carrying requirement.--The identification card shall be
3 carried by an individual required to obtain an identification
4 card under subsection (a) whenever the individual is engaged in
5 employment activities for which he must be registered under this
6 part and shall be exhibited upon request.

7 § 1503. Responsibility for identification documents.

8 (a) General rule.--Each person to whom an identification
9 document, license, registration card and badge has been issued
10 shall be responsible for their safekeeping and shall not lend,
11 let or allow any other person to use, wear or display the
12 license, document, card or badge.

13 (b) Wearing unauthorized identification card or badge.--No
14 person shall wear or display any license, card, shield or badge
15 of any design or material purporting to authorize the holder or
16 wearer thereof to act as a private detective, associate or
17 security guard, which has not been issued pursuant to the
18 provisions of this part. Any person who violates this subsection
19 commits a misdemeanor of the third degree and any such violation
20 is sufficient cause for revocation of the license or
21 registration.

22 (c) Loss or destruction.--If it is established to the
23 satisfaction of the board that a license, document, card or
24 badge has been lost or destroyed, the board, upon payment of an
25 appropriate fee, shall issue a duplicate license, document, card
26 or badge for the unexpired portion of the term of the license or
27 registration.

28 § 1504. Uniforms and equipment.

29 (a) Return when employment terminated.--Any associate or
30 security guard issued a uniform or equipment by his employer

1 whose employment is terminated for any reason who fails or
2 refuses to return the uniform or equipment for any reason within
3 three days after the employment ceases, commits a misdemeanor of
4 the third degree.

5 (b) Wearing official police uniform.--A member or employee
6 of a public police force shall not wear his official police
7 uniform while performing security services for a private
8 employer unless authorized by the governing authority of the
9 political subdivision by which he is employed.

10 (c) Uniform standards.--The board may promulgate standards
11 or guidelines relating to the design or color of security guard
12 uniforms so as to assure differentiation of public police and
13 security guard uniforms.

14 (d) Deceptively similar uniforms.--An associate or security
15 guard shall not wear, nor shall an employer issue, a uniform
16 deceptively similar to a uniform worn by a member of a public
17 police force in or adjacent to the political subdivision in
18 which the security services are being performed.

19 CHAPTER 17

20 ENFORCEMENT

21 Subchapter

22 A. General Provisions

23 B. Violations and Penalties

24 SUBCHAPTER A

25 GENERAL PROVISIONS

26 Sec.

27 1701. Enforcement and investigations.

28 1702. Subpoenas.

29 1703. Prosecutions.

30 § 1701. Enforcement and investigations.

1 The board, or at his request the Attorney General, and each
2 district attorney shall enforce the provisions of this part and,
3 upon complaint of any person or on his own initiative, shall
4 investigate any suspected violation or the business practices
5 and methods of any applicant or licensee. Each applicant or
6 licensee shall, on request of the board or the district
7 attorney, supply such information as may be required concerning
8 his or its business, business practices or methods.

9 § 1702. Subpoenas.

10 For the purpose of enforcing the provisions of this part and
11 in making investigations relating to any violation thereof and
12 for the purpose of investigating applicants or licensees, the
13 board, the Attorney General and district attorney, or their
14 designee, shall have the power to subpoena any person within his
15 jurisdiction and require the production of any books or papers
16 deemed relevant to the inquiry. Any person subpoenaed who fails
17 to obey the subpoena without reasonable cause or without such
18 cause refuses to be examined or to answer any relevant question
19 commits a misdemeanor of the third degree. The testimony of
20 witnesses shall be under oath and willful false swearing in any
21 such proceeding shall be punishable as perjury.

22 § 1703. Prosecutions.

23 Criminal prosecutions for violation of this part shall be
24 brought by the Attorney General or the district attorney of the
25 county in which the violation occurred.

26 SUBCHAPTER B

27 VIOLATIONS AND PENALTIES

28 Sec.

29 1711. Unfair labor practices.

30 1712. Contingent or percentage fees.

1 1713. Unlicensed activities.

2 1714. False representations.

3 1715. Privileged information and false reports.

4 § 1711. Unfair labor practices.

5 It is a misdemeanor of the third degree for a private
6 detective or any employee of a business licensee knowingly to
7 encourage, aid, commit or participate within or without this
8 Commonwealth in any unfair labor practice.

9 § 1712. Contingent or percentage fees.

10 It is unlawful for a private detective or business licensee
11 to furnish or perform any private detective business service on
12 a contingent or percentage basis, or make or enter into any
13 agreement for furnishing services of any kind or character by
14 the terms or conditions of which agreement the compensation to
15 be paid for the services to the licensee is partially or wholly
16 contingent or based upon a percentage of the amount of money or
17 property recovered or dependent in any way upon the result
18 achieved. A violation of this section may be the basis for
19 denying the renewal of a license.

20 § 1713. Unlicensed activities.

21 Any person, in violation of the provisions of Subchapter A of
22 Chapter 13 (relating to private detective and security
23 business), who engages in the private detective business without
24 a license commits a misdemeanor of the third degree.

25 § 1714. False representations.

26 If the business licensee falsely represents that a person is
27 or has been in his employ, such misrepresentation shall be
28 sufficient cause for the revocation of his license. Any person
29 who falsely represents that he is or has been a detective or
30 employed by a licensee commits a misdemeanor of the third

1 degree. Any person who files with the board the fingerprints,
2 photographs or application for registration of a person other
3 than the applicant commits a misdemeanor of the first degree.
4 § 1715. Privileged information and false reports.

5 Any person who is or has been an employee of a business
6 licensee shall not divulge to anyone other than his employer, or
7 as his employer shall direct, any information acquired by him
8 during such employment in respect to any of the work to which he
9 has been assigned. Any employee violating the provisions of this
10 section, or any employee who shall willfully make a false report
11 to his employer in respect to any of such work, commits a
12 misdemeanor of the third degree. The employer of any employee
13 believed to have violated this section shall, without any
14 liability whatsoever upon the employer, inform the board who
15 shall, should the facts and circumstances warrant it, conduct
16 further investigation and refer that matter to the district
17 attorney for appropriate action.

18 PART III

19 PRIVATE POLICE

20 Chapter

21 31. Private Police

22 CHAPTER 31

23 PRIVATE POLICE

24 Sec.

25 3101. Appointment.

26 3102. Oath of office.

27 3103. Powers.

28 3104. Compensation.

29 3105. Termination of appointment.

30 § 3101. Appointment.

1 Any nonprofit organization or entity, including a nonprofit
2 corporation as defined in Part III of Title 15 (relating to
3 corporations not-for-profit), which maintains a cemetery or any
4 buildings or grounds open to the public, or is organized for the
5 prevention of cruelty to children, aged persons or animals, or
6 conducts agricultural or horticultural exhibitions may apply to
7 the board upon such forms as it shall prescribe for the
8 appointment of specific persons as the applicant may designate
9 to act as private policemen for it. The board after such
10 investigation as it shall deem necessary shall recommend to the
11 Governor the commissioning of such persons as private policemen
12 or advise the applicant of its adverse recommendation and the
13 reasons therefor.

14 § 3102. Oath of office.

15 Every policeman so commissioned shall, before entering upon
16 the duties of his office, take and subscribe the oath required
17 by Article VI of the Constitution of Pennsylvania. The oath and
18 the commission issued by the Governor shall be recorded in the
19 office for the recording of deeds of each county in which it is
20 intended that the policemen shall act and a copy filed with the
21 board.

22 § 3103. Powers.

23 (a) General rule.--Private policemen shall severally possess
24 and exercise all the powers of a police officer in this
25 Commonwealth, in and upon, and in the immediate and adjacent
26 vicinity of, the property of the appointing authority, and in
27 the case of policemen commissioned to act for organizations for
28 prevention of cruelty to persons and animals, shall severally
29 possess and exercise all the powers of a police officer in any
30 county in which they may be directed by their appointing

1 authority to act and may arrest persons for the commission of
2 any offense of cruelty to children, aged persons or animals.

3 (b) Detention of arrested persons.--The keepers of jails and
4 other places of detention in any county of this Commonwealth
5 shall receive all persons arrested by private policemen for
6 purposes of detention until they are dealt with according to
7 law.

8 (c) Badge.--Private policemen when on duty shall wear a
9 metallic shield containing the words "Special officer" and the
10 name of the appointing authority.

11 (d) Weapons.--Policemen so appointed shall not carry a
12 firearm or other weapon either when on duty or off duty unless
13 authorized to do so by other provisions of this title or any
14 other statute.

15 § 3104. Compensation.

16 The compensation of the policemen shall be paid by their
17 appointing authority.

18 § 3105. Termination of appointment.

19 When any appointing authority no longer requires the services
20 of any policeman, it shall file a notice to that effect, under
21 its corporate or other seal, if any, in the office of each
22 recorder of deeds where the oath and commission of the policeman
23 were recorded and with the board. The recorder of deeds shall
24 note this information upon the margin of the record where the
25 commission and oath were recorded.

26 Section 3. Repeals.

27 (a) Specific repeals.--The following acts are repealed:

28 Act of April 26, 1870 (P.L.1269, No.1166), entitled "An act
29 to authorize the private patrol and watchmen to be commissioned
30 by the mayor of Philadelphia to perform police duty within

1 prescribed limits in said city."

2 Act of April 9, 1873 (P.L.67, No.45), entitled "An act for
3 the further protection of cemeteries in the state of
4 Pennsylvania."

5 Act of April 26, 1883 (P.L.14, No.13), entitled "An act for
6 the protection of agricultural and horticultural societies."

7 Act of June 26, 1895 (P.L.333, No.248), entitled "An act to
8 authorize occupants of real estate in cities and boroughs of the
9 Commonwealth to employ night watchmen, with the approval of the
10 court of quarter sessions of the proper county or of the
11 Director of the Department of Public Safety in any city having
12 such a department, and conferring upon the night watchmen thus
13 employed, all rights, privileges and powers of constables and
14 policemen duly elected or appointed in such cities or boroughs."

15 Act of May 25, 1937 (P.L.799, No.221), entitled "An act
16 prohibiting industrial police from carrying weapons when not on
17 duty; requiring them to leave the same at place of employment;
18 and prescribing penalties."

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

21 Act of October 10, 1974 (P.L.705, No.235), known as the
22 Lethal Weapons Training Act.

23 (b) General repeal.--All other acts and parts of acts are
24 repealed insofar as they are inconsistent with this act.

25 Section 4. Transition provisions.

26 (a) State Board of Private Detectives and Security
27 Businesses.--The Governor shall appoint the members of the State
28 Board of Private Detectives and Security Businesses within 90
29 days of the effective date of this act and the board shall
30 organize within 30 days after the confirmation of the members.

1 (b) Extension of existing licenses.--Each person,
2 partnership, association or corporation who holds a valid
3 license issued pursuant to the former provisions of the act of
4 August 21, 1953 (P.L.1273, No.361), known as The Private
5 Detective Act of 1953, but which license will expire within one
6 year of the effective date of this section shall be deemed to
7 have been granted an extension of that license until one year
8 from the effective date of this section.

9 (c) Information concerning existing licenses.--Each person,
10 partnership, association or corporation who holds a valid
11 license issued pursuant to The Private Detective Act of 1953 on
12 the effective date of this act shall send a copy of the license,
13 or all pertinent information thereon, to the board within 60
14 days of the effective date of this act.

15 (d) Application for new license.--Each person, partnership,
16 association or corporation who holds a valid license issued
17 pursuant to The Private Detective Act of 1953 on the effective
18 date of this act and who desires to engage in a business or
19 profession regulated under this act must make application
20 therefor to the board before 90 days of the expiration of that
21 license or before 90 days of the expiration of that license as
22 extended by subsection (b). If it appears to the board that the
23 person, partnership, association or corporation making
24 application under this subsection does not meet the substantive
25 qualifications of 22 Pa.C.S. § 1323(a) (relating to
26 qualifications for licensure) or 1324 (relating to incompatible
27 employment) the board may nonetheless issue the license upon a
28 public statement of its reasons therefor.

29 (e) Certain applications for license limited to security
30 services.--Any person who prior to the effective date of this

1 act is engaged in providing security services as defined in 22
2 Pa.C.S. § 1102(3) (relating to applicability of part) and has
3 been so engaged in a supervisory capacity for at least five
4 years but does not meet the substantive qualifications of 22
5 Pa.C.S. § 1323(a), may apply to the board for the issuance of a
6 license limited to the services as defined in § 1102(3) and a
7 limited license may be issued in accordance with the provisions
8 of § 1322 (relating to limited licenses).

9 Section 5. Appropriation.

10 The sum of \$100,000, or as much thereof as may be necessary,
11 is hereby appropriated to the Department of State for the use of
12 the Bureau of Professional and Occupational Affairs to defray
13 costs and expenses on account of the State Board of Private
14 Detectives and Security Businesses. This sum shall be expended
15 and accounted for in accordance with the act of July 1, 1978
16 (P.L.700, No.124), known as the Bureau of Professional and
17 Occupational Affairs Fee Act, and shall be credited against sums
18 subsequently appropriated in accordance with that act.

19 Section 6. Effective date.

20 Chapter 5 of Title 22 (relating to State Board of Private
21 Detectives and Security Businesses) and sections 4(a), (b) and 5
22 of this act shall take effect immediately and the remaining
23 provisions shall take effect in six months.