

Oracle Investigations

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Dear Legislators,

As a private investigator working in the State of Alaska for the past decade, I want to express my concern about House Bill No. 9. It has been proposed under the guise of protecting the public. But this is nothing more than a scare-tactic meant to disguise its true purpose: creating statutory and economic barriers to those who wish to enter into the industry. This legislation is, at its essence, an effort by established investigators to enlist the Alaska Legislature in stifling economic competition within the industry.

The proponents of this bill can point to no concrete examples of misconduct by investigators under the current system that justify the elaborate licensing process contained in the bill. If the true intent of this legislation was to protect the public, a simple background check would be required to obtain an Alaska business license under NAICS code 5616111.

Instead, however, the bill sets up an onerous licensing scheme to be administrated by the Department of Commerce. The cost of setting up and administering this unwarranted scheme will be passed on to applicants, creating significant financial barriers to those seeking to participate in the industry – particularly new investigators.

It also infringes on investigator's Second Amendment Rights. The bill mandates specialized weapons training for all investigators wanting to possess a gun during the performance of their jobs, even those who simply wanting to keep guns in their cars. Alaska's Concealed Carry laws already allow all legal Alaskan gun owners to carry weapons with no such training. HB 9 compromises those rights.

But perhaps most problematic aspect of the bill is the vague and ill-defined language of the licensing scheme it creates. The language leaves far too much discretion as to who can and cannot participate in this industry to the Department of Commerce.

For example, section 08.85.120 (3) General Requirements for private investigators states that an applicant:

*“may not have been convicted in this or another jurisdiction of a **crime of moral turpitude** or sexual misconduct, **as defined by the department, that the department determines** [it] provides grounds for denying licensure under this chapter to protect the citizens of the state;”*

There is no definition in the legislation for a “crime of moral turpitude.” It is simply a catch-all phrase that would allow individuals within the Department of Commerce to exclude potential investigators from the industry based on personal biases.

Another portion of the proposed legislation, section 08.85.120(6c), states that an applicant for an investigator’s license:

*“may not be currently employed in a position the **department determines to represent a conflict of interest** for the prospective licensee.”*

Once again, what specifically constitutes a conflict of interest is not defined. Instead, this vague language leave far too much power in the hands of a government agency to exclude prospective investigators based on an individual’s interpretation of the statutory language.

Government should encourage growth and participation in private industry, not erect unnecessary barriers. This bill exemplifies the type of government overreach into private industry that the Alaska Legislature should soundly condemn. I urge you to vote against HB 9.

Sincerely,

Link Fannon

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