

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 65 Session of 2009

INTRODUCED BY DEASY, PETRI, CALTAGIRONE, SAYLOR, BELFANTI, BRENNAN, BROOKS, CARROLL, CREIGHTON, DONATUCCI, FRANKEL, GOODMAN, GROVE, JOSEPHS, KOTIK, MELIO, SIPTROTH, SOLOBAY, STURLA, SWANGER, VULAKOVICH, FABRIZIO, WANSACZ, DRUCKER, MYERS, OBERLANDER, MATZIE AND MURT, JANUARY 26, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JULY 1, 2010

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]
15 PRIVATE INVESTIGATORS, SECURITY PROFESSIONALS, FUGITIVE RECOVERY
16 AGENTS, PRIVATE POLICE 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

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1 § 301. Scope of chapter.

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

4 § 302. Declaration of policy.

5 The General Assembly finds and declares as follows:

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

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

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

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

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

21 § 303. Definitions.

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

25 "Account." The Professional Licensure Augmentation Account.

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

29 "Board." The State Board of Private Investigators, Security
30 Professionals and Fugitive Recovery Agents established in

1 section 304 (relating to board).

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

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

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

9 "Fugitive recovery agent."

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

13 (i) Fugitive recovery.

14 (ii) Bail enforcement.

15 (iii) Bail recovery.

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

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

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

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

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

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

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

7 "Private investigator."

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

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

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

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

23 (iv) The whereabouts of missing individuals.

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

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

29 (vii) The conduct of employees, agents, contractors
30 and subcontractors.

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

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

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

11 (2) The term does not include any individual excluded
12 from this chapter by section 324 (relating to exclusions).
13 "Serious misdemeanor." A criminal offense for which more
14 than one year in prison can be imposed as a punishment.
15 § 304. Board.

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

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

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

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

25 (3) The Attorney General or a designee.

26 (4) Five public members, who are residents of this
27 Commonwealth, appointed by the Governor, with the advice and
28 consent of a majority of the members elected to the Senate.
29 At least one of the five public members must be an attorney
30 whose practice primarily consists of representation of

1 criminal defendants. At least one of the five public members
2 must be an attorney whose practice primarily consists of the
3 representation of civil plaintiffs. At least one of five
4 public members must be an attorney whose practice primarily
5 consists of the representation of civil defendants. A person
6 shall not be eligible for appointment under this paragraph if
7 the person or any member of the person's immediate family, as
8 defined under 65 Pa.C.S. § 1102 (relating to definitions),
9 meets any of the following provisions:

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

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

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

18 (i) be licensed under this chapter; and

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

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

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

30 (2) Fugitive recovery agents who have been actively

1 engaged in their profession and have a well-respected
2 reputation in the field shall, until July 1, 2012, be
3 qualified to serve as professional members of the board as
4 representatives of fugitive recovery agent licensees under
5 this chapter.

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

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

10 (2) Members under subsection (b) (4) shall serve initial
11 terms as follows:

12 (i) One member shall be appointed for a term of two
13 years.

14 (ii) Two members shall be appointed for a term of
15 three years.

16 (iii) Two members shall be appointed for a term of
17 four years.

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

20 (i) Three members shall be appointed for a term of
21 two years.

22 (ii) Three members shall be appointed for a term of
23 three years.

24 (iii) Three members shall be appointed for a term of
25 four years.

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

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

30 (6) A member under subsection (b) (4) or (5) shall not be

1 eligible for more than two consecutive terms.

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

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

8 (2) Voting must be direct; voting by proxy shall not be
9 permitted.

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

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

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

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

23 (1) A per diem fee of \$60 for each meeting the member
24 attends in person. No member shall receive more than \$1,000
25 of aggregate per diem fees in any calendar year.

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

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

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

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

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

14 (2) To develop applications and renewal applications for
15 each of the categories of licenses.

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

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

27 (5) To enforce the laws of this Commonwealth relating to
28 the practice of private investigators, security professionals
29 and fugitive recovery agents and to instruct and require
30 agents of the board to initiate appropriate proceedings for

1 unauthorized and unlawful practice.

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

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

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

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

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

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

30 (12) To establish a system which assures that licensees

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

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

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

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

15 (16) To develop and administer a mandatory continuing
16 professional education program for each of the categories of
17 licenses. The continuing professional education program shall
18 consist of at least 12 hours of mandatory continuing
19 education for each licensee during each two-year license
20 period.

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

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

29 (19) To issue licenses, renew licenses, reinstate
30 licenses, refuse to renew, suspend and revoke licenses as

1 provided under this chapter.

2 (20) To develop standards for the training and
3 professional development of employees by licensees.

4 § 305. Deposit of funds.

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

8 § 306. Licensure.

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

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

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

15 (3) A fugitive recovery agent's license is required in
16 order to practice as a fugitive recovery agent after July 1,
17 2012.

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

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

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

24 (2) Be a United States citizen.

25 (3) Be of good moral character.

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

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

1 (6) Qualify by successful completion of a professional
2 licensing examination for the category of license which is
3 the subject of the application.

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

7 (1) In addition to the other requirements of this
8 chapter, a private investigator 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 an investigator as a member of the
14 Pennsylvania State Police.

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

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

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

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

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

27 (vii) Worked full time as an attorney or an
28 investigator for an attorney or law firm.

29 (viii) Worked full time as an investigator for a
30 common carrier or any entity regulated by the

1 Pennsylvania Public Utility Commission.

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

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

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

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

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

16 (iv) Worked as a member of a Federal or state
17 investigative service.

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

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

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

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

29 (3) In addition to the other requirements of this
30 chapter, a fugitive recovery agent license shall not be

1 issued unless the applicant for the license has held one or
2 more of the following positions for a period of at least
3 three years and was not separated from the position for a
4 period of more than five years from the time of application:

5 (i) Worked as a member of the Pennsylvania State
6 Police.

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

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

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

13 (v) Worked as a member of a state or United States
14 investigative service.

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

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

21 (viii) Worked as a fugitive recovery agent prior to
22 July 1, 2012. This subparagraph shall expire July 1,
23 2017.

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

27 (1) Substitute up to one year of relevant educational
28 experience for work experience required of an applicant under
29 subsection (d).

30 (2) Aggregate part-time work experience to reach the

1 minimum three years of the full-time employment requirement
2 for an applicant under subsection (d).

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

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

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

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

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

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

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

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

24 (4) Two current CPIN-compatible photographs.

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

1 principals of that entity and shall also provide all of the
2 following:

3 (i) The name and appropriate credentials of the
4 qualifying officer.

5 (ii) The name and principal business address of that
6 entity.

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

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

13 (6) The location of each bureau, agency, office or
14 branch office.

15 (7) The applicant's signature.

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

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

22 (10) Any other information which the board deems
23 appropriate.

24 (h) Issuance of license.--

25 (1) The board shall conduct an investigation of an
26 applicant's fitness for licensure if the applicant has met
27 all of the following:

28 (i) Completed the application process under
29 subsection (f).

30 (ii) Been found to meet all of the qualifications in

1 subsection (c).

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

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

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

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

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

18 (2) employed by a private investigator.

19 § 307. Form of license.

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

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

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

25 (3) The expiration date.

26 (4) Any other information deemed appropriate by the
27 board.

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

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

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

10 § 308. License renewal.

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

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

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

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

19 (2) For the purposes of this subsection, the term
20 "licensee" shall include any individual, corporation,
21 partnership, limited liability company or other legal entity
22 licensed under the Private Detective Act of 1953 on the
23 effective date of this section who is applying for a license
24 as a private investigator or security professional under this
25 chapter prior to the expiration of the license under the
26 Private Detective Act of 1953. The qualification by
27 successful completion of a professional licensure examination
28 in section 306(c)(6) (relating to licensure) and the required
29 additional qualifications of section 306(d) shall not apply
30 to a licensee under the Private Detective Act of 1953 who met

1 the work experience requirements under section 4(a) of that
2 act and is applying for renewal of a license as a private
3 investigator or security professional under this section.

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

6 (1) File a renewal application with the board.

7 (2) Pay a bond and provide proof of insurance as
8 required in section 315 (relating to bond and insurance).

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

10 (4) Provide two current CPIN-compatible photographs.

11 (5) Provide any other information which the board deems
12 appropriate.

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

19 § 309. Change of residence or business location.

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

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

27 (c) Notation on license and duplicates.--Pursuant to a
28 change of business location under subsection (b), a licensee
29 shall deliver the license and any duplicates to a designated
30 location established by the board. The board shall, at its

1 discretion, do one of the following:

2 (1) Note the change on the license and duplicates and
3 return the license and duplicates to the licensee.

4 (2) Issue a new license and duplicates for the unexpired
5 term of the license.

6 § 310. Expedited reciprocal licensing.

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

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

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

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

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

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

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

1 liability company or other legal entity provides any other
2 information which the board deems appropriate.

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

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

9 § 311. Employees.

10 (a) General rule.--A licensee may employ as many individuals
11 as necessary to assist the licensee in the licensee's work. The
12 licensee shall at all times during the employment be:

13 (1) responsible for the reasonable supervision, training
14 and professional development of each employee; and

15 (2) accountable for the employee's conduct.

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

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

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

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

26 (4) Two current CPIN-compatible photographs.

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

1 (6) A physical description.

2 (7) The prospective employee's signature.

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

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

11 (10) Any other information which the board deems
12 appropriate.

13 (c) Duty of licensee.--A licensee shall do all of the
14 following:

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

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

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

24 (4) Promptly transmit to the board any other information
25 which the board deems appropriate.

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

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

30 (1) A licensee who knowingly, recklessly or negligently

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

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

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

12 § 312. Private investigator employees.

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

18 § 313. Pocket cards and badges.

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

25 (1) The licensee's name.

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

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

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

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

10 (1) Return a pocket card.

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

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

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

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

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

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

27 (d) Holders of pocket cards and badges.--It shall be
28 unlawful for a licensee or an employee of a licensee to lend or
29 to transfer the pocket card or badge or to allow any other
30 individual to use, wear or display a pocket card or badge. A

1 licensee or employee who violates this subsection commits a
2 misdemeanor of the third degree.

3 § 314. Firearms.

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

10 § 315. Bond and insurance.

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

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

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

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

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

30 (f) Loss of bond or insurance.--A licensee who fails to

1 maintain a bond or insurance in an amount set by the board shall
2 immediately suspend activity pursuant to the license until a new
3 bond or insurance is acquired.

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

11 (1) A deposit of cash.

12 (2) A certified check.

13 (3) An irrevocable letter of credit.

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

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

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

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

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

1 liability company or other legal entity. At least one officer,
2 known as a qualifying officer, shall meet one of the following
3 requirements for each category of license:

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

6 (2) Possession of the category of license under this
7 chapter.

8 (3) Entitlement to apply for renewal pursuant to section
9 308(a) (relating to license renewal) for that category of
10 license held by the corporation, partnership, limited
11 liability company or other legal entity.

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

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

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

23 (3) Entitlement to apply for renewal pursuant to section
24 308(a).

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

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

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

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

5 § 317. Criminal history record check.

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

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

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

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

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

24 § 318. Prohibition.

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

30 (b) Licensee.--The board shall revoke the license of any

1 licensee who is convicted of an offense under subsection (c).

2 (c) Prohibited offenses.--The following shall include
3 prohibited offenses:

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

7 (2) An offense designated as a felony or serious
8 misdemeanor under one or more of the following provisions of
9 18 Pa.C.S. (relating to crimes and offenses):

10 Chapter 25 (relating to criminal homicide).

11 Chapter 27 (relating to assault).

12 Chapter 29 (related to kidnapping).

13 Chapter 31 (relating to sexual offenses).

14 Section 3301 (relating to arson and related offenses).

15 Section 3502 (relating to burglary).

16 Chapter 37 (relating to robbery).

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

19 Chapter 41 (relating to forgery and fraudulent
20 practices).

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

22 Chapter 47 (relating to bribery and corrupt influence).

23 Chapter 49 (relating to falsification and intimidation).

24 Chapter 53 (relating to abuse of office).

25 Chapter 55 (relating to riot, disorderly conduct and
26 related offenses).

27 Chapter 57 (relating to wiretapping and electronic
28 surveillance).

29 Chapter 59 (relating to public indecency).

30 Chapter 61 (relating to firearms and other dangerous

1 articles).

2 Chapter 63 (relating to minors).

3 (3) An offense designated as a felony or serious
4 misdemeanor related to misconduct in public office, including
5 tampering, bribery, making false statements or impersonation.

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

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

10 § 319. Title and utilization.

11 (a) Private investigator licensee.--A private investigator
12 licensee has the right to use the title "private investigator"
13 or "private detective" and the abbreviation "P.I."

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

16 (c) Fugitive recovery agent licensee.--A fugitive recovery
17 agent licensee has the right to use the title "bounty hunter" or
18 "fugitive recovery agent."

19 § 320. Rules of professional conduct.

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

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

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

26 (3) A licensee and all employees shall not practice or
27 attempt to practice beyond a licensee's defined scope of
28 practice.

29 (4) A licensee and all employees shall not knowingly
30 aid, assist or provide advice to encourage the unlawful

1 practice of a profession licensed under this chapter.

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

5 (b) Private investigator licensees.--A private investigator
6 licensee or employee of the licensee who is asked to locate a
7 person shall make a reasonable effort to determine the reason
8 for the inquiry.

9 § 321. Sanctions.

10 (a) Discretionary.--The following shall apply to
11 discretionary sanctions:

12 (1) If the board finds that a licensee has violated any
13 of the rules of professional conduct, has engaged in any
14 conduct prohibited by this chapter or has failed to fulfill
15 any duties imposed by this chapter, the board may administer
16 the following sanctions:

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

20 (ii) Administer a public reprimand.

21 (iii) Impose an administrative penalty of up to
22 \$10,000.

23 (iv) Suspend the license.

24 (v) Revoke the license.

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

27 (b) Mandatory.--The following shall apply to mandatory
28 sanctions:

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

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

3 (ii) The licensee is convicted of any prohibited
4 offense as provided in section 318(c) (relating to
5 prohibition).

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

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

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

16 § 322. Injunction.

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

23 § 323. Unlawful acts.

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

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

28 (2) Falsely pretends to hold a license under this
29 chapter with intent to induce another to submit to the
30 pretended official authority or otherwise to act in reliance

1 upon that pretense to the other's prejudice.

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

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

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

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

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

16 (d) Penalties to be in addition to other penalties.--A
17 penalty imposed under this section shall be in addition to other
18 criminal penalties provided for in this chapter.

19 § 324. Exclusions.

20 (a) General rule.--

21 (1) Nothing in this chapter shall be construed as
22 preventing, restricting or requiring licensure of an
23 individual, while engaged in the official performance of his
24 duties, who is in the exclusive employment of any of the
25 following:

26 (i) The Federal Government.

27 (ii) The Commonwealth or any of its political
28 subdivisions.

29 (iii) Any other state or political subdivision of a
30 state, including the District of Columbia, the

1 Commonwealth of Puerto Rico and the territories and
2 possessions of the United States.

3 (2) Nothing in this chapter shall be construed as
4 preventing, restricting or requiring licensure of an
5 individual who:

6 (i) holds any other professional license issued by
7 any licensing entity within the bureau; and

8 (ii) is acting within the scope of the profession
9 for which the person is licensed.

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

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

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

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

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

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

1 while engaged in the duties of such employment.

2 (6) An individual in the exclusive employment of a
3 newspaper of general circulation while engaged in the duties
4 of that employment.

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

10 (8) An employee of a licensee under paragraph (7).

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

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

24 (11) An individual who accesses public records without
25 compensation or other remuneration.

26 (12) An individual who conducts investigations for or at
27 a nuclear facility licensed by the Nuclear Regulatory
28 Commission.

29 (13) An individual in the exclusive employment of an
30 electric or natural gas public utility subject to Federal

1 regulation by the Pennsylvania Public Utility Commission,
2 while engaged in the duties of such employment or an
3 individual in the employment of an affiliated interest, as
4 defined in 66 Pa.C.S. § 2101 (relating to definition of
5 affiliated interest), of an electric or natural gas utility
6 subject to Federal regulation or regulation by the
7 Pennsylvania Public Utility Commission, while engaged in the
8 duties of such employment.

9 (14) An individual who engages in investigative
10 functions for the individual's employer in connection with
11 the affairs of that employer only.

12 (15) A licensee, qualified nonlicensee or qualified
13 association under the act of May 26, 1947 (P.L.318, No.140),
14 known as the CPA Law.

15 (c) Security professional license.--The following shall not
16 be required to obtain a security professional's license:

17 (1) An individual, while engaged in the official
18 performance of the individual's duties, who is in the
19 exclusive employment of a foreign government, shall not be
20 required to obtain a security professional's license.

21 (2) An individual who performs duties related to the
22 defense of a nuclear facility licensed by the Nuclear
23 Regulatory Commission shall not be required to obtain a
24 license for, or register as an employee assisting, a security
25 professional.

26 (3) An individual who engages in security functions for
27 the individual's employer in connection with the affairs of
28 that employer only.

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

1 (1) A professional bondsman licensed under 42 Pa.C.S. §
2 5743 (relating to issuance of license) or an employee of the
3 bondsman.

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

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

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

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

23 (6) A holder of a license as a private investigator or
24 private detective from another state or jurisdiction or
25 employee of the licensee, for the purpose of capturing a
26 fugitive who fled from the state or jurisdiction where the
27 license is held. The individual shall, before attempting
28 apprehension of the fugitive, notify both the board and the
29 chief law enforcement officer, as defined in 42 Pa.C.S. §
30 8951, of the political subdivision where the fugitive is

1 located.

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

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

8 CHAPTER 11

9 LETHAL WEAPONS TRAINING

10 Sec.

11 1101. Legislative findings and purpose.

12 1102. Definitions.

13 1103. Education and training program.

14 1104. Powers and duties of commissioner.

15 1105. Certificate of qualification.

16 1106. Certification and fee.

17 1107. Good standing.

18 1108. Retired police officers.

19 1109. Penalties.

20 1110. Prohibited acts.

21 1111. Active police officers.

22 1112. Applicability.

23 § 1101. Legislative findings and purpose.

24 The following shall apply:

25 (1) The General Assembly finds that there are private
26 detectives, investigators, watchmen, security guards,
27 patrolmen and fugitive recovery agents, privately employed
28 within this Commonwealth who carry and use lethal weapons,
29 including firearms, as an incidence of their employment and
30 that there have been various tragic incidents involving these

1 individuals which occurred because of unfamiliarity with the
2 handling of weapons. The General Assembly also finds that
3 there is presently no training required for privately
4 employed agents in the handling of lethal weapons or in the
5 knowledge of law enforcement and the protection of rights of
6 citizens, and that the training would be beneficial to the
7 safety of the citizens of this Commonwealth.

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

13 § 1102. Definitions.

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

17 "Commissioner." The Commissioner of Pennsylvania State
18 Police.

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

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

30 "Privately employed agents." Any person employed for the

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

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

16 § 1103. Education and training program.

17 (a) Establishment.--An education and training program in the
18 handling of lethal weapons, law enforcement and protection of
19 rights of citizens shall be established and administered or
20 approved by the commissioner in accordance with the provisions
21 of this chapter.

22 (b) Requirement.--All privately employed agents, except
23 those who have been granted a waiver from compliance with this
24 chapter by the commissioner who, as an incidence to their
25 employment, carry a lethal weapon shall be required to attend
26 the program established by subsection (a) in accordance with the
27 requirements or regulations established by the commissioner and,
28 upon satisfactory completion of the program, shall be entitled
29 to certification by the commissioner.

30 (c) Alternate programs prohibited.--Except for colleges and

1 universities, no nongovernment employer of a privately employed
2 agent who, as an incidence to the privately employed agent's
3 employment, carries a lethal weapon, shall own, operate or
4 otherwise participate in, directly or indirectly, the
5 establishment or administration of the program established by
6 subsection (a).

7 § 1104. Powers and duties of commissioner.

8 The commissioner shall have the power and duty to do all of
9 the following:

10 (1) To implement and administer or approve the minimum
11 courses of study and training for the program in the handling
12 of lethal weapons, law enforcement and protection of the
13 rights of citizens.

14 (2) To implement and administer or approve physical and
15 psychological testing and screening of the candidate for the
16 purpose of barring from the program those not physically or
17 mentally fit to handle lethal weapons. Candidates who are
18 full-time police officers and have successfully completed a
19 physical and psychological examination as a prerequisite to
20 employment or to continued employment by their local police
21 departments or who have been continuously employed as full-
22 time police officers since June 18, 1974, shall not be
23 required to undergo any physical or psychological testing and
24 screening procedures implemented under this paragraph.

25 (3) To issue certificates of approval to schools
26 approved by the commissioner and to withdraw certificates of
27 approval from those schools disapproved by the commissioner.

28 (4) To certify instructors pursuant to the minimum
29 qualifications established by the commissioner.

30 (5) To consult and cooperate with universities,

1 colleges, community colleges and institutes for the
2 development of specialized courses in handling lethal
3 weapons, law enforcement and protection of the rights of
4 citizens.

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

8 (7) To certify those individuals who have satisfactorily
9 completed basic educational and training requirements as
10 established by the commissioner and to issue appropriate
11 certificates to those persons.

12 (8) To visit and inspect approved schools at least once
13 a year.

14 (9) In the event that the commissioner implements and
15 administers a program, to collect reasonable charges from the
16 students enrolled therein to pay for the costs of the
17 program.

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

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

25 § 1105. Certificate of qualification.

26 (a) Application.--Any person desiring to enroll in a program
27 shall make application to the commissioner on a form to be
28 prescribed by the commissioner.

29 (b) Contents.--The application shall be signed and verified
30 by the applicant. It shall include the applicant's full name,

1 age, residence, present and previous occupations and any other
2 information that may be required by the commissioner to show the
3 good character, competency and integrity of the applicant.

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

15 (d) Examination.--The fingerprints of the applicant shall be
16 examined by the Pennsylvania State Police and the Federal Bureau
17 of Investigation to determine if the applicant has been
18 convicted of or has pleaded guilty or nolo contendere to a crime
19 of violence. The commissioner shall have the power to waive the
20 requirement of the Federal Bureau of Investigation examination.
21 Any fee charged by the Federal agency shall be paid by the
22 applicant.

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

25 (f) Process.--After the application has been processed and
26 if the commissioner determines that the applicant is 18 years of
27 age and has not been convicted of or has not pleaded guilty or
28 nolo contendere to a crime of violence and has satisfied any
29 other requirements prescribed by the commissioner under the
30 commissioner's powers and duties under section 1104 (relating to

1 powers and duties of commissioner), the commissioner shall issue
2 a certificate of qualification which shall entitle the applicant
3 to enroll in an approved program.

4 § 1106. Certification and fee.

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

10 (b) Certificate.--The commissioner shall furnish to each
11 individual satisfactorily completing the program, an appropriate
12 wallet or billfold size copy of the certificate, which shall
13 include a photograph of the individual.

14 (c) Identification.--Every certified individual shall carry
15 the wallet or billfold size certificate on the certified
16 individual's person as identification during the time when the
17 certified individual is on duty or going to and from duty and
18 carrying a lethal weapon.

19 (d) Time period.--Certification shall be for a period of
20 five years.

21 (e) Renewal.--Privately employed agents who, as an incidence
22 to their employment, carry a lethal weapon shall be required to
23 renew their certification within six months prior to the
24 expiration of their certificate. The commissioner shall
25 prescribe the manner in which the certification shall be renewed
26 and may charge a nominal renewal fee set under The
27 Administrative Code of 1929.

28 § 1107. Good standing.

29 (a) Possession.--Privately employed agents must possess a
30 valid certificate whenever on duty or going to and from duty and

1 carrying a lethal weapon.

2 (b) Discharge.--Whenever an employer of a privately employed
3 agent subject to the provisions of this chapter discharges the
4 agent for cause, the employer shall notify the commissioner of
5 the discharge within five days.

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

12 § 1108. Retired police officers.

13 (a) Initial certification.--A nondisability retired police
14 officer of a Pennsylvania municipality or the Pennsylvania State
15 Police shall be initially certified under this chapter and need
16 not meet the training and qualification standards or physical
17 and psychological qualifications under this chapter if the
18 officer was a full-time police officer for at least 20 years,
19 retired in good standing and has assumed the duties of a
20 privately employed agent on or before three years from the date
21 of his retirement. If a retired police officer commences duties
22 as a privately employed agent after three years from the date of
23 the retired officer's retirement, the retired officer must meet
24 the physical and psychological requirements of this chapter for
25 certification under this section.

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

30 § 1109. Penalties.

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

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

12 § 1110. Prohibited acts.

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

16 § 1111. Active police officers.

17 All active police officers subject to the training provisions
18 of 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police
19 education and training) shall be granted a waiver of the
20 training requirements of this chapter upon presentation to the
21 commissioner of evidence of their completion of the training
22 requirements of 53 Pa.C.S. Ch. 21 Subch. D and the successful
23 completion of a biennial firearms qualification examination
24 administered by their respective police agency.

25 § 1112. Applicability.

26 This chapter shall not apply to an individual who provides
27 for the defense of a nuclear facility licensed by the Nuclear
28 Regulatory Commission.

29 Section 4. The following shall apply:

30 (1) An individual, corporation, partnership, limited

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

8 (2) Nothing in 22 Pa.C.S. Ch. 3 shall require fugitive
9 recovery agents to obtain a license or comply with Chapter 3
10 until July 1, 2012.

11 Section 5. The following shall apply:

12 (1) The sum of \$150,000, or as much thereof as may be
13 necessary, is hereby appropriated from the Professional
14 Licensure Augmentation Account for the fiscal year July 1,
15 ~~2009~~ 2011, to June 30, ~~2010~~ 2012, for the operation of the ←
16 State Board of Private Investigators, Security Professionals
17 and Fugitive Recovery Agents to carry out the provisions of
18 22 Pa.C.S. Ch. 3. The appropriation shall be a continuing
19 appropriation until June 30, ~~2013~~ 2015, at which time any ←
20 unexpended funds shall lapse into the account.

21 (2) Additional funding may be appropriated from the
22 Professional Licensure Augmentation Account, upon approval of
23 the Governor, for start-up costs in excess of the
24 appropriation under paragraph (1).

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

28 Section 6. The provisions of this act are severable. If any
29 provision of this act or its application to any person or
30 circumstance is held invalid, the invalidity shall not affect

1 other provisions or applications of this act which can be given
2 effect without the invalid provision or application.

3 Section 7. Repeals are as follows:

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

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

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

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

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

16 Section 8. The addition of 22 Pa.C.S. Ch. 3 is a
17 continuation of the act of August 21, 1953 (P.L.1273, No.361),
18 known as The Private Detective Act of 1953. Except as otherwise
19 provided in 22 Pa.C.S. Ch. 3, all activities initiated under The
20 Private Detective Act shall continue and remain in full force
21 and effect and may be completed under 22 Pa.C.S. Ch. 3. Orders,
22 regulations, rules and decisions which were made under The
23 Private Detective Act and which are in effect on the effective
24 date of section 7(1)(ii) of this act shall remain in full force
25 and effect until revoked, vacated or modified under 22 Pa.C.S.
26 Ch. 3. Contracts, obligations and collective bargaining
27 agreements entered into under The Private Detective Act are not
28 affected nor impaired by the repeal of The Private Detective
29 Act.

30 Section 9. The addition of 22 Pa.C.S. Ch. 11 is a


1 continuation of the act of October 10, 1974 (P.L.705, No.235),
2 known as the Lethal Weapons Training Act. The following apply:

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

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

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

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

26 (1) The following provisions shall take effect
27 ~~immediately~~ JULY 1, 2011: 

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

29 (ii) Section 5.

30 (iii) This section.

1 (2) The remainder of this act shall take effect ~~in 180~~ ←
2 ~~days~~ JANUARY 1, 2012. ←