

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1774 Session of 2011

INTRODUCED BY SAYLOR, DEASY, BROOKS, AUMENT, CALTAGIRONE, FARRY,
MILLER, MURT, REICHLEY, SWANGER, TAYLOR, VEREB AND PETRI,
JULY 20, 2011

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JULY 20, 2011

AN ACT

1 Amending Title 22 (Detectives and Private Police) of the
2 Pennsylvania Consolidated Statutes, amending the headings 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. Title 22 heading of the Pennsylvania Consolidated
12 Statutes is amended to read:

13 TITLE 22

14 [DETECTIVES AND PRIVATE POLICE]

15 PRIVATE INVESTIGATORS, SECURITY PROFESSIONALS,

16 ARMORED CAR SECURITY OFFICERS,

17 FUGITIVE RECOVERY AGENTS, PRIVATE POLICE

18 AND LETHAL WEAPONS

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

20 [CHAPTER 3

DETECTIVES

(RESERVED)]

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

CHAPTER 3

PRIVATE INVESTIGATORS, SECURITY PROFESSIONALS,

ARMORED CAR SECURITY OFFICERS

AND FUGITIVE RECOVERY AGENTS

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3 § 301. Scope of chapter.

4 This chapter relates to private investigators, security
5 professionals, armored car security officers and fugitive
6 recovery agents.

7 § 302. Declaration of policy.

8 The General Assembly finds and declares as follows:

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

12 (2) The practice of fugitive recovery agents and armored
13 car security officers has essentially been unregulated in
14 this Commonwealth.

15 (3) Reasonable Statewide regulation of these professions
16 is in furtherance of public health, safety and welfare
17 interests.

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

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

25 § 303. Definitions.

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

29 "Account." The Professional Licensure Augmentation Account.

30 "Applicant." An individual who applies for any license under

1 this chapter. The term does not include an individual renewing a
2 license under section 308 (relating to license renewal).

3 "Armored car security officer."

4 (1) An individual, corporation, partnership, limited
5 liability company or other legal entity which is in the
6 business of transporting and protecting currency, bullion,
7 securities, precious metals, supplemental nutrition
8 assistance program benefits and other articles of unusual
9 value from one place to another with armed personnel.

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

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

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

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

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

22 "Fugitive recovery agent."

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

26 (i) Fugitive recovery.

27 (ii) Bail enforcement.

28 (iii) Bail recovery.

29 (iv) Investigation as to the location or whereabouts
30 of any person who has failed to appear in any Federal or

1 State court of law, when required by law, or has failed
2 to answer any criminal charge or subpoena, when required
3 by law.

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

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

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

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

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

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

20 "Private investigator."

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

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

28 (ii) The identity, habits, conduct, movement,
29 whereabouts, affiliations, association, transactions,
30 reputation or character of any individual, group of

individuals, association, organization, society,
partnership, corporation, limited liability company or
other legal entity.

(iii) The credibility of witnesses or other
individuals.

(iv) The whereabouts of missing individuals.

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

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

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

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

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

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

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

"Serious misdemeanor." A criminal offense for which more
than one year in prison can be imposed as a punishment.

§ 304. Board.

(a) Establishment.--The State Board of Private
Investigators, Security Professionals, Armored Car Security

1 Officers and Fugitive Recovery Agents is established as a board
2 in the bureau.

3 (b) Membership.--The following shall be members of the
4 board:

5 (1) The Commissioner of Professional and Occupational
6 Affairs or a designee.

7 (2) The Commissioner of Pennsylvania State Police or a
8 designee.

9 (3) The Attorney General or a designee.

10 (4) Five public members, who are residents of this
11 Commonwealth, appointed by the Governor, with the advice and
12 consent of a majority of the members elected to the Senate.
13 At least one of the five public members must be an attorney
14 whose practice primarily consists of representation of
15 criminal defendants. At least one of the five public members
16 must be an attorney whose practice primarily consists of the
17 representation of civil plaintiffs. At least one of five
18 public members must be an attorney whose practice primarily
19 consists of the representation of civil defendants. A person
20 shall not be eligible for appointment under this paragraph if
21 the person or any member of the person's immediate family, as
22 defined under 65 Pa.C.S. § 1102 (relating to definitions),
23 meets any of the following provisions:

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

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

29 (5) Nine professional members appointed by the Governor
30 with the advice and consent of a majority of the members

1 elected to the Senate. The professional members shall:

2 (i) be licensed under this chapter; and

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

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

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

14 (2) Armored car security officers who have been actively
15 engaged in their profession and are members of a professional
16 armored car association shall, until July 1, 2013, be
17 qualified to serve as professional members of the board as
18 representatives of armored car security officer licensees
19 under this chapter.

20 (3) Fugitive recovery agents who have been actively
21 engaged in their profession and have a well-respected
22 reputation in the field shall, until July 1, 2013, be
23 qualified to serve as professional members of the board as
24 representatives of fugitive recovery agent licensees under
25 this chapter.

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

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

30 (2) Members under subsection (b) (4) shall serve initial

1 terms as follows:

2 (i) One member shall be appointed for a term of two
3 years.

4 (ii) Two members shall be appointed for a term of
5 three years.

6 (iii) Two members shall be appointed for a term of
7 four years.

8 (3) Members under subsection (b)(5) shall serve initial
9 terms as follows:

10 (i) Three members shall be appointed for a term of
11 two years.

12 (ii) Three members shall be appointed for a term of
13 three years.

14 (iii) Three members shall be appointed for a term of
15 four years.

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

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

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

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

24 (1) A majority of the members of the board constitutes a
25 quorum. A member must participate at a meeting of the board
26 in person or by teleconference for purposes of meeting a
27 quorum.

28 (2) Voting must be direct; voting by proxy shall not be
29 permitted.

30 (f) Organization.--All of the following shall apply to board

1 organization:

2 (1) An organizational meeting of the board shall be held
3 annually at which time the board shall elect from its
4 membership a president, a vice president and a secretary, who
5 shall serve for one year or until their successors are duly
6 elected.

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

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

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

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

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

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

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

28 (1) To contract for the development of a licensing
29 examination for each of the categories of licenses. The
30 licensing examinations shall, at a minimum, test an

1 applicant's knowledge of the laws of this Commonwealth and
2 the United States which are applicable to the practice of
3 that category of license.

4 (2) To develop applications and renewal applications for
5 each of the categories of licenses.

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

8 (4) To establish monetary penalties and fees for
9 licenses, renewals, badges, pocket cards and other goods and
10 services provided by the board to licensees. Initial fees
11 shall be designed to recover the board's administrative
12 costs. If the funds raised by penalties and fees under this
13 chapter are not sufficient to meet the board's administrative
14 costs over a two-year period, the board may promulgate
15 regulations to increase those penalties and fees so that the
16 projected funds will meet the board's projected costs.

17 (5) To enforce the laws of this Commonwealth relating to
18 the practice of private investigators, security
19 professionals, armored car security officers and fugitive
20 recovery agents and to instruct and require agents of the
21 board to initiate appropriate proceedings for unauthorized
22 and unlawful practice.

23 (6) To take disciplinary action as described in this
24 chapter. In all disciplinary proceedings brought pursuant to
25 this chapter, the board shall have the power to administer
26 oaths, to summon witnesses and to compel the production of
27 documents in accordance with law. Upon the failure of any
28 person to appear or produce documents in accordance with the
29 board's order, the board may take appropriate action in
30 accordance with the act of October 15, 1980 (P.L.950, No.

1 164), known as the Commonwealth Attorneys Act, to enforce
2 compliance.

3 (7) To take appropriate actions to initiate injunction
4 and criminal prosecution proceedings in connection with the
5 unlawful and unauthorized practice of private investigators,
6 security professionals, armored car security officers or
7 fugitive recovery agents or other violations of this chapter.
8 Injunction and criminal proceedings shall be instituted in
9 accordance with the Commonwealth Attorneys Act.

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

11 (9) To keep a record of applications and renewal
12 applications, including a copy of all materials submitted
13 with applications and renewal applications.

14 (10) To keep records relating to all licensees directly
15 related to the practice of private investigators, security
16 professionals, armored car security officers and fugitive
17 recovery agents.

18 (11) To maintain an up-to-date roster showing the names
19 and business addresses of licensees. The roster shall be made
20 available to the public upon request and shall be posted on
21 the Internet.

22 (12) To establish a system which assures that licensees
23 receive timely information from the board regarding issues
24 affecting the practice and regulation of their license. The
25 system shall include the mailing of a renewal application
26 under section 308 (relating to license renewal) to each
27 licensee at the most recent address in the records of the
28 board.

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

1 (14) To approve badge designs submitted by a security
2 professional or armored car security officer for use by
3 employees of that security professional or armored car
4 security officer.

5 (15) To conduct criminal history record checks as
6 provided in section 317 (relating to criminal history record
7 check).

8 (16) To develop and administer a mandatory continuing
9 professional education program for each of the categories of
10 licenses. The continuing professional education program shall
11 consist of at least 12 hours of mandatory continuing
12 education for each licensee during each two-year license
13 period.

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

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

22 (19) To issue licenses, renew licenses, reinstate
23 licenses, refuse to renew, suspend and revoke licenses as
24 provided under this chapter.

25 (20) To develop standards for the training and
26 professional development of employees by each category of
27 licensees.

28 § 305. Deposit of funds.

29 Fees and penalties collected under this chapter shall be paid
30 into the account and used by the bureau and the board to

1 administer this chapter.

2 § 306. Licensure.

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

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

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

9 (3) An armored car security officer's license is
10 required in order to practice as an armored car security
11 officer after July 1, 2013.

12 (4) A fugitive recovery agent's license is required in
13 order to practice as a fugitive recovery agent after July 1,
14 2013.

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

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

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

21 (2) Be a United States citizen.

22 (3) Be of good moral character.

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

25 (5) Have a criminal history which does not include any
26 of the offenses listed under section 318 (relating to
27 prohibition).

28 (6) Qualify by successful completion of a professional
29 licensing examination for the category of license which is
30 the subject of the application.

1 (d) Additional qualifications.--An applicant for a specific
2 license shall meet the following specific additional
3 qualifications:

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

10 (i) Worked as an investigator as a member of the
11 Pennsylvania State Police.

12 (ii) Worked as an investigator as a member of a
13 State, county or municipal police force.

14 (iii) Worked as an investigator as a member of a
15 Federal or State investigative service.

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

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

21 (vi) Worked full time as an investigator or in a
22 similar capacity for an insurance company in a special
23 investigation unit.

24 (vii) Worked full time as an attorney or an
25 investigator for an attorney or law firm.

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

29 (ix) Has other investigative or investigative
30 support experience that the board finds relevant to the

1 activities of a private investigator.

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

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

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

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

13 (iv) Worked as a member of a Federal or State
14 investigative service.

15 (v) Worked full time under the direction of a
16 security professional who is or was licensed under this
17 chapter.

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

20 (vii) Worked full time under the direction of a
21 private investigator who was licensed under the Private
22 Detective Act of 1953.

23 (viii) Has other security or security support
24 experience that the board finds relevant to the
25 activities of a security professional.

26 (3) In addition to the other requirements of this
27 chapter, an armored car security officer license shall not be
28 issued unless the applicant for the license has held one or
29 more of the following positions for a period of at least
30 three years and was not separated from the position for a

1 period of more than five years from the time of application:

2 (i) Worked as a member of the Pennsylvania State
3 Police.

4 (ii) Worked as a member of a State, county or
5 municipal police force.

6 (iii) Worked as sheriff or deputy sheriff.

7 (iv) Worked as a constable or deputy constable
8 certified to perform judicial duties under 44 Pa.C.S. Ch.
9 71 Subch. C (relating to constables).

10 (v) Worked as an investigator as a member of a
11 Federal or State investigative service.

12 (vi) Worked full time under the direction of an
13 armored car security officer who is or was licensed under
14 this chapter.

15 (vii) Has other armored car security or related
16 experience that the board finds relevant to the
17 activities of an armored car security officer.

18 (viii) Worked as an armored car security officer
19 prior to July 1, 2013. This subparagraph shall expire
20 July 1, 2017.

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

27 (i) Worked as a member of the Pennsylvania State
28 Police.

29 (ii) Worked as a member of a State, county or
30 municipal police force.

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

2 (iv) Worked as a constable or deputy constable
3 certified to perform judicial duties under 44 Pa.C.S. Ch.
4 71 Subch. C (relating to constables).

5 (v) Worked as a member of a Federal or State
6 investigative service.

7 (vi) Worked full time under the direction of a
8 fugitive recovery agent who is or was licensed under this
9 chapter.

10 (vii) Has other fugitive recovery or related
11 experience that the board finds relevant to the
12 activities of a fugitive recovery agent.

13 (viii) Worked as a fugitive recovery agent prior to
14 July 1, 2013. This subparagraph shall expire July 1,
15 2017.

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

19 (1) Substitute up to one year of relevant educational
20 experience for work experience required of an applicant under
21 subsection (d).

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

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

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

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

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

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

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

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

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

16 (4) Two current CPIN-compatible photographs.

17 (5) A statement whether the applicant applying for a
18 license intends to practice as an individual, corporation,
19 partnership, limited liability company or other legal entity.
20 If the applicant intends to practice as a corporation,
21 partnership, limited liability company or legal entity other
22 than an individual, the applicant shall identify all
23 principals of that entity and shall also provide all of the
24 following:

25 (i) The name and appropriate credentials of the
26 qualifying officer.

27 (ii) The name and principal business address of that
28 entity.

29 (iii) The articles of incorporation, partnership
30 agreement, certificate of organization or similar

1 governing document.

2 (iv) The name and address of all shareholders or
3 other owners of the corporation, partnership, limited
4 liability company or other legal entity.

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

7 (7) The applicant's signature.

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

11 (9) The payment of a bond and submission of proof of
12 insurance as required in section 315 (relating to bond and
13 insurance).

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

16 (h) Issuance of license.--

17 (1) The board shall conduct an investigation of an
18 applicant's fitness for licensure if the applicant has met
19 all of the following:

20 (i) Completed the application process under
21 subsection (f).

22 (ii) Been found to meet all of the qualifications in
23 subsection (c).

24 (iii) Been found to meet the additional
25 qualifications for the category of license in subsection
26 (d).

27 (2) If the board is satisfied that the applicant is fit
28 to practice, the board shall issue the applicant a license
29 and duplicates as provided in section 307 (relating to form
30 of license) and a pocket card and badge as provided in

section 313 (relating to pocket cards and badges).

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

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

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

(2) employed by a private investigator.

§ 307. Form of license.

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

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

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

(3) The expiration date.

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

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

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

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

1 of the third degree.

2 § 308. License renewal.

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

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

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

8 (ii) A licensee whose license has not been expired
9 for more than six months on the date of renewal
10 application.

11 (2) For the purposes of this subsection, the term
12 "licensee" shall include any individual, corporation,
13 partnership, limited liability company or other legal entity
14 licensed under the Private Detective Act of 1953 on the
15 effective date of this section who is applying for a license
16 as a private investigator or security professional under this
17 chapter prior to the expiration of the license under the
18 Private Detective Act of 1953. The qualification by
19 successful completion of a professional licensure examination
20 in section 306(c)(6) (relating to licensure) and the required
21 additional qualifications of section 306(d) shall not apply
22 to a licensee under the Private Detective Act of 1953 who met
23 the work experience requirements under section 4(a) of that
24 act and is applying for renewal of a license as a private
25 investigator or security professional under this section.

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

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

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

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

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

3 (5) Provide any other information which the board deems
4 appropriate.

5 (c) Issuance of renewal license.--Once a licensee has
6 completed the renewal process in subsection (b) and the board,
7 after investigation, is satisfied that the licensee is fit to
8 continue the practice of the license, the board shall issue the
9 applicant a license as provided in section 307 (relating to form
10 of license).

11 § 309. Change of residence or business location.

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

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

19 (c) Notation on license and duplicates.--Pursuant to a
20 change of business location under subsection (b), a licensee
21 shall deliver the license and any duplicates to a designated
22 location established by the board. The board shall, at its
23 discretion, do one of the following:

24 (1) Note the change on the license and duplicates and
25 return the license and duplicates to the licensee.

26 (2) Issue a new license and duplicates for the unexpired
27 term of the license.

28 § 310. Expedited reciprocal licensing.

29 The board may, without examination, issue a license, pocket
30 card and badge to any individual, corporation, partnership,

limited liability company or other legal entity who is licensed
in another state in the same category of license if all of the
following apply:

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

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

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

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

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

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

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

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

1 § 311. Employees.

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

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

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

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

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

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

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

18 (4) Two current CPIN-compatible photographs.

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

23 (6) A physical description.

24 (7) The prospective employee's signature.

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

28 (9) Three full sets of the prospective employee's
29 fingerprints. One set shall be kept on file by the licensee,
30 and the other two shall be submitted to the board for use in

1 conducting a criminal history record check as provided in
2 section 317 (relating to criminal history record check).

3 (10) Any other information which the board deems
4 appropriate.

5 (c) Duty of licensee.--A licensee shall do all of the
6 following:

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

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

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

16 (4) Promptly transmit to the board any other information
17 which the board deems appropriate.

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

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

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

27 (2) A licensee who knowingly, recklessly or negligently
28 files the fingerprints of an individual other than the
29 prospective employee in the prospective employee's name
30 commits a misdemeanor of the third degree.

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

4 § 312. Private investigator employees.

5 Any employee of a private investigator who, except as
6 provided by law, divulges information learned in that employee's
7 capacity to anyone other than the private investigator or to an
8 individual designated by the private investigator commits a
9 misdemeanor of the third degree.

10 § 313. Pocket cards and badges.

11 (a) Licensees.--Upon payment of a fee by the licensee, the
12 board shall issue the licensee a pocket card and a badge, which
13 shall be numbered. The pocket card shall be of the size and
14 design as the board shall designate and shall be
15 nontransferable. At a minimum, the pocket card shall include all
16 of the following:

17 (1) The licensee's name.

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

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

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

23 (b) Employees.--If a prospective employee of a licensee has
24 not been prohibited from being hired due to a disqualifying
25 criminal conviction, the board shall issue to the licensee a
26 pocket card which contains the employee's CPIN-compatible
27 photograph for use by the employee. If the licensee does not
28 employ the prospective employee for any reason, the licensee
29 shall return the pocket card to the board, which shall destroy
30 the returned pocket card. Failure of the licensee to do any of

1 the following shall constitute a summary offense:

2 (1) Return a pocket card.

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

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

7 (1) After payment of a fee as set by the board, the
8 board shall issue a licensee a new pocket card and badge or a
9 new pocket card for an employee if any of the following
10 apply:

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

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

15 (2) The board may impose sanctions under section 321
16 (relating to sanctions) upon a licensee who reports multiple
17 or repeated lost or stolen pocket cards, badges or employee
18 pocket cards.

19 (d) Holders of pocket cards and badges.--It shall be
20 unlawful for a licensee or an employee of a licensee to lend or
21 to transfer the pocket card or badge or to allow any other
22 individual to use, wear or display a pocket card or badge. A
23 licensee or employee who violates this subsection commits a
24 misdemeanor of the third degree.

25 § 314. Firearms.

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

1 training).

2 § 315. Bond and insurance.

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

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

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

14 (c.1) Proof of all risk insurance.--Armored car security
15 licensees shall maintain a minimum of \$5,000,000 armored car all
16 risk insurance.

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

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

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

29 (g) Deposit in lieu of bond and insurance.--Upon determining
30 that a corporate surety bond as required by subsections (a) and

1 (b) or general liability insurance as required by subsection (c)
2 is not commercially available to a category of licensees, the
3 board may accept from a licensee in that category, in lieu of
4 bond or insurance, any of the following in an amount set by the
5 board:

6 (1) A deposit of cash.

7 (2) A certified check.

8 (3) An irrevocable letter of credit.

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

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

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

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

17 (a) Licensing.--If a corporation, partnership, limited
18 liability company or other legal entity other than a natural
19 person applies for or has one or more categories of licenses
20 under this chapter, the requirements of licensing for that
21 category under this chapter, except the qualification by
22 examination under section 306(c)(6) (relating to licensure) and
23 the required additional qualifications of section 306(d), shall
24 apply to the president, treasurer and secretary of the
25 corporation or equivalent officers of a partnership, limited
26 liability company or other legal entity. At least one officer,
27 known as a qualifying officer, shall meet one of the following
28 requirements for each category of license:

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

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

3 (3) Entitlement to apply for renewal pursuant to section
4 308(a) (relating to license renewal) for that category of
5 license held by the corporation, partnership, limited
6 liability company or other legal entity.

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

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

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

18 (3) Entitlement to apply for renewal pursuant to section
19 308(a).

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

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

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

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

30 § 317. Criminal history record check.

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

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

6 (1) Obtain a report of criminal history record
7 information from the central repository pursuant to 18
8 Pa.C.S. Ch. 91 (relating to criminal history record
9 information).

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

16 (3) Conduct additional research concerning an
17 applicant's, licensee's or employee's criminal history as the
18 board deems necessary.

19 § 318. Prohibition.

20 (a) Applicant.--In no case shall a license be issued to an
21 applicant or a renewal license issued to a licensee if the
22 applicant's or licensee's criminal history record information
23 indicates the applicant has been convicted of any offense under
24 subsection (c).

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

27 (c) Prohibited offenses.--The following shall include
28 prohibited offenses:

29 (1) An offense designated as a felony under the act of
30 April 14, 1972 (P.L.233, No.64), known as The Controlled

1 Substance, Drug, Device and Cosmetic Act.

2 (2) An offense designated as a felony or serious
3 misdemeanor under one or more of the following provisions of
4 18 Pa.C.S. (relating to crimes and offenses):

5 Chapter 25 (relating to criminal homicide).

6 Chapter 27 (relating to assault).

7 Chapter 29 (related to kidnapping).

8 Chapter 31 (relating to sexual offenses).

9 Section 3301 (relating to arson and related
10 offenses).

11 Section 3502 (relating to burglary).

12 Chapter 37 (relating to robbery).

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

16 Chapter 41 (relating to forgery and fraudulent
17 practices).

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

19 Chapter 47 (relating to bribery and corrupt
20 influence).

21 Chapter 49 (relating to falsification and
22 intimidation).

23 Chapter 53 (relating to abuse of office).

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

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

28 Chapter 59 (relating to public indecency).

29 Chapter 61 (relating to firearms and other dangerous
30 articles).

1 Chapter 63 (relating to minors).

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

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

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

9 § 319. Title and utilization.

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

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

15 (c) Armored car security officer licensee.--An armored car
16 security officer licensee has the right to use the title
17 "armored car security officer".

18 (d) Fugitive recovery agent licensee.--A fugitive recovery
19 agent licensee has the right to use the title "bounty hunter" or
20 "fugitive recovery agent."

21 § 320. Rules of professional conduct.

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

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

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

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

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

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

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

11 § 321. Sanctions.

12 (a) Discretionary.--The following shall apply to
13 discretionary sanctions:

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

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

22 (ii) Administer a public reprimand.

23 (iii) Impose an administrative penalty of up to
24 \$5,000.

25 (iv) Suspend the license.

26 (v) Revoke the license.

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

29 (b) Mandatory.--The following shall apply to mandatory
30 sanctions:

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

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

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

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

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

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

18 § 322. Injunction.

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

25 § 323. Unlawful acts.

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

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

30 (2) Falsely pretends to hold a license under this

chapter with intent to induce another to submit to the pretended official authority or otherwise to act in reliance upon that pretense to the other's prejudice.

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

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

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

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

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

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

§ 324. Exclusions.

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

(1) The Federal Government.

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

(3) Any other state or political subdivision of a state,

1 including the District of Columbia, the Commonwealth of
2 Puerto Rico and the territories and possessions of the United
3 States.

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

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

10 (2) An individual exclusively employed for one insurance
11 company, while engaged in the duties of such employment, as
12 an investigator in a special investigation unit or similar
13 capacity.

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

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

21 (5) An individual in the exclusive employment of a
22 telephone, telegraph or other telecommunications company
23 subject to regulation by the Federal Communications
24 Commission or the Pennsylvania Public Utility Commission,
25 while engaged in the duties of such employment.

26 (6) An individual in the exclusive employment of a
27 newspaper of general circulation while engaged in the duties
28 of that employment.

29 (7) A license holder or corporation or other entity
30 licensed as a private investigative agency in this

1 Commonwealth under the Private Detective Act of 1953 before
2 the effective date of this chapter, if the license has not
3 expired.

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

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

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

18 (11) An individual who accesses public records without
19 compensation or other remuneration.

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

25 (d) Armored car security officer licensee.--An individual
26 functioning as an armored car crew member pursuant to the
27 Armored Car Industry Reciprocity Act of 1993 (Public Law 103-55,
28 15 U.S.C. § 5902 et seq.) shall not be required to obtain an
29 armored car security officer's license.

30 (e) Fugitive recovery agent's license.--The following shall

1 not be required to obtain a fugitive recovery agent's license:

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

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

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

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

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

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

8951, of the political subdivision where the fugitive is located.

(7) A constable or deputy constable certified to perform judicial duties under 44 Pa.C.S. Ch. 71 (relating to constables).

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

CHAPTER 11

LETHAL WEAPONS TRAINING

Sec.

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§ 1101. Legislative findings and purpose.

The following shall apply:

(1) The General Assembly finds that there are private detectives, investigators, watchmen, security guards, armored car security officers, patrolmen and fugitive recovery agents, privately employed within this Commonwealth, who carry and use lethal weapons, including firearms, as an incidence of their employment and that there have been

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

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

14 § 1102. Definitions.

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

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

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

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

1 "Privately employed agents." Any person employed for the
2 purpose of providing watch guard, protective patrol, fugitive
3 recovery, bail enforcement, bail recovery, detective or criminal
4 investigative services either for another for a fee or for the
5 person's employer. The term includes any licensee or employee of
6 a licensee, under Chapter 3 (relating to private investigators,
7 security professionals, armored car security officers and
8 fugitive recovery agents) and a police officer of a municipal
9 authority. The term shall not include:

10 (1) Federal, State or local government employees;

11 (2) those police officers commissioned by the Governor
12 under the former act of February 27, 1865 (P.L.225, No.228),
13 entitled "An act empowering railroad companies to employ
14 police force" or Chapter 33 (relating to railroad and street
15 railway police); or

16 (3) an armored car crew member who:

17 (i) is carrying a weapon pursuant to the Armored Car
18 Industry Reciprocity Act of 1993 (Public Law 103-55, 15
19 U.S.C. § 5904(1)); or

20 (ii) is carrying a weapon after having completed the
21 education and training program established in section
22 1103 (relating to education and training program).

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

26 § 1103. Education and training program.

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

1 of this chapter.

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

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

17 § 1104. Powers and duties of commissioner.

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

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

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

1 departments or who have been continuously employed as full-
2 time police officers since June 18, 1974, shall not be
3 required to undergo any physical or psychological testing and
4 screening procedures implemented under this paragraph.

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

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

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

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

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

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

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

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

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

5 § 1105. Certificate of qualification.

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

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

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

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

1 Any fee charged by the Federal agency shall be paid by the
2 applicant.

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

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

14 § 1106. Certification and fee.

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

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

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

29 (d) Time period.--Certification shall be for a period of two
30 years.

1 (e) Renewal.--Privately employed agents who, as an incidence
2 to their employment, carry a lethal weapon shall be required to
3 renew their certification within six months prior to the
4 expiration of their certificate. The commissioner shall
5 prescribe the manner in which the certification shall be renewed
6 and may charge a nominal renewal fee set under The
7 Administrative Code of 1929.

8 § 1107. Good standing.

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

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

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

22 § 1108. Retired police officers.

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

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

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

10 § 1109. Penalties.

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

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

22 § 1110. Prohibited acts.

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

26 § 1111. Active police officers.

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

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

Section 4. The following shall apply:

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

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

Section 5. The following shall apply:

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

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

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

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

9 Section 7. Repeals are as follows:

10 (1) The General Assembly declares that the repeal under
11 paragraph (2) is necessary to effectuate the addition of 22
12 Pa.C.S. Ch. 3.

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

15 (3) The General Assembly declares that the repeal under
16 paragraph (4) is necessary to effectuate the addition of 22
17 Pa.C.S. Ch. 11.

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

20 (5) All acts and parts of acts are repealed insofar as
21 they are inconsistent with this act.

22 Section 8. The addition of 22 Pa.C.S. Ch. 3 is a
23 continuation of the act of August 21, 1953 (P.L.1273, No.361),
24 known as The Private Detective Act of 1953. Except as otherwise
25 provided in 22 Pa.C.S. Ch. 3, all activities initiated under The
26 Private Detective Act shall continue and remain in full force
27 and effect and may be completed under 22 Pa.C.S. Ch. 3. Orders,
28 regulations, rules and decisions which were made under The
29 Private Detective Act and which are in effect on the effective
30 date of section 7(2) of this act shall remain in full force and

1 effect until revoked, vacated or modified under 22 Pa.C.S. Ch.
2 3. Contracts, obligations and collective bargaining agreements
3 entered into under The Private Detective Act are not affected
4 nor impaired by the repeal of The Private Detective Act.

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

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

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

27 (3) Paragraph (2) does not apply to:

28 (i) The addition of the definition of "privately
29 employed agents" in 22 Pa.C.S. § 1102.

30 (ii) The time-period certification change in section

1 22 Pa.C.S. § 1106(d).

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

3 (1) The following provisions of this act shall take
4 effect immediately:

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

6 (ii) Section 5.

7 (iii) This section.

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