

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

SENATE BILL 164

5 By: Senators J. Hutchinson, G. Stubblefield, A. Clark  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING THE ADMINISTRATION OF PRIVATE  
9 SECURITY LICENSES, PRIVATE INVESTIGATOR CREDENTIALS,  
10 PRIVATE SECURITY AGENCY LICENSES, AND SCHOOL SECURITY  
11 OFFICER AND SECURITY OFFICER COMMISSIONS; TO ABOLISH  
12 THE ARKANSAS BOARD OF PRIVATE INVESTIGATORS AND  
13 PRIVATE SECURITY AGENCIES; TO VEST THE DEPARTMENT OF  
14 ARKANSAS STATE POLICE WITH CERTAIN ADMINISTRATIVE  
15 DUTIES TO ISSUE LICENSES, CREDENTIALS, AND  
16 COMMISSIONS; CONCERNING THE LICENSURE OF POLYGRAPH  
17 EXAMINERS AND CERTIFIED VOICE STRESS ANALYSIS  
18 EXAMINERS; AND FOR OTHER PURPOSES.  
19  
20

## Subtitle

21 CONCERNING PRIVATE SECURITY LICENSES,  
22 PRIVATE INVESTIGATOR CREDENTIALS, PRIVATE  
23 SECURITY AGENCY LICENSES, SCHOOL SECURITY  
24 OFFICER AND SECURITY OFFICER COMMISSIONS,  
25 AND POLYGRAPH AND VOICE STRESS ANALYSIS  
26 EXAMINER LICENSES.  
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29

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
31

32 SECTION 1. DO NOT CODIFY. Abolition of board.

33 (a) The Arkansas Board of Private Investigators and Private Security  
34 Agencies established by the Private Investigators and Private Security  
35 Agencies Act, § 17-40-101 et seq., is abolished, and its powers, duties, and  
36 functions, records, personnel, property, unexpended balances of



1 appropriations, allocations, or other funds are transferred to the Department  
 2 of Arkansas State Police by a type 3 transfer under § 25-2-106.

3 (b) For the purposes of this act, the Department of Arkansas State  
 4 Police shall be considered a principal department established by Acts 1971,  
 5 No. 38.

6  
 7 SECTION 2. Arkansas Code § 16-90-1416(a)(2), concerning the release of  
 8 a sealed criminal record, is amended to read as follows:

9 (2) A criminal justice agency, as defined in § 12-12-1001, and  
 10 the request is accompanied by a statement that the request is being made in  
 11 conjunction with:

12 (A) an An application for employment with the criminal  
 13 justice agency by the person whose record has been sealed; or

14 (B) A criminal background check under the Polygraph  
 15 Examiners Licensing Act, § 17-39-101 et seq., or the Private Security Agency,  
 16 Private Investigator, and School Security Licensing Act, § 17-40-101 et seq.;

17  
 18 SECTION 3. Arkansas Code § 17-39-102 is amended to read as follows:  
 19 17-39-102. Definitions.

20 As used in this chapter:

21 ~~(1) “Administrator” means the Administrator of the Arkansas Board of~~  
 22 ~~Private Investigators and Private Security Agencies;~~

23 ~~(2) “Board” means the Arkansas Board of Private Investigators and~~  
 24 ~~Private Security Agencies created by § 17-40-201;~~

25 ~~(3) “Intern” means a person who holds a valid polygraph examiner~~  
 26 ~~intern license by the board;~~

27 ~~(4) “Internship” means the study of polygraph examinations and of the~~  
 28 ~~administration of polygraph examinations by an intern under the personal~~  
 29 ~~supervision and control of a licensed polygraph examiner as authorized by the~~  
 30 ~~board;~~

31 ~~(5) “Person” means any natural person, firm, association,~~  
 32 ~~copartnership, or corporation; and~~

33 ~~(6) “Polygraph examiner” means any person who uses any device or~~  
 34 ~~instrument to test or question individuals for the purpose of verifying truth~~  
 35 ~~of statements.~~

36 (1) “Intern” means a person who holds a valid intern polygraph

1 examiner license issued by the Director of the Department of Arkansas State  
2 Police;

3 (2) "Internship" means the study of polygraph examinations and of the  
4 administration of polygraph examinations by an intern under the personal  
5 supervision and control of a licensed polygraph examiner as authorized by the  
6 law or any rule issued by the director;

7 (3) "Person" means a natural person, firm, association, copartnership,  
8 or corporation; and

9 (4) "Polygraph examiner" means a person who uses any device or  
10 instrument to test or question individuals for the purpose of verifying the  
11 truth of statements.

12  
13 SECTION 4. Arkansas Code § 17-39-103 is amended to read as follows:  
14 17-39-103. Penalties.

15 ~~Any person who violates any provision of this chapter or any person who~~  
16 ~~falsely states or represents that he or she has been or is a properly~~  
17 ~~licensed polygraph examiner or intern shall be guilty of a misdemeanor. Upon~~  
18 ~~conviction, that person shall be punished by a fine of not less than one~~  
19 ~~hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or by~~  
20 ~~imprisonment in the county jail for a term of not to exceed six (6) months,~~  
21 ~~or both.~~

22 (a) A person who violates this chapter or who falsely states or  
23 represents that he or she is a properly licensed polygraph examiner or intern  
24 upon conviction is guilty of a Class A misdemeanor.

25 (b) It is unlawful for a person to conduct a polygraph examination in  
26 the State of Arkansas unless that person holds a valid license as a polygraph  
27 examiner or intern that is issued by the Director of the Department of  
28 Arkansas State Police.

29 (c) For each violation of this chapter, the director may deny,  
30 suspend, or revoke a license and:

31 (1) Fine the licensee an amount not to exceed one thousand  
32 dollars (\$1,000);

33 (2) Reprimand the licensee; or

34 (3) Both issue a fine and reprimand the licensee.

35  
36 SECTION 5. Arkansas Code § 17-39-104 is amended to read as follows:

1 17-39-104. Injunction.

2 (a) If ~~any a~~ person violates ~~any provisions of~~ this chapter, the  
3 ~~Administrator of the Arkansas Board of Private Investigators and Private~~  
4 ~~Security Agencies, upon direction of a majority of the Arkansas Board of~~  
5 ~~Private Investigators and Private Security Agencies and in the name of the~~  
6 ~~State of Arkansas~~ Director of the Department of Arkansas State Police,  
7 through the Attorney General, ~~shall~~ may apply in any circuit court of  
8 competent jurisdiction for an order enjoining the violation or for an order  
9 enforcing compliance with this chapter.

10 (b)(1) Upon the filing of a verified petition in the court, the court  
11 ~~or any judge thereof~~, if satisfied by affidavit or otherwise that the person  
12 has violated this chapter, may issue a temporary injunction, without notice  
13 or bond, enjoining the continued violation.

14 (2) If it is established that the person has violated ~~or is~~  
15 ~~violating~~ this chapter, the court ~~or any judge thereof~~ may enter a decree  
16 perpetually enjoining the violation or enforcing compliance with this  
17 chapter.

18 (c) In case of violation of any order or decree issued under the  
19 provisions of this section, the court ~~or any judge thereof~~ may try and punish  
20 the offender for contempt of court.

21 (d) ~~Proceeding~~ Proceedings under this section shall be in addition to,  
22 and not in lieu of, all other remedies and penalties provided by this  
23 chapter.

24  
25 SECTION 6. Arkansas Code § 17-39-105 is amended to read as follows:

26 17-39-105. Evidence.

27 ~~Nothing in this~~ This chapter shall not be construed as permitting the  
28 results of a polygraph examinations examination to be introduced or admitted  
29 as evidence in ~~a court of criminal law~~ a criminal proceeding.

30  
31 SECTION 7. Arkansas Code § 17-39-106 is amended to read as follows:

32 17-39-106. ~~Board Powers and duties.~~ Director of the Department of  
33 Arkansas State Police - Powers and duties.

34 (a) ~~The Arkansas Board of Private Investigators and Private Security~~  
35 ~~Agencies is authorized and empowered to perform and carry out the functions~~  
36 ~~and duties enumerated in this chapter with respect to the licensing of~~

1 ~~polygraph examiners and to do and perform all other acts incidental and~~  
2 ~~necessary to the proper performance of the functions and duties as prescribed~~  
3 ~~in this chapter.~~

4 ~~(b) The board shall issue rules consistent with the provisions of this~~  
5 ~~chapter for the administration and enforcement of this chapter and shall~~  
6 ~~prescribe forms which shall be issued in connection therewith.~~

7 ~~(c) An order or a certified copy thereof, over the board seal and~~  
8 ~~purporting to be signed by the board members, shall be prima facie proof that~~  
9 ~~the signatures are the genuine signatures of the board members and that the~~  
10 ~~board members are fully qualified to act.~~

11 ~~(d) The position of Administrator of the Arkansas Board of Private~~  
12 ~~Investigators and Private Security Agencies is created. The Director of the~~  
13 ~~Department of Arkansas State Police, or his or her designated representative,~~  
14 ~~shall serve as the administrator. The administrator shall not be a member of~~  
15 ~~the board, shall perform duties prescribed by the board, and shall have no~~  
16 ~~financial or business interests, contingent or otherwise, in any security~~  
17 ~~services contractor or investigating company.~~

18 ~~(e) All legal process and all documents required by law to be served~~  
19 ~~upon or filed with the board shall be served or filed with the administrator~~  
20 ~~at the designated office of the board.~~

21 ~~(f) All official records of the board or affidavits by the~~  
22 ~~administrator as to the content of the records shall be prima facie evidence~~  
23 ~~of all matters required to be kept by the board.~~

24 (a) The Director of the Department of Arkansas State Police may  
25 perform the functions and duties enumerated in this chapter with respect to  
26 the licensing of polygraph examiners and interns and perform all other acts  
27 incidental and necessary to the proper performance of the functions and  
28 duties as prescribed in this chapter.

29 (b) The director shall issue rules consistent with this chapter for  
30 the administration and enforcement of this chapter and shall prescribe and  
31 issue forms in connection with these rules.

32 (c) The director shall perform duties prescribed by this chapter and  
33 shall have no financial, personal, or business interests, contingent or  
34 otherwise, in an entity within his or her licensing authority.

35 (d) The director or his or her designee is the agent for service of  
36 process for all legal process and documents required by law to be served in

1 conjunction with this chapter.

2  
3 SECTION 8. Arkansas Code § 17-39-107 is amended to read as follows:  
4 17-39-107. Disposition of funds.

5 (a) All fees collected under ~~the provisions of~~ this chapter shall be  
6 deposited into the State Treasury to the credit of the Department of Arkansas  
7 State Police Fund.

8 (b)(1) All funds received by the ~~Arkansas Board of Private~~  
9 ~~Investigators and Private Security Agencies~~ Department of Arkansas State  
10 Police shall be deposited into the State Treasury as special revenues to the  
11 credit of the ~~fund~~ Department of Arkansas State Police Fund.

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

14  
15 SECTION 9. Arkansas Code § 17-39-109 is amended to read as follows:  
16 17-39-109. Instrumentation.

17 (a) Every polygraph examiner or intern shall use an instrument which  
18 records visually, permanently, and simultaneously a subject's:

- 19 (1) ~~A subject's cardiovascular~~ Cardiovascular pattern;  
20 (2) Electrodermal activity; and  
21 (3) ~~A subject's respiratory~~ Respiratory pattern.

22 (b) Patterns of other physiological changes in addition to those  
23 described in this section may also be recorded.

24  
25 SECTION 10. Arkansas Code Title 17, Chapter 39, Subchapter 1, is  
26 amended to add a new section to read as follows:

27 17-39-110. Director of the Department of Arkansas State Police -  
28 Designee.

29 The Director of the Department of Arkansas State Police may designate a  
30 person on his or her staff to administer and carry out the provisions of this  
31 chapter.

32  
33 SECTION 11. Arkansas Code § 17-39-201 is amended to read as follows:  
34 17-39-201. License required.

35 It ~~shall be~~ is unlawful for ~~any~~ a person, including a city, county, or  
36 state employee, to administer polygraph examinations or ~~attempt to~~ hold

1 himself or herself out as a polygraph examiner or intern without a ~~license~~  
2 polygraph examiner license or intern polygraph examiner license approved and  
3 issued by the ~~Arkansas Board of Private Investigators and Private Security~~  
4 Agencies Director of the Department of Arkansas State Police.

5  
6 SECTION 12. Arkansas Code § 17-39-202 is amended to read as follows:  
7 17-39-202. Qualifications.

8 ~~(a) A person is qualified to receive a license as an examiner who:~~

9 ~~(1) Is at least twenty one (21) years of age;~~

10 ~~(2) Has not been found guilty of or pleaded guilty or nolo~~  
11 ~~contendere to a felony or a misdemeanor involving moral turpitude;~~

12 ~~(3) Holds a baccalaureate degree from a college or university~~  
13 ~~accredited by the American Association of Collegiate Registrars and~~  
14 ~~Admissions Officers or, in lieu thereof, has five (5) consecutive years of~~

15 ~~active investigative experience immediately preceding his or her application;~~  
16 ~~and~~

17 ~~(4) Is a graduate of a polygraph examiners course approved by~~  
18 ~~the Arkansas Board of Private Investigators and Private Security Agencies and~~  
19 ~~has satisfactorily completed not less than six (6) months of internship~~  
20 ~~training.~~

21 ~~(b) Prior to the issuance of a license, the applicant must furnish~~  
22 ~~evidence of a surety bond or insurance policy to the board. The surety bond~~  
23 ~~or insurance policy shall be in the sum of five thousand dollars (\$5,000).~~  
24 ~~The bond shall be conditioned that the obligor therein will pay to the extent~~  
25 ~~of the face amount of the surety bond or insurance policy all judgments which~~  
26 ~~may be recovered against the licensee by reason of any wrongful or illegal~~  
27 ~~acts committed by him or her in the course of his or her examinations.~~

28 A polygraph examiner license or an intern polygraph examiner license  
29 may be issued to an applicant who:

30 (1) Is at least twenty-one (21) years of age at the time of  
31 application;

32 (2)(A) Has successfully completed a criminal background check  
33 and has not been found guilty of or pleaded guilty or nolo contendere to one  
34 (1) or more of the following in any court in the State of Arkansas or a  
35 comparable offense in another state or in a military or federal court, for  
36 which a pardon has not been granted:

- 1                   (i) Felony;  
2                   (ii) Class A misdemeanor;  
3                   (iii) Crime involving violence; or  
4                   (iv) Crime involving moral turpitude.

5                   (B) For the purposes of this subdivision (2), the criminal  
6 background check shall include a record of all offenses that have been  
7 previously sealed or expunged by any court;

8                   (3) Holds a baccalaureate degree from a college or university  
9 that is accredited by an accrediting agency approved by the United States  
10 Secretary of Education or has at least five (5) consecutive years of active  
11 law enforcement experience;

12                   (4) Is a graduate of a polygraph examiners course approved by  
13 the Director of the Department of Arkansas State Police and has  
14 satisfactorily completed an internship of not less than six (6) months;

15                   (5) Submits two (2) recent passport-style photographs of the  
16 applicant;

17                   (6) Is not required to register as a sex offender under the Sex  
18 Offender Registration Act of 1997, § 12-12-901 et seq.; and

19                   (7)(A)(i) Has furnished evidence of a surety bond or insurance  
20 policy to the director or proof that the applicant is covered by a business  
21 insurance policy.

22                   (ii) The surety bond or insurance policy shall be in  
23 the sum of five thousand dollars (\$5,000).

24                   (iii) The surety bond shall be conditioned that the  
25 obligor therein pay to the extent of the face amount of the surety bond or  
26 insurance policy all judgments recovered against the licensee by reason of  
27 any wrongful or illegal acts committed by him or her in the course of  
28 conducting a polygraph examination.

29                   (B) An applicant who is conducting a polygraph examination  
30 solely in the course of his or her employment with a law enforcement agency  
31 may submit a letter from the county sheriff, municipal chief of police, or  
32 director of a state agency that states that any liability incurred will be  
33 under that entity's liability coverage, in order to meet the requirement  
34 under this subdivision (7).

35  
36                   SECTION 13. Arkansas Code § 17-39-203 is amended to read as follows:



1           17-39-203. ~~Original~~ Initial polygraph examiner license or intern  
2 polygraph examiner license application.

3           ~~(a) Applications for original licenses shall be made to the~~  
4 ~~Administrator of the Arkansas Board of Private Investigators and Private~~  
5 ~~Security Agencies in writing under oath on forms prescribed by the Arkansas~~  
6 ~~Board of Private Investigators and Private Security Agencies and shall be~~  
7 ~~accompanied by the required fee, which is not refundable.~~

8           ~~(b) Any such application shall require the information that in the~~  
9 ~~judgment of the board will enable it to pass on the qualifications of the~~  
10 ~~applicant for a license.~~

11           (a) An application for an initial polygraph examiner license or intern  
12 polygraph examiner license shall be made to the Director of the Department of  
13 Arkansas State Police on forms prescribed by the director and shall be  
14 accompanied by the required fee as set out in § 17-39-207.

15           (b) The burden is on the applicant to provide sufficient information  
16 to bring himself or herself within the licensing standards and allow the  
17 director to determine if the applicant is qualified to hold a license under  
18 this chapter.

19  
20           SECTION 14. Arkansas Code § 17-39-204 is amended to read as follows:

21           17-39-204. Agent for service for nonresident interns and licensees.

22           (a) In addition to other application requirements, a polygraph  
23 examiner licensee or ~~intern~~ an intern polygraph examiner licensee who does  
24 not maintain a place of business in Arkansas shall file with the ~~Arkansas~~  
25 ~~Board of Private Investigators and Private Security Agencies~~ Director of the  
26 Department of Arkansas State Police an irrevocable consent that:

27           (1) Actions against the ~~applicant~~ licensee may be filed in any  
28 appropriate court of any county or municipality of this state in which the  
29 plaintiff resides or in which some part of the transaction occurred out of  
30 which the alleged cause of action arose; and

31           (2) ~~Process on~~ Service of process of the action may be ~~served~~  
32 obtained on the ~~applicant~~ licensee by leaving two (2) copies ~~thereof~~ of the  
33 process with the ~~Administrator of the Arkansas Board of Private Investigators~~  
34 ~~and Private Security Agencies~~ director.

35           (b) The consent shall stipulate and agree that the service of process  
36 upon the director shall be taken and held to be valid and binding for all

1 purposes.

2 (c) The ~~administrator~~ director shall ~~immediately send~~ promptly forward  
3 one (1) copy of the process to the ~~applicant~~ licensee at the address shown on  
4 the records of the ~~board~~ director by ~~registered or certified mail,~~ return  
5 receipt requested.

6  
7 SECTION 15. Arkansas Code § 17-39-205 is amended to read as follows:

8 17-39-205. ~~License based on reciprocity~~ License in another state or  
9 territory.

10 ~~An applicant who is a polygraph examiner licensed under the laws of~~  
11 ~~another state of the United States may be issued a two-year license by the~~  
12 ~~Arkansas Board of Private Investigators and Private Security Agencies upon~~  
13 ~~payment of a fee of one hundred and twenty dollars (\$120) and the production~~  
14 ~~of satisfactory proof that the licensee meets the requirements of this~~  
15 ~~section.~~

16 ~~(1) The applicant must meet the requirements of § 17-39-202;~~

17 ~~(2) The applicant is at least twenty-one (21) years of age;~~

18 ~~(3) The requirements of § 17-39-202(3) and (4) may be waived by the~~  
19 ~~board for the licensing of polygraph examiners in the particular state or~~  
20 ~~territory of the United States were at the date of the applicant's licensing~~  
21 ~~therein substantially equivalent to the requirements now in force in this~~  
22 ~~state;~~

23 ~~(4) The applicant had lawfully engaged in the administration of~~  
24 ~~polygraph examinations under the laws of that state for at least two (2)~~  
25 ~~years prior to his or her application for a license under this chapter; and~~

26 ~~(5) The other state grants similar reciprocity to license holders of~~  
27 ~~this state.~~

28 An applicant who is a polygraph examiner licensed under the laws of  
29 another state or territory of the United States may be issued a two-year  
30 license by the Director of the Department of Arkansas State Police upon the  
31 production of satisfactory proof that the applicant:

32 (1)(A) Meets the requirements of §§ 17-39-202 and § 17-39-204.

33 (B) The director may waive the requirements of § 17-39-202(3)  
34 and (4) for the licensing of polygraph examiners from a particular state or  
35 territory of the United States when, at the date of the applicant's licensing  
36 in that state, the license is substantially equivalent to the requirements

1 now in force in this state;

2 (2) Has paid the fee under § 17-39-207(a)(1); and

3 (3) Had been actively and lawfully engaged in the administration of  
 4 polygraph examinations under the laws of that state or territory for at least  
 5 two (2) years before his or her application is submitted for a license under  
 6 this chapter.

7  
 8 SECTION 16. Arkansas Code § 17-39-206 is amended to read as follows:

9 17-39-206. ~~Internship license~~ Intern polygraph examiner license.

10 ~~(a) Upon approval by the Administrator of the Arkansas Board of~~  
 11 ~~Private Investigators and Private Security Agencies, the administrator shall~~  
 12 ~~issue an internship license to an intern, provided that he or she applies for~~  
 13 ~~the license and pays the required fee within ten (10) days prior to the~~  
 14 ~~commencement of his or her internship. The application shall contain such~~  
 15 ~~information as may be required by the Arkansas Board of Private Investigators~~  
 16 ~~and Private Security Agencies.~~

17 ~~(b) A person is qualified to receive an internship license if he or~~  
 18 ~~she:~~

19 ~~(1) Is at least twenty-one (21) years of age;~~

20 ~~(2) Has not been found guilty of or pleaded guilty or nolo~~  
 21 ~~contendere to any felony or a misdemeanor involving moral turpitude;~~

22 ~~(3) Holds a baccalaureate degree from a college or university~~  
 23 ~~accredited by the American Association of Collegiate Registrars and~~  
 24 ~~Admissions Officers or, in lieu thereof, has five (5) consecutive years of~~  
 25 ~~active investigative experience immediately preceding his or her application;~~  
 26 ~~and~~

27 ~~(4) Is a graduate of a polygraph examiners course approved by~~  
 28 ~~the board.~~

29 ~~(c) An internship license shall be valid for the term of twelve (12)~~  
 30 ~~months from the date of issue. It may be renewed for any term not to exceed~~  
 31 ~~six (6) months upon good cause shown to the board.~~

32 (a)(1) The Director of the Department of Arkansas State Police shall  
 33 issue an intern polygraph examiner license to an applicant, provided that he  
 34 or she submits a properly completed application, meets the licensing  
 35 requirements, and pays the required fee under § 17-39-207.

36 (2) The application shall contain information required by the

1 director.

2 (b) A person is qualified to receive an intern polygraph examiner  
3 license if he or she:

4 (1) Is at least twenty-one (21) years of age at the time of  
5 application;

6 (2)(A) Has successfully completed a criminal background check  
7 and has not been found guilty of or pleaded guilty or nolo contendere to one  
8 (1) or more of the following in any court in the State of Arkansas or a  
9 comparable offense in another state or in a military or federal court, for  
10 which a pardon has not been granted:

11 (i) Felony;

12 (ii) Class A misdemeanor;

13 (iii) Crime involving violence; or

14 (iv) Crime involving moral turpitude.

15 (B) For purposes of this subsection, the criminal  
16 background check shall include a record of all offenses that have been  
17 previously sealed or expunged by any court;

18 (3) Holds a baccalaureate degree from a college or university  
19 that is accredited by an accrediting agency approved by the United States  
20 Secretary of Education or has at least five (5) consecutive years of active  
21 law enforcement experience;

22 (4) Is a graduate of a polygraph examiners course approved by  
23 the director; and

24 (5) Is not required to register as a sex offender under the Sex  
25 Offender Registration Act of 1997, § 12-12-901 et seq.

26 (c)(1) An intern polygraph examiner license shall be valid for the  
27 term of twelve (12) months from the date of issue.

28 (2) The intern polygraph examiner license may be renewed for one  
29 (1) six-month period.

30 (d)(1) An intern polygraph examiner license that is not renewed is  
31 permanently expired.

32 (2) A person whose intern polygraph examiner license expired  
33 under subdivision (d)(1) of this section and who subsequently wishes to  
34 obtain an intern polygraph examiner license shall make application as  
35 required by this section.

36

1 SECTION 17. Arkansas Code § 17-39-207 is amended to read as follows:  
2 17-39-207. Examination – Fees.

3 (a) The fees to be paid for licenses shall be with an application for  
4 a license under this chapter are as follows:

5 (1) For an ~~original~~ initial two-year polygraph ~~examiner's~~  
6 examiner license, one hundred twenty dollars (\$120);

7 (2) For a one-year ~~or less internship license~~ intern polygraph  
8 examiner license, thirty dollars (\$30.00);

9 (3) For the issuance of a duplicate polygraph ~~examiner's~~  
10 examiner license or ~~internship license~~ intern polygraph examiner license,  
11 fifteen dollars (\$15.00);

12 (4) For a polygraph ~~examiner's~~ examiner two-year renewal  
13 license, fifty dollars (\$50.00);

14 (5) For the renewal of an ~~internship~~ intern polygraph examiner  
15 license past for a period of six (6) months, twenty-five dollars (\$25.00);  
16 ~~and~~

17 (6) For the issuance of an optional wallet-size polygraph  
18 examiner licensee photo identification card or intern photo identification  
19 card, fifteen dollars (\$15.00); ~~and~~

20 (7) For the renewal of a polygraph examiner license that is  
21 expired less than six (6) months, a late fee of twenty dollars (\$20.00).

22 (b) A certified law enforcement officer who is a full-time employee of  
23 a law enforcement agency and who is applying for a polygraph examiner license  
24 or an intern polygraph examiner license for use solely in connection with his  
25 or her employment with the law enforcement agency is exempt from the  
26 licensing fee requirement under this section.

27 (c) All fees under this section are nonrefundable.

28  
29 SECTION 18. Arkansas Code § 17-39-208 is amended to read as follows:  
30 17-39-208. Display of license and signature.

31 ~~A license~~ A polygraph examiner license, an intern polygraph examiner  
32 license, or the photo identification card issued by the ~~Arkansas Board of~~  
33 ~~Private Investigators and Private Security Agencies must~~ Director of the  
34 Department of Arkansas State Police shall be prominently displayed at the  
35 place of business of the ~~polygraph examiner licensee~~ licensee or ~~at the place of~~  
36 ~~internship~~ worn on his or her person.

1  
2 SECTION 19. Arkansas Code § 17-39-209 is amended to read as follows:  
3 17-39-209. Notification of address change.

4 Notice in writing shall be given to the ~~Administrator of the Arkansas~~  
5 ~~Board of Private Investigators and Private Security Agencies~~ Director of the  
6 Department of Arkansas State Police by the ~~licensed examiner~~ polygraph  
7 examiner licensee or the intern of any change of principal business location,  
8 telephone number, or email address within thirty (30) days of the time he or  
9 she changes ~~the location, telephone number, or email address~~.

10  
11 SECTION 20. Arkansas Code § 17-39-210 is amended to read as follows:  
12 17-39-210. Expiration and renewal.

13 (a) Each polygraph ~~examiner's~~ examiner license shall be issued for the  
14 term of two (2) years and, unless suspended or revoked, ~~shall~~ may be renewed  
15 with ~~such~~ documentation ~~as may be~~ prescribed by the ~~Arkansas Board of Private~~  
16 ~~Investigators and Private Security Agencies~~ Director of the Department of  
17 Arkansas State Police.

18 (b)(1) A polygraph examiner whose license has expired less than six  
19 (6) months may renew the license by making a renewal application and paying  
20 the renewal ~~fees~~ fee of fifty dollars (\$50.00) and a late fee of twenty  
21 dollars (\$20.00) required by § 17-39-207.

22 (c)(2) However, any polygraph ~~examiner's~~ examiner license that  
23 has been expired for more than six (6) months shall be deemed permanently  
24 expired, and the ~~licensee~~ polygraph examiner shall begin the process again as  
25 a new applicant.

26 (d)(3) The calculation of the late fee or expiration time may be  
27 waived for a person who demonstrates that he or she was on active duty with  
28 the ~~armed forces of the~~ United States Armed Forces or the National Guard  
29 stationed outside of the State of Arkansas at the time of expiration.

30 (e)(4) The requirements, as set out by the ~~board~~ director, ~~must~~  
31 shall be met before renewal, including+

32 (1) ~~Payment of all necessary fees; and~~

33 (2) ~~Providing the board with proof~~ the submission of proof to  
34 the director of continuing polygraph examiner education of at least fourteen  
35 (14) hours ~~received~~ successfully completed in the most recent two-year period  
36 by in a training course approved by the ~~board~~ director.

1  
2 SECTION 21. Arkansas Code § 17-39-211 is amended to read as follows:  
3 17-39-211. ~~Refusal, denial, Denial,~~ suspension, revocation – Grounds.  
4 ~~The Arkansas Board of Private Investigators and Private Security~~  
5 ~~Agencies may deny, suspend, or revoke a license on any one (1) or more of the~~  
6 ~~following grounds:~~

7 ~~(1) Failure to inform a subject to be examined as to the nature of the~~  
8 ~~examination;~~

9 ~~(2) Failure to inform a subject to be examined that his or her~~  
10 ~~participation in the examination is voluntary;~~

11 ~~(3) Any violation of law or the rules of the board or failure to meet~~  
12 ~~the qualifications for licensure;~~

13 ~~(4) Material misstatement in any application for license under this~~  
14 ~~chapter;~~

15 ~~(5) Any misrepresentation or false promises or causing to be printed~~  
16 ~~any false or misleading advertisement for the purpose of directly or~~  
17 ~~indirectly obtaining business or interns;~~

18 ~~(6) Demonstration of unworthiness or incompetency to act as a~~  
19 ~~polygraph examiner as defined by this chapter;~~

20 ~~(7) Allowing one's license under this chapter to be used by any~~  
21 ~~unlicensed person in violation of the provisions of this chapter;~~

22 ~~(8) Willfully aiding or abetting another in the violation of this~~  
23 ~~chapter or rule issued pursuant to it;~~

24 ~~(9) Failure within a reasonable time to provide information requested~~  
25 ~~by the Administrator of the Arkansas Board of Private Investigators and~~  
26 ~~Private Security Agencies as the result of a formal complaint to the board,~~  
27 ~~which would indicate a violation of this chapter; or~~

28 ~~(10) Failure to inform the subject of the polygraph examination of the~~  
29 ~~results of the examination if so requested.~~

30 The Director of the Department of Arkansas State Police may deny,  
31 suspend, or revoke a polygraph examiner license or an intern polygraph  
32 examiner license on any one (1) or more of the following grounds:

33 (1) Failure of a licensee before conducting a polygraph examination to  
34 inform a subject to be examined of the nature of the polygraph examination;

35 (2) Failure of a licensee before conducting a polygraph examination to  
36 inform a subject to be examined that the subject's participation in the

1 polygraph examination is voluntary;

2 (3) Failure of a licensee to inform the subject of the polygraph  
3 examination of the results of the polygraph examination, if so requested;

4 (4) Violation of law or the rules of the director or failure to meet  
5 the qualifications for licensure under this chapter by an applicant or a  
6 licensee;

7 (5) Material misstatement in any application for license under this  
8 chapter;

9 (6) Failure by an applicant or licensee to demonstrate the ability to  
10 act as a polygraph examiner or an intern polygraph examiner;

11 (7) Allowance by a licensee of another person to use the license or  
12 the licensee photo identification card or the intern photo identification  
13 card issued under this chapter;

14 (8) An applicant's or a licensee's knowingly aiding or abetting  
15 another person in the violation of this chapter or a rule issued under this  
16 chapter;

17 (9) Failure by an applicant or licensee to provide within a reasonable  
18 time information requested by the director that would indicate a violation of  
19 this chapter or a rule issued under this chapter; or

20 (10) Arrest or indictment of an applicant or a licensee for a felony,  
21 Class A misdemeanor, crime involving an act of violence, crime involving  
22 moral turpitude, including a sealed and expunged offense, or an offense of  
23 comparable level if the offense occurred in another state.

24  
25 SECTION 22. Arkansas Code § 17-39-212 is amended to read as follows:

26 17-39-212. ~~Background checks~~ Criminal background check.

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

32 ~~(b) The check shall conform to applicable federal standards and shall~~  
33 ~~include the taking of fingerprints.~~

34 ~~(c) The applicant shall sign a release of information to the Arkansas~~  
35 ~~Board of Private Investigators and Private Security Agencies and shall be~~  
36 ~~responsible for the payment of any fee associated with the criminal~~



1 ~~background check.~~

2 ~~(d) Upon completion of the criminal background check, the~~  
 3 ~~Identification Bureau of the Department of Arkansas State Police shall~~  
 4 ~~forward to the board all releasable information obtained concerning the~~  
 5 ~~applicant.~~

6 (a)(1) Each first-time applicant and applicant for license renewal  
 7 under this chapter shall apply to the Director of the Department of Arkansas  
 8 State Police for a state and national criminal background check to be  
 9 conducted by the Department of Arkansas State Police and the Federal Bureau  
 10 of Investigation.

11 (2) Criminal history records from the Arkansas Crime Information  
 12 Center shall be available to the director for the review of an applicant's  
 13 qualifications.

14 (b) The state and national criminal background check shall conform to  
 15 applicable federal standards and shall include the taking of fingerprints.

16 (c) The applicant shall sign a release of information to the director  
 17 and shall be responsible for the payment of any fee associated with the state  
 18 and national criminal background check.

19 (d) Upon completion of the state and national criminal background  
 20 check, all releasable information obtained concerning the applicant shall be  
 21 forwarded to the director.

22 (e) This section does not apply to a certified law enforcement officer  
 23 who is a full-time employee of a law enforcement agency and who is applying  
 24 for licensure as a polygraph examiner or intern polygraph examiner for the  
 25 purpose of the full-time employment with the law enforcement agency.

26  
 27 SECTION 23. Arkansas Code § 17-39-213 is amended to read as follows:

28 17-39-213. ~~Refusal, denial~~ Denial, suspension, revocation -  
 29 Proceedings.

30 ~~(a)(1) When there is cause to deny an application or suspend or revoke~~  
 31 ~~the license of any polygraph examiner, the Arkansas Board of Private~~  
 32 ~~Investigators and Private Security Agencies not less than thirty (30) days~~  
 33 ~~before denial, suspension, or revocation action is taken, shall notify the~~  
 34 ~~person in writing, in person, or by certified mail at the last address~~  
 35 ~~supplied to the board by the person. This notice shall include notification~~  
 36 ~~of the impending denial, suspension, or revocation, the reasons therefor, and~~

1 of his or her right to an administrative hearing for the purpose of  
 2 determining whether or not the evidence is sufficient to warrant the denial,  
 3 suspension, or revocation action proposed to be taken by the board.

4 (2) Upon receipt by the board of the written request, an  
 5 opportunity for an administrative hearing shall be afforded as early as is  
 6 practicable.

7 (3) The administrative hearing in those cases shall be before  
 8 the board.

9 (b)(1) The board shall conduct the administrative hearings, and it is  
 10 authorized to administer oaths and issue subpoenas for the attendance of  
 11 witnesses and the production of relevant books, papers, documents, etc.

12 (2) On the basis of the evidence submitted at the hearing, the  
 13 Administrator of the Arkansas Board of Private Investigators and Private  
 14 Security Agencies shall take whatever action he or she deems necessary in  
 15 denying the application or suspending or revoking the license.

16 (c)(1) Upon the revocation or suspension of any license, the licensee  
 17 shall immediately surrender the license or licenses to the administrator of  
 18 the board.

19 (2) Failure of a licensee to do so shall be a violation of this  
 20 chapter, and upon conviction the licensee shall be subject to the penalties  
 21 set forth in § 17-39-103.

22 (3) At any time after the suspension or revocation of any  
 23 license, the administrator shall restore it to the former licensee upon the  
 24 written recommendations of the board.

25 (a)(1)(A) When the Director of the Department of Arkansas State Police  
 26 seeks to deny an application or suspend or revoke a license issued under this  
 27 chapter, the director shall notify the applicant or licensee in person or by  
 28 certified mail, return receipt requested, at the last address supplied to the  
 29 director by the applicant or licensee.

30 (B) The notice under subdivision (a)(1)(A) of this section  
 31 shall include notification of the denial, suspension, or revocation, the  
 32 reasons for the denial, suspension, or revocation, and the applicant's or  
 33 licensee's right to an administrative hearing for the purpose of determining  
 34 whether or not the evidence is sufficient to warrant the denial, suspension,  
 35 or revocation action proposed to be taken by the director.

36 (2) Upon receipt by the director of the written request for a

1 hearing from the applicant or the licensee, an opportunity for an  
 2 administrative hearing shall be afforded as early as is practicable.

3 (3) The administrative hearing in a case under this subsection  
 4 shall be before an administrative hearing officer appointed by the director.

5 (b)(1) The administrative hearing officer shall conduct the  
 6 administrative hearing, and he or she may administer oaths and issue  
 7 subpoenas for the attendance of witnesses and the production of relevant  
 8 books, papers, documents, or other relevant evidence.

9 (2) The administrative hearing officer shall submit his or her  
 10 recommendation to the director within sixty (60) days of the hearing.

11 (c)(1) Upon the suspension or revocation of any license, the licensee  
 12 shall immediately surrender the license or licenses to the director.

13 (2) Failure of a licensee to surrender the license or licenses  
 14 is a violation of this chapter, and upon conviction the licensee shall be  
 15 subject to the penalties set forth in § 17-39-103.

16 (d)(1) The denial, suspension, or revocation of a license shall be  
 17 governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

18 (2) Venue for the appeal to circuit court under this section  
 19 shall be in Pulaski County, Arkansas.

20  
 21 SECTION 24. Arkansas Code § 17-39-214 is amended to read as follows:

22 17-39-214. ~~Refusal~~ Denial, suspension, revocation – Appeal.

23 (a) ~~Any person~~ An applicant or licensee dissatisfied with the action  
 24 of the ~~Arkansas Board of Private Investigators and Private Security Agencies~~  
 25 Director of the Department of Arkansas State Police in denying, suspending,  
 26 or revoking ~~his or her~~ a license may appeal the decision of the director  
 27 under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

28 (b) The ~~board shall~~ director may be represented in ~~such appeals~~ an  
 29 appeal by the Attorney General or any of his or her assistants.

30  
 31 SECTION 25. Arkansas Code § 17-39-215 is amended to read as follows:

32 17-39-215. Rules.

33 The ~~Arkansas Board of Private Investigators and Private Security~~  
 34 Agencies Director of the Department of Arkansas State Police may promulgate  
 35 rules to permit the efficient administration of this ~~subchapter~~ chapter.

SECTION 26. Arkansas Code § 17-39-301 is amended to read as follows:  
 17-39-301. Definitions.

As used in this subchapter:

~~(1) “Administrator” means the Administrator of the Arkansas Board of Private Investigators and Private Security Agencies;~~

~~(2) “Board” means the Arkansas Board of Private Investigators and Private Security Agencies created by § 17-40-201;~~

~~(3) “Voice stress analysis” means the procedure for analyzing the responses of an individual to a specific set of questions;~~

~~(4) “Voice stress analysis examiner” means an individual who has been trained in the operation of a voice stress analysis machine and who maintains a current certificate from a recognized training facility; and~~

~~(5) “Voice stress analysis machine” means a device which has the ability to electronically analyze the responses of an individual to a specific set of questions and to record the analysis, both digitally and on a graph.~~

(1) “Voice stress analysis” means the procedure for analyzing the responses of an individual to a specific set of questions;

(2) “Voice stress analysis examiner” means an individual who has been trained in the operation of a voice stress analysis machine and who maintains a current certificate from a recognized training facility; and

(3) “Voice stress analysis machine” means a device that has the ability to electronically analyze the responses of an individual to a specific set of questions and to record the analysis, both digitally and on a graph.

SECTION 27. Arkansas Code § 17-39-302 is amended to read as follows:  
 17-39-302. Examinations not admissible in criminal proceedings.

~~Nothing contained in this~~ This subchapter shall not be construed to permit the results of any voice stress analysis examination to be introduced or admitted ~~as evidence~~ in any criminal proceeding.

SECTION 28. Arkansas Code § 17-39-303 is amended to read as follows:  
 17-39-303. ~~License required~~ Applicant burden of proof.

~~It is unlawful for any person to engage in conducting a voice stress analysis unless that person has qualified for and obtained a license as a~~

1 ~~voice stress analysis examiner from the Arkansas Board of Private~~  
 2 ~~Investigators and Private Security Agencies.~~

3 An applicant who seeks licensure under this subchapter as a certified  
 4 voice stress analysis examiner has the burden to provide sufficient  
 5 information to bring himself or herself within the licensing standards that  
 6 would allow the Director of the Department of Arkansas State Police to  
 7 determine if the applicant is qualified to hold the license.

8  
 9 SECTION 29. Arkansas Code § 17-39-304 is amended to read as follows:  
 10 17-39-304. Application for license – Proof and fee.

11 ~~Any person desiring to be licensed as a voice stress analysis examiner~~  
 12 ~~shall make application for licensure to the Administrator of the Arkansas~~  
 13 ~~Board of Private Investigators and Private Security Agencies and shall submit~~  
 14 ~~with the application proof satisfactory to the board that the applicant:~~

15 ~~(1) Is at least twenty-one (21) years of age;~~

16 ~~(2) Is an Arkansas resident;~~

17 ~~(3) Is a person of honesty, truthfulness, integrity, and moral~~  
 18 ~~fitness;~~

19 ~~(4) Has not pleaded guilty or nolo contendere to or been found guilty~~  
 20 ~~of a felony or a misdemeanor involving moral turpitude;~~

21 ~~(5) Holds a baccalaureate degree from a college or university~~  
 22 ~~accredited by the American Association of Collegiate Registrars and~~  
 23 ~~Admissions Officers or, in lieu thereof, has had five (5) years of~~  
 24 ~~investigative experience with a law enforcement agency;~~

25 ~~(6) Has completed a course of training offering a certification in the~~  
 26 ~~operation of the voice stress analysis machine that has been approved by the~~  
 27 ~~board and submits a copy of the certification with the application; and~~

28 ~~(7) Has posted a surety bond or insurance policy in the amount of five~~  
 29 ~~thousand dollars (\$5,000) or proof that the individual is covered by a~~  
 30 ~~business insurance policy.~~

31 A person who desires to be licensed as a certified voice stress  
 32 analysis examiner and conduct voice stress analysis examinations within this  
 33 state shall apply for licensure to the Director of the Department of Arkansas  
 34 State Police and shall submit with the application documentation that the  
 35 applicant:

36 (1) Is at least twenty-one (21) years of age at the time of

1 application;

2 (2) Has paid the fees required under § 17-39-305;

3 (3) Submits two (2) recent passport-style photographs of the  
4 applicant;

5 (4) Is not required to register as a sex offender under the Sex  
6 Offender Registration Act of 1997, § 12-12-901 et seq.;

7 (5)(A) Has successfully completed a state and national criminal  
8 background check and has not been found guilty of or pleaded guilty or nolo  
9 contendere to one (1) or more of the following in any court in the State of  
10 Arkansas or a comparable offense in another state or in a military or federal  
11 court, for which a pardon has not been granted:

12 (i) Felony;

13 (ii) Class A misdemeanor;

14 (iii) Crime involving violence; or

15 (iv) Crime involving moral turpitude.

16 (B) For purposes of this subdivision (5), the state and  
17 national criminal background check shall include a record of all offenses  
18 that have been previously sealed or expunged by any court;

19 (6) Holds a baccalaureate degree from a college or university  
20 that is accredited by an accrediting agency approved by the United States  
21 Secretary of Education or has at least five (5) years of active law  
22 enforcement experience;

23 (7) Has successfully completed a course of training that has  
24 been approved by the Director of the Department of Arkansas State Police  
25 offering a certification in the operation of the voice stress analysis  
26 machine and submits a copy of the certification with the application; and

27 (8)(A) Has provided evidence of a surety bond or insurance  
28 policy to the director in the amount of five thousand dollars (\$5,000) or  
29 proof that the applicant is covered by a business insurance policy.

30 (B) The surety bond shall be issued on the condition that  
31 the obligor will pay to the extent of the face value of the surety bond or  
32 insurance policy all judgments which may be recovered against the applicant  
33 by reason of a wrongful or illegal act committed by him or her in the course  
34 of conducting voice stress analysis examinations.

35 (C) An applicant who is conducting voice stress analysis  
36 examinations in the course of his or her employment with a law enforcement

1 agency, in lieu of a surety bond, may submit a letter from the county  
 2 sheriff, chief of police, or director of the law enforcement agency that  
 3 states that any liability incurred will be covered under that entity's  
 4 liability coverage, in order to meet the requirement under this subdivision  
 5 (8).

6  
 7 SECTION 30. Arkansas Code § 17-39-305 is amended to read as follows:  
 8 17-39-305. Fees.

9 (a)(1) Except as provided under subdivision (a)(2) of this section,  
 10 the applicant for licensure under this subchapter shall pay the following  
 11 fees:

12 (A) For an ~~original~~ initial two-year voice stress analysis  
 13 examiner's license, one hundred twenty dollars (\$120);

14 (B) For a two-year renewal of a voice stress analysis  
 15 examiner's license, fifty dollars (\$50.00);

16 (C) For the issuance of an optional wallet-sized voice  
 17 stress analysis examiner's license photo identification card, fifteen dollars  
 18 (\$15.00); ~~and~~

19 (D) For the issuance of a duplicate voice stress analysis  
 20 examiner's license, ten dollars (\$10.00); ~~and~~

21 (E) For renewal of a license that is expired less than six  
 22 (6) months, a late fee of twenty dollars (\$20.00).

23 (2) A certified law enforcement officer who is a full-time  
 24 employee of a law enforcement agency and who is applying for his or her  
 25 license ~~for the purpose of full-time employment~~ as a certified voice stress  
 26 analysis examiner to be used solely in conjunction with his or her employment  
 27 is not required to pay the fee under subdivisions (a)(1)(A) and (B) of this  
 28 section.

29 ~~(b) All fees collected under this subchapter shall be deposited into~~  
 30 ~~the State Treasury to the credit of the Department of Arkansas State Police~~  
 31 ~~Fund.~~

32 ~~(c)(1)(b)(1)~~ All funds fees received by the ~~board~~ Director of the  
 33 Department of Arkansas State Police under this subchapter are nonrefundable  
 34 and shall be deposited into the State Treasury as special revenues to the  
 35 credit of the ~~fund~~ Department of Arkansas State Police Fund.

36 (2) Money remaining at the end of the fiscal year shall not

1 revert to any other fund but shall carry over to the next fiscal year.

3 SECTION 31. Arkansas Code § 17-39-306 is amended to read as follows:

4 17-39-306. Grounds for denying, suspending, or revoking licenses.

5 ~~The board may deny, suspend, or revoke a license on any of the~~  
6 ~~following grounds:~~

7 ~~(1) For failing to inform a subject to be examined as to the nature of~~  
8 ~~the examination;~~

9 ~~(2) For failing to inform a subject to be examined that his or her~~  
10 ~~participation in the examination is voluntary;~~

11 ~~(3) Any material misstatement in the application for original license~~  
12 ~~or in the application for any renewal license under this subchapter;~~

13 ~~(4) Any willful disregard or violation of this subchapter or of any~~  
14 ~~rule issued pursuant to this subchapter, including, but not limited to,~~  
15 ~~willfully making a false report concerning an examination for voice stress~~  
16 ~~analysis examination purposes;~~

17 ~~(5) If the holder of any license has been adjudged guilty of the~~  
18 ~~commission of a felony or a misdemeanor involving moral turpitude;~~

19 ~~(6) For making any willful misrepresentation or false promises or~~  
20 ~~causing to be printed any false or misleading advertisement for the purpose~~  
21 ~~of directly or indirectly obtaining business or trainees;~~

22 ~~(7) For having demonstrated unworthiness or incompetency to act as a~~  
23 ~~voice stress analysis examiner;~~

24 ~~(8) For allowing one's license under this subchapter to be used by any~~  
25 ~~other person;~~

26 ~~(9) For willfully aiding or abetting another in the violation of this~~  
27 ~~subchapter or any regulation or rule issued pursuant to this subchapter;~~

28 ~~(10) For failing to maintain the requirements for licensure with the~~  
29 ~~board;~~

30 ~~(11) For failing, within a reasonable time, to provide information~~  
31 ~~requested by the Secretary of the board as the result of a formal complaint~~  
32 ~~to the board which would indicate a violation of this subchapter; or~~

33 ~~(12) For failing to inform the subject of the voice stress analysis of~~  
34 ~~the results of the examination if so requested.~~

35 The Director of the Department of Arkansas State Police may deny,  
36 suspend, or revoke a license of a certified voice stress analysis examiner on



1 one (1) or more of the following grounds:

2 (1) Failure of a certified voice stress analysis examiner before  
3 conducting a voice stress analysis examination to inform a subject to be  
4 examined of the nature of the voice stress analysis examination;

5 (2) Failure of a certified voice stress analysis examiner before  
6 conducting a voice stress analysis examination to inform a subject to be  
7 examined that the subject's participation in the voice stress analysis  
8 examination is voluntary;

9 (3) Failure of a certified voice stress analysis examiner to inform  
10 the subject of a voice stress analysis examination of the results of the  
11 examination, if so requested;

12 (4) Failure to meet the qualifications for licensure under this  
13 subchapter;

14 (5) Material misstatement in the application for licensure under this  
15 subchapter;

16 (6) Failure by an applicant for licensure as a certified voice stress  
17 analysis examiner or by a licensed certified voice stress analysis examiner  
18 to demonstrate the ability to act as a certified voice stress analysis  
19 examiner;

20 (7) Allowance of another person by a licensed certified voice stress  
21 analysis examiner to use the license or the license photo identification card  
22 issued under this subchapter;

23 (8) An applicant's or a licensed certified voice stress analysis  
24 examiner's knowing disregard or violation of this subchapter or of any rule  
25 issued under this subchapter, including without limitation knowingly making a  
26 false report concerning the results of a voice stress analysis examination;

27 (9) An applicant's or a licensed certified voice stress analysis  
28 examiner's knowingly aiding or abetting another person in the violation of  
29 this subchapter or a rule issued under this subchapter;

30 (10) Failure by an applicant for licensure as a certified voice stress  
31 analysis examiner or by a licensed certified voice stress analysis examiner  
32 to provide within a reasonable time information requested by the director as  
33 the result of a formal complaint that may indicate a violation of this  
34 subchapter or a rule issued under this subchapter; or

35 (11) Arrest or indictment of an applicant for licensure as a certified  
36 voice stress analysis examiner or of a licensed certified voice stress

1 analysis examiner for a felony, Class A misdemeanor, crime involving an act  
 2 of violence, a crime involving moral turpitude, or an offense of comparable  
 3 level if the offense occurred in another state.

4  
 5 SECTION 32. Arkansas Code § 17-39-307 is amended to read as follows:  
 6 17-39-307. Rules.

7 The ~~board~~ Director of the Department of Arkansas State Police may  
 8 promulgate rules to permit the efficient administration of this subchapter.

9  
 10 SECTION 33. Arkansas Code § 17-39-308 is amended to read as follows:  
 11 17-39-308. Conduct of voice stress analysis examination.

12 (a) A Except as provided in subsection (d) of this section, a voice  
 13 stress analysis examination shall be conducted only in person.

14 (b) ~~The test is to be conducted through an in-person interview, and~~  
 15 ~~written permission for the test must be obtained from the person to be tested~~  
 16 Before undergoing the voice stress analysis examination, the subject of the  
 17 voice stress analysis examination shall provide his or her written  
 18 permission.

19 (c)~~(1)~~ The certified voice stress analysis examiner shall obtain the  
 20 permission of the individual to be tested to interview and record and analyze  
 21 the responses of the individual and to analyze the individual responses  
 22 subject of the voice stress analysis examination.

23 ~~(2) In each case, the individual's verbal permission shall be~~  
 24 ~~recorded as a part of the interview.~~

25 (d)(1) A certified law enforcement officer who is a full-time employee  
 26 of a law enforcement agency and who is acting in the course of his or her  
 27 employment for the law enforcement agency may conduct a voice stress analysis  
 28 examination from a legally recorded conversation.

29 (2) If the ~~test~~ voice stress analysis examination is conducted  
 30 under subdivision (d)(1) of this section:

31 (A) The ~~recorded~~ conversation may be recorded:

32 (i) In person; or

33 (ii) By telephone; and

34 (B) The ~~examiner~~ certified law enforcement officer shall  
 35 ~~comply~~ ensure compliance with subsection ~~(e)~~(b) of this section.

36

1 SECTION 34. Arkansas Code § 17-39-309 is amended to read as follows:

2 17-39-309. ~~Background checks~~ Criminal background check.

3 (a)(1) Each first-time applicant and each applicant for ~~license~~  
4 renewal of licensure as a certified voice stress analysis examiner shall ~~be~~  
5 ~~required to apply to the Identification Bureau of the~~ Department of Arkansas  
6 State Police for a state and national criminal background check to be  
7 conducted by the ~~Identification Bureau~~ department and the Federal Bureau of  
8 Investigation.

9 (2) Criminal history records from the Arkansas Crime Information  
10 Center shall be available to the Director of the Department of Arkansas State  
11 Police for the review of an applicant's qualifications.

12 (b) The state and national criminal background check shall conform to  
13 applicable federal standards and shall include the taking of fingerprints.

14 (c) The applicant shall sign a release of information to the ~~board~~  
15 director and shall be responsible for the payment of any fee associated with  
16 the state and national criminal background check.

17 (d) Upon completion of the state and national criminal background  
18 check, the ~~Identification Bureau~~ department shall forward to the ~~board~~  
19 director all releasable information obtained concerning the applicant.

20 (e) This section does not apply to a certified law enforcement officer  
21 who is a full-time employee of a law enforcement agency and who is applying  
22 for ~~his or her license~~ licensure as a certified voice stress analysis  
23 examiner for the purpose of the full-time employment with the law enforcement  
24 agency.

25  
26 SECTION 35. Arkansas Code § 17-39-310 is amended to read as follows:

27 17-39-310. Prohibited acts - Penalties.

28 ~~A person who violates any provision of this chapter or a person who~~  
29 ~~falsely states or represents that he or she has been or is a properly~~  
30 ~~licensed voice stress analysis examiner shall be guilty of a misdemeanor.~~  
31 ~~Upon conviction, that person shall be punished by a fine of not less than one~~  
32 ~~hundred dollars (\$100) and not more than one thousand dollars (\$1,000) or by~~  
33 ~~imprisonment in the county jail for a term of not to exceed six (6) months,~~  
34 ~~or both.~~

35 (a) It is unlawful for a person to conduct a certified voice stress  
36 analysis examination unless that person holds a valid license as a voice

1 stress analysis examiner issued by the Department of Arkansas State Police.

2 (b) A person who knowingly violates this subchapter or a person who  
 3 falsely states or misrepresents that he or she is a properly licensed  
 4 certified voice stress analysis examiner shall upon conviction be guilty of a  
 5 Class A misdemeanor.

6  
 7 SECTION 36. Arkansas Code § 17-39-311 is amended to read as follows:  
 8 17-39-311. Injunction.

9 (a) If a person violates ~~any provisions of this chapter~~ subchapter,  
 10 ~~the Administrator of the Arkansas Board of Private Investigators and Private~~  
 11 ~~Security Agencies, upon the direction of a majority of the board and in the~~  
 12 ~~name of the State of Arkansas~~ Director of the Department of Arkansas State  
 13 Police, through the Attorney General, ~~shall~~ may apply in ~~any~~ the circuit  
 14 court ~~of competent~~ having jurisdiction for an order enjoining the violation  
 15 or for an order enforcing compliance with this ~~chapter~~ subchapter.

16 (b)(1) Upon the filing of a verified petition in the court, ~~a judge of~~  
 17 the court, if satisfied by affidavit or otherwise that the person has  
 18 violated this ~~chapter~~ subchapter, may issue a temporary injunction without  
 19 notice or bond enjoining the continued violation.

20 (2) If it is established that the person has violated or is  
 21 violating this ~~chapter~~ subchapter, ~~a judge of~~ the court may enter a decree  
 22 perpetually enjoining the violation or enforcing compliance with this ~~chapter~~  
 23 subchapter.

24 (c) In case of violation of any order or decree issued under ~~the~~  
 25 ~~provisions of~~ this section, ~~a judge of~~ the court may sentence the offender  
 26 for contempt of court.

27 (d) Punishment for a violation under this section shall be in addition  
 28 to, but not in lieu of, all other remedies and penalties provided by this  
 29 ~~chapter~~ subchapter.

30  
 31 SECTION 37. Arkansas Code § 17-39-312 is repealed.

32 ~~17-39-312. Evidence.~~

33 ~~This chapter shall not be construed as permitting the results of voice~~  
 34 ~~stress analysis examinations to be introduced or admitted as evidence into a~~  
 35 ~~court of criminal law.~~

36

1 SECTION 38. Arkansas Code § 17-39-313 is amended to read as follows:

2 17-39-313. Board Department of Arkansas State Police administration -  
3 Powers and duties.

4 ~~(a) The board is authorized and empowered to perform and carry out the~~  
5 ~~functions and duties enumerated within this chapter with respect to the~~  
6 ~~licensing of voice stress analysis examiners and to perform all other acts~~  
7 ~~incidental and necessary to the proper performance of the functions and~~  
8 ~~duties as prescribed in this chapter.~~

9 ~~(b) The board shall issue rules consistent with the provisions of this~~  
10 ~~chapter for the administration and enforcement of this chapter and shall~~  
11 ~~prescribe forms which shall be issued in connection therewith.~~

12 ~~(c) An order or a certified copy thereof, over the board seal and~~  
13 ~~purporting to be signed by the board members, shall be prima facie proof that~~  
14 ~~the signatures are the genuine signatures of the board members and that the~~  
15 ~~board members are fully qualified to act.~~

16 ~~(d) The position of Administrator of the Arkansas Board of Private~~  
17 ~~Investigators and Private Security Agencies is created. The Director of the~~  
18 ~~Department of Arkansas State Police, or his or her designated representative,~~  
19 ~~shall serve as the administrator. The administrator shall not be a member of~~  
20 ~~the board, shall perform such duties as may be prescribed by the board, and~~  
21 ~~shall have no financial or business interests, contingent or otherwise, in~~  
22 ~~any security services contractor or investigating company.~~

23 ~~(e) All legal process and all documents required by law to be served~~  
24 ~~upon or filed with the board shall be served or filed with the administrator~~  
25 ~~at the designated office of the board.~~

26 ~~(f) All official records of the board or affidavits by the~~  
27 ~~administrator as to the content of the records shall be prima facie evidence~~  
28 ~~of all matters required to be kept by the board.~~

29 (a) The Director of the Department of Arkansas State Police may  
30 perform the functions and duties enumerated within this subchapter with  
31 respect to the licensing of certified voice stress analysis examiners and to  
32 perform all other acts incidental and necessary to the proper performance of  
33 the functions and duties as prescribed in this subchapter.

34 (b) The director shall issue rules consistent with this subchapter for  
35 the administration and enforcement of this subchapter and shall prescribe and  
36 issue forms in connection with this subchapter.

1       (c) The director shall have no financial, personal, or business  
 2 interests, contingent or otherwise, in an entity licensed under this  
 3 subchapter.

4       (d) The director or his or her designee is the agent for service of  
 5 process for all legal process and documents required by law to be served in  
 6 conjunction with this subchapter.

7       (e) The director may grant, deny, suspend, or revoke any license  
 8 issued under this subchapter and levy fines for violation of the licensing  
 9 provisions of this subchapter.

10  
 11       SECTION 39. Arkansas Code § 17-40-101 is amended to read as follows:  
 12       17-40-101. Title.

13       This chapter may be cited as the “Private Investigators and Private  
 14 Security Agencies Private Security Agency, Private Investigator, and School  
 15 Security Licensing and Credentialing Act”.

16  
 17       SECTION 40. Arkansas Code § 17-40-102 is amended to read as follows:  
 18       17-40-102. Definitions.

19       As used in this chapter:

20       ~~(1) “Accident reconstruction” means the interpretation of physical~~  
 21 ~~evidence in the application of scientific principles to form opinions~~  
 22 ~~relative to the events of an accident;~~

23       ~~(2) “Administrator” means the Administrator of the Arkansas Board of~~  
 24 ~~Private Investigators and Private Security Agencies;~~

25       ~~(3) “Alarm systems agent” means any individual employed by an alarm~~  
 26 ~~systems company who sells on site, performs a survey of the premises to be~~  
 27 ~~protected, or responds to alarm signal devices, burglar alarms, or cameras as~~  
 28 ~~described in subdivision (5) or subdivision (27) of this section;~~

29       ~~(4) “Alarm systems apprentice” means any individual employed by an~~  
 30 ~~alarm systems company who installs, services, or repairs on site as described~~  
 31 ~~in subdivision (5) or subdivision (27) of this section that is supervised by~~  
 32 ~~an alarm systems technician, a supervisor of technicians, or a manager;~~

33       ~~(5) “Alarm systems company” means any person, firm, association, or~~  
 34 ~~corporation that for a fee or other valuable consideration installs,~~  
 35 ~~services, sells on site, performs a survey of the premises to be protected,~~  
 36 ~~monitors, or responds to electrical, electronic, or mechanical alarm signal~~

1 ~~devices, burglar alarms, television cameras, or still cameras used to~~  
2 ~~manually or automatically signal or detect burglary, fire, breaking or~~  
3 ~~entering, shoplifting, pilferage, theft, hold up, or other illegal or~~  
4 ~~unauthorized activity;~~

5 ~~(6) "Alarm systems monitor" means any individual employed by an alarm~~  
6 ~~systems company who monitors or responds as described in subdivision (5) of~~  
7 ~~this section;~~

8 ~~(7) "Alarm systems technician" means any individual employed by an~~  
9 ~~alarm systems company who installs, services, or repairs on site as described~~  
10 ~~in subdivision (5) or subdivision (27) of this section;~~

11 ~~(8) "Armored car company" means any person that provides armed~~  
12 ~~security transportation and protection of money, currency, coins, bullion,~~  
13 ~~securities, bonds, jewelry, or other valuables from one (1) place or point to~~  
14 ~~another place or point;~~

15 ~~(9) "Board" means the Arkansas Board of Private Investigators and~~  
16 ~~Private Security Agencies;~~

17 ~~(10) "Commissioned security officer" means any private security~~  
18 ~~officer to whom a security officer commission has been issued by the board;~~

19 ~~(11) "Firearm" means, as defined in Merriam-Webster's New Collegiate~~  
20 ~~Dictionary, a weapon from which a shot is discharged by gunpowder;~~

21 ~~(12) "Guard company" means any person engaging in the business of~~  
22 ~~providing or undertaking to provide a private watchman, guard, or street~~  
23 ~~patrol service on a contractual basis for another person and performing any~~  
24 ~~one (1) or more of the following or similar functions:~~

25 ~~(A) Prevention of intrusion, entry, larceny, vandalism, abuse,~~  
26 ~~fire, or trespass on private property;~~

27 ~~(B) Prevention, observation, or detection of any unauthorized~~  
28 ~~activity on private property;~~

29 ~~(C) Control, regulation, or direction of the flow or movements~~  
30 ~~of the public, whether by vehicle or otherwise, only to the extent and for~~  
31 ~~the time directly and specifically required to assure the protection of~~  
32 ~~property; or~~

33 ~~(D) Protection of individuals from bodily harm;~~

34 ~~(13) "Investigations company" means any person who engages in the~~  
35 ~~business or accepts employment to obtain or furnish information with~~  
36 ~~reference to;~~

1           ~~(A) Crime or wrongs done or threatened against the United States~~  
2 ~~or any state or territory of the United States;~~

3           ~~(B) The identity, habits, conduct, business, occupation,~~  
4 ~~honesty, integrity, credibility, knowledge, trustworthiness, efficiency,~~  
5 ~~loyalty, activity, movement, whereabouts, affiliations, associations,~~  
6 ~~transactions, acts, reputation, or character of any person;~~

7           ~~(C) The location, disposition, or recovery of lost or stolen~~  
8 ~~property;~~

9           ~~(D) The cause or responsibility for fires, libels, losses,~~  
10 ~~accidents, damages, or injuries to persons or to property; or~~

11           ~~(E) The securing of evidence to be used before any court, board,~~  
12 ~~officer, or investigating committee;~~

13           ~~(14) "License" means a permit granted by the board entitling a person~~  
14 ~~to operate as a security services contractor, an investigations company, or~~  
15 ~~an alarm systems company;~~

16           ~~(15) "Licensee" means any person to whom a license is granted under~~  
17 ~~this chapter;~~

18           ~~(16) "Manager" means, in the case of a corporation, an officer or~~  
19 ~~supervisor, or, in the case of a partnership, a general or unlimited partner~~  
20 ~~meeting the experience qualifications set forth in § 17-40-306 for managing a~~  
21 ~~security services contractor or an investigations company;~~

22           ~~(17) "NBFAA" means the National Burglar and Fire Alarm Association,~~  
23 ~~7101 Wisconsin Avenue, Suite 901, Bethesda, MD 20814-4805, (301) 907-3208;~~

24           ~~(18) "NICET" means the National Institute for Certification in~~  
25 ~~Engineering Technologies, 1420 King Street, Alexandria, VA 22314-2794, (703)~~  
26 ~~684-2835;~~

27           ~~(19) "Person" means an individual, firm, association, company,~~  
28 ~~partnership, corporation, nonprofit organization, institution, or similar~~  
29 ~~entity;~~

30           ~~(20) "Private investigator" means any person who performs one (1) or~~  
31 ~~more services as described in subdivision (13) of this section;~~

32           ~~(21) "Private security officer" means any individual employed by a~~  
33 ~~security services contractor or the security department of a private business~~  
34 ~~to perform the duties of a security guard, security watchman, security~~  
35 ~~patrolman, or armored car guard;~~

36           ~~(22) "Registrant" means an individual who has filed an application~~



1 with the board to perform the duties of a private investigator, manager, or  
2 branch office manager;

3 ~~(23) “Registration” means a permit granted by the board to an~~  
4 ~~individual to perform the duties of a private investigator, manager, or~~  
5 ~~branch office manager;~~

6 ~~(24) “Security department of a private business” means the security~~  
7 ~~department of any person if the security department has as its general~~  
8 ~~purpose the protection and security of its own property and grounds and if it~~  
9 ~~does not offer or provide security services to any other person;~~

10 ~~(25) “Security officer commission” means an authorization granted by~~  
11 ~~the board to an individual employed as a private security officer to carry a~~  
12 ~~firearm;~~

13 ~~(26) “Security services contractor” means any guard company or armored~~  
14 ~~car company;~~

15 ~~(27) “Single station alarm systems company” means any person, firm,~~  
16 ~~association, or corporation that for a fee or other valuable consideration~~  
17 ~~installs, services, or sells on site fire, smoke, or heat detectors to be~~  
18 ~~installed in a one-family or two-family dwelling or performs a survey of the~~  
19 ~~premises to be protected if the detectors are single station installations~~  
20 ~~and not a part of or connected to any other detection device or system;~~

21 ~~(28) “Supervisor of technicians” means any individual employed by an~~  
22 ~~alarm systems company who supervises alarm systems technicians or alarm~~  
23 ~~systems apprentices and who may install, service, or repair on site as~~  
24 ~~described in subdivision (5) of this section; and~~

25 ~~(29) “Undercover agent” means an individual hired by another~~  
26 ~~individual, partnership, corporation, or other business entity to perform a~~  
27 ~~job for that individual, partnership, corporation, or other business entity~~  
28 ~~and, while performing the job, to act as an undercover agent, an employee, or~~  
29 ~~an independent contractor of a licensee, but supervised by a licensee.~~

30 (1) “Alarm systems agent” means an individual employed by an alarm  
31 systems company who sells on site, performs a survey of the premises to be  
32 protected, or responds to alarm signal devices, burglar alarms, or cameras;

33 (2) “Alarm systems apprentice” means an individual employed by an  
34 alarm systems company who installs, services, or repairs on site and who is  
35 supervised by an alarm systems technician, a supervisor of technicians, or a  
36 manager;

1       (3) “Alarm systems company” means a person, firm, association, or  
2 corporation that for a fee or other valuable consideration installs,  
3 services, sells on site, performs a survey of the premises to be protected,  
4 monitors, or responds to electrical, electronic, or mechanical alarm signal  
5 devices, burglar alarms, television cameras, or still cameras used to  
6 manually or automatically signal or detect burglary, fire, breaking or  
7 entering, shoplifting, pilferage, theft, holdup, or other illegal or  
8 unauthorized activity;

9       (4) “Alarm systems monitor” means an individual employed by an alarm  
10 systems company who monitors or responds to an electrical, electronic, or  
11 mechanical alarm signal device, burglar alarm, television camera, or still  
12 camera used to manually or automatically signal or detect burglary, fire,  
13 breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal  
14 or unauthorized activity;

15       (5) “Alarm systems technician” means an individual employed by an  
16 alarm systems company who installs, services, or repairs on site an  
17 electrical, electronic, or mechanical alarm signal device, burglar alarm,  
18 television camera, or still camera used to manually or automatically signal  
19 or detect burglary, fire, breaking or entering, shoplifting, pilferage,  
20 theft, holdup, or other illegal or unauthorized activity;

21       (6) “Arkansas Fire Prevention Code” means the International Fire Code,  
22 the International Building Code, and the International Residential Code as  
23 published by the International Code Council, and the rules as amended and  
24 adopted by the State Fire Marshal;

25       (7) “Armored car company” means a person that provides armed security  
26 transportation and protection of money, currency, coins, bullion, securities,  
27 bonds, jewelry, or other valuables from one place or point to another place  
28 or point;

29       (8)(A) “Assistant training administrator” means a person employed by a  
30 licensed company who may assist the training administrator with conducting  
31 the training of security personnel.

32       (B) The assistant training administrator shall certify to the  
33 Director of the Department of Arkansas State Police that the required  
34 training has been completed;

35       (9) “Burglar alarm” means a system designed to detect intrusion or  
36 unauthorized entry into a building, premises, or area;

1       (10) "Commissioned school security officer" means a private security  
2 officer who:

3               (A) Provides security for the school; and

4               (B) Has received an authorization issued by the director to  
5 carry a firearm in the course of his or her employment;

6       (11) "Commissioned security officer" means a private security officer  
7 to whom an authorization to carry a firearm in the course of his or her  
8 employment has been issued by the director;

9       (12) "Consumer reporting agency" means a person that employs an  
10 individual who, for a monetary fee, dues, or on a cooperative nonprofit  
11 basis, regularly engages, in whole or in part, in the practice of assembling  
12 or evaluating consumer credit information or other information on consumers  
13 for the purpose of furnishing consumer reports to third parties, and who uses  
14 any means or facility of interstate commerce for the purpose of preparing or  
15 furnishing consumer reports;

16       (13) "Convicted" means that a person pleaded guilty or nolo contendere  
17 to or was found guilty of a criminal offense, including a conviction that has  
18 been sealed or expunged;

19       (14) "Credential" means an authorization granted by the Department of  
20 Arkansas State Police to an individual to perform the duties of a private  
21 investigator, alarm systems monitor, alarm systems apprentice, alarm systems  
22 technician, alarms systems agent, private security officer, commissioned  
23 security officer, commissioned school security officer, assistant training  
24 administrator, training administrator, training instructor, manager, or  
25 branch office manager;

26       (15) "ESA" means the Electronic Security Association;

27       (16)(A) "Firearm" means a device designed, made, or adapted to expel a  
28 projectile by the action of an explosive or any device readily convertible to  
29 that use.

30               (B) "Firearm" includes:

31                       (i) A device described in subdivision (16)(A) of this  
32 section that is not loaded or lacks a clip or another component to render it  
33 immediately operable; and

34                       (ii) Components that can readily be assembled into a  
35 device described in subdivision (16)(A) of this section;

36       (17) "Guard company" means a person engaging in the business of

1 providing or undertaking to provide services on a contractual basis for  
2 another person and performing one (1) or more of the following or similar  
3 functions:

4 (A) Prevention of intrusion, entry, larceny, vandalism, abuse,  
5 fire, or trespass on private property;

6 (B) Prevention, observation, or detection of any unauthorized  
7 activity on private property;

8 (C) Control, regulation, or direction of the flow or movements  
9 of the public, whether by vehicle or otherwise, only to the extent and for  
10 the time directly and specifically required to assure the protection of  
11 property; or

12 (D) Protection of individuals from bodily harm;

13 (18)(A) "Investigations company" means a person or entity that engages  
14 in the business or accepts employment to obtain or furnish information with  
15 reference to:

16 (i) Crime or wrongs done or threatened against the United  
17 States or any state or territory of the United States;

18 (ii) The identity, habits, conduct, business, occupation,  
19 honesty, integrity, credibility, knowledge, trustworthiness, efficiency,  
20 loyalty, activity, movement, whereabouts, affiliations, associations,  
21 transactions, acts, reputation, or character of a person;

22 (iii) The location, disposition, or recovery of lost or  
23 stolen property;

24 (iv) The cause or responsibility for fires, libels,  
25 losses, accidents, damages, or injuries to persons or to property; or

26 (v) The securing of evidence to be used before any court,  
27 board, officer, or investigating committee.

28 (B)(i) A Class A investigations company may employ one (1) or  
29 more credentialed individuals.

30 (ii) A Class D investigations company may not employ more  
31 than one (1) credentialed individual;

32 (19) "License" means a permit granted by the director entitling a  
33 person to operate as a security services contractor, an investigations  
34 company, or an alarm systems company;

35 (20) "Licensee" means a person to whom a license is granted under this  
36 chapter;

1           (21) "Manager" means, in the case of a corporation, an officer or  
2 supervisor or, in the case of a partnership, a general or unlimited partner  
3 meeting the experience qualifications for managing a security services  
4 contractor, private business, or an investigations company;

5           (22) "Monitoring" means to observe, watch, surveil, and make  
6 appropriate response to an electrical, electronic, or mechanical alarm signal  
7 device, burglar alarm, television camera, or still camera used to manually or  
8 automatically signal or detect burglary, fire, breaking or entering,  
9 shoplifting, pilferage, theft, holdup, or other illegal or unauthorized  
10 activity;

11           (23) "NBFAA" means the National Burglar and Fire Alarm Association;

12           (24) "NFPA" means the National Fire Protection Association;

13           (25) "NICET" means the National Institute for Certification in  
14 Engineering Technologies;

15           (26) "Person" means an individual, firm, association, company,  
16 partnership, corporation, nonprofit organization, institution, or similar  
17 entity;

18           (27) "Private investigator" means a person who engages in the business  
19 or accepts employment to obtain or furnish information with reference to:

20           (A) A crime or wrong done or threatened against the United  
21 States or any state or territory of the United States;

22           (B) The identity, habits, conduct, business, occupation,  
23 honesty, integrity, credibility, knowledge, trustworthiness, efficiency,  
24 loyalty, activity, movement, whereabouts, affiliations, associations,  
25 transactions, acts, reputation, or character of a person;

26           (C) The location, disposition, or recovery of lost or stolen  
27 property;

28           (D) The cause or responsibility for fires, libels, losses,  
29 accidents, damages, or injuries to persons or to property; or

30           (E) The securing of evidence to be used before a court, board,  
31 officer, or investigating committee;

32           (28) "Private school" means the property, grounds, or students of a  
33 private school for grades prekindergarten through twelve (preK-12), including  
34 a day-care program operated by the school;

35           (29) "Private security officer" means an individual employed by a  
36 security services contractor or the security department of a private business

1 or armored car company to perform at least one (1) of the following duties:

2 (A) Prevention of intrusion, entry, larceny, vandalism, abuse,  
3 fire, or trespass on private property;

4 (B) Prevention, observation, or detection of any unauthorized  
5 activity on private property;

6 (C) Control, regulation, or direction of the flow or movements  
7 of the public, whether by vehicle or otherwise, only to the extent and for  
8 the time directly and specifically required to assure the protection of  
9 property;

10 (D) Protection of individuals from bodily harm; or

11 (E) Providing of armed security transportation and protection of  
12 money, currency, coins, bullion, securities, bonds, jewelry, or other  
13 valuable item from one place to another place;

14 (30) "Public charter school" means a conversion public charter school,  
15 an open-enrollment public charter school, or a limited public charter school;

16 (31) "School" means a school district, public charter school, or  
17 private school, including any day-care program operated by the school;

18 (32) "School district" means the property, grounds, or students of a  
19 school for grades prekindergarten through twelve (preK-12), including any  
20 day-care program operated by the school;

21 (33) "Security department of a private business or school" means the  
22 security department of a person or school if the general purpose of the  
23 security department is the protection and security of its own property,  
24 grounds, or students and if it does not offer or provide security services to  
25 any other person or school;

26 (34) "Security services contractor" means a guard company or armored  
27 car company;

28 (35) "Single-station alarm systems company" means a person that for a  
29 fee or other valuable consideration installs, services, or sells on site  
30 fire, smoke, or heat detectors to be installed in a one-family or two-family  
31 dwelling or that performs a survey of the premises to be protected if the  
32 detectors are single-station installations and not a part of or connected to  
33 any other detection device or system;

34 (36) "Supervisor of technicians" means an individual employed by an  
35 alarm systems company who supervises alarm systems technicians or alarm  
36 systems apprentices and who may install, service, or repair on site, or who

1 performs a survey of the premises to be protected, monitors, or responds to  
 2 electrical, electronic, or mechanical alarm signal devices, burglar alarms,  
 3 television cameras, or still cameras used to manually or automatically signal  
 4 or detect burglary, fire, breaking or entering, shoplifting, pilferage,  
 5 theft, holdup, or other illegal or unauthorized activity;

6 (37)(A) "Training administrator" means a person employed by a licensed  
 7 company designated by a Class B, Class C, or Class G company designation or  
 8 by the security department of a private business to conduct training for the  
 9 security personnel.

10 (B) The training administrator shall certify to the director  
 11 that the required training has been completed;

12 (38)(A) "Training instructor" means a person employed by a licensed  
 13 company who may assist the training administrator with conducting the  
 14 training of security personnel.

15 (B) However, a training instructor shall not certify that the  
 16 required training has been completed; and

17 (39) "Undercover agent" means an individual hired by another  
 18 individual, partnership, corporation, or other business entity to perform a  
 19 job for that individual, partnership, corporation, or other business entity  
 20 and, while performing the job, to act as an undercover agent, employee, or  
 21 independent contractor of a licensee, and supervised by a licensee.

22  
 23 SECTION 41. Arkansas Code § 17-40-103 is amended to read as follows:  
 24 17-40-103. Exemptions.

25 (a) This chapter does not apply to:

26 (1) A person employed exclusively and regularly by one (1)  
 27 employer in connection with the affairs of that employer only and where there  
 28 exists an employer-employee relationship;

29 (2) An officer or employee of the United States, or of this  
 30 state, or of a political subdivision of either, while the employee or officer  
 31 is engaged in the performance of official duties;

32 (3) A person not in the employ of another law enforcement  
 33 officer and who has part-time or full-time employment as a law enforcement  
 34 officer and who is certified by the Arkansas Commission on Law Enforcement  
 35 Standards and Training as a law enforcement officer and receives compensation  
 36 for private employment on an individual or an independent contractor basis as

1 a patrolman, guard, or watchman if the person is:

2 (A)~~(i)~~ Employed in an employee-employer relationship; or

3 ~~(ii)~~(B) Employed on an individual contractual basis; ~~and~~

4 ~~(B) Not in the employ of another law enforcement officer;~~

5 (4) A person engaged exclusively in the business of obtaining  
6 and furnishing information for purposes of credit worthiness or collecting  
7 debts or ascertaining the financial responsibility of applicants for property  
8 insurance and for indemnity or surety bonds, with respect to persons, firms,  
9 and corporations;

10 (5) Consumer reporting agencies ~~as defined in 15 U.S.C. § 1681~~  
11 ~~et seq.;~~

12 (6) ~~An~~ A licensed attorney ~~at law~~ in performing his or her  
13 duties, or an employee of an attorney ~~at law~~, only in connection with  
14 providing investigative services to the attorney and his or her practice;

15 (7) Admitted insurers, insurance adjusters, agents, and  
16 insurance brokers licensed by the state performing duties in connection with  
17 insurance transacted by them;

18 (8) An officer, employee, or agent of a communications common  
19 carrier, as defined in 47 U.S.C. § 153(11), while engaged in the normal  
20 course of business of the carrier or protecting the carrier or a user of the  
21 services of that carrier from fraudulent, unlawful, or abusive use of  
22 services;

23 (9) A professional engineer registered with the Arkansas State  
24 Board of Licensure for Professional Engineers and Professional Surveyors  
25 engaged in providing investigative services as outlined in this chapter;

26 (10) A person ~~who or business which~~ that sells or manufacturers  
27 alarm systems, unless such a person or business performs any service ~~as~~  
28 ~~described in § 17-40-102(5)~~ as an alarm systems company;

29 (11) Installation, servicing, or responding to fire alarm  
30 systems or any alarm device ~~which~~ that is installed in a motor vehicle,  
31 aircraft, or boat;

32 (12) Installation of an alarm system on property owned by or  
33 leased to the installer;

34 (13) Installation of fixed fire extinguisher systems by persons  
35 licensed by the Arkansas Fire Protection Licensing Board;

36 (14) Installation of the raceway, conductors, and components of



1 a fire alarm system by an entity holding a valid Arkansas contractor's  
 2 license, electrical classification, when the systems are furnished by alarm  
 3 systems companies licensed under this chapter, provided the alarm systems  
 4 company:

5 (A) Furnishes a system designed to comply with applicable  
 6 codes and standards;

7 (B) Furnishes the installing contractor with wiring  
 8 diagrams and specifications for the required conductors;

9 (C) Provides periodic job site inspections of the  
 10 installation in progress;

11 (D) Connects and installs the system components;

12 (E) Tests the completed installation in compliance with  
 13 the Arkansas Fire Prevention Code and NFPA standard number 72: National Fire  
 14 Alarm and Signaling Code, 2013 Edition, providing the owner's representative  
 15 and the local fire marshal with test documentation; and

16 (F) Instructs the system owner's representative and  
 17 provides operator manuals for the installed system; ~~and~~

18 (15) Alarm system agents, alarm system apprentices, and alarm  
 19 system technicians for a class E-S and F-S licenses license shall be exempt  
 20 from the requirements for National Burglar and Fire Alarm Association Level 1  
 21 and 2 certification.

22 (16) ~~An~~ An agent, employee, or sales representative of an alarm  
 23 ~~system~~ systems company, if the agent, employee, or sales representative:

24 (A) Does not alter, install, maintain, move, repair,  
 25 replace, service, or reconfigure an alarm system or any individual component  
 26 connected to an alarm system at an end-user's premises; and

27 (B) Is not granted access to passwords or codes which can  
 28 be used to arm or disarm the alarm system installed at a specific end-user  
 29 premises; and

30 (17) A certified public accountant licensed by the state  
 31 performing his or her duties, only in connection with providing investigative  
 32 services, and all employees, independent contractors, or agents acting under  
 33 the supervision of a certified public accountant licensed by the state, only  
 34 in connection with providing investigative services to the certified public  
 35 accountant and his or her practice.

36 (b)(1) ~~Although under the provisions of this chapter the~~ If the

1 security department of a private business or school that hires or employs an  
 2 individual in the capacity of a ~~private security officer to possess a firearm~~  
 3 ~~in the course and scope of his or her duties is required to make application~~  
 4 ~~for a security officer commission for the individual according to the~~  
 5 ~~provisions of this chapter~~ commissioned security officer or commissioned  
 6 school security officer, the security department of a the private business  
 7 ~~shall not be~~ or school is not required to make application to the Arkansas  
 8 ~~Board of Private Investigators and Private Security Agencies~~ Department of  
 9 Arkansas State Police for any license under this chapter.

10 (2) However, the private business or school is required to be  
 11 recognized by the Director of the Department of Arkansas State Police as a  
 12 private business or school for the purposes of employing the commissioned  
 13 security officer or commissioned school security officer.

14 (c) Notwithstanding any other provision of this chapter, employees of  
 15 a licensee who are employed exclusively as undercover agents ~~shall not be~~ are  
 16 not required to register with the ~~Arkansas Board of Private Investigators and~~  
 17 ~~Private Security Agencies~~ director under this chapter.

18  
 19 SECTION 42. Arkansas Code § 17-40-104 is amended to read as follows:  
 20 17-40-104. Penalties.

21 ~~(a) Any person who violates any provision of this chapter is guilty of~~  
 22 ~~a Class A misdemeanor. Any person who violates any provision of this chapter~~  
 23 ~~within one (1) year of a previous violation is guilty of a Class D felony.~~

24 ~~(b) No person shall threaten, intimidate, or attempt to unlawfully~~  
 25 ~~influence any member of the Arkansas Board of Private Investigators and~~  
 26 ~~Private Security Agencies created by § 17-40-201 while the board member is~~  
 27 ~~engaged in the duties of the board. Violations of this subsection shall~~  
 28 ~~constitute Class A misdemeanors.~~

29 (a) A person who violates this chapter upon conviction is guilty of a  
 30 Class A misdemeanor.

31 (b) A person who violates this chapter within one (1) year of a  
 32 previous violation upon conviction is guilty of a Class D felony.

33  
 34 SECTION 43. Arkansas Code § 17-40-105 is amended to read as follows:  
 35 17-40-105. Notice of violation.

36 ~~No person licensed under this chapter shall be prosecuted for violating~~

1 ~~this chapter unless the licensee has been notified of the alleged violation~~  
 2 ~~within three hundred sixty five (365) days after the occurrence of the~~  
 3 ~~violation.~~

4 The Director of the Department of Arkansas State Police shall not deny,  
 5 suspend, revoke, or fine any person required to be licensed, credentialed, or  
 6 commissioned under this chapter unless the person has been notified of the  
 7 alleged violation of this chapter within three hundred sixty-five (365) days  
 8 after the occurrence of the alleged violation.

9  
 10 SECTION 44. Arkansas Code § 17-40-106 is amended to read as follows:

11 17-40-106. Exclusive regulation – Authority of political subdivisions.

12 (a) The regulation of investigation, security, and alarm systems  
 13 ~~businesses shall be~~ companies is exclusive to the ~~Arkansas Board of Private~~  
 14 ~~Investigators and Private Security Agencies~~ Director of the Department of  
 15 Arkansas State Police.

16 (b) Licensees and employees of licensees, under the provisions of this  
 17 chapter, ~~shall not be~~ are not required to obtain any authorization, permit,  
 18 franchise, or license from, or pay another fee or franchise tax to, or post  
 19 bond in any city, county, or other political subdivision of this state to  
 20 engage in the business or perform any service authorized under this chapter.

21 (c) However, any city or county ~~shall be permitted to~~ may require a  
 22 ~~business~~ company operating within its jurisdiction to register without fee  
 23 and may adopt an ordinance to require users of alarm systems to obtain  
 24 revocable permits without fee.

25  
 26 SECTION 45. Arkansas Code § 17-40-107 is repealed.

27 ~~17-40-107. Introduction of evidence – Effect of violations.~~  
 28 ~~The introduction of evidence in all courts in Arkansas shall not be~~  
 29 ~~affected by violations of this chapter.~~

30  
 31 SECTION 46. The title of Arkansas Code Title 17, Chapter 40,  
 32 Subchapter 2, is amended to read as follows:

33 Subchapter 2

34 ~~– Arkansas Board of Private Investigators and Private Security Agencies~~  
 35 Administration by the Department of Arkansas State Police

1 SECTION 47. Arkansas Code § 17-40-201 is repealed.

2 ~~17-40-201. Creation.~~

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

6  
7 SECTION 48. Arkansas Code § 17-40-202 is repealed.

8 ~~17-40-202. Members—Qualifications.~~

9 ~~(a) The Arkansas Board of Private Investigators and Private Security~~  
10 ~~Agencies shall be composed of seven (7) members as follows:~~

11 ~~(1) One (1) citizen who is not registered under this chapter and~~  
12 ~~who is not employed by the same person as any other member of the board,~~  
13 ~~appointed by the Governor from a list of three (3) names submitted by the~~  
14 ~~Arkansas Sheriffs Association, subject to confirmation by the Senate;~~

15 ~~(2) One (1) municipal law enforcement officer or his or her~~  
16 ~~designee, appointed by the Governor from a list of three (3) names submitted~~  
17 ~~by the Arkansas Municipal Police Association, subject to confirmation by the~~  
18 ~~Senate;~~

19 ~~(3) One (1) member who is registered under this chapter, who is~~  
20 ~~a Class A or Class D licensee, who has been engaged for a period of five (5)~~  
21 ~~consecutive years as a private investigator, and who is not employed by the~~  
22 ~~same person as any other member of the board, appointed by the Governor,~~  
23 ~~subject to confirmation by the Senate;~~

24 ~~(4) One (1) member who is registered under this chapter, who has~~  
25 ~~been employed for a period of five (5) consecutive years by a security~~  
26 ~~services contractor, and who is not employed by the same person as any other~~  
27 ~~member of the board, appointed by the Governor, subject to confirmation by~~  
28 ~~the Senate;~~

29 ~~(5) One (1) polygraph examiner who is registered under § 17-39-~~  
30 ~~101 et seq., who has been engaged for a period of five (5) consecutive years~~  
31 ~~as a polygraph examiner, and who is not employed by the same person as any~~  
32 ~~other member of the board, appointed by the Governor, subject to confirmation~~  
33 ~~by the Senate;~~

34 ~~(6) One (1) member in business with contract security service~~  
35 ~~responsibilities that does not hold a license under this chapter, appointed~~  
36 ~~by the Governor from a list of three (3) names submitted by the Arkansas~~

1 Chapter of the American Society of Industrial Security, subject to  
2 confirmation by the Senate; and

3           ~~(7) One (1) member who is registered under this chapter, who has~~  
4 ~~been engaged for a period of five (5) consecutive years in the alarms systems~~  
5 ~~profession, and who is not employed by the same person as any other member of~~  
6 ~~the board, appointed by the Governor, subject to confirmation by the Senate.~~

7           ~~(b) The experience qualifications prescribed for membership on the~~  
8 ~~board in subsection (a) of this section shall be satisfied by experience of~~  
9 ~~five (5) years in the particular field as a police officer in the State of~~  
10 ~~Arkansas or in the armed forces of the United States, or both.~~

11  
12 SECTION 49. Arkansas Code § 17-40-203 is repealed.

13 ~~17-40-203. Members—Terms—Removal—Vacancies—Compensation.~~

14 ~~(a) Members of the Arkansas Board of Private Investigators and Private~~  
15 ~~Security Agencies shall serve four-year terms.~~

16 ~~(b) No member shall serve two (2) consecutive terms.~~

17 ~~(c) Each member, unless removed by the Governor, shall hold office~~  
18 ~~until his or her successor is appointed and qualified.~~

19 ~~(d) Any member who fails to attend two (2) or more consecutive~~  
20 ~~meetings of the board without reasonable cause may be removed by the~~  
21 ~~Governor.~~

22 ~~(e) The Governor shall fill all vacancies occurring among appointed~~  
23 ~~members of the board, subject to confirmation by the Senate, with~~  
24 ~~appointments for the duration of the unexpired term.~~

25 ~~(f) The members of the board shall serve without pay but may receive~~  
26 ~~expense reimbursement in accordance with § 25-16-901 et seq.~~

27  
28 SECTION 50. Arkansas Code § 17-40-204 is amended to read as follows.

29 17-40-204. ~~Administrator~~ Administration.

30 ~~(a) The position of Administrator of the Arkansas Board of Private~~  
31 ~~Investigators and Private Security Agencies is created. The Director of the~~  
32 ~~Department of Arkansas State Police, or his or her designated representative,~~  
33 ~~shall serve as the administrator. The administrator shall not be a member of~~  
34 ~~the Arkansas Board of Private Investigators and Private Security Agencies,~~  
35 ~~shall perform such duties as may be prescribed by the board, and shall have~~  
36 ~~no financial or business interests, contingent or otherwise, in any security~~

1 ~~services contractor or investigating company.~~

2 ~~(b) All legal process and all documents required by law to be served~~  
 3 ~~upon or filed with the board shall be served or filed with the administrator~~  
 4 ~~at the designated office of the board.~~

5 ~~(c) All official records of the board or affidavits by the~~  
 6 ~~administrator as to the content of the records shall be prima facie evidence~~  
 7 ~~of all matters required to be kept by the board.~~

8 (a) The Director of the Department of Arkansas State Police shall  
 9 perform such duties as may be prescribed by the director and shall have no  
 10 financial, personal, or business interests in an entity licensed under this  
 11 chapter.

12 (b) All legal processes and all documents required by law shall be  
 13 served upon the director or his or her designee or filed within the  
 14 Department of the Arkansas State Police.

15  
 16 SECTION 51. Arkansas Code § 17-40-205 is repealed.

17 ~~17-40-205. Employees.~~

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

20  
 21 SECTION 52. Arkansas Code § 17-40-206 is repealed.

22 ~~17-40-206. Organization and proceedings.~~

23 ~~(a) The Arkansas Board of Private Investigators and Private Security~~  
 24 ~~Agencies shall elect from among its members a chair, vice chair, and~~  
 25 ~~secretary to serve one-year terms commencing on January 1 of each year. The~~  
 26 ~~chair or, in his or her absence, the vice chair shall preside at all meetings~~  
 27 ~~of the board and perform the other duties prescribed in this chapter.~~

28 ~~(b) The board shall meet at regular intervals to be decided by a~~  
 29 ~~majority vote of the board.~~

30 ~~(c) At the first meeting, the board shall specify the date and place~~  
 31 ~~of the first examinations for licenses to be held.~~

32 ~~(d) A majority of the board constitutes a quorum to transact business.~~

33 ~~(e) The board shall adopt a seal, the form of which it shall~~  
 34 ~~prescribe.~~

35 ~~(f) The board shall be governed by the Arkansas Administrative~~  
 36 ~~Procedure Act, § 25-15-201 et seq.~~

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SECTION 53. Arkansas Code § 17-40-207 is amended to read as follows:  
17-40-207. Powers and duties.

~~(a) The Arkansas Board of Private Investigators and Private Security Agencies 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, § 25-15-201 et seq.; and~~

~~(4) To establish and enforce standards governing the safety and conduct of persons licensed, registered, and commissioned under the provisions of this chapter, including authority to adopt a rule to prohibit such persons from using any metallic insignia or identification badge.~~

~~(b) In the conduct of any investigation conducted under the provisions of this chapter, the board may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents. The officer conducting a hearing may administer oaths and may require testimony or evidence to be given under oath.~~

(a) The Director of the Department of Arkansas State Police shall have the following powers and duties:

(1) To determine the qualifications of applicants as provided in this chapter;

(2) To investigate alleged violations of this chapter and of any rules adopted by the director;

(3) To grant, deny, suspend, or revoke any license, credential, or commission issued under this chapter and to levy fines for violation of the provisions of this chapter;

(4) To authorize a licensed or credentialed private investigator from another state the authority to operate in this state for up to ten (10) calendar days without being issued a credential under this chapter, under the rules promulgated by the director;

(5) To promulgate reasonable rules in the manner provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and

1           (6) To establish and enforce standards governing the safety and  
2 conduct of persons licensed, credentialed, or commissioned under this  
3 chapter.

4           (b)(1) In the conduct of any investigation performed under this  
5 chapter, the director may issue subpoenas to compel the attendance of  
6 witnesses and the production of pertinent books, accounts, records, and  
7 documents.

8           (2)(A) The administrative hearing officer shall conduct the  
9 administrative hearing, and he or she may administer oaths, require  
10 testimony, and issue subpoenas for the attendance of witnesses and the  
11 production of relevant books, papers, documents, or other relevant evidence.

12           (B) The administrative hearing officer shall submit his or  
13 her recommendation to the director within sixty (60) days of the hearing.

14           (c) The director may designate a person on his or her staff to  
15 administer and carry out the provisions of this chapter.

16  
17           SECTION 54. Arkansas Code § 17-40-208 is amended to read as follows:

18           17-40-208. Training of personnel.

19           ~~(a) The Arkansas Board of Private Investigators and Private Security~~  
20 ~~Agencies shall establish training programs to be conducted by agencies and~~  
21 ~~institutions approved by the board.~~

22           ~~(b) The basic training course approved by the board may include the~~  
23 ~~following:~~

24                 ~~(1) Legal limitations on the use of firearms and on the powers~~  
25 ~~and authority of the private security officer;~~

26                 ~~(2) Familiarity with this chapter;~~

27                 ~~(3) Field note taking and report writing;~~

28                 ~~(4) Range firing and procedure and handgun safety and~~  
29 ~~maintenance; and~~

30                 ~~(5) Any other topics of security officer training curriculum~~  
31 ~~which the board deems necessary.~~

32           ~~(c) The board shall promulgate all rules necessary to administer the~~  
33 ~~provisions of this section concerning the training requirements of this~~  
34 ~~chapter.~~

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~~



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

(a) The Director of the Department of Arkansas State Police shall establish minimum training requirements under this chapter for a private security officer, a commissioned security officer, and a commissioned school security officer.

(b) For a private security officer, the minimum training requirements under this chapter shall include without limitation the following topics:

- (1) Legal limitations on the use of firearms and on the powers and authority of the private security officer;
- (2) Familiarity with this chapter;
- (3) Field note taking and report writing; and
- (4) Other topics that the director deems necessary.

(c) For a commissioned security officer, the minimum training requirements under this chapter shall include without limitation the following topics:

- (1) Legal limitations on the use of firearms and on the powers and authority of the commissioned security officer;
- (2) Familiarity with this chapter;
- (3) Field note taking and report writing;
- (4) Range firing and procedure and handgun safety and maintenance; and
- (5) Other topics the director deems necessary.

(d) For a commissioned school security officer, the minimum training requirements under this chapter shall include without limitation the following topics:

- (1) Legal limitations on the use of firearms and on the powers and authority of the commissioned school security officer;
- (2) Familiarity with this chapter;
- (3) Field note taking and report writing;
- (4) Fundamental use of firearms, including firearm safety drills, tactics, and required qualification on an approved course of fire;
- (5) Active shooter training;

- 1           (6) Active shooter simulation scenarios;  
 2           (7) Trauma care;  
 3           (8) Defensive tactics;  
 4           (9) Weapon retention;  
 5           (10) Handgun safety and maintenance; and  
 6           (11) Other topics the director deems necessary.

7           (e) When an individual meets the training requirements approved by the  
 8 director, that individual shall not be required to be retrained until two (2)  
 9 years after the private security officer, commissioned security officer, or  
 10 commissioned school security officer is commissioned.

11  
 12           SECTION 55. Arkansas Code § 17-40-209 is amended to read as follows:

13           17-40-209. Fees – Disposition of funds – Legislative intent.

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

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

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

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

31           ~~(e)(1) All funds received by the board shall be deposited into the~~  
 32 ~~State Treasury as special revenues to the credit of the fund.~~

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

35           (a) It is the intent of the General Assembly that the cost of  
 36 investigating and credentialing private investigators or licensing private

1 security agencies as authorized by this chapter be borne by the individuals  
 2 and agencies so credentialed or licensed.

3 (b) To assure that the intent is carried out, the expenditure for  
 4 personal services and operating expenses associated with investigating and  
 5 licensing, credentialing, or commissioning of individuals and agencies  
 6 required to be licensed, credentialed, or commissioned under this chapter  
 7 shall be limited in the aggregate to the amount deposited into the State  
 8 Treasury to the credit of the Department of Arkansas State Police Fund from  
 9 license, credential, and commission fees of the individuals and agencies.

10 (c) In order to provide sufficient revenues to carry out the duties  
 11 and functions prescribed by this chapter, the Director of the Department of  
 12 Arkansas State Police shall levy fees for licenses, credentials, and  
 13 commissions as authorized by this chapter as determined by the director.

14 (d) A late fee or a fine may be levied by the director.

15 (e)(1) All funds received by the director shall be deposited into the  
 16 State Treasury as special revenues to the credit of the Department of  
 17 Arkansas State Police Fund.

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

20  
 21 SECTION 56. The title of Arkansas Code Title 17, Chapter 40,  
 22 Subchapter 3, is amended to read as follows:

23  
 24 Subchapter 3 – License, Registration Credential, and Commissions Commission  
 25

26 SECTION 57. Arkansas Code § 17-40-301 is amended to read as follows:

27 17-40-301. Unlawful acts.

28 ~~(a) No licensee or officer, director, partner, manager, or employee of~~  
 29 ~~a licensee shall knowingly make any false report to his or her employer or~~  
 30 ~~client for whom information was being obtained.~~

31 ~~(b) No written report shall be submitted to a client except by the~~  
 32 ~~licensee, manager, or a person authorized by one (1) or either of them. The~~  
 33 ~~person submitting the report shall exercise diligence in ascertaining whether~~  
 34 ~~or not the facts and information in a report are true and correct.~~

35 ~~(c) No licensee, or officer, director, partner, manager, or employee~~  
 36 ~~of a licensee, except full-time police officers, shall use a title, wear a~~

1 uniform, use an insignia, use an identification, or make any statement with  
2 the intent to give the impression that he or she is connected in any way with  
3 the federal government, a state government, county government, city  
4 government, or any political subdivision of a state government.

5 (d) ~~It is unlawful and punishable as provided in § 17-40-104 for any  
6 person to represent falsely that he or she is employed by a licensee.~~

7 (e) ~~It shall be unlawful and punishable as provided in § 17-40-104 for  
8 any state, county, or municipal government, or political subdivision of  
9 either, to install, service, maintain, monitor, operate, sell, or lease as  
10 lessor any burglar alarm system, fire alarm system, or other electronic  
11 security system on private property if a private contractor licensed to do  
12 business within the county or municipality offers such systems or services to  
13 the public within such a county or municipality. The provisions of this  
14 section shall not prohibit a county or municipal government from installing,  
15 servicing, maintaining, or operating a burglar alarm system or fire alarm  
16 system on any property owned or leased by such a county or municipal  
17 government.~~

18 (f) ~~No person shall program an automatic dialing device to call any  
19 law enforcement agency, fire department, emergency health service, or any  
20 state, city, or county agency, without prior approval of the Arkansas Board  
21 of Private Investigators and Private Security Agencies.~~

22 (g) ~~No licensee shall contract or subcontract with any unlicensed  
23 entity that performs a service that is required to be licensed by this  
24 chapter.~~

25 (a) It is unlawful for a person to knowingly:

26 (1) Perform any service as a private investigator unless the  
27 person has obtained a credential to perform the services of a private  
28 investigator under this chapter;

29 (2) Perform any service as or engage in the business or business  
30 activity of a security services contractor or alarm systems company unless  
31 the person has obtained a license as a securities services contractor or  
32 alarm systems company under this chapter; or

33 (3) Engage in an operation outside the scope of the person's  
34 license or credential.

35 (b) A credential holder or a licensee or an officer, director,  
36 partner, manager, or employee of a licensee shall not knowingly make a false

1 report to his or her employer or client for whom information was being  
2 obtained.

3 (c)(1) A credential holder, licensee, manager, or agent authorized by  
4 one (1) or both the licensee or manager shall have the sole responsibility of  
5 knowingly submitting a written investigative report to a client.

6 (2) The person submitting the written investigative report shall  
7 exercise due diligence in ascertaining the truth and accuracy of the  
8 information in the report.

9 (d) A credential holder, or a licensee or officer, director, partner,  
10 manager, or employee of a licensee, except a full-time police officer, shall  
11 not knowingly use a title, wear a uniform, use an insignia, use an  
12 identification, or make any statement with the intent to give the impression  
13 that the person is connected in any way with the federal government, a state  
14 government, county government, city government, or any political subdivision  
15 of a state government.

16 (e) It is unlawful for a person to misrepresent that he or she is  
17 employed by a credential holder or a licensee.

18 (f)(1) It is unlawful for a state, county, or municipal government or  
19 political subdivision of a state, county, or municipal government to install,  
20 service, maintain, monitor, operate, sell, or lease as lessor any burglar  
21 alarm, fire alarm system, or other electronic security system on private  
22 property if a private contractor licensed to do business within the county or  
23 municipality offers such systems or services to the public within the county  
24 or municipality.

25 (2) This section does not prohibit a county or municipal  
26 government from installing, servicing, maintaining, or operating a burglar  
27 alarm or fire alarm system on property owned or leased by a county or  
28 municipal government.

29 (g) A person shall not program an automatic dialing device to call a  
30 law enforcement agency, fire department, emergency health service, or a  
31 state, city, or county agency without the prior approval of the Director of  
32 the Department of Arkansas State Police.

33 (h) A credential holder or a licensee shall not contract or  
34 subcontract with an unlicensed person or uncredentialed individual to perform  
35 a service that requires a credential or a license under this chapter.

36 (i) A person licensed only as a security services contractor shall not

1 engage in an investigation unless the investigation is incidental to the  
 2 theft, loss, embezzlement, misappropriation, or concealment of property that  
 3 the person has been hired or engaged to protect.

4 (j) A person shall not employ an individual as a private security  
 5 officer and knowingly authorize or permit him or her to carry a firearm  
 6 during the course of performing his or her duties as a private security  
 7 officer if the director has not issued the private security officer a  
 8 security officer commission.

9 (k) An individual employed as a private security officer shall not  
 10 knowingly carry a firearm during the course of performing his or her duties  
 11 as a private security officer if the director has not issued him or her a  
 12 security officer commission.

13 (l) A person shall not knowingly hire or employ an individual as a  
 14 private security officer and an individual shall not accept employment as a  
 15 private security officer if the employment requires the private security  
 16 officer to carry a firearm in the course and scope of his or her duties,  
 17 unless the private security officer is a commissioned security officer.

18  
 19 SECTION 58. Arkansas Code Title 17, Chapter 40, Subchapter 3, is  
 20 amended to add a new section to read as follows:

21 17-40-302. Fees.

22 (a) The Director of the Department of Arkansas State Police may assess  
 23 fees under this chapter as follows:

24 (1) For an initial application:

25 (A) Alarm systems agent, alarm systems apprentice, alarm  
 26 systems technician, or alarm systems monitor credential..... \$40.00;

27 (B) Class A license..... \$600;

28 (C) Class B license..... \$600;

29 (D) Class C license..... \$850;

30 (E) Class D license..... \$300;

31 (F) Class E-M license..... \$600;

32 (G) Class E Restricted license..... \$600;

33 (H) Class E-S license..... \$600;

34 (I) Class E Unrestricted license..... \$600;

35 (J) Class G license..... \$1,200;

36 (K) Security guard credential..... \$40.00; and

1                   (L) Credentialed private investigator..... \$450;

2           (2) For a renewal application:

3                   (A) Alarm systems agent, alarm systems apprentice, alarm  
4 systems technician, or alarm systems monitor credential..... \$40.00;

5                   (B) Class A license..... \$300;

6                   (C) Class B license..... \$300;

7                   (D) Class C license..... \$500;

8                   (E) Class D license..... \$150;

9                   (F) Class E-M license..... \$300;

10                  (G) Class E Restricted license..... \$300;

11                  (H) Class E-S license..... \$300;

12                  (I) Class E Unrestricted license..... \$300;

13                  (J) Class G license..... \$600;

14                  (K) Security guard credential..... \$40.00; and

15                  (L) Credentialed private investigator..... \$150; and

16           (3) For the following:

17                   (A) Replacement credential or commission photo  
18 identification card..... \$5.00;

19                   (B) Duplicate wall mounted license..... \$10.00;

20                   (C) Late renewal fee for a:

21                           (i) Class A license..... \$150;

22                           (ii) Class B license..... \$150;

23                           (iii) Class C license..... \$250;

24                           (iv) Class D license..... \$75.00;

25                           (v) Class E license, any version..... \$150; and

26                           (vi) Class G license..... \$300; and

27                   (D) Transfer fee for:

28                           (i) A credentialed private investigator..... \$75.00;

29 and

30                           (ii) An alarm systems agent, alarm systems  
31 apprentice, alarm systems technician, or alarm systems monitor  
32 credential..... \$20.00.

33           (b) Applicable state and national criminal background check fees are  
34 as set under the Arkansas State Criminal Records Act, § 12-12-1501 et seq.,  
35 or by the Federal Bureau of Investigation.

36           (c) All fees under this section are nonrefundable.

1  
2 SECTION 59. Arkansas Code § 17-40-305 is repealed.

3 ~~17-40-305. License required.~~

4 ~~It shall be unlawful and punishable as provided in § 17-40-104 for any~~  
5 ~~person to engage in the business of, or perform any service as, a private~~  
6 ~~investigator, security services contractor, or alarm systems company, or to~~  
7 ~~offer his or her services in those capacities or engage in any business or~~  
8 ~~business activity required to be licensed by this chapter unless he or she~~  
9 ~~has obtained a license under the provisions of this chapter.~~

10  
11 SECTION 60. Arkansas Code § 17-40-306 is amended to read as follows:

12 17-40-306. License or credential - Applicant qualifications.

13 ~~(a) Unless the requirement is waived by the Arkansas Board of Private~~  
14 ~~Investigators and Private Security Agencies, an applicant for a license or~~  
15 ~~his or her manager must:~~

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

17 ~~(2) Be a high school graduate or its equivalent if the applicant~~  
18 ~~is a manager of an investigations company or an individual applying for an~~  
19 ~~investigations company license;~~

20 ~~(3) Not have been found guilty of or pleaded guilty or nolo~~  
21 ~~contendere to any:~~

22 ~~(A) Felony, Class A misdemeanor, crime involving an act of~~  
23 ~~violence, or any crime involving moral turpitude in any court in the State of~~  
24 ~~Arkansas for which a pardon has not been granted;~~

25 ~~(B) Felony, Class A misdemeanor or an offense of a~~  
26 ~~comparable level, crime involving an act of violence, or any crime involving~~  
27 ~~moral turpitude in any court in another state for which a pardon has not been~~  
28 ~~granted; or~~

29 ~~(C) Felony, Class A misdemeanor or an offense of a~~  
30 ~~comparable level, crime involving an act of violence, or any crime involving~~  
31 ~~moral turpitude in a military or federal court for which a pardon has not~~  
32 ~~been granted;~~

33 ~~(4) Not have been declared by any court of competent~~  
34 ~~jurisdiction incompetent by reason of mental defect or disease and not have~~  
35 ~~been restored;~~

36 ~~(5) Not be suffering from habitual drunkenness or from narcotics~~



1 ~~addiction or dependence;~~

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

4 ~~(7) Be of good moral character; and~~

5 ~~(8) Be in compliance with any other reasonable qualifications~~  
6 ~~that the board may fix by rule.~~

7 ~~(b)(1) An applicant who applies for a license to engage in the~~  
8 ~~business of an investigations company or his or her manager shall have:~~

9 ~~(A) Two (2) consecutive years' experience prior to the~~  
10 ~~date of the application in the investigative field as an agent, employee,~~  
11 ~~manager, or owner of an investigations company;~~

12 ~~(B) Been licensed under Acts 1965, No. 447 [repealed];~~

13 ~~(C) Two (2) years' experience as a licensed bail bondsman~~  
14 ~~and a baccalaureate degree from a four-year institution of higher education;~~  
15 ~~or~~

16 ~~(D) Satisfied such other requirements as may be set by the~~  
17 ~~board.~~

18 ~~(2) The experience of the applicant must be reviewed by the~~  
19 ~~board and determined to be adequate to qualify the applicant to engage in the~~  
20 ~~business of an investigations company.~~

21 ~~(c) An applicant who applies for a license to engage in the business~~  
22 ~~of a security services contractor or his or her manager shall have two (2)~~  
23 ~~consecutive years' experience prior to the date of application in the~~  
24 ~~security services field as an agent, employee, manager, or owner of a~~  
25 ~~security services contractor company, or the applicant or his or her manager~~  
26 ~~shall have been licensed under Acts 1973, No. 605 [repealed], or shall~~  
27 ~~satisfy such other requirements as may be set by the board.~~

28 (a) A person applying for a license or credential other than that for  
29 a commissioned security officer or commissioned school security officer  
30 shall:

31 (1) Be at least eighteen (18) years of age at the time of  
32 application;

33 (2) Not be suffering from habitual drunkenness or from narcotics  
34 addiction or dependence;

35 (3) Not have been discharged from the United States Armed Forces  
36 under dishonorable conditions;

1           (4) Be in compliance with any other reasonable qualifications  
2 that the Director of the Department of Arkansas State Police may set by rule;

3           (5) Not have been adjudicated as mentally incompetent or have  
4 been involuntarily committed to a mental institution or mental health  
5 treatment facility; and

6           (6) Not be a registered sex offender or be required to register  
7 as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-  
8 901 et seq.

9           (b) An applicant who applies for a license to engage in the business  
10 of an investigations company or his or her manager shall have:

11           (1) Two (2) consecutive years' experience before the date of the  
12 application in the investigative field as an agent, employee, manager, or  
13 owner of an investigations company;

14           (2) Two (2) years' experience as a licensed bail bondsman and a  
15 baccalaureate degree from a four-year institution of higher education; or

16           (3) Satisfied other requirements as may be set by the director.

17           (c) An applicant makes application to engage in the business of a  
18 security services contractor, private business, or his or her manager shall:

19           (1) Have two (2) consecutive years' experience before the date  
20 of application in the security services field as an agent, employee, manager,  
21 or owner of a security services contractor company; or

22           (2) Satisfy other requirements as may be set by the director.

23           (d)(1) The director shall not issue a license or credential nor renew  
24 an existing license or credential of a person who has been found guilty of or  
25 pleaded guilty or nolo contendere to one (1) or more of the following in any  
26 court in the State of Arkansas or a comparable offense in another state, or  
27 in a military or federal court for which a pardon has not been granted:

28           (A) A felony;

29           (B) A Class A misdemeanor;

30           (C) A crime involving violence; or

31           (D) A crime involving moral turpitude.

32           (2) For purposes of this subsection, the state and national  
33 criminal background check shall include a record of all offenses that have  
34 been previously sealed or expunged by any court.

35  
36           SECTION 61. Arkansas Code § 17-40-307 is amended to read as follows:

1 17-40-307. License or credential - Application and examination.

2 ~~(a) An application for a license under this chapter shall be in the~~  
3 ~~form prescribed by the Arkansas Board of Private Investigators and Private~~  
4 ~~Security Agencies. The application shall include:~~

5 ~~(1) The full name and business address of the applicant;~~

6 ~~(2) The name under which the applicant intends to do business;~~

7 ~~(3) A statement as to the general nature of the business in~~  
8 ~~which the applicant intends to engage;~~

9 ~~(4) A statement as to the classification under which the~~  
10 ~~applicant desires to be qualified;~~

11 ~~(5) The full name and residence address of each of the~~  
12 ~~applicant's partners, officers, directors, and its manager, if the applicant~~  
13 ~~is an entity other than an individual;~~

14 ~~(6) Two (2) recent photographs, of a type prescribed by the~~  
15 ~~board, of the applicant, if the applicant is an individual, or of each~~  
16 ~~officer and of each partner or shareholder who owns a twenty-five percent~~  
17 ~~(25%) or greater interest in the applicant, if the applicant is an entity;~~

18 ~~(7) Two (2) classifiable sets of fingerprints of the applicant,~~  
19 ~~if the applicant is an individual, or of each officer and of each partner or~~  
20 ~~shareholder who owns a twenty-five percent (25%) or greater interest in the~~  
21 ~~applicant, if the applicant is an entity;~~

22 ~~(8) A verified statement of his or her experience~~  
23 ~~qualifications;~~

24 ~~(9) A verified statement disclosing any record of convictions of~~  
25 ~~the applicant of a felony, Class A misdemeanor, a crime involving an act of~~  
26 ~~violence, or any crime involving moral turpitude; and~~

27 ~~(10) Such information as may be required by the board which~~  
28 ~~would show that the applicant is honest, trustworthy, and of good character.~~

29 ~~(b) An application for a license under this chapter shall include the~~  
30 ~~social security number of the one making the application.~~

31 ~~(c) The board may require an applicant or his or her manager to~~  
32 ~~demonstrate qualifications by an examination to be determined by the board or~~  
33 ~~show proof of other qualifications as may be determined by the board.~~

34 ~~(d) Payment of the application fee prescribed by this chapter entitles~~  
35 ~~the applicant or his or her manager to one (1) examination without further~~  
36 ~~charge. If the person fails to pass the examination, he or she shall not be~~

1 eligible for any subsequent examination except upon payment of the  
2 reexamination fee which shall be set by the board in an amount not in excess  
3 of the renewal fee for the license classification for which license  
4 application was originally made.

5 ~~(e)(1) Each first-time applicant and applicant for license renewal~~  
6 ~~shall be required to apply to the Identification Bureau of the Department of~~  
7 ~~Arkansas State Police for a state and national criminal background check to~~  
8 ~~be conducted by the Identification Bureau of the Department of Arkansas State~~  
9 ~~Police and the Federal Bureau of Investigation.~~

10 ~~(2) The check shall conform to applicable federal standards and~~  
11 ~~shall include the taking of fingerprints as required in subdivision (a)(7) of~~  
12 ~~this section.~~

13 ~~(3) The applicant shall sign a release of information to the~~  
14 ~~board and shall be responsible for the payment of any fee associated with the~~  
15 ~~criminal background check.~~

16 ~~(4) Upon completion of the criminal background check, the~~  
17 ~~Identification Bureau of the Department of Arkansas State Police shall~~  
18 ~~forward to the board all releasable information obtained concerning the~~  
19 ~~applicant.~~

20 (a) An application for a license or credential under this chapter  
21 shall be in the form prescribed by the Director of the Department of Arkansas  
22 State Police and shall include:

23 (1) The full name and business address of the applicant;

24 (2) The name under which the applicant intends to do business;

25 (3) A statement as to the general nature of the business and the  
26 business classification in which the applicant intends to engage;

27 (4) The full name and residence address of each of the  
28 applicant's partners, officers, directors, and managers, if the applicant is  
29 an entity other than an individual;

30 (5) Two (2) recent passport-style photographs of the applicant,  
31 if the applicant is an individual, or of each officer and of each partner or  
32 shareholder who owns an interest of twenty-five percent (25%) or greater in  
33 the applicant, if the applicant is an entity;

34 (6) Two (2) classifiable sets of fingerprints of the applicant,  
35 if the applicant is an individual, or of each officer and of each partner or  
36 shareholder who owns an interest of twenty-five percent (25%) or greater in

1 the applicant, if the applicant is an entity;

2 (7) A verified statement of the applicant's experience  
3 qualifications;

4 (8) A verified statement disclosing any record of arrests,  
5 pending criminal charges, or convictions of the applicant of a felony, Class  
6 A misdemeanor, a crime involving an act of violence, or any crime involving  
7 moral turpitude, including those that have been sealed or expunged; and

8 (9) Information that may be required by the director that would  
9 show that the applicant is honest, trustworthy, and of good character, if the  
10 applicant is an individual.

11 (b) An application for a license or credential under this chapter  
12 shall include the Social Security number of the applicant.

13 (c) The director may require an applicant or his or her manager to  
14 demonstrate qualifications determined by the director by an examination or  
15 show proof of other qualifications as may be determined by the director.

16 (d)(1) Payment of the application fee prescribed by this chapter  
17 entitles the applicant or his or her manager to one (1) examination without  
18 further charge.

19 (2) If the person fails to pass the examination, he or she shall  
20 not be eligible for any subsequent examination except upon payment of the  
21 reexamination fee which shall be set by the director.

22 (e)(1)(A) Each first-time applicant and applicant for license or  
23 credential renewal shall apply to the Department of Arkansas State Police for  
24 a state and national criminal background check to be conducted by the  
25 department and the Federal Bureau of Investigation.

26 (B) Criminal history records from the Arkansas Crime  
27 Information Center shall be available to the director for the review of  
28 applicant qualification.

29 (2) The state and national criminal background check shall  
30 conform to applicable federal standards and shall include the taking of  
31 fingerprints as required in subdivision (a)(6) of this section.

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

35 (4) Upon completion of the state and national criminal  
36 background check, the department shall forward to the director all releasable

1 information obtained concerning the applicant.

2 (f) The burden is on the applicant to provide information sufficient  
 3 to allow the director to determine if the applicant is qualified to hold the  
 4 license or credential.

5  
 6 SECTION 62. Arkansas Code § 17-40-308 is amended to read as follows:

7 17-40-308. License or credential – Insurance prerequisite.

8 (a) ~~No~~ A Class B, Class C, or general license Class G license shall  
 9 not be issued to ~~a company~~ an applicant under this chapter unless the  
 10 applicant files with the ~~Arkansas Board of Private Investigators and Private~~  
 11 ~~Security Agencies~~ Director of the Department of Arkansas State Police proof  
 12 of a policy of continuing public liability insurance in a sum not less than  
 13 five hundred thousand dollars (\$500,000), conditioned to compensate any  
 14 person for damages, including, but not limited to, bodily injury, caused by  
 15 wrongful acts of the principal or its servants, officers, agents, and  
 16 employees in the conduct of any business licensed by this chapter.

17 (b) ~~No~~ A Class B or Class C license shall not be issued to an armored  
 18 car company unless the applicant files with the ~~board~~ director proof of a  
 19 valid and continuing policy of armored car cargo insurance protecting  
 20 customers' valuables in a sum not less than five hundred thousand dollars  
 21 (\$500,000).

22 (c)(1) All Class E licensees shall maintain in force at all times  
 23 while licensed a public liability insurance policy, with minimum limits of  
 24 liability of three hundred thousand dollars (\$300,000). ~~All Class F licensees~~  
 25 ~~shall maintain in force at all times while licensed a public liability~~  
 26 ~~insurance policy, with minimum limits of liability of one hundred thousand~~  
 27 ~~dollars (\$100,000).~~

28 (2) All alarm systems businesses ~~which~~ that issue ~~Underwriters'~~  
 29 Underwriters Laboratories certificates for local mercantile, central station,  
 30 or police connected alarms shall maintain in force at all times a public  
 31 liability insurance policy in an amount of at least three hundred thousand  
 32 dollars (\$300,000).

33 (3) Proof of ~~such~~ public liability insurance ~~must~~ shall be  
 34 provided to the ~~board~~ director at the time of application or renewal or upon  
 35 request.

36 (4) This section ~~will~~ does not pertain to alarm systems

1 businesses that do not sell, install, or service alarm systems.

2  
 3 SECTION 63. Arkansas Code § 17-40-309 is amended to read as follows:  
 4 17-40-309. License and credential – Classifications.

5 ~~(a) No person may engage in any operation outside the scope of the~~  
 6 ~~person’s license.~~

7 ~~(b) For the purpose of defining the scope of licenses, the following~~  
 8 ~~license classifications are established:~~

9 ~~(1) Class A: Investigations company license, covering operations~~  
 10 ~~as defined in § 17-40-102(13);~~

11 ~~(2) Class B: Security services contractor license, covering~~  
 12 ~~operations as defined in § 17-40-102(26);~~

13 ~~(3) Class C: Covering the operations included within Class A and~~  
 14 ~~Class B;~~

15 ~~(4) Class D: A single individual operating as an investigations~~  
 16 ~~company with no other employees required to be licensed or registered under~~  
 17 ~~this chapter;~~

18 ~~(5)(A) Class E Level 1: Alarm systems company license, covering~~  
 19 ~~operations as defined in § 17-40-102(5). Fire alarm license is restricted to~~  
 20 ~~structures for which applicable building and life safety codes do not mandate~~  
 21 ~~the installation of fire alarm systems, one family or two family dwellings~~  
 22 ~~classified as “Group R-3” in the Arkansas Fire Prevention Code.~~

23 ~~(B) Class E Level 2: Alarm systems company license~~  
 24 ~~covering operations as defined in § 17-40-102(5). Fire alarm license is~~  
 25 ~~restricted to structures for which applicable building and life safety codes~~  
 26 ~~do not mandate the installation of fire alarm systems, one family and two-~~  
 27 ~~family dwellings classified as “Group R-3”; “Group R-1”, except buildings~~  
 28 ~~with three (3) or more stories; “Group R-2”, except buildings with three (3)~~  
 29 ~~or more stories; “Group A”, except those that exceed fifteen thousand square~~  
 30 ~~feet (15,000 sq.ft.); “Group B”, except “highrise”; “Group E”, except those~~  
 31 ~~that exceed fifteen thousand square feet (15,000 sq.ft.); “Group F”; “Group~~  
 32 ~~M”; and “Group S” in the Arkansas Fire Prevention Code.~~

33 ~~(C) Class E Level 3: Alarm systems company license~~  
 34 ~~covering operations as defined in § 17-40-102(5). Fire alarm license is~~  
 35 ~~unrestricted.~~

36 ~~(D) Class E-M: Alarm systems company license covering only~~

1 ~~monitoring as defined in § 17-40-102(5).~~

2 ~~(E) Class E-S: A single station alarm systems company~~  
 3 ~~license covering operations as defined by § 17-40-102(27). Fire alarm license~~  
 4 ~~is restricted to one family and two family dwellings.~~

5 ~~(F) Class F-S: A single station alarm systems company~~  
 6 ~~license covering operations as defined by § 17-40-102(27) with no more than~~  
 7 ~~five (5) registered employees required to be registered under this chapter.~~  
 8 ~~Fire alarm license is restricted to one family and two family dwellings;~~

9 ~~(6)(A) Class F: An alarm systems company license covering~~  
 10 ~~operations as defined in § 17-40-102(5) with no more than five (5) employees~~  
 11 ~~required to be registered under this chapter. Fire alarm license is~~  
 12 ~~restricted to structures for which applicable building and life safety codes~~  
 13 ~~do not mandate installation of fire alarm systems and one family and two-~~  
 14 ~~family dwellings classified as "Group R-3" in the Arkansas Fire Prevention~~  
 15 ~~Code.~~

16 ~~(B) Class F-M: Alarm systems company license covering only~~  
 17 ~~monitoring as defined in § 17-40-102(5) with no more than five (5) persons~~  
 18 ~~required to be registered under this chapter; and~~

19 ~~(7) General: Covering the operations included within Class A,~~  
 20 ~~Class B, and Class E.~~

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

25 For the purpose of defining the scope of licenses under this chapter,  
 26 the following license classifications are established:

27 (1) "Class A" means a license issued to an investigations  
 28 company employing one (1) or more individuals;

29 (2) "Class B" means a security services contractor license;

30 (3) "Class C" means a license that includes the operations  
 31 within a Class A license and a Class B license;

32 (4) "Class D" means a license for a single individual operating  
 33 as an investigations company with no other employees who are required to be  
 34 licensed or credentialed under this chapter;

35 (5) "Class E Restricted" means a license for an alarm systems  
 36 company the work of which is limited to structures that are not required by



1 the Arkansas Fire Prevention Code to have a fire alarm system;

2 (6) "Class E Unrestricted" means a license for an alarm systems  
 3 company that installs fire alarm systems that are required by the Arkansas  
 4 Fire Prevention Code;

5 (7) "Class E-M" means an alarm systems company license covering  
 6 only monitoring;

7 (8) "Class E-S" means a single-station alarm systems company  
 8 license restricted to one-family and two-family dwellings; and

9 (9) "Class G" means a general license for operations included  
 10 within Class A, Class B, Class E Restricted, and Class E Unrestricted  
 11 licenses.

12  
 13 SECTION 64. Arkansas Code § 17-40-310 is amended to read as follows:

14 17-40-310. License and credential – Form.

15 A license or credential when issued shall be in the form prescribed by  
 16 ~~the Arkansas Board of Private Investigators and Private Security Agencies,~~  
 17 Director of the Department of Arkansas State Police and shall include the:

18 (1) ~~The name~~ Name of the licensee or credential holder;

19 (2) ~~The name~~ Name under which the licensee or credential holder is to  
 20 operate; and

21 (3) ~~The number~~ License or credential number and date of ~~issuance of~~  
 22 ~~the license~~ expiration.

23  
 24 SECTION 65. Arkansas Code § 17-40-311 is amended to read as follows:

25 17-40-311. License and credential – Assignability.

26 A license or credential issued under this chapter is not assignable.

27  
 28 SECTION 66. Arkansas Code § 17-40-312 is amended to read as follows:

29 17-40-312. License and credential – Termination.

30 ~~(a) The Arkansas Board of Private Investigators and Private Security~~  
 31 ~~Agencies shall prescribe by rule the procedure under which a license issued~~  
 32 ~~under this chapter may be terminated.~~

33 ~~(b) The fee for the termination of a license under this chapter shall~~  
 34 ~~be established by the board in an amount not to exceed five dollars (\$5.00).~~

35 The Director of the Department of Arkansas State Police shall prescribe  
 36 by rule the procedure under which a license or credential issued under this

1 chapter may be terminated by the licensee or credential holder.

2  
3 SECTION 67. Arkansas Code § 17-40-313 is amended to read as follows:

4 17-40-313. License and credential – Expiration and renewal.

5 ~~(a) Licenses issued under this chapter expire one (1) year after the~~  
6 ~~date of issuance if not renewed. To renew an unexpired license, the licensee,~~  
7 ~~on or before the date on which it would otherwise expire, shall apply for~~  
8 ~~renewal on a form prescribed by the Arkansas Board of Private Investigators~~  
9 ~~and Private Security Agencies, and pay the renewal fee prescribed by this~~  
10 ~~chapter. On renewal, a renewal license shall be issued to the licensee.~~

11 ~~(b) Renewal of a license shall not prohibit the bringing of~~  
12 ~~disciplinary proceedings for an act committed before the effective date of~~  
13 ~~the renewal.~~

14 ~~(c) A suspended license is subject to expiration and shall be renewed~~  
15 ~~as provided in this chapter. However, renewal does not entitle the licensee,~~  
16 ~~while the license remains suspended and until it is reinstated, to engage in~~  
17 ~~the licensed activity or in any other activity or conduct in violation of the~~  
18 ~~order or judgment by which the license was suspended.~~

19 ~~(d) It shall be unlawful for a suspended license holder or its~~  
20 ~~employee to operate while the license is suspended.~~

21 ~~(e) A license which is not renewed within two (2) years after its~~  
22 ~~expiration may not be renewed, restored, reinstated, or reissued thereafter.~~

23 ~~(f) The holder of the license may obtain a new license only on~~  
24 ~~compliance with all of the provisions of this chapter relating to the~~  
25 ~~issuance of an original license.~~

26 (a)(1) A license or credential issued under this chapter shall expire  
27 two (2) years from the date of issuance.

28 (2) To renew an unexpired license or credential, the licensee or  
29 the credential holder shall apply for renewal on a form prescribed by the  
30 Director of the Department of Arkansas State Police and pay the renewal fee  
31 prescribed by this chapter.

32 (3) Upon approval of the application by the director, a renewal  
33 license or credential shall be issued.

34 (b)(1) A suspended license or credential is subject to expiration and  
35 may be renewed as provided in this chapter.

36 (2) However, renewal does not entitle the licensee or the

1 credential holder, while the license or credential remains suspended and  
 2 until it is reinstated, to engage in the licensed or credentialed activity.

3 (c) It is unlawful for a suspended licensee or credential holder or an  
 4 employee of the suspended licensee or credential holder to operate while the  
 5 license or credential is suspended.

6 (d) A license or credential that is not renewed within six (6) months  
 7 after its expiration shall not be renewed thereafter.

8 (e) The holder of the license or credential that has been expired for  
 9 more than six (6) months may obtain a new license or credential only on  
 10 compliance with all of the provisions of this chapter relating to the  
 11 issuance of an initial license or credential.

12  
 13 SECTION 68. Arkansas Code § 17-40-314 is amended to read as follows:

14 17-40-314. Licenses—Managers Managers.

15 ~~(a)(1) The business of each licensee, other than in instances in which~~  
 16 ~~the licensee company is owned and operated by the same individual who meets~~  
 17 ~~the qualifications of a manager, shall be operated under the direction and~~  
 18 ~~control of at least one (1) manager.~~

19 ~~(2) Licensees in instances in which the licensee company is~~  
 20 ~~owned and operated by the same individual who meets the qualifications of a~~  
 21 ~~manager shall not be required to obtain a manager's license.~~

22 ~~(b) No person shall act as a manager of a licensee until he or she~~  
 23 ~~has:~~

24 ~~(1) Demonstrated his or her qualifications by a written~~  
 25 ~~examination; and~~

26 ~~(2) Made a satisfactory showing to the Arkansas Board of Private~~  
 27 ~~Investigators and Private Security Agencies that he or she has the~~  
 28 ~~qualifications prescribed by § 17-40-306 and that none of the facts stated in~~  
 29 ~~§ 17-40-350(a) exist as to him or her.~~

30 ~~(c) It shall be unlawful and punishable as provided in § 17-40-104 for~~  
 31 ~~any individual to make application to the board as manager or to serve as~~  
 32 ~~manager of an investigations company, security services contractor, or alarm~~  
 33 ~~systems company unless the individual intends to maintain a supervisory~~  
 34 ~~position on a daily basis for the investigations company, security services~~  
 35 ~~contractor, or alarm systems company.~~

36 ~~(d) If the manager, who has qualified as provided in this section,~~

1 ceases to be manager for any reason whatsoever, the licensee shall notify the  
 2 board in writing within fourteen (14) days from the cessation. If notice is  
 3 given, the license shall remain in force for a reasonable length of time to  
 4 be determined by the rules of the board pending the qualification, as  
 5 provided in this chapter, of another manager. If the licensee fails to notify  
 6 the board within the fourteen day period, his or her license shall be subject  
 7 to suspension or revocation.

8 (a) The business of each licensee shall be operated under the  
 9 direction and control of at least one (1) manager.

10 (b) A person shall not act as a manager of a licensee or private  
 11 business until the person has:

12 (1) Demonstrated the person's qualifications by a written  
 13 examination; and

14 (2) Made a satisfactory showing to the Director of the  
 15 Department of Arkansas State Police that the person has the qualifications  
 16 prescribed by this chapter.

17 (c) It is unlawful for an individual to make application to the  
 18 director as manager or to serve as manager of an investigations company,  
 19 security services contractor, private business, or alarm systems company  
 20 unless the individual intends to maintain a supervisory position on a daily  
 21 basis for the investigations company, security services contractor, or alarm  
 22 systems company.

23 (d)(1) If a manager who has qualified as provided in this section  
 24 ceases to be manager for any reason, the licensee shall notify the director  
 25 in writing within fourteen (14) days from the cessation of the manager.

26 (2) If notice under subdivision (d)(1) of this section is given,  
 27 the license shall remain in force for a reasonable length of time to be  
 28 determined by the rules of the director and pending the qualification of  
 29 another manager.

30 (3) If the licensee fails to provide the notice under  
 31 subdivision (d)(1) of this section to the director within the fourteen-day  
 32 period, the licensee's license may be subject to suspension, a fine, or  
 33 revocation.

34  
 35 SECTION 69. Arkansas Code § 17-40-315 is amended to read as follows:  
 36 17-40-315. Duties of licensee or credential holder.

1 (a) Each licensee or credential holder shall maintain a record  
 2 containing the information relative to his or her employees as may be  
 3 prescribed by the ~~Arkansas Board of Private Investigators and Private~~  
 4 ~~Security Agencies~~ Director of the Department of Arkansas State Police.

5 (b) At all times a licensee or credential holder shall be legally  
 6 responsible for the good conduct in the business of each employee, including  
 7 ~~his or her~~ the licensee's manager.

8 (c) ~~Any licensed entity~~ A licensee or credential holder finding a  
 9 violation of this chapter shall report the violation to the local authority  
 10 and to the ~~board~~ director.

11  
 12 SECTION 70. Arkansas Code § 17-40-316 is amended to read as follows:

13 17-40-316. Licenses and credentials – Change of address, telephone  
 14 number, email address, name, or officers or partners.

15 ~~(a) Notification to the Arkansas Board of Private Investigators and~~  
 16 ~~Private Security Agencies shall be made within fourteen (14) days after:~~

17 ~~(1) The change of address of the principal place of business of~~  
 18 ~~a licensee;~~

19 ~~(2) The change of address of a branch office; or~~

20 ~~(3) The change of a business name under which a licensee does~~  
 21 ~~business.~~

22 ~~(b) A licensee shall, within fourteen (14) days after the change,~~  
 23 ~~notify the board of:~~

24 ~~(1) Any and all changes of his or her address;~~

25 ~~(2) The change of the name under which he or she does business;~~

26 ~~and~~

27 ~~(3) Any changes in its officers or partners.~~

28 (a) A licensee or credential holder shall notify the Director of the  
 29 Department of Arkansas State Police within fourteen (14) days after a change  
 30 of the licensee's or credential holder's name, address, telephone number,  
 31 email address, or officer or partner.

32 (b) A licensee or manager shall notify the director within fourteen  
 33 (14) days after a change in the credentialed person's name, address,  
 34 telephone number, or email address.

35  
 36 SECTION 71. Arkansas Code § 17-40-317 is amended to read as follows:

1 17-40-317. Licensees and credential holders – Windup period.

2 When the individual on the basis of whose qualifications a license or  
3 credential under this chapter has been obtained ceases to be connected with  
4 ~~the licensee for any reason whatsoever~~ the business for which a license or  
5 credential under this chapter is required, the business may be carried on for  
6 a temporary period under such terms and conditions as the ~~Arkansas Board of~~  
7 ~~Private Investigators and Private Security Agencies shall provide by~~  
8 ~~regulation~~ Director of the Department of Arkansas State Police shall provide  
9 by rule.

10  
11 SECTION 72. Arkansas Code § 17-40-318 is amended to read as follows:

12 17-40-318. Training requirements for alarm ~~system-business~~ systems  
13 company.

14 ~~(a) The licensee or his or her manager of a Class E Level 1 and Class~~  
15 ~~F license shall show proof of National Burglar and Fire Alarm Association~~  
16 ~~Level 2 certification or board approved equivalent. The licensee or his or~~  
17 ~~her manager for a Class E Level 1 shall have two (2) years from July 30,~~  
18 ~~1999, to obtain the aforementioned certification. An applicant for a Class E~~  
19 ~~Level 1 and Class F license or his or her manager applicant shall show proof~~  
20 ~~of National Burglar and Fire Alarm Association Level 2 certification or~~  
21 ~~board approved equivalent before the license may be issued.~~

22 ~~(b) The licensee or his or her manager of a Class E Level 2 license~~  
23 ~~shall show proof of National Burglar and Fire Alarm Association Level 2,~~  
24 ~~National Institute for Certification in Engineering Technologies Level II~~  
25 ~~certification or board approved equivalent. The licensee or his or her~~  
26 ~~manager shall have two (2) years from July 30, 1999, to obtain the~~  
27 ~~aforementioned certification. An applicant for a Class E Level 2 license or~~  
28 ~~his or her manager applicant shall show proof of National Burglar and Fire~~  
29 ~~Alarm Association Level 2 certification, National Institute for Certification~~  
30 ~~in Engineering Technologies Level II certification or board approved~~  
31 ~~equivalent before the license may be issued.~~

32 ~~(c) The licensee or his or her manager of a Class E Level 3 license~~  
33 ~~shall show proof of National Institute for Certification in Engineering~~  
34 ~~Technologies Level III, National Burglar and Fire Alarm Association Level 2~~  
35 ~~and Practical Fire Alarm Course, or board approved equivalent. The licensee~~  
36 ~~or his or her manager shall have two (2) years from July 30, 1999, to obtain~~

1 ~~the aforementioned certification. An applicant for a Class E Level 3 license~~  
 2 ~~or his or her manager applicant shall show proof of National Burglar and Fire~~  
 3 ~~Alarm Association Level 2 and Practical Fire Alarm Course, National Institute~~  
 4 ~~for Certification in Engineering Technologies Level III, or board approved~~  
 5 ~~equivalent before the license may be issued.~~

6 ~~(d) All persons applying for a license as an alarm system company or~~  
 7 ~~his or her manager applicant shall successfully complete the examination as~~  
 8 ~~manager under the provisions of this chapter and the Arkansas Board of~~  
 9 ~~Private Investigators and Private Security Agencies' rules and regulations.~~

10 ~~(e) All applicants for licensure shall meet other reasonable~~  
 11 ~~qualifications as may be adopted by the board.~~

12 ~~(f) The licensee or the licensee's manager of a Class E-S or Class F-S~~  
 13 ~~license shall demonstrate that he or she is knowledgeable in fire protection~~  
 14 ~~and the proper use and placement of single station fire and heat detectors by~~  
 15 ~~satisfactorily completing an examination to be approved by the board on the~~  
 16 ~~single station portion of the Household Fire Warning Protection provision of~~  
 17 ~~the National Fire Protection Association, 72 Code Book, as it exists on~~  
 18 ~~January 1, 2001, and the Arkansas Fire Code as it pertains to single station~~  
 19 ~~fire detection devices.~~

20 The Director of the Department of Arkansas State Police shall  
 21 promulgate rules regarding the training requirements for alarm systems  
 22 companies, alarm systems apprentices, alarm systems monitors, alarm systems  
 23 technicians, and alarm systems agents.

24  
 25 SECTION 73. Arkansas Code § 17-40-325 is amended to read as follows:

26 17-40-325. ~~Registration required~~ Credential application.

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

34 Every person who is employed as a private investigator, manager,  
 35 private security officer, alarm systems technician, alarm systems monitor,  
 36 alarm systems apprentice, or alarm systems agent who is required to be

1 credentialed under this chapter shall submit a properly completed application  
2 to the Director of the Department of Arkansas State Police within fourteen  
3 (14) calendar days after the commencement of employment.

4  
5 SECTION 74. Arkansas Code § 17-40-326 is repealed.

6 ~~17-40-326. Registration—Applicant qualifications.~~

7 ~~(a) The minimum age of a person registered as a private investigator,~~  
8 ~~security officer, alarm agent, alarm technician, alarm monitor, alarm~~  
9 ~~supervisor, or alarm apprentice under this subchapter shall be eighteen (18)~~  
10 ~~years of age.~~

11 ~~(b) The Arkansas Board of Private Investigators and Private Security~~  
12 ~~Agencies may promulgate by rule any additional qualifications for an~~  
13 ~~individual registered under this subchapter as a private investigator,~~  
14 ~~manager, private security officer, branch office manager, alarm monitor,~~  
15 ~~alarm supervisor, alarm apprentice, or alarm systems agent, which may include~~  
16 ~~provision for apprenticeship programs.~~

17  
18 SECTION 75. Arkansas Code § 17-40-327 is repealed.

19 ~~17-40-327. Registration—Application.~~

20 ~~The application for registration shall be verified and shall include~~  
21 ~~all of the following:~~

22 ~~(1) The full name, residence address, residence telephone number, date~~  
23 ~~and place of birth, and the social security number of the employee;~~

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

27 ~~(3) The title of the position occupied by the employee and a~~  
28 ~~description of his or her duties;~~

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

32 ~~(5)(A) A verified statement disclosing any record of convictions or~~  
33 ~~pleas of guilty or nolo contendere of the applicant of a felony, a Class A~~  
34 ~~misdemeanor, a crime involving an act of violence, or any crime involving~~  
35 ~~moral turpitude.~~

36 ~~(B) The verified statement shall be obtained from the~~



1 Identification Bureau of the Department of Arkansas State Police after a  
2 state and national criminal background check has been conducted by the  
3 Identification Bureau of the Department of Arkansas State Police and the  
4 Federal Bureau of Investigation.

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

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

10 (E) Upon completion of the criminal background check, the  
11 Identification Bureau of the Department of Arkansas State Police shall  
12 forward to the board all releasable information obtained concerning the  
13 applicant; and

14 (6) Other information, evidence, statements, or documents required by  
15 the board.

16  
17 SECTION 76. Arkansas Code § 17-40-328 is repealed.

18 ~~17-40-328. Registration fee.~~

19 The Arkansas Board of Private Investigators and Private Security  
20 Agencies is authorized to levy fees for registration as authorized by this  
21 chapter in such amounts as may be deemed necessary and proper by the board.

22  
23 SECTION 77. Arkansas Code § 17-40-329 is amended to read as follows:

24 17-40-329. Registration— Issuance of credential photo identification  
25 card – Transfer and fee – Cancellation.

26 (a) An identification card of such size, design, and content as may be  
27 determined by the Arkansas Board of Private Investigators and Private  
28 Security Agencies shall be issued to each registrant under this chapter. The  
29 date of expiration shall be noted on the identification card. The  
30 identification card shall contain a photograph and the name of the agency.

31 (b) The registration of each registrant, private security officer,  
32 alarm systems technician, alarm systems monitor, alarm systems apprentice,  
33 registrant private investigator, or alarm systems agent expires two (2) years  
34 from the date of issuance and is valid regardless of the security company,  
35 alarm company, or investigative company by which the registrant, commissioned  
36 security officer, alarm systems technician, alarm systems monitor, alarm

1 ~~systems apprentice, registrant private investigator, or alarm systems agent~~  
2 ~~is employed.~~

3 ~~(c) When an individual to whom a registration has been issued~~  
4 ~~terminates his or her position, he or she shall return the identification~~  
5 ~~card to the licensee within five (5) days after his or her date of~~  
6 ~~termination.~~

7 ~~(d) When an individual to whom a registration has been issued~~  
8 ~~terminates his or her employment with a company, he or she, prior to becoming~~  
9 ~~employed with a different agency, must notify the board in writing and pay a~~  
10 ~~transfer fee.~~

11 ~~(e) Within seven (7) days after the licensee has received the~~  
12 ~~identification of a terminated registered employee, the licensee shall mail~~  
13 ~~or deliver the identification card to the board for cancellation, along with~~  
14 ~~a letter from the licensee stating:~~

15 ~~(1) The date the registered employee terminated;~~

16 ~~(2) The date the licensee received the identification card of~~  
17 ~~the terminated registered employee; and~~

18 ~~(3) The cause for which or the conditions under which the~~  
19 ~~registered employee terminated.~~

20 (a)(1) A credential photo identification card of a size, a design, and  
21 content as may be determined by the Director of the Department of Arkansas  
22 State Police shall be issued by the Department of Arkansas State Police under  
23 this chapter.

24 (2) The credential photo identification card shall display:

25 (A) The name of the credential holder;

26 (B) A photograph of the credential holder;

27 (C) A credential number and date of expiration; and

28 (D) The name of the entity by whom the credential holder  
29 is employed.

30 (b) The credential of each person, private security officer, alarm  
31 systems technician, alarm systems monitor, alarm systems apprentice,  
32 credentialed private investigator, or alarm systems agent expires two (2)  
33 years from the date of issuance and is valid irrespective of the credential  
34 holder's employer.

35 (c) When an individual to whom a credential has been issued terminates  
36 his or her position, he or she shall return the credential photo

1 identification card to the licensee immediately upon termination.

2 (d) When an individual to whom a credential has been issued changes  
3 employment from one licensee to another licensee, the new manager shall  
4 notify the director immediately in writing and pay a transfer fee.

5 (e) Within seven (7) days after the licensee has received the  
6 identification card of a credentialed employee who has terminated his or her  
7 position, the licensee shall mail or deliver the credential photo  
8 identification card to the director for cancellation, along with a letter  
9 from the licensee stating:

10 (1) The date the credentialed employee terminated his or her  
11 position;

12 (2) That the licensee received the credential photo  
13 identification card of the credentialed employee who has terminated his or  
14 her position; and

15 (3) The cause for which or the conditions under which the  
16 credentialed employee terminated his or her position.

17  
18 SECTION 78. Arkansas Code Title 17, Chapter 40, Subchapter 3, is  
19 amended to add three new sections to read as follows:

20 17-40-330. Authority to issue commission to carry a firearm.

21 The Director of the Department of Arkansas State Police may determine  
22 the qualifications for and issue an authorization to carry a firearm in the  
23 form of a commission to a qualified security officer or qualified school  
24 security officer that shall be held during the course of his or her  
25 employment.

26  
27 17-40-331. Previously issued license, credential, or commission.

28 All previously licensed, credentialed, commissioned, or registered  
29 persons who were approved before September 1, 2015, shall meet all of the  
30 requirements of this chapter upon renewal.

31  
32 17-40-332. Time limit on civil liability.

33 The Department of Arkansas State Police and its employees are not  
34 liable for any civil damages resulting from a license, credential, or  
35 commission issued before September 1, 2015.

36

SECTION 79. Arkansas Code § 17-40-335 is repealed.

~~17-40-335. Security officer's commission required.~~

~~It is unlawful and punishable as provided in § 17-40-104.~~

~~(1) For a person to employ an individual as a private security officer and knowingly authorize or permit him or her to carry a firearm during the course of performing his or her duties as a private security officer if the Arkansas Board of Private Investigators and Private Security Agencies has not issued him or her a security officer commission under § 17-40-336;~~

~~(2) For an individual employed as a private security officer to knowingly carry a firearm during the course of performing his or her duties as a private security officer if the board has not issued him or her a security officer commission under § 17-40-336; or~~

~~(3) For any person to hire or employ an individual or for any individual to accept employment in the capacity of a private security officer to carry a firearm in the course and scope of his or her duties unless the private security officer is issued a security officer commission by the board.~~

SECTION 80. Arkansas Code § 17-40-336 is repealed.

~~17-40-336. Commission — Geographical scope.~~

~~(a) With the concurrence of the Department of Arkansas State Police, the Arkansas Board of Private Investigators and Private Security Agencies may issue a security officer commission to an individual employed as a uniformed private security officer, provided that the geographical scope of the security officer commission is restricted to one (1) named county in the state and all counties contiguous to the named county, except as allowed in subsection (b) of this section.~~

~~(b) With the concurrence of the department, the board may issue a security officer commission that is broader in geographical scope within the state than that specified in subsection (a) of this section if the broader scope is shown to be in the public interest and necessary to the performance of the duties of the private security officer.~~

SECTION 81. Arkansas Code § 17-40-337 is amended to read as follows:

17-40-337. Commission - Applicant qualifications.

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

1 who:

2 ~~(1) Is under twenty one (21) years of age;~~

3 ~~(2) Has been found guilty of or who has pleaded guilty or nolo~~  
 4 ~~contendere to any felony in any:~~

5 ~~(A) Court in the State of Arkansas for which a pardon has~~  
 6 ~~not been granted;~~

7 ~~(B) Court in another state for which a pardon has not been~~  
 8 ~~granted; or~~

9 ~~(C) Military or federal court for which a pardon has not~~  
 10 ~~been granted; or~~

11 ~~(3) Has committed any act which if committed by a licensee would~~  
 12 ~~be grounds for suspension or revocation of a license under this chapter.~~

13 ~~(b) The Arkansas Board of Private Investigators and Private Security~~  
 14 ~~Agencies shall not issue a security officer commission to an applicant~~  
 15 ~~employed by a licensee or the security department of a private business~~  
 16 ~~unless the applicant submits evidence satisfactory to the board that he or~~  
 17 ~~she meets all qualifications established by this chapter and by the rules of~~  
 18 ~~the board.~~

19 (a) A commission as a commissioned security officer or a commissioned  
 20 school security officer shall not be issued under this chapter to an  
 21 individual who:

22 (1) Is under twenty-one (21) years of age;

23 (2) Has been found guilty of or who has pleaded guilty or nolo  
 24 contendere to an offense listed under § 17-40-306(d);

25 (3) Has committed an act which would be grounds for suspension  
 26 or revocation under this chapter;

27 (4) Does not meet the qualifications for a commission as  
 28 determined by the Director of the Department of Arkansas State Police;

29 (5) May not lawfully possess a firearm;

30 (6)(A) Has not successfully completed a state and national  
 31 criminal background check to be conducted by the Department of Arkansas State  
 32 Police and the Federal Bureau of Investigation.

33 (B) Criminal history records from the Arkansas Crime  
 34 Information Center shall be available to the director for review of the  
 35 applicant's qualifications.

36 (C) The state and national criminal background check shall

1 conform to applicable federal standards and shall include the taking of  
 2 fingerprints.

3 (D) The individual applicant shall sign a release of  
 4 information to the director and shall make payment of any fee associated with  
 5 the state and national criminal background check;

6 (7) Has been adjudicated as mentally incompetent, or has been  
 7 involuntarily committed to a mental institution or mental health treatment  
 8 facility;

9 (8) Is a registered sex offender or required to be registered as  
 10 a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901  
 11 et seq.;

12 (9) Is suffering from habitual drunkenness or from narcotics  
 13 addiction or dependence;

14 (10) Has been discharged from the United States Armed Forces  
 15 under dishonorable conditions;

16 (11) Is not in compliance with any other reasonable  
 17 qualification that the director may set by rule; or

18 (12) Has been found guilty of or who has pleaded guilty or nolo  
 19 contendere by any court to any felony, Class A misdemeanor, crime involving  
 20 an act of violence, any crime involving use of a firearm, any crime involving  
 21 the use of alcohol while in possession of a firearm, any crime involving  
 22 moral turpitude, or a comparable offense in another state, including a  
 23 previously sealed or expunged offense, by any court.

24 (b) The director shall not issue a commission as a commissioned  
 25 security officer or as a commissioned school security officer to an applicant  
 26 employed by a licensee or the security department of a private business  
 27 unless the applicant submits evidence satisfactory to the director that he or  
 28 she meets all qualifications established by this chapter and by the rules of  
 29 the director.

30  
 31 SECTION 82. Arkansas Code § 17-40-338 is repealed.

32 ~~17-40-338. Commission—Armored car company employees.~~

33 ~~(a) With the concurrence of the Department of Arkansas State Police,~~  
 34 ~~the Arkansas Board of Private Investigators and Private Security Agencies~~  
 35 ~~shall issue a security officer commission to a qualified employee of an~~  
 36 ~~armored car company that is a carrier that has a permit from the proper~~

1 ~~federal or state regulatory authority to conduct the armored car business in~~  
2 ~~accordance with the permit or certificate.~~

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

7  
8 SECTION 83. Arkansas Code § 17-40-339 is amended to read as follows:

9 17-40-339. Commission - ~~Processing of applications~~ Notice to law  
10 enforcement.

11 ~~(a) The Arkansas Board of Private Investigators and Private Security~~  
12 ~~Agencies shall send a copy of each application for a security officer~~  
13 ~~commission to the sheriff of the county and the chief of police of the~~  
14 ~~principal city of the county in which the applicant resides.~~

15 ~~(b) A sheriff or chief of police who wishes to object to the issuance~~  
16 ~~of a security officer commission to a particular applicant may do so by~~  
17 ~~mailing or otherwise delivering, within twenty (20) days after the date the~~  
18 ~~notice was mailed to him or her, a written statement of his or her objection~~  
19 ~~and his or her reasons to the board.~~

20 ~~(c) In its discretion, the board may set the matter for a hearing if~~  
21 ~~an objection is timely filed.~~

22 (a) The Director of the Department of Arkansas State Police shall  
23 notify the sheriff of the county and the chief of police of the city, if  
24 applicable, in which the applicant resides of the application for a  
25 commission to be a commissioned security officer or a commissioned school  
26 security officer.

27 (b) A sheriff or chief of police who wishes to object to the issuance  
28 of a commission as a commissioned security officer or a commissioned school  
29 security officer to a particular applicant may do so by notifying the  
30 director of his or her objection with specific reasons within thirty (30)  
31 days after the date of receipt of notification under this section.

32 (c) If a sheriff or chief of police who is given notice under this  
33 section files an objection and the director finds good cause to consider the  
34 objection to have merit, the director may deny the application for the  
35 commission.

1 SECTION 84. Arkansas Code § 17-40-340 is amended to read as follows:  
2 17-40-340. Commission – Issuance of identification card.

3 ~~(a) Each security officer commission issued under this section shall~~  
4 ~~be in the form of an identification card designed by the Arkansas Board of~~  
5 ~~Private Investigators and Private Security Agencies and shall identify the~~  
6 ~~licensee and the security department of a private business by whom the holder~~  
7 ~~of the security officer commission is employed.~~

8 ~~(b) No charge shall be imposed for the identification card.~~

9 Each commission as a commissioned security officer or a commissioned  
10 school security officer issued under this chapter shall be in the form of a  
11 commission photo identification card designed by the Director of the  
12 Department of Arkansas State Police that shall identify:

13 (1) The commission holder;

14 (2) The security department of a private business or school by  
15 whom the commission holder is employed;

16 (3) A photograph of the credential holder; and

17 (4) A credential number and date of expiration.

18  
19 SECTION 85. Arkansas Code § 17-40-342 is amended to read as follows:  
20 17-40-342. Commission – Termination.

21 If the holder of a ~~license, registration, or~~ commission terminates his  
22 or her employment with the licensee or the security department of a private  
23 business or school, he or she shall return the commission photo  
24 ~~identification card to the Arkansas Board of Private Investigators and~~  
25 ~~Private Security Agencies~~ Director of the Department of Arkansas State Police  
26 within seven (7) days of the date of termination of the employment.

27  
28 SECTION 86. Arkansas Code § 17-40-343 is amended to read as follows:  
29 17-40-343. Commission – Expiration.

30 A A commission as a commissioned security officer ~~commission expires or~~  
31 a commission as a commissioned school security officer expires two (2) years  
32 after the date it is issued.

33  
34 SECTION 87. Arkansas Code § 17-40-344 is amended to read as follows:

35 17-40-344. Commission – ~~Suspension or denial~~ Denial, suspension, or  
36 revocation.



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

The Director of the Department of Arkansas State Police may deny, suspend, or revoke a commission as a commissioned school security officer or a commission as a commissioned security officer if the applicant for a commission or the commission holder is indicted or arrested for one (1) of the following offenses or a comparable offense in another state:

(1) A felony;

(2) A class A misdemeanor;

(3) A crime involving an act of violence;

(4) A crime involving the use of a firearm;

(5) A crime involving the use of alcohol or drugs while in possession of a firearm;

(6) A crime that results in the person's disqualifying himself or herself from legally possessing a firearm under state or federal law; or

(7) A crime involving moral turpitude.

SECTION 88. Arkansas Code Title 17, Chapter 40, Subchapter 3, is amended to add a new section to read as follows:

17-40-349. Suspension for nonpayment of child support.

(a) The Director of the Department of Arkansas State Police shall suspend a license, credential, or commission issued under this chapter if the Department of Arkansas State Police is notified by the Office of Child Support Enforcement that the licensee, credential holder, or commission holder has not paid his or her required child support.

(b) The licensee, credential holder, or commission holder shall be sent notice of the suspension under this section.

(c) The licensee, credential holder, or commission holder may be reinstated after:

(1) Full payment of the amount due through the office; and

(2) Notification from the office to the department.

SECTION 89. Arkansas Code § 17-40-350 is amended to read as follows:

1           17-40-350. ~~License, registration, or commission~~ Grounds for  
2 disciplinary action.

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

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

13                   ~~(2) Been found guilty of or pleaded guilty or nolo contendere to~~  
14 ~~any:~~

15                           ~~(A) Felony, Class A misdemeanor, crime involving an act of~~  
16 ~~violence, or crime involving moral turpitude by any court in the State of~~  
17 ~~Arkansas for which a pardon has not been granted;~~

18                           ~~(B) Felony, Class A misdemeanor or an offense of a~~  
19 ~~comparable level, any crime involving an act of violence, or any crime~~  
20 ~~involving moral turpitude in any court in another state for which a pardon~~  
21 ~~has not been granted; or~~

22                           ~~(C) Felony, Class A misdemeanor or an offense of a~~  
23 ~~comparable level, any crime involving an act of violence, or any crime~~  
24 ~~involving moral turpitude in a military or federal court for which a pardon~~  
25 ~~has not been 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 or her~~  
30 ~~actions.~~

31           ~~(b) The Administrator of the Arkansas Board of Private Investigators~~  
32 ~~and Private Security Agencies may summarily suspend, for no more than sixty~~  
33 ~~(60) days, any registration or commission if it is shown that the health,~~  
34 ~~safety, or welfare of the public is endangered.~~

35           ~~(c)(1) The board may suspend any registration, license, or commission~~  
36 ~~on conviction in this state or any other state or territory of the United~~

1 ~~States or in any foreign country, of a felony, a Class A misdemeanor, a crime~~  
2 ~~involving an act of violence, or a crime involving an act of moral turpitude~~  
3 ~~for a period not exceeding sixty (60) days pending a hearing and a~~  
4 ~~determination of charges.~~

5 ~~(2) If the licensee is a corporation, proof of actual~~  
6 ~~participation and knowledge on the part of the registrant is required.~~

7 ~~(3) If the hearing is adjourned at the request of the registrant~~  
8 ~~or licensee, the suspension may be continued for the additional period of the~~  
9 ~~adjournment.~~

10 (a) The Director of the Department of Arkansas State Police may  
11 suspend or revoke a license, credential, or commission or issue a fine in an  
12 amount not to exceed one thousand dollars (\$1,000) for each violation of this  
13 chapter, or both, or the director may deny an application for a license,  
14 credential, or commission, or renewal thereof, on proof that the applicant,  
15 licensee, commission holder, or credential holder:

16 (1) Violated a provision of this chapter or violated a rule  
17 promulgated under this chapter;

18 (2) No longer meets the qualifications for the license,  
19 credential, or commission under this chapter; or

20 (3) Has been arrested for an offense that if convicted would  
21 result in disqualification for the license, credential, or commission under  
22 this chapter.

23 (b) The director may summarily suspend for no more than sixty (60)  
24 days a license, credential, or commission if it is shown that the health,  
25 safety, or welfare of the public is endangered.

26 (c)(1) The director may suspend a license, credential, or commission  
27 of a person who is found guilty of or pleaded guilty or nolo contendere to a  
28 felony, a Class A misdemeanor, a crime involving an act of violence, or a  
29 crime involving an act of moral turpitude in this state or a comparable  
30 offense in another state or territory of the United States or in any foreign  
31 country.

32 (2) If the licensee is a corporation, proof of actual  
33 participation or actual knowledge on the part of the licensee or on the part  
34 of an employee of the licensee who is also a credential holder or commission  
35 holder is required.

36 (3) If the hearing on a license, credential, or commission that

1 has been summarily suspended is adjourned at the request of the licensee,  
 2 credential holder, or commission holder, the suspension may be continued for  
 3 the additional period of the adjournment.

4  
 5 SECTION 90. Arkansas Code § 17-40-351 is amended to read as follows:

6 17-40-351. ~~License, registration, or commission~~ Procedure for  
 7 denial.

8 ~~(a) The Administrator of the Arkansas Board of Private Investigators~~  
 9 ~~and Private Security Agencies shall have the authority to deny the issuance~~  
 10 ~~of a license, registration, or commission.~~

11 ~~(b) He or she shall notify the applicant of his or her decision in~~  
 12 ~~writing.~~

13 ~~(c) The applicant may appeal the decision to the Arkansas Board of~~  
 14 ~~Private Investigators and Private Security Agencies, provided he or she~~  
 15 ~~perfects the appeal within ten (10) days of his or her notice of rejection.~~

16 ~~(d) The board shall hear his or her appeal within sixty (60) days.~~

17 (a) The Director of the Department of Arkansas State Police may deny  
 18 the issuance of a license, credential, or commission under this chapter.

19 (b) The director shall notify the applicant of the director's decision  
 20 in writing.

21 (c) The applicant may appeal the decision to the director, provided he  
 22 or she perfects the appeal within ten (10) days of the receipt of his or her  
 23 notice of denial.

24  
 25 SECTION 91. Arkansas Code § 17-40-352 is amended to read as follows:

26 17-40-352. License, ~~registration~~ credential, or commission – Record of  
 27 denial, revocation, or suspension.

28 ~~(a) In the event that the Arkansas Board of Private Investigators and~~  
 29 ~~Private Security Agencies denies the application or revokes or suspends any~~  
 30 ~~license, security officer commission, or registration, or imposes any~~  
 31 ~~reprimand or fine the board's determination shall be in writing and~~  
 32 ~~officially signed.~~

33 ~~(b) The original copy of the determination, when signed, shall be~~  
 34 ~~filed with the board. Copies shall be mailed to the applicant, licensee,~~  
 35 ~~commissioned security officer, or registrant and to the complainant within~~  
 36 ~~two (2) days after the filing.~~

1        (a) In the event that the Director of the Department of Arkansas State  
 2 Police denies the application or suspends or revokes a license, credential,  
 3 or commission, or if a fine is imposed, the director's decision shall be in  
 4 writing.

5        (b) The notice of the decision shall be mailed to the applicant,  
 6 licensee, credential holder, or commission holder within sixty (60) days of  
 7 the director's decision.

8  
 9        SECTION 92. Arkansas Code § 17-40-353 is amended to read as follows:

10        17-40-353. Reciprocity – Private investigator.

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

15        ~~(1) The other state or territory grants similar reciprocity to license~~  
 16 ~~holders of this state;~~

17        ~~(2) The requirements for licensing in the particular state or~~  
 18 ~~territory were at the date of the applicant's licensing substantially~~  
 19 ~~equivalent to the requirements now in effect in this state;~~

20        ~~(3) The applicant meets all the qualifications for the particular~~  
 21 ~~license of § 17-40-306 and pays the fees specified for the particular license~~  
 22 ~~in § 17-40-209; and~~

23        ~~(4) The applicant meets other reasonable qualifications as may be~~  
 24 ~~adopted by the Arkansas Board of Private Investigators and Private Security~~  
 25 ~~Agencies for reciprocity.~~

26        A person who is licensed or credentialed under the laws of another  
 27 state or territory of the United States as a private investigator may apply  
 28 for a credential as a private investigator in this state upon production of  
 29 satisfactory proof that:

30        (1) The other state or territory grants similar reciprocity to  
 31 credential holders of this state that coincides with the records on private  
 32 investigator credential reciprocity maintained by the Department of Arkansas  
 33 State Police;

34        (2) The requirements for licensing or credentialing in the particular  
 35 state or territory were at the date of the applicant's most recent licensing  
 36 or credentialing substantially equivalent to the requirements now in effect

1 in this state;

2 (3) The applicant meets all the qualifications for the credential as  
3 set out in this chapter, including the successful completion of a state and  
4 national criminal background check; and

5 (4) The applicant meets other reasonable qualifications as may be  
6 adopted by the Director of the Department of Arkansas State Police.

7  
8 SECTION 93. Arkansas Code § 17-40-354 is amended to read as follows:  
9 17-40-354. Fingerprint cards.

10 ~~The Identification Bureau of the Department of Arkansas State Police~~  
11 ~~may retain the fingerprint card collected for each individual who is~~  
12 ~~fingerprinted under this chapter.~~

13 (a) The Identification Bureau of the Department of Arkansas State  
14 Police and the Federal Bureau of Investigation may retain the fingerprints  
15 collected for each individual who is fingerprinted under this chapter.

16 (b) The Director of the Department of Arkansas State Police may enroll  
17 a person issued a license, credential, or commission under this chapter in a  
18 program that electronically notifies law enforcement if the person has been  
19 arrested.

20  
21 SECTION 94. Arkansas Code Title 17, Chapter 40, Subchapter 3, is  
22 amended to add a new section to read as follows:

23 17-40-355. Appeal of denial, suspension, or revocation – Venue.

24 (a) The denial, suspension, or revocation of a license, credential, or  
25 commission under this chapter by the Director of the Department of Arkansas  
26 State Police may be appealed to circuit court and shall be governed by the  
27 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

28 (b) Venue for the appeal to circuit court under this section shall be  
29 in Pulaski County, Arkansas.

30  
31 SECTION 95. Arkansas Code § 19-6-301(40), concerning special  
32 enumerated revenues, is amended to read as follows:

33 (40) Private investigator's application fees, agency fees, and  
34 license fees and security guard fines and fees, as enacted by Acts 1977, No.  
35 429, known as the "Private Investigators and Private Security Agencies Act",  
36 and all laws amendatory thereto, §§ 17-40-101 – 17-40-104, ~~17-40-201~~ 17-40-

1 204, 17-40-207 – 17-40-209, 17-40-301 – 17-40-302, 17-40-306 – 17-40-317, ~~17-~~  
2 ~~40-325~~ – 17-40-329 – 17-40-332, 17-40-335 – 17-40-337, 17-40-339, 17-40-340,  
3 ~~17-40-341 [repealed]~~, 17-40-342 – 17-40-344, and ~~17-40-350~~ – ~~17-40-352~~ 17-40-  
4 349 – 17-40-355;

5  
6 SECTION 96. Effective date. This act is effective on and after  
7 September 1, 2015.