

HB 353 – AS INTRODUCED

2013 SESSION

13-0493
10/01

HOUSE BILL **353**

AN ACT relative to the regulation of private investigators and security guards.

SPONSORS: Rep. Burridge, Ches 16

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes various changes to the licensing and regulation of private investigators, security guard services, and bail recovery agents by the commissioner of safety.

This bill is a request of the advisory board to review complaints and licensing issues relative to private investigative agencies and security services.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the regulation of private investigators and security guards.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Enforcement. Amend RSA 106-F:3, II to read as follows:

2 II. The commissioner of safety ***or the commissioner's designee*** shall have the authority to
3 enforce the provisions of this chapter, which authority shall not be restricted by RSA 106-B:15. ***The***
4 ***commissioner may request the assistance of local or county law enforcement in***
5 ***investigations of violations of this chapter.***

6 2 Advisory Board; Membership. Amend RSA 106-F:3-a to read as follows:

7 106-F:3-a Advisory Board.

8 I. There is hereby established an advisory board to review complaints and licensing issues
9 relative to private investigative agencies and security services. Each ***appointed*** member shall be
10 appointed by the governor and approved by the council. A member, ***other than an ex officio***
11 ***member,*** shall continue to serve until a successor is appointed by the governor and council.
12 Members of the board shall serve without compensation. ***Appointed*** members shall each serve a
13 term of 3 years. No appointed member shall be eligible to serve more than 3 full consecutive terms,
14 provided that for this purpose only a period actually served which exceeds 1/2 of the 3-year term
15 shall be deemed a full term. Initial appointments made by the governor shall be staggered for terms
16 of one, 2, or 3 years.

17 II. The board shall consist of:

18 (a) Three members licensed in New Hampshire as investigators and who have been so
19 licensed for the last 5 years, one of whom shall be engaged in the practice of accident reconstruction
20 or the practice of bail recovery.

21 (b) Two members of the general public who are not and have never been licensed in
22 New Hampshire or another jurisdiction as investigators and who are not the spouse of any such
23 person and who do not have and never have had a material interest in either provision of private
24 investigation services or an activity directly related to private investigation, including representation
25 of the board or profession for a fee at any time during the 5 years preceding their appointments.

26 (c) One member of the law enforcement community.

27 (d) ***One member licensed in New Hampshire as a security guard and who has***
28 ***been so licensed for the last 5 years.***

29 (e) The commissioner of the department of safety, or designee.

30 III. The board shall elect a chairperson from its members. ~~[The board shall hold its first~~
31 ~~meeting no later than 90 days after the effective date of this section.]~~

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1 3 Definition; Private Investigator. Amend RSA 106-F:4, XI and XII to read as follows:

2 XI. “Private investigator” means a person not excluded by RSA 106-F:2 engaged in
3 conducting investigations, including but not limited to:

4 (a) Unsolved crimes.

5 (b) Insurance claims or matters for attorneys in anticipation of civil litigation.

6 (c) Clandestine surveillance.

7 (d) Locating missing persons.

8 (e) Locating lost, concealed, or stolen property.

9 (f) Locating escaped felons or wanted persons subject to reward for capture.

10 **(g) Character, reputation, or fitness for employment.**

11 XII. “Private investigative agency” means the business, within or from the state of
12 New Hampshire, of offering or providing by legal means, for a fee or other compensation, to other
13 persons or businesses, the service of **researching or** collecting information on the identity, character
14 and characteristics, reputation, conduct, background history, movements, whereabouts, affiliations,
15 or transactions of any other living person or any business or legal entity or organization, for a fee,
16 hire, or reward information on the identity, conduct, movements, whereabouts, affiliations,
17 transactions, reputation, or character of any person, or otherwise making inquiries or collecting
18 evidence, for a private rather than a public interest. This shall not preclude a licensee under this
19 chapter from pursuing investigation of matters arising in this state in, another state, or political
20 subdivision except as provided by the law of the other state or political subdivision.

21 4 Application for License. Amend RSA 106-F:6, VII(d) to read as follows:

22 (d) Except for employees, possess:

23 (1) A minimum of 4 years’ experience as a full-time law enforcement officer with a
24 federal, state, county, college or university, or municipal police department, director **or head** of
25 security [~~or senior officer~~] of a company or corporation, or licensed security service, full-time adjuster,
26 risk manager, or claims investigator for an insurance carrier or adjusting company; or

27 (2) An associate of science degree or bachelor of science degree in criminal justice or
28 fire service from an accredited college or university, certification from the American Society for
29 Industrial Security as a certified professional investigator, or certification from the National
30 Association of Legal Investigators as a certified legal investigator and employment as a full-time
31 investigator for a private investigative agency for at least 2 years; or

32 (3) A minimum of 4 years’ employment as a full-time investigator for a licensed
33 private investigator or private investigative agency; or

34 (4) A minimum of 4 years’ experience as a full-time firefighter and certification by
35 the International Association of Arson Investigators; or

36 (5) Certification by the American Society for Industrial Security in security
37 operations, and 2 years experience providing such services; or

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1 (6) Certification by the American Society for Industrial Security in executive
2 protection, and 2 years experience providing such services[-] **or**

3 (7) ***National or international recognized certification as determined by the***
4 ***commissioner of safety on a case-by-case basis.***

5 License Application Fees. Amend RSA 106-F:8, I to read as follows:

6 I. The fee for a private investigative agency license [~~or~~], a security guard service license, ***or a***
7 ***bail recovery agency license*** shall be \$150 for an agency or service employing one person licensed
8 under this chapter and \$500 for an agency or service employing more than one such person. A
9 person may hold one or more types of license at any given time, provided that a separate fee shall be
10 paid for each license so held. Licenses shall be valid for 2 years after the date of issue and shall be
11 renewed every 2 years thereafter, upon application and payment of the fee and submission of
12 certified evidence that the surety bond remains in force. The application for renewal shall be
13 submitted at least 15 days before the expiration of the previously granted license.

14 6 Firearm Proficiency. Amend RSA 106-F:8-a, I to read as follows:

15 I. All armed security guards, armed private investigators, and armed bail enforcement
16 agents shall meet minimum requirements in the proficiency in the use of firearms at least once per
17 year. The requirements shall be as follows:

18 (a) The practical police course or the tactical revolver course, with a minimum
19 qualification score of 75 percent.

20 (b) Shotgun familiarization course required for all security officers, ***private***
21 ***investigators***, and bail enforcement agents whose employers issue, or have as part of their
22 equipment, shotguns.

23 (c) ***Rifle familiarization course required for all security officers, private***
24 ***investigators, and bail enforcement agents whose employers issue, or have as part of their***
25 ***equipment, rifles.***

26 (d) Four hours of instruction, to include firearms techniques and safety, laws on the use
27 of deadly force, and the moral and ethical use of force. Only qualified firearms instructors shall be
28 used to certify the successful completion of the requirements.

29 7 Effective Date. This act shall take effect 60 days after its passage.