

SENATE BILL REPORT

ESHB 1679

As Reported By Senate Committee On:
Labor, Commerce & Trade, March 28, 1995

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

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

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

Brief History:

Committee Activity: Labor, Commerce & Trade: 3/21/95, 3/28/95 [DPA].

SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

Majority Report: Do pass as amended.

Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Staff: Erika Lim (786-7488)

Background: In 1991, a licensing program was established for private security guards, private security guard companies, private detectives, and private detective companies. This program is administered by the Department of Licensing. The provisions for security guards are similar to those for private detectives.

Security guards, armed security guards, private detectives, and armed private detectives must obtain licenses from the Department of Licensing and must be licensed to either a security guard company or a private detective agency. There are certain minimum requirements an applicant must meet before being eligible to receive any of these licenses, including having no criminal convictions for a crime related to the person's capacity to perform the duties of a security guard. Applicants must also pay an application fee. License cards are issued to successful applicants by the department. The director may adopt rules establishing training and testing requirements.

Persons, partnerships, or corporations who seek a license to own or operate a security guard company or a private detective agency must meet qualifications in addition to those required to become licensed as a security guard or a private detective.

A security guard company may issue a 60-day temporary security guard registration card to new employees who have completed training and who have submitted an application to the department. The temporary card must be surrendered when a permanent license is issued, when a permanent license is denied, or when the card is expired.

A security guard company or a private detective agency must notify the department of the death or termination of a licensee or upon receipt of information affecting a licensee's ability to retain a license.

There are provisions to allow security guards and private detectives from other states to work in this state.

Criminal penalties are established for failure to obtain necessary licenses. Fines, fees, and forfeitures resulting from criminal convictions are sent to the department. There are also certain enumerated acts that constitute grounds for disciplinary action. The director has the authority to administer and enforce this program and may investigate complaints and impose sanctions.

Summary of Amended Bill: A number of changes are made to the program. The term private detective is changed to private investigator. A transfer procedure is established for licensees who transfer from one company or agency to another. Applications for armed security guards and armed private investigators are forwarded to the FBI for a national criminal history check. Licensees may not display firearms when soliciting business.

If a security guard company fails to comply with the provisions regarding the issuing of temporary registration cards, its authority to issue those cards is suspended for one year.

Security guard companies and private detective agencies may not use names that imply that they are law enforcement agencies. Security guard companies and detective agencies must return to the department licenses of terminated employees, and must notify local law enforcement agencies whenever an employee discharges a firearm while on duty.

There is an ad hoc advisory committee which consults with a broad-based law enforcement organization to help develop policies to carry out the provisions of this program.

Fines, fees, and forfeitures resulting from criminal convictions are no longer sent to the department. The department may assess administrative penalties in addition to license suspension, revocation, or other disciplinary action. An additional basis for administrative discipline is added: a private investigator may not help a client contact a person when the investigator knows that the client is prohibited by court order from contacting that person.

Amended Bill Compared to Substitute Bill: Another basis for administrative discipline of private investigators is added.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill fixes program problems that have become apparent in the three years the program has been in place. It will enhance public safety and allow the program to be self-supporting. It also provides incentive for enforcement from local law enforcement agencies.

Testimony Against: None.

Testified: William Cottringer, Glen Weller, WA State Security Council (pro); Jeff Kirby, Puget Sound Security Patrol (pro); Bob Bourgoin, NW Protective Service (pro); Mike Collins, Dept. of Licensing (pro); Judy Turpin, NW Women's Law Center.