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**HOUSE BILL 2233**

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**State of Washington 65th Legislature 2017 3rd Special Session**

**By** Representative McDonald

AN ACT Relating to temporary registration cards for private investigators; amending RCW 18.165.010, 18.165.130, and 18.165.150; and adding a new section to chapter 18.165 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 18.165.010 and 1995 c 277 s 17 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Armed private investigator" means a private investigator who has a current firearms certificate issued by the commission and is licensed as an armed private investigator under this chapter.

(2) "Chief law enforcement officer" means the elected or appointed police administrator of a municipal, county, or state police or sheriff's department that has full law enforcement powers in its jurisdiction.

(3) "Commission" means the criminal justice training commission established in chapter 43.101 RCW.

(4) "Department" means the department of licensing.

(5) "Director" means the director of the department of licensing.

(6) "Employer" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent of any of the foregoing that employs or seeks to enter into an arrangement to employ any person as a private investigator.

(7) "Firearms certificate" means a certificate issued by the commission.

(8) "Forensic scientist" or "accident reconstructionist" means a person engaged exclusively in collecting and analyzing physical evidence and data relating to an accident or other matter and compiling such evidence or data to render an opinion of likely cause, fault, or circumstance of the accident or matter.

(9) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

(10) "Principal" of a private investigator agency means the owner or manager appointed by a corporation.

(11) "Private investigator" means a person who is licensed under this chapter and is employed by a private investigator agency for the purpose of investigation, escort or body guard services, or property loss prevention activities.

(12) "Private investigator agency" means a person or entity licensed under this chapter and engaged in the business of detecting, discovering, or revealing one or more of the following:

(a) Crime, criminals, or related information;

(b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person or thing;

(c) The location, disposition, or recovery of lost or stolen property;

(d) The cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property;

(e) Evidence to be used before a court, board, officer, or investigative committee;

(f) Detecting the presence of electronic eavesdropping devices; or

(g) The truth or falsity of a statement or representation.

(13) "Qualifying agent" means an officer or manager of a corporation who meets the requirements set forth in this chapter for obtaining a private investigator agency license.

(14) "Sworn peace officer" means a person who is an employee of the federal government, the state, or a political subdivision, agency, or department branch of a municipality or other unit of local government, and has law enforcement powers.

(15) "Temporary registration card" means a temporary credential, issued by the licensed private investigator agency, to a prospective employee, while a background check is being conducted and the licensing application is being processed.

**Sec.**  RCW 18.165.130 and 2000 c 171 s 38 are each amended to read as follows:

(1) A private investigator agency shall notify the director within thirty days after the death or termination of employment of any employee who is a temporary registration cardholder, licensed private investigator, or armed private investigator by returning the license or temporary registration card to the department with the word "terminated" written across the face of the license, the date of termination, and the signature of the principal of the private investigator company.

(2) A private investigator agency shall notify the director within seventy-two hours and the chief law enforcement officer of the county, city, or town in which the agency is located immediately upon receipt of information affecting a temporary registration cardholder's, licensed private investigator's, or armed private investigator's continuing eligibility to hold a license under the provisions of this chapter.

(3) A private investigator company shall notify the local law enforcement agency whenever an employee who is an armed private investigator discharges his or her firearm while on duty other than on a supervised firearm range. The notification shall be made within ten business days of the date the firearm is discharged.

**Sec.**  RCW 18.165.150 and 1995 c 277 s 33 are each amended to read as follows:

(1) ((~~After June 30, 1992,~~)) Any person who performs the functions and duties of a private investigator in this state without being licensed in accordance with the provisions of this chapter, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the director in obtaining a license, or any person who falsely impersonates any other licensee, or any person who attempts to use an expired or revoked license, or any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor.

(2) ((~~After January 1, 1992,~~)) A person is guilty of a gross misdemeanor if he or she owns or operates a private investigator agency in this state without first obtaining a private investigator agency license.

(3) ((~~After June 30, 1992,~~)) The owner or qualifying agent of a private investigator agency is guilty of a gross misdemeanor if he or she employs any person to perform the duties of a private investigator without the employee having in his or her possession a permanent private investigator license issued by the department. This shall not preclude a private investigator agency from requiring applicants to attend preassignment training classes or from paying wages for attending the required preassignment training classes.

(4) ((~~After June 30, 1992,~~)) A person is guilty of a gross misdemeanor if he or she performs the functions and duties of an armed private investigator in this state unless the person holds a valid armed private investigator license issued by the department.

(5) ((~~After June 30, 1992,~~)) It is a gross misdemeanor for a private investigator agency to hire, contract with, or otherwise engage the services of an unlicensed armed private investigator knowing that the private investigator does not have a valid armed private investigator license issued by the director.

(6) It is a gross misdemeanor for a person to possess or use any vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign, shield, marking, accessory, or insignia that indicates that the equipment or vehicle belongs to a public law enforcement agency.

(7) It is the duty of all officers of the state and political subdivisions thereof to enforce the provisions of this chapter. The attorney general shall act as legal adviser of the director, and render such legal assistance as may be necessary in carrying out the provisions of this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 18.165 RCW to read as follows:

(1) A licensed private investigator agency may issue an employee a temporary registration card of the type and form provided by the director, but only after the employee has completed preassignment training and testing, and initiated a fingerprint-based background check. The employee's private investigator license application must be mailed to the department within three business days after issuance of the temporary registration card. The temporary registration card is valid for a maximum period of sixty days and does not authorize a person to carry firearms during the performance of his or her duties as a private investigator. The temporary registration card permits the applicant to perform the duties of a private investigator for the issuing licensed private investigator agency.

(2) Upon expiration of a temporary registration card or upon the receipt of a permanent license or notification from the department that a permanent license is being withheld from an applicant, the applicant shall surrender his or her temporary registration card to the licensing private investigator agency.

(3) The director may suspend the authority to use temporary registration cards for any private investigator agency that fails to comply with the provisions of this section. After a minimum of one year of suspension, the director may reinstate the agency's use of temporary registration cards after receipt of a written request from the agency.

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