

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.

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

A Bill

HOUSE BILL 2786

4
5 By: Representative Wills
6
7

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

Subtitle

15 AN ACT TO AMEND LICENSURE REQUIREMENTS
16 FOR PRIVATE INVESTIGATORS AND PRIVATE
17 SECURITY AGENCIES AND TO IMPOSE A
18 CRIMINAL BACKGROUND CHECK REQUIREMENT
19 FOR INITIAL AND RENEWAL LICENSURE.
20
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,
36 crime involving an act of violence, or any crime involving moral turpitude in



1 any court in the State of Arkansas for which a pardon has not been granted;

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

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

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

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

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

19 (7) Be of good moral character; and

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

22
23 SECTION 2. Arkansas Code § 17-40-307 is amended to add a new
24 subsection to read as follows:

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

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

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

36 (4) Upon completion of the criminal background check, the

1 Identification Bureau shall forward to the board all releasable information
2 obtained concerning the applicant.

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

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

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

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

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

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

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

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

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

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

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

36 (6) Other information, evidence, statements, or documents

1 required by the board.

2

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

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

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

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

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

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

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

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

25

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

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

33

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

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

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

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

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

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

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

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

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

31
32
33
34
35
36