

**SENATE BILL REPORT**

**SB 5125**

**AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 11, 1991**

**Brief Description:** Licensing private detectives.

**SPONSORS:** Senators Erwin, Gaspard, Amondson, Matson, Owen, Snyder, Nelson, von Reichbauer, Thorsness, Sellar, Johnson, Murray, McMullen, Bailey, Anderson and Talmadge.

**SENATE COMMITTEE ON COMMERCE & LABOR**

**Majority Report:** That Substitute Senate Bill No. 5125 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray, and Skratek.

**Staff:** Forrest Bathurst (786-7429)

**Hearing Dates:** February 4, 1991; March 5, 1991

**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** That Second Substitute Senate Bill No. 5125 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Rinehart, Saling, L. Smith, Talmadge, West, and Wojahn.

**Staff:** Mary Poole (786-7715)

**Hearing Dates:** March 11, 1991

**BACKGROUND:**

Proposals to regulate private detective agencies and private detectives have existed for the past decade. These motions are based on claims that licensing would provide assurance of skill, ethics, and professionalism.

Private detective agencies, private detectives, private security firms, and private security guards were included in one licensing bill during past legislative sessions. This is the first session these occupations have been split into separate bills.

**SUMMARY:**

Applicants for a private detective license must meet the following requirements: 1) be at least 18 years old; 2) be a citizen or resident alien; 3) cannot have had a felony conviction within the last ten years; 4) be employed or have an offer for employment from a private detective agency; 5) submit fingerprints; and 6) pay the licensing fee.

Each private detective agency owner, or "qualifying agent" in the case of a corporation, must meet the following requirements in addition to those listed above: 1) be at least 21 years of age; 2) have had at least three years of verified experience in investigative work; or 3) pass an examination approved by the Department of Licensing.

An applicant must meet the following requirements to obtain an armed private detective license: 1) be licensed as a private detective; 2) have a current firearms certificate issued by the Criminal Justice Training Commission; and 3) pay the required fee.

The Department of Licensing shall investigate applications to determine if the facts presented are true and shall ask the Washington State Patrol to compare fingerprints. A summary of the department's findings will be forwarded to the applicant's employer and the chief law enforcement executive of the county and city within which the employer is located.

Advertisements for services shall include the name, address, and license number of the licensee.

Preassignment training requirements must consist of at least four hours of classes. The Director of the Department of Licensing shall adopt rules regarding preassignment training, testing, continuing education, and license renewal requirements.

Applicants for a private detective agency license shall maintain a \$10,000 surety bond, and each licensee must maintain a \$10,000 surety bond for licensing purposes. In lieu of a bond, a licensed private detective agency may file a certificate of insurance for \$25,000 in bodily or personal injury and \$25,000 of property damage.

No governmental subdivision of the state shall regulate private detective agencies or private detectives in a manner inconsistent with the act. However, the act does allow local jurisdictions to impose business and occupation taxes on private detective agencies operating in their jurisdictions.

A person is guilty of a misdemeanor if performing the services of a private detective without first obtaining a license.

**EFFECT OF PROPOSED SUBSTITUTE:**

The definitions of "commission," "person" and "employer" are added.

Certain violations of the act are made gross misdemeanors, including: unlicensed practice; using the license of another person; using false or forged evidence in obtaining a license; impersonating a licensee; and using an expired or revoked license.

A number of actions that violate the chapter are included: knowingly violating any provisions of the act; failure to return a firearm immediately and on demand of the employer; carrying a firearm during duty if not licensed as an armed private detective; failure to return company badges, identification, or other items on demand; divulging confidential information; conviction of a gross misdemeanor or felony, moral turpitude, dishonesty, or corruption; negligence that results in unreasonable risk or injury to another person; failure to cooperate with the Director of the Department of Licensing; failing to adequately supervise employees, placing the public at risk; and willful misrepresentation of facts.

The director may withhold a license if the applicant has been convicted of a crime that directly relates to his or her ability to perform the duties of a private detective.

An applicant that does not have an offer of employment as a private detective but wants to practice this profession must obtain a private detective agency license.

The minimum age for obtaining an armed private detective license is 21.

The director has the authority to: amend and rescind rules; issue subpoenas and administer oaths; take depositions; compel attendance of witnesses; conduct reviews; order summary suspension in emergencies; use the office of administrative hearings; enter into contracts for administrative services; adopt standards of professional conduct; and enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing.

The director may conduct hearings and order mental or physical examinations to determine the capacity of the applicant or licensee to perform the duties of a private detective.

The director may enforce the payment of fines in superior court.

Any person or government agency may maintain an action to enjoin any unlicensed person from performing the duties of a private detective. A civil penalty of \$25,000 may be imposed on a person violating an injunction.

The director and his appointed representatives are immune from suit based on official acts performed in the course of their duties under this act.

**EFFECT OF PROPOSED SECOND SUBSTITUTE:**

The customary null and void clause is added, making enactment contingent on funding in the budget.

**Appropriation:** none

**Revenue:** yes

**Fiscal Note:** requested

**Effective Date:** September 1, 1991

**TESTIMONY FOR (Commerce & Labor):**

Many states across the nation are licensing private detectives in an effort to protect the public interest and maintain professional consistency in the private detective industry.

**TESTIMONY AGAINST (Commerce & Labor):** None

**TESTIFIED (Commerce & Labor):** PRO: Rich Morton; Bob Bourgoin; Gary Edwards; Steve Lindstrom; Stan Finkelstein; Jeff Kirby

**TESTIMONY FOR (Ways & Means):**

Consistency needs to be maintained in the private detective industry.

**TESTIMONY AGAINST (Ways & Means):** None

**TESTIFIED (Ways & Means):** Steve Lindstrom, Washington State Security Council (pro)