

# ALASKA STATE LEGISLATURE



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## HB253 Private Investigators CSHB253 ver N

### Section Analysis March 13, 2014

Section	Action	Comments
Section 1	Adds "regulation of private investigators under AS 08.85	Establishes a new chapter 85
Section 2	A person may not practice private investigating unless licensed under this chapter	If a person knowingly violates this chapter is guilty of a Class A misdemeanor
08.85.110	Scope of Practice	Identifies the kinds of information that may be gathered when conducting an investigation
08.85.120	General Requirements for Private Investigators  Definition for "crime of dishonesty" can be further defined by DCCED in regulation as it pertains to this section.	<ul style="list-style-type: none"> <li>- May not have a misdemeanor or felony in prior 10 years</li> <li>- May not have been convicted of a crime of dishonesty or sexual misconduct</li> <li>- May not have dishonorable discharge from the military</li> <li>- May not have been determined to be mentally incompetent by a court of law</li> <li>- May not currently be a peace officer or in a position in law enforcement that may present a conflict of interest</li> </ul>
08.85.130	Classes of License	Class A license for an agency Class B license for an individual
08.85.140	Class A license qualifications	Professional level: Identifies specific education and experience
08.85.150	Class B license qualifications	Entry level: Identifies specific education and experience and must be employed by a PI agency

08.85.160	License Application	<ul style="list-style-type: none"> <li>- Criteria asked on the application</li> <li>- Applicant is responsible for fees for fingerprints and background check</li> <li>- Letters of character recommendation from three citizens who have no prior felonies</li> <li>- Oath from applicant to department</li> </ul>
08.85.170	Investigation of Applicants	Gives department authority to verify applicant's submitted information for application
08.85.200	Reciprocity	Department recognizes prior issued private investigator licenses by another state if they meet similar qualifications as required in Alaska
08.85.210	License Cards	Department will issue license cards identifying specific data related to being approved as a private investigator
08.85.220	PI Agency Certificate	Department will issue a PI agency certificate if the primary employee meets requirements of a Class A license and the agency is insured and bonded
08.85.230	License Renewal; Nontransferability	A PI license is not transferable but can be renewed as long as the qualification criteria is still valid Every third time a licensee applies for approval, the licensee shall submit fingerprints and pay the required fee for a background check
08.85.240	Firearms Training	CS removed this section. Carrying firearms are not part of Private Investigation requirements.
08.85.250	Confidentiality of PI Personal Information	Insures that the licensee's personal information is kept confidential
085.260	Prohibited Practices	The department may impose disciplinary sanctions or refuse to issue a license when it finds that the licensee or the applicant violated qualifying criteria to be a licensed PI
08.85.270	Immunity for Complainants	Cannot bring an action against a person complaining in good faith
08.85.280	Administrative Procedures Act	Department governs regulations and proceedings under this act

08.85.310	Exemptions	The CS added (17) a person conducting an investigation to determine the cause of a fire, explosion, or accident.
08.85.320	Definitions	listed
Section 3	AS 12.62.400 amended to include PI  Department of Public Safety identified that there may need to be an additional change to receive approval for DPS to conduct the national check from the UA Attorney General, Federal Bureau of Investigation.	National Criminal History Record Check
Section 4	AS 44.62.330(a)	Subject to Administrative Adjudication
Section 5	Transitional Provisions	Transition for those PI who are already in business as a PI and meet the qualifications
Section 6	Effective Date	July 1, 2014