

# ALASKA STATE LEGISLATURE

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## HB9 Private Investigator Licensing Version W

### Explanation of Changes February 23, 2015

Page 1, line 14: changes the word "is" to "owns"

Page 2, line 1: "is... employed by a private investigator agency" is changed to "owns, ... operates, or is employed by a private investigator agency."

- This change eliminates the requirement for an agency certificate in addition to an investigator license.

Page 2, Sec. 08.85.120 General requirements for private investigators

- Removed the subsection reading: "(5) may not have been dishonorably discharged from the armed forces of the United States."
  - It was brought to our attention that some dishonorable discharge offenses might not be at the same level of offense as how it was first defined at the end of the Vietnam Conflict. This phrase is still used in other areas of statute and typically relates to veterans' benefits, such as disqualification for acceptance in the Veterans Pioneer Home.

Page 4, Sec. 08.85.160 License application

- Removed "(18) the name and address of all business entities in which the applicant has a vested interest or a close economic association."
  - Determined to be excessive information that may not benefit the application process

Page 6, ver A license application

- Removed (3) letter of recommendation from three citizens with no prior felony convictions, at least one of whom is a resident of the state, attesting to the good character of the applicant
  - Determined to be excessive information that may not benefit the application process
- Removed (4) documentation required by the department to substantiate that the applicant meets the applicable requirements of this chapter.
- Removed (e) on receipt of an application for a license, the department shall conduct an investigation to determine whether the facts set out in the application are accurate.

Page 5, line 29 license application

- Added new statement Subsection (3) evidence satisfactory to the department that the applicant meets the applicable requirements of this chapter.
  - This could be as simple as a certification of true and valid application information signed by the applicant that all requirements are met

Page 6, ver A Sec. 08.85.170 Investigation of applicants

- Removed this section in ver W
  - Reduces the level at which the department will investigate private investigator license applicants. The department will rely on the signed affidavit by the applicant that the information provided is true

Page 7, ver A Sec. 08.85.220 is removed and replaced with Page 6, line 29 Private investigator agency; unlawful practice.

(a) A person may operate a private investigator agency if

(1) the person

(A) is an individual and holds a class A license under this chapter;

(B) is a partnership and each partner holds a class A license under this chapter; or

(C) is a corporation or another entity and the principal or chief executive officer holds a class A license under this chapter;

(2) the agency holds a current business license issued by the department and a municipal license, if required; and

(3) the agency has a policy of insurance, surety bond, or other form of security not less than \$15,000

(b) A person who knowingly violates this section is guilty of a class A misdemeanor.

Page 9, ver A Sec 08.85.250 Confidentiality of licensee's personal identifying information.

- Removed due to cost of the department to change licensing computer system

Page 8, line 9 Sec. 08.85.250 Prohibited Practices (renumbered section)

Page 9, line 15 Immunity for complainants. (no change in ver W, clarification of section)

This section is included in other sections of statute and is based on a case decided in Alaska Supreme Court. In this bill, an example of this section would be that a Private Investigator could not sue a complainant if the charge against the P.I. was introduced in good faith. This section would deter the P.I. from searching beyond an acceptable course of business and that the complainant had proof of such actions.