
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 216 Session of
2017

INTRODUCED BY KAMPF, RYAN, MILLARD, MURT AND D. COSTA,
JANUARY 25, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 25, 2017

AN ACT

1 Amending the act of August 21, 1953 (P.L.1273, No.361), entitled
2 "An act to regulate the business of private detectives,
3 investigators and watch, guard, or patrol agencies, and the
4 licensing thereof in each county; providing penalties,"
5 further providing for definitions and for application of act.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Sections 2(b) and 15 of the act of August 21,
9 1953 (P.L.1273, No.361), known as The Private Detective Act of
10 1953, are amended to read:

11 Section 2. Definitions.--* * *

12 (b) "Private detective business" shall also mean and
13 include, separately or collectively, the making, for hire,
14 reward, or for any consideration whatsoever, of any
15 investigation or investigations for the purpose of obtaining
16 information with reference to any of the following matters,
17 notwithstanding the fact that other functions and services may
18 also be performed for fee, hire, or reward:

19 (1) Crime or wrongs done or threatened against the

1 government of the United States of America or any state or
2 territory of the United States of America.

3 (2) The identity, habits, conduct, movements, whereabouts,
4 affiliations, associations, transactions, reputation, or
5 character, of any person, group of persons, association,
6 organization, society, other groups of persons, partnership, or
7 corporation.

8 (3) The credibility of witnesses or other persons.

9 (4) The whereabouts of missing persons.

10 (5) The location or recovery of lost or stolen property.

11 (6) The causes and origin of, or responsibility for, fires,
12 or libels, or losses, or accidents, or damage, or injuries, to
13 real or personal property.

14 (7) The affiliation, connection, or relation, of any person,
15 partnership, or corporation, with any union, organization,
16 society, or association, or with any official member or
17 representative thereof.

18 (8) With reference to any person or persons seeking
19 employment in the place of any person or persons who have quit
20 work by reason of any strike.

21 (9) With reference to the conduct, honesty, efficiency,
22 loyalty, or activities, of employes, agents, contractors and
23 subcontractors.

24 (10) The securing of evidence to be used before any
25 authorized investigating committee, board of award, board of
26 arbitration, or in the trial of civil or criminal cases.

27 (11) The furnishing, for hire or reward, of watchmen, or
28 guards, or private patrolmen, or other persons, to protect
29 persons or property, or to prevent the theft or the unlawful
30 taking of goods, wares and merchandise, or to prevent the

1 misappropriation or concealment of goods, wares or merchandise,
2 money, bonds, stocks, choses in action, notes, or other valuable
3 documents, papers, and articles of value, or to procure the
4 return thereof, or the performing of the service of such guard
5 or other person, or any of said purposes.

6 The foregoing shall not be deemed to include persons engaged
7 in the business of investigators for or adjusters for insurance
8 companies, nor persons in the exclusive employment of common
9 carriers subject to regulation by the interstate commerce
10 commission or the Public Utility Commission of the Commonwealth
11 of Pennsylvania, nor any telephone, telegraph or other
12 telecommunications company subject to regulation by the Federal
13 Communications Commission or the Public Utility Commission of
14 the Commonwealth of Pennsylvania or an employe of any such
15 company while performing any investigatory activities engaged in
16 by his employer, or investigators in the employment of credit
17 bureaus[.], nor persons engaged in providing computer or digital
18 forensic services, the acquisition, review or analysis of
19 computer-based or digital information or network or system
20 vulnerability testing.

21 * * *

22 Section 15. Application of Act.--(a) Nothing in this act
23 shall apply to any detective officer or man belonging to the
24 Pennsylvania State Police, or to the police force of any county,
25 city, borough, township, or incorporated town, or any employe of
26 such State Police, or such police force, appointed or elected by
27 due authority of law, while engaged in the performance of their
28 official duties, nor to any person, partnership, association, or
29 corporation, or any bureau or agency, whose business is
30 exclusively the furnishing of information as to the business and

1 financial standing and credit responsibility of persons,
2 partnerships, associations, or corporations, or as to the
3 personal habits and financial responsibility of applicants for
4 insurance, indemnity bonds, or commercial credit, or of
5 claimants under insurance policies, and whose business does not
6 embrace other activities described in section 2 of this act, nor
7 to any corporation duly authorized by the Commonwealth to
8 operate a fire alarm protection business, nor to any person
9 while engaged in the business of adjuster for an insurance
10 company, nor to any person regularly employed as special agent,
11 detective or investigator exclusively by one employer in
12 connection with the affairs of that employer only, nor to any
13 charitable or philanthropic society or association duly
14 incorporated under the laws of the Commonwealth and which is
15 organized and maintained for the public good and not for private
16 profit, nor shall anything in this act contained be construed to
17 affect in any way attorneys or counselors at law in the regular
18 practice of their profession, but such exemption shall not enure
19 to the benefit of any employe or representative of such attorney
20 or counselor at law who is not employed solely, exclusively and
21 regularly by such attorney or counselor at law, nor to persons
22 in the exclusive employment of common carriers subject to
23 regulation by the interstate commerce commission or the Public
24 Utility Commission of the Commonwealth of Pennsylvania, nor to
25 investigators in the employment of credit bureaus. No person,
26 partnership, association, corporation, or any bureau or agency,
27 exempted hereunder from the application of this act, shall
28 perform any manner of detective service as described in section
29 2 hereof for any other person, partnership, association,
30 corporation, bureau or agency, whether for fee, hire, reward,

1 other compensation, remuneration, or consideration, or as an
2 accommodation without fee, reward, or remuneration, or by a
3 reciprocal arrangement whereby such services are exchanged on
4 request of parties thereto. The commission of a single act
5 prohibited by this act shall constitute a violation thereof.

6 (b) Nothing in this act shall apply to any telephone,
7 telegraph or other telecommunications company subject to
8 regulation by the Federal Communications Commission or the
9 Public Utility Commission of the Commonwealth of Pennsylvania or
10 to an employe of any such company while performing any
11 investigatory activities engaged in by his employer.

12 (c) Nothing in this act shall be construed to affect or
13 prohibit the right of any person to form, or become affiliated
14 with, or to continue as a member of, any union, association,
15 society, or organization of his own choosing.

16 (d) Nothing in this act shall apply to any person engaged in
17 providing any of the following:

18 (1) computer or digital forensic services, or the
19 acquisition, review or analysis of digital or computer-based
20 information, whether for the purposes of obtaining or furnishing
21 information for evidentiary or other purposes, or for providing
22 expert testimony before a court; or

23 (2) network or system vulnerability testing, including
24 network scans and risk assessment and analysis of computers
25 connected to a network.

26 Section 2. This act shall take effect in 60 days.