

**ARKANSAS SENATE**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

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**Subtitle of House Bill No. 2786**

"AN ACT TO AMEND LICENSURE REQUIREMENTS FOR PRIVATE INVESTIGATORS  
AND PRIVATE SECURITY AGENCIES AND TO IMPOSE A CRIMINAL BACKGROUND  
CHECK REQUIREMENT FOR INITIAL AND RENEWAL LICENSURE."

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**Amendment No. 1 to House Bill No. 2786.**

Amend House Bill No. 2786 as originally introduced:

Page 5, line 32, insert a new section of the bill to read as follows:

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

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

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

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

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

(c) In order to provide sufficient revenues to carry out the duties and functions prescribed by this chapter, the Arkansas Board of Private Investigators and Private Security Agencies is authorized to levy fees for licenses as authorized by 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)(1) All funds received by the board shall be deposited in the State Treasury as special revenues to the credit of the fund.

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

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

~~(a)~~ Every employee of a licensee who is employed as a private investigator, manager, private security officer, commissioned security officer, alarm systems technician, alarm systems monitor, alarm systems apprentice, registrant private investigator, or alarm system systems agent must be registered with the Arkansas Board of Private Investigators and Private Security Agencies within fourteen (14) calendar days after the commencement of the employment.

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

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

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

SECTION 11. Arkansas Code § 17-40-343 is amended to read as follows:  
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~~ two (2) years after the date it is issued.

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

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

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

- (2) Committed any act resulting in conviction of a felony, a Class A misdemeanor, a crime involving an act of violence, or a crime involving moral turpitude;
- (3) Practiced fraud, deceit, or misrepresentation;
- (4) Made a material misstatement in the application for or renewal of a license, registration, or security officer commission; or
- (5) Demonstrated incompetence or untrustworthiness in his or her actions.

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

17-40-354. Fingerprint cards.

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

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

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Wilkinson  
SFI/SFI - 04-01-2005 08:52  
SFI317

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Secretary