



PRIVATE INVESTIGATORS
AND PRIVATE SECURITY AGENCIES ACT

17-40-101. TITLE.

This chapter may be cited as the "Private Investigators and Private Security Agencies Act".

17-40-102. DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

- (1) "BOARD" means the Arkansas Board of Private Investigators and Private Security Agencies;
- (2) "PERSON" means an individual, firm, association, company, partnership, corporation, nonprofit organization, institution, or similar entity;
- (3) "INVESTIGATIONS COMPANY" means any person who engages in the business or accepts employment to obtain or furnish information with reference to:
 - (A) Crime or wrongs done or threatened against the United States or any State or territory of the United States;
 - (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;
 - (C) The location, disposition, or recovery of lost or stolen property;
 - (D) The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to property; or
 - (E) The securing of evidence to be used before any court, board, officer, or investigating committee;
- (4) "GUARD COMPANY" means any person engaging in the business of or undertaking to provide a private watchman, guard, or street patrol service on a contractual basis for another person and performing any one (1) or more of the following or similar functions:
 - (A) Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;
 - (B) Prevention, observation, or detection of any unauthorized activity on private property;
 - (C) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property; or
 - (D) Protection of individuals from bodily harm;
- (5) "ARMORED CAR COMPANY" means any person that provides armed security transportation and protection, from one (1) place or point to another place or point, of money, currency, coins, bullion, securities, bonds, jewelry, or other valuables;

- job, to act as an undercover agent, an employee, or an independent contractor of a licensee, but supervised by a licensee;
- (21) "ACCIDENT RECONSTRUCTION" means the interpretation of physical evidence in the application of scientific principles to form opinions relative to the events of an accident; and
 - (22) "ALARMS SYSTEMS AGENT" means any individual employed by an alarm systems company who sells on site, performs a survey of the premises to be protected or responds to alarm signal devices, burglar alarms or cameras as described in subdivision (6) of this section;
 - (23) "ALARM SYSTEMS TECHNICIAN" means any individual employed by an alarm systems company who installs, services or repairs on site as described in subdivision (6) of this section;
 - (24) "ALARM SYSTEMS MONITOR" means any individual employed by an alarm systems company who monitors or responds as described in subdivision (6) of this section;
 - (25) "SUPERVISOR OF TECHNICIANS" means any individual employed by an alarm systems company who supervises "alarm systems technicians" or "alarm systems apprentices" and who may install, service or repair on site as described in subdivision (6) of this section;
 - (26) "ALARM SYSTEMS APPRENTICE" means any individual employed by an alarm systems company who installs, services or repairs on site as described in subdivision (6) of this section that is supervised by an "alarm systems technician" a "supervisor of technicians or a "manager";
 - (27) "NBFAA" means National Burglar and Fire Alarm Association, 7101 Wisconsin Ave., Suite 901, Bethesda, MD. 20814-4805, (301)907-3208;
 - (28) "NICET" means National Institute for Certification in Engineering Technologies, 1420 King St., Alexander, VA. 22314-2794, (703)684-2835;

17-40-103 EXEMPTIONS.

- (a) This chapter does not apply to:
 - (1) A person employed exclusively and regularly by one employer in connection with the affairs of that employer only and where there exists an employer/employee relationship;
 - (2) An officer or employee of the United States, of this State, or of a political subdivision of either, while the employee or officer is engaged in the performance of official duties;
 - (3) A person who has part-time or full-time employment as a law enforcement officer and who is certified by the Arkansas Commission on Law Enforcement Standards and Training as a law enforcement officer and receives compensation for private employment on a individual or and independent contractor basis as a patrolman, guard, or watchman if the person is:
 - (A) (i) Employed in a employee/employer relationship; or
 - (ii) Employed on an individual contractual basis; and

(C) Notwithstanding any other provision of this chapter, employees of a licensee who are employed exclusively as undercover agents shall not be required to register with the Board under this chapter.

17-40-104 PENALTIES

- (a) Any person who violates any provision of this chapter is guilty of a Class "A" misdemeanor. Any person who violates any provision of this chapter within one (1) year of a previous violation is guilty of a Class D felony.
- (b) No person shall threaten, intimidate, or attempt to unlawfully influence any member of the Arkansas Board of Private Investigators and Private Security Agencies created by §17-40-201 while the Board member is engaged in the duties of the Board. Violations of this subsection shall constitute a Class "A" misdemeanor.

17-40-105 NOTICE OF VIOLATION

No person licensed under this chapter shall be prosecuted for violating this chapter unless the licensee has been notified of the alleged violation within three hundred sixty-five (365) days after the occurrence of the violation.

17-40-106 EXCLUSIVE REGULATION - AUTHORITY OF POLITICAL SUBDIVISIONS.

- (a) The regulation of investigation, security, and alarm system businesses shall be exclusive to the Board.
- (b) Licensees and employees of licensees, under the provisions of this chapter, shall not be required to obtain any authorization, permit, franchise, or license from, or pay another fee or franchise tax to, or post bond in, any city, county, or other political subdivision of this state to engage in the business or perform any service authorized under this chapter.
- (c) However, any city or county shall be permitted to require a business operating within its jurisdiction to register without fee and may adopt an ordinance to require users of alarm systems to obtain revocable permits without fee.

17-40-107 INTRODUCTION OF EVIDENCE - EFFECT OF VIOLATIONS.

The introduction of evidence in all courts in Arkansas shall not be affected by violations of this chapter.

17-40-201 CREATION.

The Arkansas Board of Private Investigators and Private Security Agencies is created to carry out the functions and duties conferred on it by this chapter.

- (e) The Governor shall fill all vacancies occurring among appointed members of the Board, subject to confirmation by the Senate, with appointments for the duration of the unexpired term.
- (f) The members of the Board shall serve without pay but shall be reimbursed for their necessary and actual expenses, not to exceed the amount allowed by state law.

17-40-204 ADMINISTRATOR.

The position of Administrator of the Arkansas Board of Private Investigators and Private Security Agencies is created. The Director of the Department of Arkansas State Police, or his designated representative, shall serve as Administrator. The Administrator shall not be a member of the Board, shall perform such duties as may be prescribed by the Board, and shall have no financial or business interests, contingent or otherwise, in any security services contractor or investigations company.

17-40-205 EMPLOYEES.

The number of employees and the salary of each shall be fixed by the General Assembly.

17-40-206 ORGANIZATION AND PROCEEDINGS.

- (a) The Board shall elect from among its members a chairman, vice-chairman, and secretary to serve one-year terms commencing on January 1 of each year. The chairman or, in his absence, the vice-chairman shall preside at all meetings of the Board and perform the other duties prescribed in this chapter.
- (b) The Board shall meet at regular intervals to be decided by a majority vote of the Board.
- (c) At the first meeting, the Board shall specify the date and place of the first examinations for licenses to be held.
- (d) A majority of the Board constitutes a quorum to transact business.
- (e) The Board shall adopt a seal, the form of which it shall prescribe.
- (f) The Board shall be governed by the Arkansas Administrative Procedure Act, as amended, § 25-15-201 *et. seq.*

17-40-207 POWERS AND DUTIES.

- (a) The Board shall have the following powers and duties:
 - (1) To determine the qualifications of licensees, registrants, and commissioned security officers as provided in this chapter;
 - (2) To investigate alleged violations of the provisions of this chapter and of any rules and regulations adopted by the Board;
 - (3) To promulgate reasonable rules and regulations in the manner provided by the Arkansas Administrative Procedure Act, as amended § 25-15-201 *et. seq.*

this chapter in such amounts as may be deemed necessary and proper by the Board.

(d) A delinquency fee shall be provided by the Board.

(e) All funds received by the Board shall be deposited in the State Treasury as special revenue to the credit of the Department of Arkansas State Police.

17-40-301 UNLAWFUL ACTS.

- (a) No licensee or officer, director, partner, manager, or employee of a licensee shall knowingly make any false report to his employer or client for whom information was being obtained.
- (b) No written report shall be submitted to a client except by the licensee, manager, or a person authorized by one or either of them. The person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in a report are true and correct.
- (c) No licensee, or officer, director, partner, manager, or employee of a licensee, except full-time police officers, shall use a title, wear a uniform, use an insignia, use an identification, or make any statement with the intent to give the impression that he is connected in any way with the federal government, a state government, county government, city government, or any political subdivision of a state government.
- (d) It is unlawful and punishable as provided in § 17-40-104 of this chapter for any person to represent falsely that he is employed by a licensee.
- (e) It shall be unlawful and punishable as provided in § 17-40-104 for any State, county, or municipal government, or political subdivision of either, to install, service, maintain, monitor, operate, sell, or lease as lessor any burglar alarm system, fire alarm system or other electronic security system on private property if a private contractor licensed to do business within the county or municipality offers such systems or services to the public within such county or municipality. The provisions of this section shall not prohibit a county or municipal government from installing, servicing, maintaining, or operating a burglar alarm system or fire alarm system on any property owned or leased by such county or municipality.
- (f) No person shall program an automatic dialing device to call any law enforcement agency, fire department, emergency health service, or state, city, or county agency, without prior approval of the Board.
- (g) No licensee shall contract or subcontract with any unlicensed entity that performs a service that is required to be licensed by this chapter.

17-40-305 LICENSE REQUIRED

It shall be unlawful and punishable as provided in § 17-40-104 for any person to engage in the business of, or perform any service as, a private investigator, security services contractor, or alarm systems company, or to offer his services in those capacities

- (a) An application for a license under this chapter shall be in the form prescribed by the Board and shall include the following:
- (1) The full name and true name of the applicant;
 - (2) The name under which the applicant wishes to be licensed;
 - (3) A statement of the true general name of the business which the applicant intends to engage;
 - (4) A statement as to the qualifications of the person or persons to be qualified;
 - (5) The full name and true name of every person who is or is to be a partner, officer, director, and employee of the applicant, and of each partner, officer, director, or employee;
 - (6) Two (2) copies of a true and correct copy of the articles of incorporation of the applicant or of the charter of each officer and of each partner or shareholder, and of each partnership, partnership, or other interest in the applicant, if the applicant is a partnership;
 - (7) Two (2) copies of a set of a true and correct copy of the application of the applicant, if an individual, or of each officer and of each partner or shareholder, if the person is twenty-five percent (25%) or greater interest in the corporation of the applicant, if an entity;
 - (8) A verified statement of the applicant and of each officer;
 - (9) A verified statement of each partner and of each officer, if the applicant is a partnership, Class "A" or "B" license, or of each partner and of each officer, if the applicant is any crime involving moral turpitude;
 - (10) Such information as may be required by the Board which would show that the applicant is honest, trustworthy, and of good character.
- (b) An application for a license under this chapter shall include the social security number of the one making application.
- (c) The Board may require the applicant or the manager to demonstrate qualifications by an examination to be determined by the Board or show proof of other qualifications as may be determined by the Board.
- (d) Payment of the application fee prescribed by this chapter entitles the applicant or his manager to one (1) examination without further charge. If the person fails to pass the examination, he shall not be eligible for any subsequent examination except upon payment of the reexamination fee which shall be set by the Board in an amount not in excess of the renewal fee for the license classification for which the license application was originally made.

17-40-308. LICENSE-INSURANCE PREREQUISITE.

- (a) No Class "B", Class "C" or "General" license shall be issued to a company under this chapter unless the applicant files with the Board proof of a policy of continuing public liability insurance in a sum not less than five hundred thousand dollars (\$500,000.00), conditioned to compensate any person for damages, including, but not limited to, bodily injury, caused by wrongful acts of the principle or its servants, officers, agents, and employees in the conduct of any business licensed by this chapter.

(except those that exceed fifteen thousand (15,000) square feet), "Group F", "Group M" and "Group S" in the Arkansas Fire Prevention Code.

Class "E Level 3": Alarm systems company license covering operations as defined in A.C.A.17-40-102(6). Fire alarm license is unrestricted.

Class "E-M": Alarm systems company license covering only monitoring as defined in A.C.A.17-40-102(6).

(5) Class "F": An alarm system company license covering operations as defined in A.C.A.17-40-102(6) with no more than five (5) employees required to be registered under this chapter. Fire alarm license is restricted to structures for which applicable building and life safety codes do not mandate installation of fire alarm systems and one (1) and two (2) family dwellings classified as "Group R3" in the Arkansas Fire Prevention Code.

Class "F-M": Alarm systems company license covering only monitoring as defined in A.C.A.17-40-102(6) with no more than five (5) persons required to be registered under this chapter.

(6) "General": Covering the operations included with Class "A", Class "B", and Class "E".

(c) A person licensed only as a security services contractor may not make any investigation except as incidental to the theft, loss, embezzlement, misappropriation, or concealment of any property which he has been hired or engaged to protect.

17-40-310. LICENSE-FORM.

A license when issued shall be in the form prescribed by the Board, and shall include:

- (1) The name of the licensee;
- (2) The name under which the licensee is to operate; and
- (3) The number and date of issuance of the license.

17-40-311. LICENSE-ASSIGNABILITY.

A license issued under this chapter is not assignable.

17-40-312. LICENSE-TERMINATION.

(a) The Board shall prescribe by rule the procedure under which a license issued under this chapter may be terminated.

writing within fourteen (14) days from the cessation. If notice is given, the license shall remain in force for a reasonable length of time to be determined by the rules of the Board pending the qualification, as provided in this chapter, of another manager. If the licensee fails to notify the Board within the fourteen-day period, his license shall be subject to suspension or revocation.

17-40-315. DUTIES OF LICENSEE.

- (a) Each licensee shall maintain a record containing the information relative to his employees as may be prescribed by the Board.
- (b) At all times a licensee shall be legally responsible for the good conduct in the business of each employee, including his manager.
- (c) Any licensed entity finding a violation of this act shall report said violation to the local authority and to the Arkansas Board of Private Investigators and Private Security Agencies.

17-40-316. LICENSES-CHANGE OF ADDRESS, NAME, OR OFFICERS.

- (a) Notification to the Board shall be made within fourteen (14) days after:
 - (1) The change of address of the principal place of business of a licensee;
 - (2) The change of address of a branch office; or
 - (3) The change of a business name under which a licensee does business.
- (b) A licensee shall, within fourteen (14) days after the change, notify the Board of:
 - (1) Any and all changes of his address;
 - (2) The change of the name under which he does business; and
 - (3) Any changes in its officers or partners.

17-40-317. LICENSEES-WINDUP PERIOD.

When the individual on the basis of whose qualifications a license under this chapter has been obtained ceases to be connected with the licensee for any reason whatsoever, the business may be carried on for a temporary period under such terms and conditions as the Board shall provide by regulation.

17-40-318. TRAINING REQUIREMENTS FOR ALARM SYSTEM BUSINESS.

(A) The licensee or his manager of a Class "E Level 1" and Class "F" license shall show proof of NBFAA Level 2 certification or Board approved equivalent. The licensee, or his manager for a Class "E Level 1" shall have two (2) years from the effective date of this legislation to obtain the aforementioned certification. An applicant for a Class "E Level 1" and Class "F" license or his manager applicant shall show proof of NBFAA Level 2 certification or Board approved equivalent before the license may be issued.

(B) The licensee or his manager of a Class "E Level 2" license shall show proof of NBFAA Level 2, NICET Level II certification or Board approved equivalent. The

- (2) The name and address of the employer, the date the employment commenced, and a letter from the licensee requesting that the employee be registered under his license;
- (3) The title of the position occupied by the employee and a description of his duties;
- (4) Two (2) recent photographs of the employee of a type prescribed by the Board and two (2) classifiable sets of his fingerprints;
- (5) A verified statement disclosing any record of convictions of the applicant of a felony, a Class "A" misdemeanor, a crime involving an act of violence, or any crime involving moral turpitude;
- (6) Other information, evidence, statements, or documents, required by the Board.

17-40-328. REGISTRATION FEE.

The Board is authorized to levy fees for registration as authorized by this chapter in such amounts as may be deemed necessary and proper by the Board.

17-40-329. REGISTRATION-ISSUANCE OF POCKET CARD-TRANSFER AND FEE - CANCELLATION.

- (a) An identification card of such size, design, and content as may be determined by the Board shall be issued to each registrant under this chapter. The date of expiration shall be noted on the identification card. The identification card shall contain a photograph and the name of the agency.
- (b) The registration of each registrant expires one (1) year from the date of issuance and is valid regardless of what security company, alarm company or investigative company the registrant is employed by.
- (c) When an individual to whom a registration has been issued terminates his position, he shall return the identification card to the licensee within five (5) days after his date of termination.
- (d) (1) When an individual to whom a registration has been issued terminates his employment with a company, he must prior to becoming employed with a different agency, notify the Board in writing and pay a transfer fee.
- (e) Within seven (7) days after the licensee has received the identification of a terminated registered employee, the licensee shall mail or deliver the identification card to the Board for cancellation, along with a letter from the licensee stating:
 - (1) The date the registered employee terminated;
 - (2) The date the licensee received the identification card of the terminated registered employee; and
 - (3) The cause for which or the conditions under which the registered employee terminated.

17-40-335. SECURITY OFFICER'S COMMISSION REQUIRED.

regulatory authority to conduct the armored car business in accordance with the permit or certificate.

- (b) A security officer commission issued to an employee of an armored car company shall be broad enough in its geographical scope to cover the county or counties in this state in which the armored car company has a permit or certificate to conduct its business.

17-40-339. COMMISSION-PROCESSING OF APPLICATIONS.

- (a) The Board shall send a copy of each application for a security officer commission to the sheriff of the county and the chief of police of the principal city of the county in which the applicant resides.
- (b) A sheriff or chief of police who wishes to object to the issuance of a security officer commission to particular applicant may do so by mailing or otherwise delivering, within twenty (20) days after the date the notice was mailed to him, a written statement of his objection and his reasons to the Board.
- (c) In its discretion, the Board may set the matter for a hearing if an objection is timely filed.

17-40-340. COMMISSION-ISSUANCE OF IDENTIFICATION CARD.

- (a) Each security officer commission issued under this chapter shall be in the form of a identification card designed by the Board and shall identify the licensee and the security department of a private business by whom the holder of the security officer commission is employed.
- (b) No charge shall be imposed for the identification card.

17-40-342. COMMISSION-TERMINATION.

If the holder of a license, registration, or commission terminates his employment with the licensee of the security department of a private business, he shall return the identification card to the Board within seven (7) days of the date of termination of the employment.

17-40-343. COMMISSION-EXPIRATION.

A security officer commission expires on the date the license of the licensee who employs the officer expires or, if the officer is employed by the security department of a private business, one (1) year after the date it is issued.

17-40-344. COMMISSION-SUSPENSION OR DENIAL.

- (b) He shall notify the applicant of his decision in writing.
- (c) The applicant may appeal the decision to the Board, provided he perfects the appeal within ten (10) days of his notice of rejection.
- (d) The Board shall hear his appeal within sixty (60) days.

17-40-352. LICENSE, REGISTRATION, OR COMMISSION-RECORD OF DENIAL, REVOCATION, OR SUSPENSION.

- (a) In the event that the Board denies the application or revokes or suspends any license, security officer commission, or registration, or imposes any reprimand or fine, the Board's determination shall be in writing and officially signed.
- (b) The original copy of the determination, when signed, shall be filed with the Board. Copies shall be mailed to the applicant, licensee, commissioned security officer, or registrant, and the complainant, within two (2) days after the filing.

17-40-353. RECIPROcity.

Any person who is licensed under the laws of another state or territory of the United States as a security services contractor, private investigator, or alarm systems company may apply for a license in this state upon production of satisfactory proof that:

- (1) The other state or territory grants similar reciprocity to license holders of this state;
- (2) The requirements for licensing in the particular state or territory were at the date of the applicant's licensing substantially equivalent to the requirements now in effect in this state;
- (3) The applicant meets all the qualifications for the particular license of § 17-40-306 and pays the fees specified for the particular license in § 17-40-209; and
- (4) The applicant meets other reasonable qualifications as may be adopted by the Board for reciprocity.

17-40-337. COMMISSION-APPLICANT QUALIFICATIONS.

- (a) No security officer commission may be issued to any individual who is under twenty-one (21) years of age, who is a convicted felon, or who has committed any act which if committed by a licensee would be grounds for suspension or revocation of a license under this chapter.**
- (b) The Board shall not issue a security officer commission to an applicant employed by a licensee or the security department of a private business unless the applicant submits evidence satisfactory to the Board that he meets all qualifications established by this chapter and by the rules of the Board.**

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2237 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

As Enrolled: 5/11/05

A Bill

HOUSE BILL 2786

4
5 By: Representative Wills
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND LICENSURE REQUIREMENTS FOR
10 PRIVATE INVESTIGATORS AND PRIVATE SECURITY
11 AGENCIES; TO IMPOSE A CRIMINAL BACKGROUND CHECK
12 REQUIREMENT FOR INITIAL AND RENEWAL LICENSURE;
13 AND FOR OTHER PURPOSES.
14

15 **Subtitle**

16 AN ACT TO AMEND LICENSURE REQUIREMENTS
17 FOR PRIVATE INVESTIGATORS AND PRIVATE
18 SECURITY AGENCIES AND TO IMPOSE A
19 CRIMINAL BACKGROUND CHECK REQUIREMENT
20 FOR INITIAL AND RENEWAL LICENSURE.
21

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 17-40-306 is amended to read as follows:
26 17-40-306. License - Applicant qualifications.

27 (a) An applicant for a license or his or her manager must, unless the
28 requirement is waived by the Arkansas Board of Private Investigators and
29 Private Security Agencies:

30 (1) Be at least twenty-one (21) years of age;

31 (2) Be a high school graduate or its equivalent if the applicant
32 is a manager of an investigations company or an individual applying for an
33 investigations company license;

34 (3)(A) Not have been convicted found guilty of or pleaded guilty
35 or nolo contendere to in any jurisdiction of any felony, Class A misdemeanor,



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1 crime involving an act of violence, or any crime involving moral turpitude in
2 any court in the State of Arkansas for which a pardon has not been granted;

3 (B) Not have been found guilty of or pleaded guilty or
4 nolo contendere to any felony, Class A misdemeanor or an offense of a
5 comparable level, crime involving an act of violence, or any crime involving
6 moral turpitude in any court in another state for which a pardon has not been
7 granted; or

8 (C) Not have been found guilty of or pleaded guilty or
9 nolo contendere to any felony, Class A misdemeanor or an offense of a
10 comparable level, crime involving an act of violence, or any crime involving
11 moral turpitude in a military or federal court for which a pardon has not
12 been granted;

13 (4) Not have been declared by any court of competent
14 jurisdiction incompetent by reason of mental defect or disease and not have
15 been restored;

16 (5) Not be suffering from habitual drunkenness or from narcotics
17 addiction or dependence;

18 (6) Not have been discharged from the armed services of the
19 United States under other than honorable conditions;

20 (7) Be of good moral character; and

21 (8) Be in compliance with any other reasonable qualifications
22 that the board may fix by rule.

23
24 SECTION 2. Arkansas Code § 17-40-307 is amended to add a new
25 subsection to read as follows:

26 (e)(1) Each first-time applicant and applicant for license renewal
27 shall be required to apply to the Identification Bureau of the Department of
28 Arkansas State Police for a state and national criminal background check to
29 be conducted by the Identification Bureau and the Federal Bureau of
30 Investigation.

31 (2) The check shall conform to applicable federal standards and
32 shall include the taking of fingerprints as required in subdivision (a)(7) of
33 this section.

34 (3) The applicant shall sign a release of information to the
35 board and shall be responsible for the payment of any fee associated with the
36 criminal background check.

1 (4) Upon completion of the criminal background check, the
2 Identification Bureau shall forward to the board all releasable information
3 obtained concerning the applicant.

4
5 SECTION 3. Arkansas Code § 17-40-327 is amended to read as follows:
6 17-40-327. Registration - Application.

7 The application for registration shall be verified and shall include
8 all of the following:

9 (1) The full name, residence address, residence telephone
10 number, date and place of birth, and the social security number of the
11 employee;

12 (2) The name and address of the employer, the date the
13 employment commenced, and a letter from the licensee requesting that the
14 employee be registered under his or her license;

15 (3) The title of the position occupied by the employee and a
16 description of his or her duties;

17 (4) Two (2) recent photographs of the employee of a type
18 prescribed by the Arkansas Board of Private Investigators and Private
19 Security Agencies and two (2) classifiable sets of his or her fingerprints;

20 (5)(A) A verified statement disclosing any record of convictions
21 or pleas of guilty or nolo contendere of the applicant of a felony, a Class A
22 misdemeanor, a crime involving an act of violence, or any crime involving
23 moral turpitude; and.

24 (B) The verified statement shall be obtained from the
25 identification bureau of the Department of Arkansas State Police after a
26 state and national criminal background check has been conducted by the
27 Identification Bureau and the Federal Bureau of Investigation.

28 (C) The check shall conform to applicable federal
29 standards and shall include the taking of fingerprints as required in § 17-
30 40-307(a)(7).

31 (D) The applicant shall sign a release of information to
32 the board and shall be responsible for the payment of any fee associated with
33 the criminal background check.

34 (E) Upon completion of the criminal background check, the
35 Identification Bureau shall forward to the board all releasable information
36 obtained concerning the applicant; and

1 (6) Other information, evidence, statements, or documents
2 required by the board.

3
4 SECTION 4. Arkansas Code § 17-40-337 is amended to read as follows:
5 17-40-337. Commission - Applicant qualifications.

6 (a) No security officer commission may be issued to any individual:

7 (1) ~~who~~ Who is under twenty-one (21) years of age;

8 (2)(A) ~~who is a convicted felon~~ Who has been found guilty of or
9 has pleaded guilty or nolo contendere to any felony in any court in the State
10 of Arkansas for which a pardon has not been granted;

11 (B) Who has been found guilty of or has pleaded guilty or
12 nolo contendere to any felony in any court in another state for which a
13 pardon has not been granted;

14 (C) Who has been found guilty of or has pleaded guilty or
15 nolo contendere to any felony in a military or federal court for which a
16 pardon has not been granted; or

17 (3) ~~who~~ Who has committed any act which if committed by a
18 licensee would be grounds for suspension or revocation of a license under
19 this chapter.

20 (b) The Arkansas Board of Private Investigators and Private Security
21 Agencies shall not issue a security officer commission to an applicant
22 employed by a licensee or the security department of a private business
23 unless the applicant submits evidence satisfactory to the board that he or
24 she meets all qualifications established by this chapter and by the rules of
25 the board.

26
27 SECTION 5. Arkansas Code § 17-40-344 is amended to read as follows:
28 17-40-344. Commission - Suspension or denial.

29 The Administrator of the Arkansas Board of Private Investigators and
30 Private Security Agencies may suspend or deny a security officer commission
31 if the holder or applicant is indicted or arrested for a felony, a Class A
32 misdemeanor, a crime involving an act of violence, or a crime involving moral
33 turpitude.

34
35 SECTION 6. Arkansas Code § 17-40-350 is amended to read as follows:
36 17-40-350. License, registration, or commission - Grounds for

1 disciplinary action.

2 (a) The Arkansas Board of Private Investigators and Private Security
3 Agencies may revoke or suspend any registration, license, or security officer
4 commission, and may either fine in an amount not to exceed one thousand
5 dollars (\$1,000) for each violation of this chapter or reprimand any
6 registrant, licensee, or commissioned security officer, or both, or the board
7 may deny an application for a registration, license, or security officer
8 commission, or renewal thereof, on proof that the applicant, licensee,
9 commissioned security officer, or registrant has:

10 (1) Violated any provision of this chapter or violated any
11 of the rules and regulations promulgated under this chapter;

12 (2)(A) ~~Committed any act resulting in conviction of a~~ Been
13 found guilty of or pleaded guilty or nolo contendere to any felony, a Class A
14 misdemeanor, a crime involving an act of violence, or a crime involving moral
15 turpitude by any court in the State of Arkansas for which a pardon has not
16 been granted;

17 (B) Been found guilty of or pleaded guilty or nolo
18 contendere to any felony, Class A misdemeanor or an offense of a comparable
19 level, any crime involving an act of violence, or any crime involving moral
20 turpitude in any court in another state for which a pardon has not been
21 granted;

22 (C) Been found guilty of or pleaded guilty or nolo
23 contendere to any felony, Class A misdemeanor or an offense of a comparable
24 level, any crime involving an act of violence, or any crime involving moral
25 turpitude in a military or federal court for which a pardon has not been
26 granted;

27 (3) Practiced fraud, deceit, or misrepresentation;

28 (4) Made a material misstatement in the application for or
29 renewal of a license, registration, or security officer commission; or

30 (5) Demonstrated incompetence or untrustworthiness in his
31 or her actions.

32

33 SECTION 7. Arkansas Code § 17-40-208(d), which pertains to training of
34 private investigators and private security agency personnel, is amended to
35 read as follows:

36 (d) When an individual meets the training requirements approved by the

1 board, that individual shall not be required to be trained over again until
 2 ~~registrant the private security officer's or commissioned security officer's~~
 3 renewal training is required, which is ~~one (1) year~~ two (2) years after the
 4 ~~registrant the private security officer or commissioned security officer is~~
 5 licensed, regardless of which company the ~~registrant the private security~~
 6 ~~officer or commissioned security officer is employed or trained by.~~

7
 8 SECTION 8. Arkansas Code § 17-40-209 is amended to read as follows:
 9 17-40-209. Fees - Disposition of funds.

10 (a) It is the intent of the General Assembly that the cost of the
 11 investigating and licensing of private investigators and private security
 12 agencies as authorized by this chapter be borne by the individuals and
 13 agencies so licensed.

14 (b) To assure that such an intent is carried out, the expenditure for
 15 personal services and operating expenses associated with the investigating
 16 and licensing of agencies and individuals required to be licensed under the
 17 provisions of this chapter shall be limited in the aggregate ~~during any one~~
 18 ~~(1) fiscal year~~ to the amount deposited into the State Treasury to the credit
 19 of the Department of Arkansas State Police Fund from ~~annual~~ license and
 20 registration fees of such individuals and agencies.

21 (c) In order to provide sufficient revenues to carry out the duties
 22 and functions prescribed by this chapter, the Arkansas Board of Private
 23 Investigators and Private Security Agencies is authorized to levy fees for
 24 licenses as authorized by this chapter in such amounts as may be deemed
 25 necessary and proper by the board.

26 (d) A delinquency fee shall be provided by the board.

27 (e) (1) All funds received by the board shall be deposited in the State
 28 Treasury as special revenues to the credit of the fund.

29 (2) Money remaining at the end of the fiscal year shall not
 30 revert to any other fund but shall carry over to the next fiscal year.

31
 32 SECTION 9. Arkansas Code § 17-40-325 is amended to read as follows:
 33 17-40-325. Registration required.

34 ~~(a)~~ Every employee of a licensee who is employed as a private
 35 investigator, manager, private security officer, commissioned security
 36 officer, alarm systems technician, alarm systems monitor, alarm systems

1 apprentice, registrant private investigator, or alarm system systems agent
2 must be registered with the Arkansas Board of Private Investigators and
3 Private Security Agencies within fourteen (14) calendar days after the
4 commencement of the employment.

5 ~~(b) Any individual who is employed by a general licensee and is~~
6 ~~registered with the board as a private investigator or private security~~
7 ~~officer is duly authorized to perform the duties of an alarm systems agent~~
8 ~~for the general licensee by whom he or she is employed without additional~~
9 ~~fees or application.~~

10

11 SECTION 10. Arkansas Code § 17-40-329(b), which pertains to the
12 expiration date of a registration under the Private Investigators and Private
13 Security Agencies Act, is amended to read as follows:

14 (b) The registration of each registrant, private security officer,
15 alarm systems technician, alarm systems monitor, alarm systems apprentice,
16 registrant private investigator, or alarm systems agent expires one (1) year
17 two (2) years from the date of issuance and is valid regardless of what
18 security company, alarm company, or investigative company the registrant,
19 commissioned security officer, alarm systems technician, alarm systems
20 monitor, alarm systems apprentice, registrant private investigator, or alarm
21 systems agent is employed by.

22

23 SECTION 11. Arkansas Code § 17-40-343 is amended to read as follows:
24 17-40-343. Commission - Expiration.

25 A security officer commission expires ~~on the date the license of the~~
26 ~~licensee who employs the officer expires or, if the officer is employed by~~
27 ~~the security department of a private business, one (1) year~~ two (2) years
28 after the date it is issued.

29

30 SECTION 12. Arkansas Code § 17-40-350(a), which pertains to licensing,
31 registration, or commission of private investigators and private security
32 agencies, is amended to read as follows:

33 (a) The Arkansas Board of Private Investigators and Private Security
34 Agencies may revoke, place on probation, or suspend any registration,
35 license, or security officer commission, and may either fine in an amount not
36 to exceed one thousand dollars (\$1,000) for each violation of this chapter or

1 reprimand any registrant, licensee, or commissioned security officer, or
2 both, or the board may deny an application for a registration, license, or
3 security officer commission, or renewal thereof, on proof that the applicant,
4 licensee, commissioned security officer, or registrant has:

5 (1) Violated any provision of this chapter or violated any of
6 the rules and regulations promulgated under this chapter;

7 (2) Committed any act resulting in conviction of a felony, a
8 Class A misdemeanor, a crime involving an act of violence, or a crime
9 involving moral turpitude;

10 (3) Practiced fraud, deceit, or misrepresentation;

11 (4) Made a material misstatement in the application for or
12 renewal of a license, registration, or security officer commission; or

13 (5) Demonstrated incompetence or untrustworthiness in his or her
14 actions.

15
16 SECTION 13. Arkansas Code Title 17, Chapter 40, Subchapter 3 is
17 amended to add an additional section to read as follows:

18 17-40-354. Fingerprint cards.

19 The Identification Bureau of the Department of Arkansas State Police
20 may retain the fingerprint card collected for each individual who is
21 fingerprinted under this subchapter.

22
23 SECTION 14. Since the duration of registrations and commissions under
24 the Private Investigators and Private Security Agencies Act, §17-40-101 et
25 seq., double in length as a result of the act derived from this House Bill
26 2786 of 2005, the Arkansas Board of Private Investigators and Private
27 Security Agencies may increase the fees in existence on April 1, 2005, for
28 such registrations and commissions without necessity of promulgating the fee
29 increases under the Arkansas Administrative Procedures Act, § 25-15-201 et
30 seq. The fees increased under the authority of this section shall not exceed
31 for each fee category the combined fees in a fee category for an initial
32 application and renewal as those fees are in existence on April 1, 2005.

33
34 /s/ Wills
35
36

1

APPROVED: 4/13/2005