

HOUSE BILL REPORT

ESHB 1679

As Passed Legislature

Title: An act relating to professional licensing of private security and investigation.

Brief Description: Revising regulation of security guards and private investigators.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Cole, Lisk, Horn, Cody, Romero, Ballasiotes, Conway, Jacobsen and Patterson).

Brief History:

Committee Activity:

Commerce & Labor: 2/16/95, 2/20/95, 2/22/95 [DPS].

Floor Activity:

Passed House: 3/10/95, 98-0.

Senate Amended.

House Concurred.

Passed Legislature.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Lisk, Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody; Cole and Goldsmith.

Minority Report: Do not pass. Signed by 3 members: Representatives Hargrove, Vice Chairman; Cairnes and Fuhrman.

Staff: Pam Madson (786-7166).

Background: In 1991, a state-wide licensing scheme was established for private security guards, private security guard companies, private detectives and private detective companies administered by the Department of Licensing.

Applicants must meet minimum requirements to become licensed. The requirements include no criminal history during the preceding 10 years that relates to the duties of a security guard. Applicants must also pay a license fee.

To be licensed as a private security guard or private detective business, an applicant must have an individual license and meet additional age and experience or examination requirements. There is no restriction on the name the company may use.

Applicants for an armed private security guard or an armed private detective license must meet minimum requirements including a current firearms certificate issued by the Criminal Justice Training Commission.

After receiving an application for a license, the director conducts a background investigation of the applicant, including fingerprint comparison. The director will issue a license card to each applicant. The card may not be used as identification.

A licensed private security guard company or private detective company may issue an employee a temporary registration card after the employee has completed preassignment training and has submitted an application for a permanent license. The temporary registration card is valid until a license is issued or denied by the department, or for a period of 60 days, whichever occurs first.

A licensed company must notify the director within 30 days of an employee's death or termination of employment of any licensed security guard or private detective.

A licensed company must be either post a bond with the department or file a certificate of insurance evidencing comprehensive general liability coverage.

A valid license issued by another state is valid in this state for 90 days if the licensee is on temporary assignment for the same employer that employs the licensee in his or her home state.

The director of the Department of Licensing establishes by rule any preassignment training requirements. Preassignment training will include at least four hours of classes.

There are 21 prohibited acts that may result in disciplinary action or denial or revocation of a license. Examples include knowingly making a material misstatement in the application process or being convicted of certain gross misdemeanor or felony offenses. There is no specific authority for the department to assess administrative penalties.

The director is given authority to administer and enforce this licensing program and may investigate complaints for unprofessional conduct and impose sanctions.

There are specific acts that may result in a person's conviction of a gross misdemeanor violation. All fines, fees, and forfeitures assessed and collected by a

court because of a violation of statutes governing security guards and private detectives are sent to the department.

Summary of Bill: New provisions are added and current provisions are clarified for the licensing and enforcement of security guards and private detectives. The term "private detective" is changed to "private investigator."

Licensing Requirements

The director may consider an applicant's entire criminal history in evaluating an application for licensure. Application fees are nonrefundable and an application to act as a private security guard, armed private security guard, private investigator or armed private investigator is required for each company for which the applicant is employed. A transfer application and fee is established for those licensees who transfer from one company to another. The use of a license as identification is no longer prohibited.

Applicants must have a license to carry a concealed pistol as a minimum requirement for an armed private investigator license. There is no similar requirement for armed private security guard applicants. Licensees and those acting on their behalf cannot display a firearm when soliciting business.

A business seeking a license to operate as a private security guard company or a private detective company may not operate under a company name that portrays the company as a law enforcement agency or uses the word "police."

The director may approve alternate methods to that of bonding for licensed private investigation companies.

Companies must return to the department licenses of those employees who have terminated employment. Local law enforcement must be notified when an armed security guard or armed private investigator discharges a firearm.

When using temporary licenses for new employees, the company must submit to the department within three business days, a complete application for the individual using a temporary license. Any misuse of temporary permits may result in suspension of the privilege to use them.

An out-of-state security guard or private investigator on temporary assignment in this state may not solicit business in this state.

Training

The requirement for a minimum of four hours of preassignment training is removed for private investigators.

Penalties

The department is authorized to assess administrative penalties along with license suspension, revocation, or disciplinary action. Added to the activity that may result in such penalties are unprofessional conduct, failure to maintain insurance, and failure of a business to have a qualifying principal in place. A private investigator who knowingly helps a client contact a person who is protected from such contact by court order is also subject to penalties and disciplinary action.

The director must use advisory committees consisting of no less than five representatives of the security guard industry to assist in developing policies to implement this program.

It is a gross misdemeanor to use a name that portrays a person, individually or in a business, as a public law enforcement officer or agency.

Any court assessed criminal fines or penalties based on violations of licensing provisions are no longer required to be remitted to the department.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: There has been concern with this program because of lack of enforcement against those operating without a license, delays in processing of permanent licenses, and the need for proposed fee increases. This bill allows some streamlining of the program so that it can remain self-supporting. This bill addresses public safety concerns that people will be operating in this business without criminal history checks. There will be closer tracking of temporary permits and improved turnaround time on permanent applications. It provides incentive for enforcement from local law enforcement agencies.

Testimony Against: None.

Testified: Bill Cottringer, Paul Dockendorff, Glen Weller, and Jeff Kirby, Washington State Security Council (pro with concerns); Dale Parsons, Pacific Northwest Private Investigators Association (pro); Mike Collins, Department of Licensing (pro); Jake Jacobus, Ho-Down Entertainment; and Steve Lindstrom, Puget

Sound Security Patrol (pro with concerns).