

-----Original Message-----

From: Tres Lewis [mailto:tres.lewis@acsalaska.net]

Sent: Saturday, February 15, 2014 3:21 PM

To: Ginger Blaisdell; Rep. Shelley Hughes; Rep. Max Gruenberg; Nicoli Bailey

Subject: House Bill NO. 253 Version U

Representative Hughes and Gruenberg and their aids Ginger and Nicoli.

Thank you for meeting with me to discuss House Bill 253 "the Private Investigator Bill"

I have spent some time reviewing the bill and I have prepared notes for what I see as the problems areas with the existing bill. I will say that this is really a first pass through it for me and I may see other issues upon additional reflection.

I still think a simple registration is a better approach to protect the public from sex offenders and others with bad criminal histories. As I said during the meeting. Below are my notes and I apologize in advance if I have not been clear in my thoughts and will be happy to discuss them with you.

Tres Lewis

House Bill NO. 253 Version U

Page 1 Line 13. Needs to be amended. The requirements for an Agency License are not needed. All that is needed is a single class of license for all investigators.

Page 2 Line 22 Needs to be amended. To read, "Convicted of a felony or misdemeanor in the last 10 years.

Page 2 Line 24 Needs to be amended. May not have been convicted in this or another jurisdiction of a crime of sexual misconduct as defined by the department.

Page 2 Line 27 to Line 30 are not needed. It is a yes or no. If the situation is a sex crime conviction not qualified.

Page 3 Line 2 Is not needed. This is related to a person who was dishonorably discharged from the armed services. The no felony and no misdemeanor provision for 10 year covers this. I also have problems with this as a number of service persons have been dishonorably discharged because of combat related PTSD.

Page 3 Line 15 This sections 08.85.130 and 140 need to be removed in its entirety. Only one class of license is necessary. I also have problems with Collage requirements to be an investigator. Many investigators who are very good at the profession have only high school diplomas we even have a very successful investigator who never got a high school diploma. This

requirement for 1,500 hours of experience is to high unnecessary. If you are going to have a requirement for experience then it should be 500 hours and you will need to have a provision for someone who has no experience to get experience. Perhaps a license

that allows for a person to be an apprentice investigator, who must in all ways qualify for a license other than experience, and must work under a licensed investigator for a total of 500 hours. Some sort of provision for persons learning the profession will be needed. I think that if you do a close review of the backgrounds of private investigators in Alaska most come from backgrounds in the Public Defender Agency or the Office of Public Advocacy and many are only high school graduates. In Southeast Alaska we have no former law enforcement officers working as private investigators that I am aware of at this time. I was trained by an attorney to be a private investigator.

Page 4 Line 13 This section 08.85.150 needs to be amended. to reflect the single class of license. This section should reflect the requirements for all investigators after the removal of the educational requirement.

Page 4 Line 18 This educational requirement for a high school diploma needs to be removed. Alaska has at least one very successful investigator that does not have a high school diploma or a GED.

Page 4 Line 19 No need for this requirement. This is about being an employee of an agency. I am suggesting that we not have agency licenses. If you are working as an investigator you have a license in your own name. You may still work for a firm but the license is in your name. You would be covered by the firm business license and the firm insurance.

Page 5 Line 11 The requirements at 17 and 18 are unnecessary. I do not see how an employment history is necessary and the rehire status is necessary.

The other issue is the license is issued to the investigator not the husband or wife of the investigator. Why would anyone need to know that my wife is an artist and owns and sells her artwork.

Page 6 Line 30. License cards should not be issued. A private investigator should be required to supply on demand his license number. The number should be printed on his business card and on any advertising that he or she does as an investigator. This is to avoid the situations were a private investigator because he has an ID is some how it is believed that the investigator is working as law enforcement or working under the color of law.

Page 6 Line 5 Is unnecessary. The materials supplied to the department in other sections of the bill would allow them to develop a full background on the person. The department should have no other needs that the applicant should be required to give to them. This section is overly broad. Once the department has a social security number the address history for a person for more than 10 years is available to them just as it is to a private investigator.

Page 6 Line 13 Section 08.85.170 This section is unnecessary and overly broad. If the requirements to be licensed have not been fulfilled and the department needs additional information to grant a license then the investigator did not fill out his application correctly. An investigator as a license holder should have no reason to turn over to an employer anything

but a copy of his certificate as a license investigator. The department should not be allowed to turn over information about the investigator to anyone other than his work address and phone numbers and license number.

Page 6 Line 30 Section 08.85.210 needs to be amended to reflect a single license class. The department should issue a certificate to be hung on the wall at the investigators place of business and it should contain a license number that should be required to be on the business cards, letter head and in advertising.

Page 7 Line 14 Section 08.85.220 needs to be amended in its entirety. This should reflect a single license class.

Page 7 Line 27 is a requirement to have a business license. Each investigator should have their own business license or if they were working in a company then the company license would be enough.

Page 7 Line 30 is a requirement for errors and omissions insurance. My thoughts on this are that the \$100,000 figure is to low. I carry \$1,000,000.00 policy and its cost for an unarmed investigator run about \$800.00 per year. While the corporate surety bond option is interesting I do not think it provides enough protection to the public and as a result I think the bond requirement should be removed.

Page 9 Line 4 Section 08.85.240 Firearms. No private investigator should be allowed to be carrying a firearm while he is working as an investigator. Carrying a firearm should be a prohibited practice. If you are going to work at some form of armed security then you should not be licensed as a private investigator. If you are going to be doing executive protection you should be licensed as a security guard. If you are going to be doing bail enforcement then you should be licensed to do bail enforcement. Another issue is that working as a private investigator with a firearm increases the costs of insurance for the investigator

Page 9 Line 26 Displaying credentials that could cause a reasonable person to believe a person is a state, or federal law enforcement officer. In nearly all situations my business card was sufficient. I do not think it is wise for private investigators to carry a license because of the chance for the investigator to be confused with law enforcement. His business card should contain his license number. The investigator name and license number could be listed on a web page for a person to check to see if the investigator is licensed.

Page 10 Line 2. This is not needed. If a person was convicted of a misdemeanor or a felony for any reason in the last 10 years they do not qualify for a license.

Page 10 Line 19 Immunity for complaints. We had a Governor who resigned over the cost of complaints. I think this type of immunity should not be in the statute. I believe that if you file a complaint then truth better be on your side or you pay the costs of the person you accused in your complaint.

Page 13 Line 3 No need to show 1,500 hours of experience. All of those requirements were eliminated with what I proposed as the license requirements. If you are going to have a requirement for experience then you need to have a provision for someone who has no experience to get experience. Perhaps a license that allows for a person to be an apprentice investigator, who must in all way qualify for a license other than experience, and must work under a licensed investigator for say a total of 500 hours. Some sort of provision for persons learning the profession will be needed or the profession will become a haven for retired law enforcement officer.

Page 13 Line 9 Is not needed because of a single class license.

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Subject: RE: House Bill NO. 253 Version U

Date: Monday, February 17, 2014 at 6:24 PM

From: Rep. Shelley Hughes <Rep.Shelley.Hughes@akleg.gov>

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Cc: Ginger Blaisdell <Ginger.Blaisdell@akleg.gov>, "Rep. Max Gruenberg" <Rep.Max.Gruenberg@akleg.gov>, Nicoli Bailey <Nicoli.Bailey@akleg.gov>

Thanks, Tres. We are considering your input and value the time and attention you've given to the bill. Ginger will be in touch.

On another note, I failed to return your nice pen and believe Ginger has it. If you're in the vicinity, feel free to drop by and get it.

Best regards,

Shelley



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