
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 514 Session of
2015

INTRODUCED BY PETRI, COHEN, D. COSTA, DeLUCA AND MURT,
FEBRUARY 23, 2015

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 23, 2015

AN ACT

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

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

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

14 TITLE 22

15 [DETECTIVES AND PRIVATE POLICE]

16 PRIVATE INVESTIGATORS, SECURITY PROFESSIONALS,

17 FUGITIVE RECOVERY AGENTS, PRIVATE POLICE AND LETHAL WEAPONS

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

19 [CHAPTER 3

20 DETECTIVES

21 (RESERVED)]

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

2 CHAPTER 3

3 PRIVATE INVESTIGATORS, SECURITY PROFESSIONALS

4 AND FUGITIVE RECOVERY AGENTS

5 Sec.

6 301. Scope of chapter.

7 302. Declaration of policy.

8 303. Definitions.

9 304. Board.

10 305. Deposit of fees and penalties.

11 306. Licensure.

12 307. Form of license.

13 308. License renewal.

14 309. Change of residence or business location.

15 310. Expedited reciprocal licensing.

16 311. Employees.

17 312. Private investigator employees.

18 313. Pocket cards and badges.

19 314. Firearms.

20 315. Bond and insurance.

21 316. Licensure of corporations and other legal entities.

22 317. Criminal history record check.

23 318. Prohibition.

24 319. Title and utilization.

25 320. Rules of professional conduct.

26 321. Sanctions.

27 322. Injunction.

28 323. Unlawful acts.

29 324. Exclusions.

30 § 301. Scope of chapter.

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

3 § 302. Declaration of policy.

4 The General Assembly finds and declares as follows:

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

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

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

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

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

20 § 303. Definitions.

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

24 "Account." The Professional Licensure Augmentation Account.

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

28 "Board." The State Board of Private Investigators, Security
29 Professionals and Fugitive Recovery Agents established in
30 section 304 (relating to board).

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

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

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

8 "Fugitive recovery agent."

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

12 (i) Fugitive recovery.

13 (ii) Bail enforcement.

14 (iii) Bail recovery.

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

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

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

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

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

30 "Licensee." An individual, corporation, partnership, limited

1 liability company or other legal entity who holds a license
2 under this chapter.

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

6 "Private investigator."

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

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

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

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

22 (iv) The whereabouts of missing individuals.

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

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

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

30 (viii) The securing of evidence for any civil or

1 criminal proceeding.

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

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

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

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

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

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

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

24 (3) The Attorney General or a designee.

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

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

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

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

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

17 (i) be licensed under this chapter; and

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

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

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

29 (2) Fugitive recovery agents who have been actively
30 engaged in their profession and have a well-respected

1 reputation in the field shall, until July 1, 2018, be
2 qualified to serve as professional members of the board as
3 representatives of fugitive recovery agent licensees under
4 this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (e) Procedure.--

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

6 (2) Voting must be direct; voting by proxy shall not be
7 permitted.

8 (f) Organization.--

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

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

17 (g) Compensation.--Each member of the board under subsection
18 (b) (4) or (5), when performing functions of the board, shall be
19 entitled to receive:

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

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

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

28 (i) Participation.--A member of the board under subsection
29 (b) (4) or (5) who fails to attend three consecutive meetings
30 shall forfeit membership unless the president, upon written

1 request from the member, finds that the member should be excused
2 for good cause.

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

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

11 (2) To develop applications and renewal applications for
12 each of the categories of licenses.

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

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

24 (5) To enforce the laws of this Commonwealth relating to
25 the practice of private investigators, security professionals
26 and fugitive recovery agents and to instruct and require
27 agents of the board to initiate appropriate proceedings for
28 unauthorized and unlawful practice.

29 (6) To take disciplinary action as described in this
30 chapter. In all disciplinary proceedings brought pursuant to

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

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

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

17 (9) To keep a record of applications and renewal
18 applications, including a copy of all materials submitted
19 with applications and renewal applications.

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

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

27 (12) To establish a system which assures that licensees
28 receive timely information from the board regarding issues
29 affecting the practice and regulation of their license. The
30 system shall include the mailing of a renewal application

1 under section 308 (relating to license renewal) to each
2 licensee at the most recent address in the records of the
3 board.

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

6 (14) To approve badge designs submitted by a security
7 professional for use by employees of that security
8 professional.

9 (15) To conduct criminal history record checks as
10 provided in section 317 (relating to criminal history record
11 check).

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

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

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

26 (19) To issue licenses, renew licenses, reinstate
27 licenses, refuse to renew, suspend and revoke licenses as
28 provided under this chapter.

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

1 § 305. Deposit of fees and penalties.

2 Fees and penalties collected under this chapter shall be
3 deposited into the account and used by the bureau and the board
4 to administer this chapter.

5 § 306. Licensure.

6 (a) Requirement.--Except as set forth in section 324
7 (relating to exclusions):

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

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

12 (3) A fugitive recovery agent's license is required in
13 order to practice as a fugitive recovery agent after July 1,
14 2012.

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) Not have a criminal history that includes an
26 offense listed under section 318 (relating to prohibition).

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

30 (d) Additional qualifications.--

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

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

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

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

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

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

18 (vi) Worked full time as an investigator or in a
19 similar capacity for an insurance company in a special
20 investigation unit.

21 (vii) Worked full time as an attorney or an
22 investigator for an attorney or law firm.

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

26 (ix) Has other investigative or investigative
27 support experience that the board finds relevant to the
28 activities of a private investigator.

29 (2) In addition to the other requirements of this
30 chapter, a security professional license shall not be issued

1 unless the applicant for the license has held one or more of
2 the following positions for a period of at least three years
3 and was not separated from the position for a period of more
4 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 member of a Federal or state
11 investigative service.

12 (v) Worked full time under the direction of a
13 security professional who is or was licensed under this
14 chapter.

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

17 (vii) Worked full time under the direction of a
18 private investigator who was licensed under the Private
19 Detective Act of 1953.

20 (viii) Has other security or security support
21 experience that the board finds relevant to the
22 activities of a security professional.

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

29 (i) Worked as a member of the Pennsylvania State
30 Police.

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

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

4 (iv) Worked as a constable or deputy constable
5 certified to perform judicial duties under 44 Pa.C.S. Ch.
6 71 (relating to constables).

7 (v) Worked as a member of a United States or state
8 investigative service.

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

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

15 (viii) Worked as a fugitive recovery agent prior to
16 July 1, 2012. This subparagraph shall expire July 1,
17 2017.

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

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

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

27 (f) Application process.--An individual, corporation,
28 partnership, limited liability company or other legal entity
29 intending to be a licensee must:

30 (1) File an application and accompanying information as

1 described in subsection (g).

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

3 (3) Take and successfully complete an examination
4 prepared and administered by a third party approved by the
5 board.

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

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

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

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

18 (4) Two current CPIN-compatible photographs.

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

27 (i) The name and appropriate credentials of the
28 qualifying officer.

29 (ii) The name and principal business address of that
30 entity.

1 (iii) The articles of incorporation, partnership
2 agreement, certificate of organization or similar
3 governing document.

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

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

9 (7) The applicant's signature.

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

13 (9) Payment of a bond and proof of insurance as required
14 in section 315 (relating to bond and insurance).

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

17 (h) Issuance of license.--

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

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

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

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

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

1 of license) and a pocket card and badge as provided in
2 section 313 (relating to pocket cards and badges).

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

6 (j) Current law enforcement officers.--Individuals currently
7 employed as a police officer, sheriff, deputy sheriff, probation
8 or parole officer or member of a Federal or state investigative
9 service shall not be eligible for a license as a private
10 investigator or employed by a private investigator.

11 § 307. Form of license.

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

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

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

17 (3) The expiration date.

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

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

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

26 (d) Expiration.--A licensee shall surrender the license and
27 all duplicates to a designated location established by the board
28 within 15 days of expiration or after receipt of notice that the
29 license has been suspended or revoked by the board. A licensee
30 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 licensing 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 who met the work experience requirements under
23 section 4(a) of the Private Detective Act of 1953 and is
24 applying for renewal of a license as a private investigator
25 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.--

20 (1) Pursuant to a change of business location under
21 subsection (b), a licensee shall deliver the license and any
22 duplicates to a designated location established by the board.

23 (2) The board shall, at its discretion:

24 (i) note the change on the license and duplicates
25 and return the license and duplicates to the licensee; or

26 (ii) issue a new license and duplicates for the
27 unexpired 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,

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

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

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

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

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

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

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

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

28 (8) The other state will license or certify licensees in
29 this Commonwealth to practice in that state in a similar
30 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:

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

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

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

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

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

20 (e) Penalties.--

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

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

30 (3) A licensee who fails to adequately or accurately

1 keep records of employees commits a misdemeanor of the third
2 degree.

3 § 312. Private investigator employees.

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

9 § 313. Pocket cards and badges.

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

16 (1) The licensee's name.

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

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

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

22 (b) Employees.--

23 (1) If a prospective employee of a licensee has not been
24 prohibited from being hired due to a disqualifying criminal
25 conviction, the board shall issue to the licensee a pocket
26 card which contains the employee's CPIN-compatible photograph
27 for use by the employee.

28 (2) If the licensee does not employ the prospective
29 employee for any reason, the licensee shall return the pocket
30 card to the board, which shall destroy the returned pocket

1 card.

2 (3) Failure of the licensee to do any of the following
3 shall constitute a summary offense:

4 (i) Return a pocket card.

5 (ii) Notify the board of the licensee's inability to
6 retrieve a pocket card from an employee.

7 (c) Renewal or replacement.--

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

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

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

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

20 (d) Holders of pocket cards and badges.--

21 (1) A licensee or an employee of a licensee may not lend
22 or transfer the pocket card or badge or allow any other
23 individual to use, wear or display a pocket card or badge.

24 (2) A licensee or employee who violates this subsection
25 commits a misdemeanor of the third degree.

26 § 314. Firearms.

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

1 Chapter 11 (relating to lethal weapons 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 (d) Proof of workers' compensation insurance.--All
15 applicants for licenses and licensees seeking renewal of
16 licenses shall provide proof of compliance with or exemption
17 from the act of June 2, 1915 (P.L.736, No.338), known as the
18 Workers' Compensation Act.

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

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

26 (g) Deposit in lieu of bond and insurance.--Upon determining
27 that a corporate surety bond as required by subsections (a) and
28 (b) or general liability insurance as required by subsection (c)
29 is not commercially available to a category of licensees, the
30 board may accept from a licensee in that category, in lieu of

1 bond or insurance, any of the following in an amount set by the
2 board:

3 (1) A deposit of cash.

4 (2) A certified check.

5 (3) An irrevocable letter of credit.

6 (h) Amount of deposit.--When establishing an amount in lieu
7 of general liability insurance under subsection (g), the board
8 may:

9 (1) disregard the minimum amounts under subsection (c);

10 or

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

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

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

27 (1) Satisfy the requirements of section 306(c)(6) and
28 (d).

29 (2) Possess the category of license under this chapter.

30 (3) Be entitled to apply for renewal pursuant to section

1 308(a) (relating to license renewal) for that category of
2 license held by the corporation, partnership, limited
3 liability company or other legal entity.

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

12 (1) Satisfy the requirements of section 306(c) (6) and
13 (d).

14 (2) Possess a license under this chapter.

15 (3) Be entitled to apply for renewal pursuant to section
16 308(a).

17 (c) Successors.--In case of death, resignation or removal of
18 an officer of a corporation, partnership, limited liability
19 company or other legal entity:

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

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

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

27 § 317. Criminal history record check.

28 (a) General rule.--The board shall conduct a criminal
29 history record check, as provided under subsection (b), on each
30 applicant for a license, each licensee applying for renewal and

1 each employee of a licensee.

2 (b) Records check.--The board shall:

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

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

13 (3) Conduct additional research concerning an
14 applicant's, licensee's or employee's criminal history as the
15 board deems necessary.

16 § 318. Prohibition.

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

22 (b) Licensee.--The board shall revoke the license of a
23 licensee who is convicted of a prohibited offense under
24 subsection (c).

25 (c) Prohibited offenses.--The following are prohibited
26 offenses:

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

30 (2) An offense designated as a felony or serious

1 misdemeanor under one or more of the following provisions of
2 18 Pa.C.S. (relating to crimes and offenses):
3 Chapter 25 (relating to criminal homicide).
4 Chapter 27 (relating to assault).
5 Chapter 29 (related to kidnapping).
6 Chapter 31 (relating to sexual offenses).
7 Section 3301 (relating to arson and related offenses).
8 Section 3502 (relating to burglary).
9 Chapter 37 (relating to robbery).
10 Chapter 39 (relating to theft and related offenses) where
11 the offense is graded higher than a summary offense.
12 Chapter 41 (relating to forgery and fraudulent
13 practices).
14 Chapter 43 (relating to offenses against the family).
15 Chapter 47 (relating to bribery and corrupt influence).
16 Chapter 49 (relating to falsification and intimidation).
17 Chapter 53 (relating to abuse of office).
18 Chapter 55 (relating to riot, disorderly conduct and
19 related offenses).
20 Chapter 57 (relating to wiretapping and electronic
21 surveillance).
22 Chapter 59 (relating to public indecency).
23 Chapter 61 (relating to firearms and other dangerous
24 articles).
25 Chapter 63 (relating to minors).
26 (3) An offense designated as a felony or serious
27 misdemeanor related to misconduct in public office, including
28 tampering, bribery, making false statements or impersonation.
29 (4) A Federal or out-of-State offense similar in nature
30 to those listed in paragraph (1), (2) or (3).

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

3 § 319. Title and utilization.

4 (a) Private investigator licensee.--A private investigator
5 licensee has the right to use the title "private investigator"
6 or "private detective" and the abbreviation "P.I."

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

9 (c) Fugitive recovery agent licensee.--A fugitive recovery
10 agent licensee has the right to use the title "bounty hunter" or
11 "fugitive recovery agent."

12 § 320. Rules of professional conduct.

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

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

17 (2) A licensee and all employees may not violate any
18 regulation or order of the board.

19 (3) A licensee and all employees may not practice or
20 attempt to practice beyond a licensee's defined scope of
21 practice.

22 (4) A licensee and all employees may not knowingly aid,
23 assist or provide advice to encourage the unlawful practice
24 of a profession licensed under this chapter.

25 (5) A licensee and all employees may not violate any
26 other rule of professional conduct as promulgated by
27 regulation of the board.

28 (b) Private investigator licensees.--A private investigator
29 licensee or employee of the licensee who is asked to locate a
30 person shall make a reasonable effort to determine the reason

1 for the inquiry.

2 § 321. Sanctions.

3 (a) Discretionary.--

4 (1) If the board finds that a licensee has violated any
5 of the rules of professional conduct, has engaged in any
6 conduct prohibited by this chapter or has failed to fulfill
7 any duties imposed by this chapter, the board may administer
8 the following sanctions:

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

12 (ii) Administer a public reprimand.

13 (iii) Impose an administrative penalty of up to
14 \$10,000.

15 (iv) Suspend the license.

16 (v) Revoke the license.

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

19 (b) Mandatory.--

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

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

24 (ii) The licensee is convicted of any prohibited
25 offense as provided in section 318(c) (relating to
26 prohibition).

27 (2) Automatic suspension under this subsection shall not
28 be stayed pending appeal of a conviction.

29 (c) Administrative agency law.--This section shall be
30 subject to 2 Pa.C.S. Ch. 5 Subch A. (relating to practice and

1 procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating
2 to judicial review of Commonwealth agency action).

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

7 § 322. Injunction.

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

14 § 323. Unlawful acts.

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

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

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

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

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

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

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

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

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

10 § 324. Exclusions.

11 (a) Construction.--Nothing in this chapter shall be
12 construed as:

13 (1) Preventing, restricting or requiring licensure of an
14 individual, while engaged in the official performance of his
15 duties, who is in the exclusive employment of any of the
16 following:

17 (i) The Federal Government.

18 (ii) The Commonwealth or any of its political
19 subdivisions.

20 (iii) Any other state or political subdivision of a
21 state, including the District of Columbia, the
22 Commonwealth of Puerto Rico and the territories and
23 possessions of the United States.

24 (2) Preventing, restricting or requiring licensure of an
25 individual who:

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

28 (ii) is acting within the scope of the profession
29 for which the person is licensed.

30 (b) Private investigator's license.--The following shall not

1 be required to obtain a private investigator's license:

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

6 (2) An individual exclusively employed for one insurance
7 company, while engaged in the duties of such employment, as
8 an investigator in a special investigation unit or similar
9 capacity.

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

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

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

22 (6) An individual in the exclusive employment of a
23 newspaper of general circulation while engaged in the duties
24 of that employment.

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

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

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

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

14 (11) An individual who accesses public records without
15 compensation or other remuneration.

16 (12) An individual who conducts investigations for or at
17 a nuclear facility licensed by the Nuclear Regulatory
18 Commission.

19 (13) An individual in the exclusive employment of an
20 electric or natural gas public utility subject to Federal
21 regulation by the Pennsylvania Public Utility Commission,
22 while engaged in the duties of such employment or an
23 individual in the employment of an affiliated interest, as
24 defined in 66 Pa.C.S. § 2101 (relating to definition of
25 affiliated interest), of an electric or natural gas utility
26 subject to Federal regulation or regulation by the
27 Pennsylvania Public Utility Commission, while engaged in the
28 duties of such employment.

29 (14) An individual who engages in investigative
30 functions for the individual's employer in connection with

1 the affairs of that employer only.

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

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

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

11 (2) An individual who performs duties related to the
12 defense of a nuclear facility licensed by the Nuclear
13 Regulatory Commission shall not be required to obtain a
14 license for, or register as an employee assisting, a security
15 professional.

16 (3) An individual who engages in security functions for
17 the individual's employer in connection with the affairs of
18 that employer only.

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

21 (1) A professional bondsman licensed under 42 Pa.C.S. §
22 5743 (relating to issuance of license) or an employee of the
23 bondsman.

24 (2) A fidelity or surety company which acts as surety on
25 an undertaking under 42 Pa.C.S. § 5747 (relating to
26 statements by fidelity or surety companies) or an employee of
27 the fidelity or surety company.

28 (3) An individual, corporation, partnership, limited
29 liability company or other legal entity licensed as a private
30 investigator under this chapter or an employee of the

1 licensee.

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

3 (5) A holder of license as a bail bondsman, bounty
4 hunter, fugitive recovery agent or similar license from
5 another state or jurisdiction or employee of the licensee,
6 for the purpose of capturing a fugitive who fled from the
7 state or jurisdiction where the license is held. The
8 individual shall, before attempting apprehension of the
9 fugitive, notify both the board and the chief law enforcement
10 officer, as defined in 42 Pa.C.S. § 8951 (relating to
11 definitions), of the political subdivision where the fugitive
12 is located.

13 (6) A holder of a license as a private investigator or
14 private detective from another state or jurisdiction or
15 employee of the licensee, for the purpose of capturing a
16 fugitive who fled from the state or jurisdiction where the
17 license is held. The individual shall, before attempting
18 apprehension of the fugitive, notify both the board and the
19 chief law enforcement officer, as defined in 42 Pa.C.S. §
20 8951, of the political subdivision where the fugitive is
21 located.

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

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

28 CHAPTER 11

29 LETHAL WEAPONS TRAINING

30 Sec.

1 1101. Legislative findings and purpose.

2 1102. Definitions.

3 1103. Education and training program.

4 1104. Powers and duties of commissioner.

5 1105. Certificate of qualification.

6 1106. Certification and fee.

7 1107. Good standing.

8 1108. Retired police officers.

9 1109. Penalties.

10 1110. Prohibited acts.

11 1111. Active police officers.

12 1112. Applicability.

13 § 1101. Legislative findings and purpose.

14 The General Assembly finds that:

15 (1) There are private detectives, investigators,
16 watchmen, security guards, patrolmen and fugitive recovery
17 agents, privately employed within this Commonwealth who carry
18 and use lethal weapons, including firearms, as an incidence
19 of their employment and that there have been various tragic
20 incidents involving these individuals which occurred because
21 of unfamiliarity with the handling of weapons.

22 (2) There is presently no training required for
23 privately employed agents in the handling of lethal weapons
24 or in the knowledge of law enforcement and the protection of
25 rights of citizens and the training would be beneficial to
26 the safety of the citizens of this Commonwealth.

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

1 Commissioner of Pennsylvania State Police.

2 § 1102. Definitions.

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

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

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

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

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

1 33 (relating to railroad and street railway police).

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

5 § 1103. Education and training program.

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

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

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

26 § 1104. Powers and duties of commissioner.

27 The commissioner shall have the following powers and duties:

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

1 rights of citizens.

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

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

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

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

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

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

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

1 a year.

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

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

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

13 § 1105. Certificate of qualification.

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

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

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

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

3 (d) Examination.--

4 (1) The fingerprints of the applicant shall be examined
5 by the Pennsylvania State Police and the Federal Bureau of
6 Investigation to determine if the applicant has been
7 convicted of or has pleaded guilty or nolo contendere to a
8 crime of violence.

9 (2) The commissioner may waive the requirement of the
10 Federal Bureau of Investigation examination.

11 (3) A fee charged by the Federal agency shall be paid by
12 the applicant.

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

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

24 § 1106. Certification and fee.

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

30 (b) Certificate.--The commissioner shall furnish to each

1 individual satisfactorily completing the program, an appropriate
2 wallet or billfold size copy of the certificate, which shall
3 include a photograph of the individual.

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

9 (d) Time period.--Certification shall be for a period of
10 five years.

11 (e) Renewal.--

12 (1) Privately employed agents who, as an incidence to
13 their employment, carry a lethal weapon shall be required to
14 renew their certification within six months prior to the
15 expiration of their certificate.

16 (2) The commissioner shall prescribe the manner in which
17 the certification shall be renewed and may charge a nominal
18 renewal fee set under The Administrative Code of 1929.

19 § 1107. Good standing.

20 (a) Possession.--A privately employed agent must possess a
21 valid certificate whenever on duty or going to and from duty and
22 carrying a lethal weapon.

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

27 (c) Revocation.--The commissioner may revoke and invalidate
28 any certificate issued to a privately employed agent under this
29 chapter whenever the commissioner learns that false, fraudulent
30 or misstated information appears on the original or renewal

1 application or of a change of circumstances that would render an
2 employee ineligible for original certification.

3 § 1108. Retired police officers.

4 (a) Initial certification.--

5 (1) A nondisability retired police officer of a
6 municipality or the Pennsylvania State Police shall be
7 initially certified under this chapter and need not meet the
8 training and qualification standards or physical and
9 psychological qualifications under this chapter if:

10 (i) the officer was a full-time police officer for
11 at least 20 years;

12 (ii) retired in good standing; and

13 (iii) has assumed the duties of a privately employed
14 agent on or before three years from the date of his
15 retirement.

16 (2) If a retired police officer commences duties as a
17 privately employed agent after three years from the date of
18 the retired officer's retirement, the retired officer must
19 meet the physical and psychological requirements of this
20 chapter for certification under this section.

21 (b) Fee.--A retired police officer initially certified under
22 this section shall not be required to pay the application fee,
23 but shall pay the certification fee upon the submission of a
24 completed application provided by the commissioner.

25 § 1109. Penalties.

26 (a) Misdemeanor offense.--Any privately employed agent who
27 in the course of the agent's employment carries a lethal weapon
28 and who fails to comply with section 1103(b) (relating to
29 education and training program) or with section 1107(a)
30 (relating to good standing) commits a misdemeanor and shall,

1 upon conviction, be subject to imprisonment of not more than one
2 year or payment of a fine not exceeding \$1,000 or both.

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

7 § 1110. Prohibited acts.

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

11 § 1111. Active police officers.

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

20 § 1112. Applicability.

21 This chapter shall not apply to an individual who provides
22 for the defense of a nuclear facility licensed by the Nuclear
23 Regulatory Commission.

24 Section 4. The following shall apply:

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

1 3 for the balance of the term of the license issued under the
2 former act known as The Private Detective Act of 1953.

3 (2) Nothing in 22 Pa.C.S. Ch. 3 shall require fugitive
4 recovery agents to obtain a license or comply with Chapter 3
5 until July 1, 2017.

6 Section 5. The following shall apply:

7 (1) The sum of \$150,000, or as much thereof as may be
8 necessary, is hereby appropriated from the Professional
9 Licensure Augmentation Account for the fiscal year July 1,
10 2017, to June 30, 2018, for the operation of the State Board
11 of Private Investigators, Security Professionals and Fugitive
12 Recovery Agents to carry out the provisions of 22 Pa.C.S. Ch.
13 3. The appropriation shall be a continuing appropriation
14 until June 30, 2021, at which time any unexpended funds shall
15 lapse into the account.

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

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

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

28 Section 7. Repeals are as follows:

29 (1) (i) The General Assembly declares that the repeal
30 under subparagraph (ii) is necessary to effectuate the

1 addition of 22 Pa.C.S. Ch. 3.

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

4 (2) (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. 11.

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

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

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

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

28 (1) Except as otherwise provided in 22 Pa.C.S. Ch. 11,
29 all activities initiated under the Lethal Weapons Training
30 Act shall continue and remain in full force and effect and

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

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

17 (3) Paragraph (2) does not apply to the addition of the
18 definition of "privately employed agents" in 22 Pa.C.S. §
19 1102.

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

21 (1) The following provisions shall take effect July 1,
22 2017:

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

24 (ii) Section 5.

25 (iii) This section.

26 (2) The remainder of this act shall take effect January
27 1, 2018.