

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 825 Session of 2007

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

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 20, 2007

AN ACT

1 Amending Title 22 (Detectives and Private Police) of the
2 Pennsylvania Consolidated Statutes, amending the heading of
3 Title 22 and 22 Pa.C.S. Ch. 3; codifying and making extensive
4 revisions to The Private Detective Act of 1953; codifying the
5 Lethal Weapons Training Act; further providing for the
6 definition of "privately employed agents"; providing for the
7 continuation of certain licenses; making an appropriation;
8 and making related repeals.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The heading of Title 22 of the Pennsylvania
12 Consolidated Statutes is amended to read:

13 TITLE 22
14 [DETECTIVES AND PRIVATE POLICE] PRIVATE INVESTIGATORS,
15 SECURITY PROFESSIONALS, FUGITIVE RECOVERY AGENTS, PRIVATE POLICE
16 AND LETHAL WEAPONS

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

18 [CHAPTER 3
19 DETECTIVES

(RESERVED)]

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

CHAPTER 3

PRIVATE INVESTIGATORS, SECURITY PROFESSIONALS

AND FUGITIVE RECOVERY AGENTS

Sec.

301. Scope of chapter.

302. Declaration of policy.

303. Definitions.

304. Board.

305. Deposit of funds.

306. Licensure.

307. Form of license.

308. License renewal.

309. Change of residence or business location.

310. Expedited reciprocal licensing.

311. Employees.

312. Private investigator employees.

313. Pocket cards and badges.

314. Firearms.

315. Bond and insurance.

316. Licensure of corporations and other legal entities.

317. Criminal history record check.

318. Prohibition.

319. Title and utilization.

320. Rules of professional conduct.

321. Sanctions.

322. Injunction.

323. Unlawful acts.

324. Exclusions.

1 325. Restrictions on public disclosure.

2 § 301. Scope of chapter.

3 This chapter relates to private investigators, security
4 professionals and fugitive recovery agents.

5 § 302. Declaration of policy.

6 The General Assembly finds and declares as follows:

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

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

12 (3) Reasonable Statewide regulation of these professions
13 is in furtherance of public health, safety and welfare
14 interests.

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

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

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

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

30 "Board." The State Board of Private Investigators, Security

1 Professionals and Fugitive Recovery Agents established in
2 section 304 (relating to board).

3 "Bureau." The Bureau of Professional and Occupational
4 Affairs.

5 "Categories of licenses." Private investigator licenses,
6 security professional licenses and fugitive recovery agent
7 licenses.

8 "CPIN-compatible." Compatible with the Commonwealth Photo
9 Imaging Network.

10 "Fugitive recovery agent."

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

14 (i) Fugitive recovery.

15 (ii) Bail enforcement.

16 (iii) Bail recovery.

17 (iv) Investigation as to the location or whereabouts
18 of any person who has failed to appear in any Federal or
19 State court of law, when required by law, or has failed
20 to answer any criminal charge or subpoena, when required
21 by law.

22 (v) Assistance in the apprehension, arrest,
23 detention, confinement, surrender or securing of a person
24 described in subparagraph (iv).

25 (vi) Surveillance of a person described in
26 subparagraph (iv).

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

29 "License." Any license to practice as a private
30 investigator, security professional or fugitive recovery agent

1 under this chapter.

2 "Licensee." An individual, corporation, partnership, limited
3 liability company or other legal entity who holds a license
4 under this chapter.

5 "Private Detective Act of 1953." The former act of August
6 21, 1953 (P.L.1273, No.361), known as The Private Detective Act
7 of 1953.

8 "Private investigator."

9 (1) An individual, corporation, partnership, limited
10 liability company or other legal entity which for a fee
11 primarily engages in the investigation of any of the
12 following activities:

13 (i) Crimes or wrongs done or threatened against an
14 individual, corporation, partnership, limited liability
15 company or other legal entity.

16 (ii) The identity, habits, conduct, movement,
17 whereabouts, affiliations, association, transactions,
18 reputation or character of any individual, group of
19 individuals, association, organization, society,
20 partnership, corporation, limited liability company or
21 other legal entity.

22 (iii) The credibility of witnesses or other
23 individuals.

24 (iv) The whereabouts of missing individuals.

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

27 (vi) The cases or origins of or responsibility for
28 fires or torts or losses, accidents, damage or injuries
29 to personal or real property.

30 (vii) The conduct of employees, agents, contractors

1 and subcontractors.

2 (viii) The securing of evidence for any civil or
3 criminal proceeding.

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

7 (1) An individual, corporation, partnership, limited
8 liability company or other legal entity which for a fee
9 primarily provides security guards, watchmen or private
10 patrolmen for any individual, private corporation or other
11 legal entity.

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

14 "SERIOUS MISDEMEANOR." A CRIMINAL OFFENSE FOR WHICH MORE
15 THAN ONE YEAR IN PRISON CAN BE IMPOSED AS A PUNISHMENT.

<—

16 § 304. Board.

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

20 (b) Membership.--The following shall be members of the
21 board:

22 (1) The Commissioner of Professional and Occupational
23 Affairs or a designee.

24 (2) The Commissioner of Pennsylvania State Police or a
25 designee.

26 (3) The Attorney General or a designee.

27 (4) Five public members, who are residents of this
28 Commonwealth, appointed by the Governor, with the advice and
29 consent of a majority of the members elected to the Senate.

30 At least one of the five public members must be an attorney

1 whose practice primarily consists of representation of
2 criminal defendants. At least one of the five public members
3 must be an attorney whose practice primarily consists of the
4 representation of civil plaintiffs. At least one of five
5 public members must be an attorney whose practice primarily
6 consists of the representation of civil defendants. A person
7 shall not be eligible for appointment under this paragraph if
8 the person or the person's spouse ANY MEMBER OF THE PERSON'S ←
9 IMMEDIATE FAMILY, AS DEFINED UNDER 65 PA.C.S. § 1102
10 (RELATING TO DEFINITIONS), meets any of the following
11 provisions:

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

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

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

20 (i) be licensed under this chapter; and

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

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

27 (1) Individuals licensed under the Private Detective Act
28 of 1953 shall, until the expiration of the license, be
29 qualified to serve as professional members of the board as
30 representatives of private investigator licensees or security

1 professional licensees under this chapter.

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

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

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

12 (2) Members under subsection (b)(4) shall serve initial
13 terms as follows:

14 (i) One member shall be appointed for a term of two
15 years.

16 (ii) Two members shall be appointed for a term of
17 three years.

18 (iii) Two members shall be appointed for a term of
19 four years.

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

22 (i) Three members shall be appointed for a term of
23 two years.

24 (ii) Three members shall be appointed for a term of
25 three years.

26 (iii) Three members shall be appointed for a term of
27 four years.

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

30 (5) A replacement for a member under subsection (b)(4)

1 or (5) shall serve the remainder of the unexpired term.

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

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

6 (1) A majority of the members of the board constitutes a
7 quorum. A member must participate at a meeting of the board
8 in person or by teleconference for purposes of meeting a
9 quorum.

10 (2) Voting must be direct; voting by proxy shall not be
11 permitted.

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

14 (1) An organizational meeting of the board shall be held
15 annually at which time the board shall elect from its
16 membership a president, a vice president and a secretary, who
17 shall serve for one year or until their successors are duly
18 elected.

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

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

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

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

30 (h) Meetings.--The board shall meet at least once every two

1 months and at additional times as necessary to conduct the
2 business of the board.

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

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

10 (1) To contract for the development of an entrance A <—
11 LICENSING examination for each of the categories of licenses.
12 The entrance LICENSING examinations shall, at a minimum, test <—
13 an applicant's knowledge of the laws of this Commonwealth and
14 the United States which are applicable to the practice of
15 that category of license.

16 (2) To develop applications and renewal applications for
17 each of the categories of licenses.

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

20 (4) To establish monetary penalties and fees for
21 licenses, renewals, badges, pocket cards and other goods and
22 services provided by the board to licensees. Initial fees
23 shall be designed to recover the board's administrative
24 costs. If the funds raised by penalties and fees under this
25 chapter are not sufficient to meet the board's administrative
26 costs over a two-year period, the board may promulgate
27 regulations to increase those penalties and fees so that the
28 projected funds will meet the board's projected costs.

29 (5) To enforce the laws of this Commonwealth relating to
30 the practice of private investigators, security professionals

1 and fugitive recovery agents and to instruct and require
2 agents of the board to initiate appropriate proceedings for
3 unauthorized and unlawful practice.

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

14 (7) To take appropriate actions to initiate injunction
15 and criminal prosecution proceedings in connection with the
16 unlawful and unauthorized practice of private investigators,
17 security professionals or fugitive recovery agents or other
18 violations of this chapter. Injunction and criminal
19 proceedings shall be instituted in accordance with the
20 Commonwealth Attorneys Act.

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

22 (9) To keep a record of applications and renewal
23 applications, including a copy of all materials submitted
24 with applications and renewal applications.

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

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

1 the Internet.

2 (12) To establish a system which assures that licensees
3 receive timely information from the board regarding issues
4 affecting the practice and regulation of their license. The
5 system shall include the mailing of a renewal application
6 under section 308 (relating to license renewal) to each
7 licensee at the most recent address in the records of the
8 board.

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

11 (14) To approve badge designs submitted by a security
12 professional for use by employees of that security
13 professional.

14 (15) To conduct criminal history record checks as
15 provided in section 317 (relating to criminal history record
16 check).

17 (16) To develop and administer a mandatory continuing
18 professional education program for each of the categories of
19 licenses, including the employees of a licensee. LICENSES. <—
20 THE CONTINUING PROFESSIONAL EDUCATION PROGRAM SHALL CONSIST
21 OF AT LEAST 12 HOURS OF MANDATORY CONTINUING EDUCATION FOR
22 EACH LICENSEE DURING EACH TWO-YEAR LICENSE PERIOD.

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

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

1 (19) TO ISSUE LICENSES, RENEW LICENSES, REINSTATE
2 LICENSES, REFUSE TO RENEW, SUSPEND AND REVOKE LICENSES AS
3 PROVIDED UNDER THIS CHAPTER.

4 (20) TO DEVELOP STANDARDS FOR THE TRAINING AND
5 PROFESSIONAL DEVELOPMENT OF EMPLOYEES BY LICENSEES.

6 § 305. Deposit of funds.

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

10 § 306. Licensure.

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

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

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

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

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

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

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

26 (2) Be a United States citizen.

27 (3) Be of good moral character.

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

30 (5) Have a criminal history which does not include any

1 of the offenses listed under section 318 (relating to
2 prohibition).

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

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

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

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

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

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

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

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

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

29 (vii) Worked full time as an attorney or an
30 investigator for an attorney or law firm.

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

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

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

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

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

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

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

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

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

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

28 (viii) Has other security or security support
29 experience that the board finds relevant to the
30 activities of a security professional.

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

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

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

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

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

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

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

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

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

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

29 (1) Substitute up to one year of relevant educational
30 experience for work experience required of an applicant under

1 subsection (d).

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

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

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

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

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

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

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

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

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

26 (4) Two current CPIN-compatible photographs.

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

30 If the applicant intends to practice as a corporation,

1 partnership, limited liability company or legal entity other
2 than an individual, the applicant shall identify all
3 principals of that entity and shall also provide all of the
4 following:

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

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

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

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

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

17 (7) The applicant's signature.

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

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

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

26 (h) Issuance of license.--

27 (1) The board shall conduct an investigation of an
28 applicant, including a credit check, APPLICANT'S FITNESS FOR ←
29 LICENSURE if the applicant has met all of the following:

30 (i) Completed the application process under

1 subsection (f).

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

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

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

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

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

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

21 § 307. Form of license.

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

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

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

27 (3) The expiration date.

28 (4) Any other information deemed appropriate by the
29 board.

30 (b) Duplicates.--A licensee shall, for a fee, be issued

1 duplicate licenses for display in each bureau, agency, office or
2 branch office included in the license application.

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

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

12 § 308. License renewal.

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

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

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

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

21 (2) For the purposes of this subsection, the term
22 "licensee" shall include any individual, corporation,
23 partnership, limited liability company or other legal entity
24 licensed under the Private Detective Act of 1953 on the
25 effective date of this section who is applying for a license
26 as a private investigator or security professional under this
27 chapter prior to the expiration of the license under the
28 Private Detective Act of 1953. The qualification by
29 successful completion of a professional entrance LICENSURE ←
30 examination in section 306(c)(6) (relating to licensure) and

1 the required additional qualifications of section 306(d)
2 shall not apply to a licensee under the Private Detective Act
3 of 1953 who met the work experience requirements under
4 section 4(a) of that act and is applying for renewal of a
5 license as a private investigator or security professional
6 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. LICENSEE SHALL AT ALL TIMES DURING <—
18 THE EMPLOYMENT BE:

19 (1) RESPONSIBLE FOR THE REASONABLE SUPERVISION, TRAINING
20 AND PROFESSIONAL DEVELOPMENT OF EACH EMPLOYEE; AND

21 (2) ACCOUNTABLE FOR THE EMPLOYEE'S CONDUCT.

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

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

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

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

1 shorter.

2 (4) Two current CPIN-compatible photographs.

3 (5) A statement indicating whether the employee has met
4 the requirements of the act of October 10, 1974 (P.L.705,
5 No.235), known as the Lethal Weapons Training Act or Chapter
6 11 (relating to lethal weapons training).

7 (6) A physical description.

8 (7) The prospective employee's signature.

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

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

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

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

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

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

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

30 (4) Promptly transmit to the board any other information

1 which the board deems appropriate.

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

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

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

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

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

18 § 312. Private investigator employees.

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

24 § 313. Pocket cards and badges.

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

- 1 (1) The licensee's name.
2 (2) The licensee's CPIN-compatible photograph.
3 (3) The licensee's business name, if different than the
4 name under paragraph (1).
5 (4) Authenticity information such as license number,
6 date of expiration and the official State seal.

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

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

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

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

- 25 (i) A pocket card or badge has been defaced,
26 damaged, stolen or lost.
27 (ii) The licensee has not been issued a pocket card
28 or badge or pocket cards for employees.

29 (2) The board may impose sanctions under section 321
30 (relating to sanctions) upon a licensee who reports multiple

1 or repeated lost or stolen pocket cards, badges or employee
2 pocket cards.

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

9 § 314. Firearms.

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

16 § 315. Bond and insurance.

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

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

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

28 (d) Proof of workers' compensation insurance.--All
29 applicants for licenses and licensees seeking renewal of
30 licenses shall provide proof of compliance with or exemption

1 from the act of June 2, 1915 (P.L.736, No.338), known as the
2 Workers' Compensation Act.

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

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

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

17 (1) A deposit of cash.

18 (2) A certified check.

19 (3) An irrevocable letter of credit.

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

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

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

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

28 (a) Licensing.--If a corporation, partnership, limited
29 liability company or other legal entity other than a natural
30 person applies for or has one or more categories of licenses

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

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

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

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

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

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

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

29 (3) Entitlement to apply for renewal pursuant to section
30 308(a).

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

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

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

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

11 § 317. Criminal history record check.

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

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

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

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

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

30 § 318. Prohibition.

1 (a) Applicant.--In no case shall a license be issued to an
2 applicant or a renewal license issued to a licensee if the
3 applicant's or licensee's criminal history record information
4 indicates the applicant has been convicted of any offense under
5 subsection (c).

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

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

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

13 (2) An offense DESIGNATED AS A FELONY OR SERIOUS <—
14 MISDEMEANOR under one or more of the following provisions of
15 18 Pa.C.S. (relating to crimes and offenses):

16 Chapter 25 (relating to criminal homicide).

17 Chapter 27 (relating to assault). where the offense <—
18 is graded higher than a summary offense.

19 Chapter 29 (related to kidnapping).

20 Chapter 31 (relating to sexual offenses).

21 Section 3301 (relating to arson and related
22 offenses).

23 Section 3502 (relating to burglary).

24 Chapter 37 (relating to robbery).

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

28 Chapter 41 (relating to forgery and fraudulent
29 practices).

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

1 Chapter 47 (relating to bribery and corrupt
2 influence).

3 Chapter 49 (relating to falsification and
4 intimidation).

5 Chapter 53 (relating to abuse of office).

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

11 Chapter 57 (relating to wiretapping and electronic
12 surveillance).

13 Chapter 59 (relating to public indecency).

14 Chapter 61 (relating to firearms and other dangerous
15 articles). ~~where the offense is graded higher than a~~ <—
16 summary offense.

17 Chapter 63 (relating to minors). ~~where the offense is~~ <—
18 graded higher than a summary offense.

19 (3) An offense DESIGNATED AS A FELONY OR SERIOUS <—
20 MISDEMEANOR related to misconduct in public office, including
21 tampering, bribery, making false statements or impersonation.

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

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

26 § 319. Title and utilization.

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

30 (b) Security professional licensee.--A security professional

1 licensee has the right to use the title "security professional."

2 (c) Fugitive recovery agent licensee.--A fugitive recovery
3 agent licensee has the right to use the title "bounty hunter" or
4 "fugitive recovery agent."

5 § 320. Rules of professional conduct.

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

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

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

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

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

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

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

25 § 321. Sanctions.

26 (a) Discretionary.--The following shall apply to
27 discretionary sanctions:

28 (1) If the board finds that a licensee has violated any
29 of the rules of professional conduct, has engaged in any
30 conduct prohibited by this chapter or has failed to fulfill

1 any duties imposed by this chapter, the board may administer
2 the following sanctions:

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

6 (ii) Administer a public reprimand.

7 (iii) Impose an administrative penalty of up to
8 \$5,000.

9 (iv) Suspend the license.

10 (v) Revoke the license.

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

13 (b) Mandatory.--The following shall apply to mandatory
14 sanctions:

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

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

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

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

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

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

1 license).

2 § 322. Injunction.

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

9 § 323. Unlawful acts.

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

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

14 (2) Falsely pretends to hold a license under this
15 chapter with intent to induce another to submit to the
16 pretended official authority or otherwise to act in reliance
17 upon that pretense to the other's prejudice.

18 (3) Falsely pretends to be an employee of a licensee
19 under this chapter with intent to induce another to submit to
20 the pretended official authority or otherwise to act in
21 reliance upon that pretense to the other's prejudice.

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

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

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

29 (c) Unlawful use of title.--A person who uses a title or
30 abbreviation in violation of section 319 (relating to title and

1 utilization) commits a misdemeanor of the third degree.

2 (d) Penalties to be in addition to other penalties.--A
3 penalty imposed under this section shall be in addition to other
4 criminal penalties provided for in this chapter

5 § 324. Exclusions.

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

11 (1) The Federal Government.

12 (2) The Commonwealth or any of its political
13 subdivisions.

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

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

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

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

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

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

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

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

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

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

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

29 (10) An individual who accesses public records without
30 compensation or other remuneration.

1 (c) Security professional license.--An individual, while
2 engaged in the official performance of the individual's duties,
3 who is in the exclusive employment of a foreign government,
4 shall not be required to obtain a security professional's
5 license.

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

8 (1) A professional bondsman licensed under 42 Pa.C.S. §
9 5743 (relating to issuance of license) or an employee of the
10 bondsman.

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

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

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

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

30 (6) A holder of a license as a private investigator or

1 private detective from another state or jurisdiction or
2 employee of the licensee, for the purpose of capturing a
3 fugitive who fled from the state or jurisdiction where the
4 license is held. The individual shall, before attempting
5 apprehension of the fugitive, notify both the board and the
6 chief law enforcement officer, as defined in 42 Pa.C.S. §
7 8951, of the political subdivision where the fugitive is
8 located.

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

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

15 § 325. Restrictions on public disclosure.

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

19 (1) The residence address or former residence address of
20 any applicant, licensee or employee.

21 (2) The date of birth of any applicant, licensee or
22 employee.

23 (3) The fingerprints of any applicant, licensee or
24 employee.

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

27 CHAPTER 11

28 LETHAL WEAPONS TRAINING

29 Sec.

30 1101. Legislative findings and purpose.

- 1 1102. Definitions.
- 2 1103. Education and training program.
- 3 1104. Powers and duties of commissioner.
- 4 1105. Certificate of qualification.
- 5 1106. Certification and fee.
- 6 1107. Good standing.
- 7 1108. Retired police officers.
- 8 1109. Penalties.
- 9 1110. Prohibited acts.
- 10 1111. Active police officers.
- 11 § 1101. Legislative findings and purpose.

12 The following shall apply:

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

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

1 § 1102. Definitions.

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

5 "Commissioner." The Commissioner of Pennsylvania State
6 Police.

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

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

18 "Privately employed agents." Any person employed for the
19 purpose of providing watch guard, protective patrol, fugitive
20 recovery, bail enforcement, bail recovery, detective or criminal
21 investigative services either for another for a fee or for the
22 person's employer. The term includes any licensee or employee of
23 a licensee, under Chapter 3 (relating to private investigators,
24 security professionals and fugitive recovery agents) and a
25 police officer of a municipal authority. The term shall not
26 include Federal, State or local government employees or those
27 police officers commissioned by the Governor under the former
28 act of February 27, 1865 (P.L.225, No.228), entitled "An act
29 empowering railroad companies to employ police force" or Chapter
30 33 (relating to railroad and street railway police).

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

4 § 1103. 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) Requirement.--All privately employed agents, except
11 those who have been granted a waiver from compliance with this
12 chapter by the commissioner who, as an incidence to their
13 employment, carry a lethal weapon shall be required to attend
14 the program established by subsection (a) in accordance with the
15 requirements or regulations established by the commissioner and,
16 upon satisfactory completion of the program, shall be entitled
17 to certification by the commissioner.

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

25 § 1104. Powers and duties of commissioner.

26 The commissioner shall have the power and duty to do all of
27 the following:

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

1 rights of citizens.

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

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

16 (4) To certify instructors pursuant to the minimum
17 qualifications established by the commissioner.

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

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

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

30 (8) To visit and inspect approved schools at least once

1 a year.

2 (9) In the event that the commissioner implements and
3 administers a program, to collect reasonable charges from the
4 students enrolled therein to pay for the costs of the
5 program.

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

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

13 § 1105. Certificate of qualification.

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

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

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

1 shall be required. The application shall then be forwarded to
2 the commissioner.

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

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

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

22 § 1106. Certification and fee.

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

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

1 include a photograph of the individual.

2 (c) Identification.--Every certified individual shall carry
3 the wallet or billfold size certificate on the certified
4 individual's person as identification during the time when the
5 certified individual is on duty or going to and from duty and
6 carrying a lethal weapon.

7 (d) Time period.--Certification shall be for a period of
8 five years.

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

16 § 1107. Good standing.

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

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

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

30 § 1108. Retired police officers.

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

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

18 § 1109. Penalties.

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

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

30 § 1110. Prohibited acts.

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

4 § 1111. Active police officers.

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

13 Section 4. The following shall apply:

14 (1) An individual, corporation, partnership, limited
15 liability company or other legal entity licensed under the
16 former act of August 21, 1953 (P.L.1273, No. 361), known as
17 The Private Detective Act of 1953, on the effective date of
18 this section shall be deemed to be licensed as both a private
19 investigator and a security professional under 22 Pa.C.S. Ch.
20 3 for the balance of the term of the license issued under the
21 former act known as The Private Detective Act of 1953.

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

25 Section 5. The following shall apply:

26 (1) The sum of \$150,000, or as much thereof as may be
27 necessary, is hereby appropriated from the Professional
28 Licensure Augmentation Account for the fiscal year July 1,
29 2007, to June 30, 2008, for the operation of the State Board
30 of Private Investigators, Security Professionals and Fugitive

1 Recovery Agents to carry out the provisions of 22 Pa.C.S. Ch.
2 3. The appropriation shall be a continuing appropriation
3 until June 30, 2011, at which time any unexpended funds shall
4 lapse into the account.

5 (2) ADDITIONAL FUNDING MAY BE APPROPRIATED FROM THE ←
6 PROFESSIONAL LICENSURE AUGMENTATION ACCOUNT, UPON APPROVAL OF
7 THE GOVERNOR, FOR START-UP COSTS IN EXCESS OF THE
8 APPROPRIATION UNDER PARAGRAPH (1).

9 ~~(2)~~ (3) The appropriation under paragraph (1) shall be ←
10 repaid by the board to the account within three years of the
11 beginning of issuance of licenses by the board.

12 Section 6. The provisions of this act are severable. If any
13 provision of this act or its application to any person or
14 circumstance is held invalid, the invalidity shall not affect
15 other provisions or applications of this act which can be given
16 effect without the invalid provision or application.

17 Section 7. Repeals are as follows:

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

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

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

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

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

30 Section 8. The addition of 22 Pa.C.S. Ch. 3 is a

1 continuation of the act of August 21, 1953 (P.L.1273, No.361),
2 known as The Private Detective Act of 1953. Except as otherwise
3 provided in 22 Pa.C.S. Ch. 3, all activities initiated under The
4 Private Detective Act shall continue and remain in full force
5 and effect and may be completed under 22 Pa.C.S. Ch. 3. Orders,
6 regulations, rules and decisions which were made under The
7 Private Detective Act and which are in effect on the effective
8 date of section 7(1)(ii) of this act shall remain in full force
9 and effect until revoked, vacated or modified under 22 Pa.C.S.
10 Ch. 3. Contracts, obligations and collective bargaining
11 agreements entered into under The Private Detective Act are not
12 affected nor impaired by the repeal of The Private Detective
13 Act.

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

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

29 (2) Except as set forth in paragraph (3), any difference
30 in language between 22 Pa.C.S. Ch. 11 and the Lethal Weapons

1 Training Act is intended only to conform to the style of the
2 Pennsylvania Consolidated Statutes and is not intended to
3 change or affect the legislative intent, judicial
4 construction or administration and implementation of the
5 Lethal Weapons Training Act.

6 (3) Paragraph (2) does not apply to the addition of the
7 definition of "privately employed agents" in 22 Pa.C.S. §
8 1102.

9 Section 10. This act shall take effect as follows:

10 (1) The following provisions shall take effect
11 immediately:

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

13 (ii) Section 5.

14 (iii) This section.

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