

ALASKA STATE LEGISLATURE

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HB9 Private Investigator Licensing

Version H

Explanation of Changes

March 12, 2015

Page 1, line 1: Title change reflects the changes in the bill draft

Page 1, line 9: removed the references to private investigator agencies and changed the violation from a class A misdemeanor to a violation defined in AS 12.55

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

Page 2, Sec. 08.85.110 Scope of Practice

- New section (b) entitles an individual to operate an agency without the requirement of a special category of licensure

Page 2, Sec. 08.85.120 General requirements for private investigators

- Removed the crime of "moral turpitude" and clearly defined crime that is a sex offense
- Removed the dishonorable discharge provision
 - 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.
- Removed relationship to current employment
 - Generally, any employer that could present a conflict would likely have a non-compete or conflict of interest policy

Removed "Classes of Licenses" from version A

Page 2, Sec. 08.85.130 Private investigator license; qualifications

- In addition to meeting the requirements of AS 08.85.120 (general requirements) (1) is at least 21 years of age and (2) pays the required fee.
 - Amend by deleting page 3 lines 5-20 which removes the education / training requirements

Page 3, Sec. 08.85.140 License application

- Provides general language allowing the department to establish the form for application
- Requires a statement from the applicant that the information contained in the application is true
- Requires fingerprints and fees required by the Department of Public Safety to conduct a background check
- Two photographs and any other evidence required by the department to meet the requirements of this chapter
- 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
- 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.
- Removed notary signature

Removed “Investigation of applicants”

Removed “Reciprocity”

Removed “License cards” – however the department may determine in regulation that an identification card is an appropriate form of proof to the public that the Private Investigator is approved by the state

Removed “Private investigator agency certificate”

Page 4, line 8 Sec. 08.85.150 “Private investigator agency; unlawful practice”

- (1) Must be licensed
- (2) Must have a bond OR insurance OR other form of security
- (b) a violation may be awarded if a private investigator violates this section

Page 4, line 27 language changed to reflect that the department may require a licensee to submit fingerprints for a national criminal history record check within the 10 years preceding the date of the application for renewal.

Removed “Firearms training”

Removed “Confidentiality of licensee’s personal identifying information”

Page 5, line 3 “Prohibited practices”

- This section remained in the bill to provide the department with the ability to impose disciplinary sanctions

Removed “Immunity for complainants”

Administrative Procedures, Exemptions, and Definitions remained the same

Page 8, line 12 Sec. 29.35.148 Licensing of private investigators

- Provides that private investigators are only to be licensed by the state

Page 9, line 9 This Act takes effect July 1, 2016