

Private Investigator Licensing (HB9)

Alaska is one of only four states with no investigative services licensing requirements.

- **Good?** Less licensing equals less government oversight for this profession.
- **Bad?** Personal privacy is at risk. A felon can easily obtain a license in Alaska.

Alaskans believe their privacy is protected, but is it? Many private investigators in Alaska are professionals who perform services in good faith, but for Alaskans' safety and privacy protection, we need to ensure that all fit this description.

The process TODAY in Alaska:

An individual completes a business license application, selects 561611 Investigative Services from the NAICS (North American Industry Classification System) on the form, and pays \$50. That's it. This person is now a private investigator with a state issued "credential" - the business license from the State of Alaska. With this "credential," the individual can now access 70-80% of restricted national databases that provide access to personal information.

HB9 is not a new concept for Alaska, nor the profession.

- The Municipality of Anchorage requires licensing with background checks to conduct business as a private investigator within the MOA boundary (46 current licensees).
- The City of Fairbanks requires licensing with background checks to conduct business as a private investigator within city boundaries (17 current licensees)
- The rest of the State requires only the \$50 business license issued by the State of Alaska.

In our research, here are some findings:

- Business and Professional Licensing Division shows 96 businesses with the Investigative Services business code selected. 30 out-of-state and 66 with addresses in Alaska
- My staff made more than 100 phone calls to businesses listed on Anchorage, Fairbanks and the Department's business license lists as well as internet searches. For example, one Alaskan private investigator has four different business names in four different communities yet he is not listed on Anchorage, Fairbanks nor the Department's business license lists for investigative services.
- One Private Investigator contacted my staff and mentioned that he has a criminal record a mile long because of all the trespassing violations "because that's how you get our business done."

All scenarios presented are real experiences shared by Alaskan private investigators.

This document was prepared by the Office of Representative Shelley Hughes

Representative.Shelley.Hughes@akleg.gov or call 465-3743

Scenario #1

- A person is annoyed to the point of extreme irritation by Joe Citizen's daily – but perfectly legal – behavior.
- He acquires a Private Investigator (P.I.) \$50 business license and gains access to national databases.
- The P.I. looks up Joe Citizen's license plate, legal name and street address, find who is carrying the lien on his vehicle, who insures the car, and whether he has any citations/tickets.
- A confrontation occurs....

HB9 requires a background check and provides the opportunity for inappropriate actions of an investigative services business to be charged with a misdemeanor. This kind of retaliatory business practice should be greatly reduced.

Scenario #2

- While law enforcement is conducting their review of an incident, a P.I. shows up.
- The P.I. is very impressive. He drives a truck displaying custom stenciling on the side panels and the investigative services business name and contact info on the tail gate. The P.I. appears to be wearing a uniform of some sort and carrying a badge he bought on EBay for \$14.95. He passes out business cards.
- Joe Citizen's perception is that this person appears to be an extension of law enforcement and can help with the situation. Joe C is in a vulnerable mindset and signs a contract with the P.I. to investigate the accident.
- After many payments to the P.I., Joe C realizes that P.I. has never received investigative training and the information collected cannot be used in court. There is no consumer protection for Joe C because there are no professional licensing requirements for the P.I.

HB9 identifies prohibited practices such as wearing a uniform or presenting or displaying a badge or credentials that would cause a reasonable person to believe that the person has official authority as a state, federal, or municipal representative or law enforcement officer.

Scenario #3 Worst case scenario – which many of you may recall:

- A local coffee barista went missing. A P.I. approached the grieving family and offered his services as an investigator to find their daughter. The P.I. received payment from the family and in the end did not find their daughter.
- The P.I. had a criminal record of sex crimes in another state.

HB9 requires a criminal background check and disqualifies an individual from becoming an investigator with certain felonies and crimes of moral turpitude.

HB9 is protecting Alaskans by elevating the requirements of the investigative services profession.

Please note that HB9 is being scaled back to simplify the requirements from its original version. This will reduce the fees for private investigator licensing.