

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  
4

*As Engrossed: S4/1/05*  
**A Bill**

HOUSE BILL 2786

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

35 (d) *When an individual meets the training requirements approved by the*  
36 *board, that individual shall not be required to be trained over again until*

1 ~~registrant~~ the private security officer's or commissioned security officer's  
2 renewal training is required, which is ~~one (1) year~~ two (2) years after the  
3 ~~registrant~~ the private security officer or commissioned security officer is  
4 licensed, regardless of which company the ~~registrant~~ the private security  
5 officer or commissioned security officer is employed or trained by.

6  
7 SECTION 8. Arkansas Code § 17-40-209 is amended to read as follows:  
8 17-40-209. Fees - Disposition of funds.

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

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

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

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

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

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

30  
31 SECTION 9. Arkansas Code § 17-40-325 is amended to read as follows:  
32 17-40-325. Registration required.

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

1 must be registered with the Arkansas Board of Private Investigators and  
2 Private Security Agencies within fourteen (14) calendar days after the  
3 commencement of the employment.

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

9  
10 SECTION 10. Arkansas Code § 17-40-329(b), which pertains to the  
11 expiration date of a registration under the Private Investigators and Private  
12 Security Agencies Act, is amended to read as follows:

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

21  
22 SECTION 11. Arkansas Code § 17-40-343 is amended to read as follows:  
23 17-40-343. Commission - Expiration.

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

28  
29 SECTION 12. Arkansas Code § 17-40-350(a), which pertains to licensing,  
30 registration, or commission of private investigators and private security  
31 agencies, is amended to read as follows:

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

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

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

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

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

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

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

14  
15 SECTION 13. Arkansas Code Title 17, Chapter 40, Subchapter 3 is  
16 amended to add an additional section to read as follows:

17 17-40-354. Fingerprint cards.

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

21  
22 SECTION 14. Since the duration of registrations and commissions under  
23 the Private Investigators and Private Security Agencies Act, §17-40-101 et  
24 seq., double in length as a result of the act derived from this House Bill  
25 2786 of 2005, the Arkansas Board of Private Investigators and Private  
26 Security Agencies may increase the fees in existence on April 1, 2005, for  
27 such registrations and commissions without necessity of promulgating the fee  
28 increases under the Arkansas Administrative Procedures Act, § 25-15-201 et  
29 seq. The fees increased under the authority of this section shall not exceed  
30 for each fee category the combined fees in a fee category for an initial  
31 application and renewal as those fees are in existence on April 1, 2005.

32  
33 /s/ Wills  
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